

Docket No. 50-247

Mr. Murray Selman
Vice President, Nuclear Power
Consolidated Edison Company
of New York, Inc.
Broadway and Bleakley Avenue
Buchanan, New York 10511

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Dear Mr. Selman:

SUBJECT: ORDER MODIFYING LICENSE CONFIRMING ADDITIONAL LICENSEE
COMMITMENTS ON EMERGENCY RESPONSE CAPABILITY (SUPPLEMENT 1
TO NUREG-0737)

Re: Indian Point Nuclear Generating Unit No. 2

The Commission has issued the enclosed Order confirming your additional commitments on emergency response capability. This Order is based on your letters dated November 29, 1985 and June 2, 1986 committing to the schedule specified in the Order. This Order pertains to the schedule for Regulatory Guide 1.97 - Application to Emergency Response Facilities.

A copy of this Order is being filed with the Office of the Federal Register for publication.

Sincerely,

Steven A. Varga, Director
Project Directorate #3
Division of PWR Licensing-A

Enclosure:
As stated

cc: See next page

* SEE PREVIOUS CONCURRENCE

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CHANGES
INCORPORATED.
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(Signature)
T Novak
8/12/86

Mr. Murray Selman
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of New York, Inc.

Indian Point Nuclear Generating
Station 1/2

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of

CONSOLIDATED EDISON COMPANY
OF NEW YORK

(Indian Point Nuclear
Generating Unit No. 2)

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Docket No. 50-247

ORDER MODIFYING LICENSE CONFIRMING ADDITIONAL LICENSEE COMMITMENTS
ON EMERGENCY RESPONSE CAPABILITY

I.

Consolidated Edison Company of New York (the licensee) is the holder of Facility Operating License No. DPR-26 which authorized the operation of the Indian Point Nuclear Generating Unit No. 2 (the facility) at steady-state power levels not in excess of 2758 megawatts thermal. The facility is a pressurized water reactor (PWR) located in Westchester County, New York.

II.

Following the accident at Three Mile Island Unit No. 2 (TMI-2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include improvements in operational safety, siting and design, and emergency preparedness and are intended to provide substantial additional protection in the operation of nuclear facilities and

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significant upgrading of emergency response capability based on the experience from the accident at TMI-2 and the official studies and investigations of the accident. The requirements are set forth in NUREG-0737, "Clarification of TMI Action Plan Requirements," and in Supplement 1 to NUREG-0737, "Requirements for Emergency Response Capability." Among these requirements are a number of items consisting of emergency response facility operability, emergency procedure implementation, addition of instrumentation, possible control room design modification, and specific information to be submitted.

On December 17, 1982, a letter (Generic Letter 82-33) was sent to all licensees of operating reactors, applicants for operating licenses, and holders of construction permits enclosing Supplement 1 to NUREG-0737. In this letter operating reactor licensees and holders of construction permits were requested to furnish the following information, pursuant to 10 CFR 50.54(f), no later than April 15, 1983:

- (1) A proposed schedule for completing each of the basic requirements for the items identified in Supplement 1 to NUREG-0737, and
- (2) A description of plans for phased implementation and integration of emergency response activities including training.

III.

The licensee responded to Generic Letter 82-33 by letter dated April 15, 1983, as supplemented August 31, 1983, November 18, 1983, February 14, 1984 and March 12, 1984. In these submittals, the licensee made commitments to complete the basic requirements. The licensee's commitments included

(1) dates for providing required submittals to the NRC, (2) dates for implementing certain requirements, and (3) a schedule for providing implementation dates for other requirements. The staff found that these dates were reasonable and achievable dates for meeting the Commission requirements and concluded that the schedule proposed by the licensee would provide timely upgrading of the licensee's emergency response capability. On June 12, 1984, the NRC issued "Order Confirming Licensee Commitments on Emergency Response Capability" which confirmed the licensee's commitments. By letter dated March 11, 1985, the NRC corrected an error in the original order concerning the implementation date of Regulatory Guide 1.97 with respect to Emergency Response facilities.

IV.

The June 12, 1984, Order stated that for those requirements for which the licensee committed to a schedule for providing implementation dates, those dates would be reviewed, negotiated and confirmed by a subsequent order. In conformance with the milestones in the June 12, 1984 Order, as revised March 11, 1985, the licensee's letters dated November 29, 1985 as supplemented June 2, 1986, provided a completion schedule for the following requirement:

- | | |
|--|---|
| 3. Regulatory Guide 1.97 - Application to
Emergency Response Facilities | 3b. Implement (installation
or upgrade) requirements |
|--|---|

The attached Table summarizing the licensee's schedular commitment for the above item was developed by the NRC staff from the information provided by the licensee. The staff reviewed the licensee's November 29, 1985 and June 2, 1986 letters and discussed the date with the licensee.

The NRC staff finds that this date is a reasonable and an achievable date for meeting the Commission requirements. The NRC staff concludes that the schedule proposed by the licensee will provide timely upgrading of the licensee's emergency response capability.

In view of the foregoing, I have determined that the implementation of the licensee's commitments are required in the interest of the public health and safety and should, therefore, be confirmed by an immediately effective Order.

V.

Accordingly, pursuant to Sections 103, 161i, 161o and 182 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR 2.204 and Part 50, IT IS HEREBY ORDERED, EFFECTIVE IMMEDIATELY, THAT License DPR-26 is modified to provide that the licensee shall:

Implement the specific items described in the Attachment to this ORDER in the manner described in the licensee's submittals noted in Section IV herein no later than the dates in the Attachments.

VI.

Extension of time for completing these items may be granted by the Director, Division of PWR Licensing-A, for good cause shown.

VII.

The licensee or any other person who has an interest adversely affected by this Order may request a hearing on this Order within 20 days of the date of publication of this Order in the Federal Register. Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555. A copy shall be sent to the Office of the General Counsel, Assistant General Counsel for Enforcement, at the same address. A REQUEST FOR HEARING SHALL NOT STAY THE IMMEDIATE EFFECTIVENESS OF THIS ORDER.

If a hearing is to be held, the Commission will issue an Order designating the time and place of any such hearing. If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether the licensee should comply with the requirements set forth in Section V of this Order.

This Order is effective upon issuance.

FOR THE NUCLEAR REGULATORY COMMISSION



Thomas M. Novak, Acting Director
Division of PWR Licensing-A
Office of Nuclear Reactor Regulation

Dated in Bethesda, Maryland
this 12th day of August, 1986.

Attachment: Licensee's Additional Commitment
on Requirements Specified in Supplement 1
to NUREG-0737

INDIAN POINT UNIT 2

LICENSEE'S ADDITIONAL COMMITMENTS ON SUPPLEMENT 1 to NUREG-0737

TITLE	REQUIREMENTS	LICENSEE'S COMPLETION SCHEDULE (OR STATUS)
3. Regulatory Guide 1.97 - Application to Emergency Response	3b. Implement (installation or upgrade) requirements	Cycle 9/10 Refueling Outage (scheduled for about second quarter 1989)