

Docket File



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001
March 29, 1995

Mr. William J. Cahill, Jr.
Chief Nuclear Officer
Power Authority of the State
of New York
123 Main Street
White Plains, NY 10601

SUBJECT: ISSUANCE OF A MODIFIED EXEMPTION FROM THE REQUIREMENTS OF 10 CFR
PART 50, APPENDIX R, SECTION III.J - INDIAN POINT NUCLEAR
GENERATING UNIT NO. 3 (TAC NO. M91779)

Dear Mr. Cahill:

By letter dated March 15, 1995, you requested to modify an existing exemption from the requirements of 10 CFR Part 50, Appendix R, Section III.J, which had been issued by the NRC on January 17, 1987. Section III.J specifies emergency lighting requirements for operation of safe shutdown equipment and in access and egress routes thereto. The January 17, 1987, exemption allowed use of permanently installed security lighting, in place of emergency lighting as specified in Section III.J, for access and egress to the Appendix R diesel generator which is located in the outside yard area.

During a programmatic review of the Appendix R, compliance strategy at IP3, your staff identified that certain operator actions, which had not been included in the previous Appendix R compliance strategy, were needed. These additional operator actions were in the outside yard area at the condensate storage tank (CST), refueling water storage tank (RWST), and backup service water pump platform. Thus, in accordance with Appendix R, Section III.J, emergency lighting would be required for these additional areas. As such, your March 15, 1995, letter requested modification of the January 7, 1987, exemption to extend the use of security lighting in the outside yard area to include the CST, RWST, and backup service water platform.

The NRC staff has reviewed the information provided in support of your request to modify the January 7, 1987, exemption. The NRC finds that granting the Modified Exemption from the requirements of 10 CFR Part 50, Appendix R, Section III.J, is authorized by law, will not present an undue risk to public health and safety, is consistent with the common defense and security, and meets the special circumstances described in 10 CFR 50.12(a)(2)(ii). Accordingly, your request for a Modified Exemption is granted.

9504040089 950329
PDR ADOCK 05000286
P PDR

IP-3
LFO1
111

W. Cahill

-2-

March 29, 1995

A copy of the Modified Exemption is enclosed. The Modified Exemption has been forwarded to the Office of the Federal Register for publication.

Sincerely,

Handwritten signature of Ledyard B. Marsh in cursive script.

Ledyard B. Marsh, Director
Project Directorate I-1
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation

Docket No. 50-286

Enclosure: Modified Exemption

cc w/encl: See next page

W. Cahill

-2-

March 29, 1995

A copy of the Modified Exemption is enclosed. The Modified Exemption has been forwarded to the Office of the Federal Register for publication.

Sincerely,

Original signed by

Ledyard B. Marsh, Director
Project Directorate I-1
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation

Docket No. 50-286

Enclosure: Modified Exemption

cc w/encl: See next page

Distribution:

Docket File

PUBLIC

PDI-1 Reading

W. Russell/F. Miraglia

R. Zimmerman

R. Spessard, D/DOTS

J. Lieberman, D/OE

S. Varga

J. Zwolinski

L. Marsh

C. Vogan

N. Conicella

OGC

E. Jordan, D/AEOD

G. Hill, IRM (2)

ACRS (4)

OPA

OC/LFDCB

W. Dean, EDO, 017-G21

C. Cowgill, RGN-I

DOCUMENT NAME: G:\IP3\IP391779.EXE

To receive a copy of this document, indicate in the box: "C" = Copy without enclosures "E" = Copy with enclosures "N" = No copy

OFFICE	LA:PDI-1	E	PM:PDI-1	E	BC:SPLB	OGC	D:PDI-1	N
NAME	CVogan		NConicella:sm		CMcCracken	S. Horn	LMarsh	
DATE	03/29/95		03/29/95		03/29/95	03/27/95	03/29/95	
OFFICE	DD		D:DRPE					
NAME	JZwolinski		SVarga					
DATE	03/ /95		03/29/95		03/ /95	03/ /95	03/ /95	

OFFICIAL RECORD COPY

William J. Cahill, Jr.
Power Authority of the State
of New York

Indian Point Nuclear Generating
Station Unit No. 3

cc:

Regional Administrator, Region I
U.S. Nuclear Regulatory Commission
475 Allendale Road
King of Prussia, PA 19406

Resident Inspector
Indian Point 3 Nuclear Power Plant
U.S. Nuclear Regulatory Commission
P.O. Box 337
Buchanan, NY 10511

Mr. Gerald C. Goldstein
Assistant General Counsel
Power Authority of the State
of New York
1633 Broadway
New York, NY 10019

Mr. Charles W. Jackson
Manager, Nuclear Safety and
Licensing
Consolidated Edison Company
of New York, Inc.
Broadway and Bleakley Avenues
Buchanan, NY 10511

Mr. Robert G. Schoenberger
First Executive Vice President
and Chief Operating Officer
Power Authority of the State
of New York
123 Main Street
White Plains, NY 10601

Mayor, Village of Buchanan
236 Tate Avenue
Buchanan, NY 10511

Mr. Leslie M. Hill
Resident Manager
Indian Point 3 Nuclear Power Plant
P.O. Box 215
Buchanan, NY 10511

Mr. Richard L. Patch, Director
Quality Assurance
Power Authority of the State
of New York
123 Main Street
White Plains, NY 10601

Ms. Charlene D. Faison
Director Nuclear Licensing
Power Authority of the State
of New York
123 Main Street
White Plains, NY 10601

Union of Concerned Scientists
Attn: Mr. Robert D. Pollard
1616 P Street, NW, Suite 310
Washington, DC 20036

Ms. Donna Ross
New York State Energy Office
2 Empire State Plaza
16th Floor
Albany, NY 12223

Charles Donaldson, Esquire
Assistant Attorney General
New York Department of Law
120 Broadway
New York, NY 10271

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)	
)	
POWER AUTHORITY OF THE STATE)	Docket No. 50-286
OF NEW YORK)	
)	
(Indian Point Nuclear Generating)	
Unit No. 3))	

EXEMPTION

I.

The Power Authority of the State of New York (the licensee) is the holder of Facility Operating License No. DPR-64, which authorizes operation of the Indian Point Nuclear Generating Unit No. 3 (IP3). The license provides, among other things, that the licensee is subject to all rules, regulations, and orders of the Nuclear Regulatory Commission (the Commission) now or hereafter in effect.

The facility consists of a pressurized water reactor at the licensee's site located in Westchester County, New York.

II.

By letter dated March 15, 1995, the licensee requested to modify an existing exemption from the requirements of 10 CFR Part 50, Appendix R, Section III.J, which had been issued by the NRC on January 17, 1987. Section III.J specifies emergency lighting requirements for operation of safe shutdown equipment and in access and egress routes thereto. The January 17, 1987, exemption allowed use of permanently installed security lighting, in place of

emergency lighting as specified in Section III.J, for access and egress to the Appendix R diesel generator which is located in the outside yard area.

During a programmatic review of the Appendix R, compliance strategy at IP3, the licensee identified that certain operator actions, which had not been included in the previous Appendix R compliance strategy, were needed. These additional operator actions were in the outside yard area at the condensate storage tank (CST), refueling water storage tank (RWST), and backup service water pump platform. Thus, in accordance with Appendix R, Section III.J, emergency lighting would be required for these additional areas. As such, the licensee's March 15, 1995, letter requested modification of the January 7, 1987, exemption to extend the use of security lighting in the outside yard area to include the CST, RWST, and backup service water platform.

III.

Pursuant to 10 CFR 50.12, the Commission may, upon application by any interested person or upon its own initiative, grant exemptions from the requirements of 10 CFR Part 50 when (1) the exemptions are authorized by law, will not present an undue risk to public health and safety, and are consistent with the common defense and security and (2) when special circumstances are present as set forth in 10 CFR 50.12(a)(2).

Section III.J of 10 CFR Part 50, Appendix R, requires that emergency lighting units with at least an 8-hour battery power supply shall be provided in all areas needed for operation of safe shutdown equipment and in access and egress routes thereto. By letter dated June 14, 1985, the licensee applied for an exemption to the requirements of Section III.J, to allow use of permanently installed security lighting for providing an illuminated access

and egress route to the Appendix R diesel generator which is located in the outside yard.

As justification, the licensee indicated that the yard area lighting for access and egress to the Appendix R diesel generator was already part of the security lighting system. As such, illumination is provided in accordance with 10 CFR 73.55(c)(5). The security lighting system is powered by a dedicated propane powered generator which operates in the event of a loss of power to the security system and this generator is physically separated from the plant; therefore, an Appendix R fire scenario will not affect operation of the security backup generator supply. In addition, the security backup generator has a sufficient capacity and fuel supply to power the outside yard lighting for the requisite 8-hour time period. The licensee concluded that the security lighting system was highly reliable and, as such, installation of the battery-powered lights, as required by Section III.J, would not enhance the safe shutdown capability at IP3.

The NRC staff agreed with the technical justification presented in the licensee's June 14, 1985, letter, and issued an Exemption from the requirement of Section III.J for access and egress to the Appendix R diesel generator. In the licensee's March 15, 1995, letter, the same technical justification is presented for use of permanently installed security lighting, in lieu of battery-powered lights, as required by Section III.J, for three additional area in the outside yard. These additional areas were a result of a reassessment of the IP3 Appendix R compliance strategy. The areas and the operator actions needed in each area are as follows:

- (1) Condensate Storage Tank: The operators would verify tank level at the local indicator and during sub-freezing weather might need to place portable heaters in the area to maintain level indicator operable.
- (2) Refueling Water Storage Tank: The operators would verify tank level at the local indicator and during sub-freezing weather might need to place portable heaters in the area to maintain level indicator operable.
- (3) Backup Service Water Pumps: The operators would manually backflush the strainers.

The licensee has confirmed that the technical justification, which was also the basis for the January 17, 1987, exemption is still valid. The licensee has also confirmed that the security lighting system still achieves the underlying purpose of the rule in that it provides adequate illumination to perform all Appendix R required activities in the outside yard for a period of at least 8 hours and is not impacted by fires in other areas of the plant for which Appendix R fires need to be considered.

IV.

Accordingly, the Commission has determined, pursuant to 10 CFR 50.12, that (1) the Modified Exemption as described in Section III is authorized by law, will not endanger life or property, and is otherwise in the public interest and (2) special circumstances exist pursuant to 10 CFR 50.12(a)(2)(ii), in that application of the regulation in these particular circumstances is not necessary to achieve the underlying purpose of the rule.

Therefore, the Commission hereby grants the following Modification to our Exemption of January 17, 1987:

- (1) The Exemption from the requirement of 10 CFR Part 50, Appendix J, Section III.J, issued to the Power Authority of the State of New York on January 17, 1987, remains in effect. The Power Authority of the State of New York is also exempt from the requirement of 10 CFR Part 50, Appendix J, Section III.J, to the extent that security lighting in the outside yard area can be used in lieu of the emergency lighting as specified in Section III.J, at the following additional locations in the outside yard area:

- The Condensate Storage Tank Area
- The Refueling Water Storage Tank Area
- The Backup Service Water Pump Strainer Area

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this Modified Exemption will have no significant impact on the quality of the human environment (60 FR 15944).

This Exemption is effective upon issuance.

FOR THE NUCLEAR REGULATORY COMMISSION



Steven A. Varga, Director
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation

Dated at Rockville, Maryland,
this 29th day of March 1995

Therefore, the Commission hereby grants the following Modification to our Exemption of January 17, 1987:

(1) The Exemption from the requirement of 10 CFR Part 50, Appendix J, Section III.J, issued to the Power Authority of the State of New York on January 17, 1987, remains in effect. The Power Authority of the State of New York is also exempt from the requirement of 10 CFR Part 50, Appendix J, Section III.J, to the extent that security lighting in the outside yard area can be used in lieu of the emergency lighting as specified in Section III.J, at the following additional locations in the outside yard area:

- The Condensate Storage Tank Area
- The Refueling Water Storage Tank Area
- The Backup Service Water Pump Strainer Area

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this Modified Exemption will have no significant impact on the quality of the human environment (60 FR 15944).

This Exemption is effective upon issuance.

FOR THE NUCLEAR REGULATORY COMMISSION
Original signed by
Steven A. Varga, Director
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation

Dated at Rockville, Maryland,
this 29th day of March 1995

*See previous concurrence

DOCUMENT NAME: G:\IP3\IP391779.EXE

To receive a copy of this document, indicate in the box: "C" = Copy without enclosures "E" = Copy with enclosures "N" = No copy

OFFICE	LA:PDI-1	E	PM:PDI-1	E	BC:SPLB		OGC		D:PDI-1	N
NAME	CVogan		NConicella:smm		*CMcCracken		*SHom		LMarsh	
DATE	03/29/95		03/29/95		03/27/95		03/27/95		03/29/95	
OFFICE	DD		D:DRPE							
NAME	JZwolinski		SVarga							
DATE	03/ /95		03/ /95		03/ /95		03/ /95		03/ /95	

OFFICIAL RECORD COPY