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U.S. Nuclear Regulatory Commission
ATTN: Document Control Desk
Mail Stop O-P1-17
Washington, DC 20555-0001

SUBJECT: Indian Point 3 Nuclear Power Plant
Docket No. 50-286
License No. DPR-64
Request Clarification of 10 CFR 50.72(b)(2)(ii) Reporting Requirements

Dear Sir:

This letter is to request clarification of the requirement of 10 CFR 50.72(b)(2)(ii) for reporting to NRC "Any event or condition that results in a manual or automatic actuation of any engineered safety feature (ESF),...except when:(A) The actuation results from and is part of a pre-planned sequence during testing or reactor operation..." Note that 10 CFR 50.73(a)(2)(iv) includes similar requirements for licensee event reports.

More specifically, we request interpretation of the reporting regulation, considering the guidance found in NUREG-1022, Revision 1, regarding ESF actuations that are "expected to occur." The NUREG 1022, Revision 1, guidance says:

"the Statements of Consideration indicate that operation of an ESF as part of a planned test or operational evolution need not be reported. Preplanned actuations are those expected to actually occur due to preplanned activities covered by procedures. Such actuations are those for which a procedural step or other appropriate documentation indicates the specific ESF actuation that is actually expected to occur. Control room personnel are aware of the specific signal generation before its occurrence or indication in the control room. However, if during the test or evolution, the ESF actuates in a way that is not part of the planned evolution, that actuation should be reported."

Our interpretation of this guidance has been that, if our procedures specify that an actuation is expected to occur, we do not report the actuation even though it is not the intent of the procedure to start the equipment. Certain members of the NRC Staff have disagreed with this interpretation, stating that the only grounds for not reporting under this criteria is if the procedure is intended to start the equipment. An actual situation from our plant is described below.

At Indian Point 3, monthly functional testing of the Reactor Protection Logic channels initiates an automatic start signal for Auxiliary Feedwater Pumps. The logic contains a 28 second time delay and manual action must be taken within the 28 second period or the motor driven Auxiliary Feedwater Pumps will start. The test procedure has a note indicating the Auxiliary Feedwater Pumps will start as a result of the test sequence unless manual action is taken within 28 seconds. Due to the timing involved, there have been times when manual action is not taken quickly enough to avoid starting the Auxiliary Feedwater Pumps. When manual action is not taken in time and

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Auxiliary Feedwater pump(s) start, Indian Point 3 has considered the automatic start as part of the preplanned test sequence and not initiated a one hour report to the NRC. We consider this application of the rule to be consistent with the guidance of NUREG 1022.

Indian Point 3 did not report the start of an Auxiliary Feedwater pump on September 11, 2000, based on our current interpretation of the reporting requirements. On August 9, 1999, the actuation of Auxiliary Feedwater pumps during the performance of the test was reported to NRC. This report was subsequently withdrawn based on upon our understanding of the NUREG 1022 guidance, as discussed above. The withdrawal discussed this position. Based on our discussion of this issue with certain NRC staff members, we are requesting this interpretation, to ensure that we are properly providing the NRC staff with that information required by regulation and regulatory guidance.

Indian Point 3 is not making any new commitments associated with this letter. If you have any questions regarding this submittal, please contact Mr. K. Peters.

Very truly yours,



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