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# UNION OF CONCERNED SCIENTISTS

January 28, 1998

Mr. Hubert J. Miller, Regional Administrator  
United States Nuclear Regulatory Commission  
475 Allendale Road  
King of Prussia, PA 19406-1415

**SUBJECT: QUESTIONS ABOUT INDIAN POINT UNIT 3 LICENSEE EVENT REPORT 50-286/97-021-00**

Dear Mr. Miller:

By letter dated October 3, 1997, the New York Power Authority submitted LER 50-258/97-021-00, "One Train of Engineered Safeguards Logic Out-of-Service; A Condition Prohibited by Technical Specifications," for its Indian Point 3 facility. I reviewed this LER and have the following questions:

1. In the Abstract (page 1 of 4), NYPA reports that one ESF train "was deenergized to provide personnel protection while a defective relay in the ESF cabinet was replaced." In the Description of Event (page 2 of 4), NYPA outlines the three options it considered for replacing the defective relay. Option 2 involved replacing the relay with the logic energized. This option was deemed unattractive "because there is a small risk that unintentional bumping of relay racks while performing the corrective maintenance could result in an inadvertent ESF actuation." The Abstract gives the impression that the panel was deenergized to protect the personnel doing the work. The Description of Event gives the impression that the panel was deenergized for protection *from* the personnel doing the work. **Does the NRC know why the panel was deenergized?**
2. In the Abstract (page 1 of 4), NYPA indicates that the work was performed under Administrative Procedure AP-21.9, which provided a 13 hour time limit for one ESF train being inoperable before the reactor coolant system temperature must be reduced below 350°F. In the Corrective Actions (page 3 of 4), NYPA reports that it is pursuing an amendment to the Technical Specifications regarding ESF train operability based on the Standard Technical Specifications (NUREG-1431) and a Westinghouse analysis (WCAP-10271). NYPA reports that the proposed amendment will allow one ESF train to be out of service for up to six hours. The proposed amendment will additionally specify that if the ESF train cannot be restored within six hours, the plant must be in hot shutdown within the next six hours. According to the Westinghouse Standard Technical Specifications, "hot shutdown" is defined as the reactor subcritical with reactor coolant system temperature below 350°F. Under these proposed requirements, the RCS temperature could remain above 350°F for only 12 hours (not 13 hours as currently allowed by AP-21.9) if one ESF train was out of service. Although for the event report in this

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LER it is not relevant (since the ESF train was reportedly deenergized for only 3 hours), it appears that NYPA's administrative procedures permit safety equipment to be out of service longer than allowed by supporting analyses. **Is the NRC satisfied with NYPA's reliance upon AP-21.9 for determining allowable out of service times for safety equipment?**

I reviewed recent NRC inspection reports for Indian Point 3, but did not see one in which the subject LER was examined. If this LER will be examined during an upcoming inspection report, then no response to my letter is necessary if that inspection report addresses these questions. Otherwise, I would like answers to these questions.

I consider these questions to be questions, not allegations. If the only mechanism available within the NRC for responding to these questions is via the allegation process, then please consider these questions withdrawn. I would rather have safety questions go unanswered than get involved in the NRC's allegation process again.

Sincerely,



David A. Lochbaum  
Nuclear Safety Engineer