

September 2, 1987

Docket No. 50-247

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

Dear Mr. Selman:

The Commission has filed the enclosed "Notice of Consideration of Issuance of Amendment to Facility Operating License and Opportunity for Hearing" with the Office of the Federal Register for publication. This notice relates to your request of May 29, 1987, as supplemented August 3, 1987 to amend the Technical Specifications to Operating License No. DPR-26 for Indian Point Nuclear Generating Unit No. 2. The amendment would revise the provisions of the Technical Specifications to permit the Residual Heat Removal pumps to remain operable during the performance of the Safety Injection System Test.

Sincerely,

Robert A. Capra, Acting Director
Project Directorate I-1
Division of Reactor Projects, I/II

Enclosure:
Notice of Consideration of
Issuance of Amendment to
Facility Operating License
and Opportunity for Prior
Hearing

cc: See next page

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Indian Point Nuclear Generating
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cc:

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UNITED STATES NUCLEAR REGULATORY COMMISSION
CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.

DOCKET NO. 50-247

NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENT TO
FACILITY OPERATING LICENSE AND PROPOSED NO SIGNIFICANT HAZARDS
CONSIDERATION DETERMINATION AND OPPORTUNITY FOR HEARING

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendment to Facility Operating License No. DPR-26 issued to Consolidated Edison Company of New York, Inc. (the licensee), for operation of Indian Point Nuclear Generating Unit No. 2, located in Westchester County, New York.

The proposed amendment would revise the Technical Specifications to permit the Residual Heat Removal pumps to remain operable during the performance of the Safety Injection System Test. The change is being proposed to facilitate outage planning. The proposed amendment is in accordance with the licensee's application dated May 29, 1987, as supplemented August 3, 1987.

10 CFR 50.92 states that a proposed amendment will involve a no significant hazards consideration if the proposed amendment does not: (1) involve a significant increase in the probability or consequences of an accident previously evaluated, or (2) create the possibility of a new or different kind of accident previously evaluated, or (3) involve a significant reduction in margin of safety.

The licensee provided the following analysis:

"...operation of Indian Point Unit No. 2 in accordance with this change would not:

1. involve a significant increase in the probability or consequences of an accident previously evaluated. The proposed change does not involve any physical change in plant equipment. Maintaining an RHR pump in an operable condition during the performance of the safety injection system test will actually decrease the probability of a postulated accident and will leave unchanged the consequences of such an accident. There are two parameters that must be reviewed to yield this conclusion. First, the Safety Injection System test will not be functionally different from that which has been performed in the past. Therefore, with respect to this parameter, which does not change, the probabilities and consequences of postulated accidents remain identical. The second parameter inherent in the proposed change is the maintenance of RHR cooling during the Safety Injection System test. By maintaining an RHR pump operable during the test, decay heat removal is retained and need not be disrupted at any time during the test. Having an operable RHR System is always as safe or safer than having it inoperable for any period of time. With respect to this parameter, there is, therefore, an actual decrease in the probability of an accident and no change has been introduced in the consequences of that accident. The overall result, therefore, of the proposed change is the summation of the above which results in a slight decrease in the probability of an accident and no increase (or decrease) in the consequences of that accident.
2. increase the possibility of a new or different kind of accident from any accident previously evaluated. As stated above, the proposed change does not involve any physical change in plant equipment and the Safety Injection System test is functionally no different than that performed in the past. The basic difference will be that a RHR pump will be operable and, if this should fail, both RHR pumps will be inoperable which is the same condition under which the test has always been performed in the past. The proposed change, therefore, introduces no new or different kind of accident from any previously evaluated.
3. involve a significant reduction in a margin of safety. By not disrupting decay heat removal at any time during the Safety Injection System test, the margin of safety inherent in the RHR system's use is actually increased. Once again, having the system operable at all times is always at least as safe or safer than disrupting it for any period of time. Any failure in the system, with the proposed change in effect, renders the plant condition identical to what it would have been without the change and, therefore, the margin of safety in the system, as well as overall, cannot decrease and may well increase."

In addition, the licensee has indicated the RHR pumps were blocked from starting during the system actuation test to minimize the potential wear associated with frequent testing. The RHR pumps are tested quarterly during reactor operation. As a result, the blockage was considered acceptable.

Based on the above, the staff proposes to determine that proposed changes will not result in a significant hazards determination.

The Commission is seeking public comment on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Comments should be addressed to the Rules and Procedures Branch, Division of Rules and Records, Office of Administration and Resources Management, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and should cite the publication date and page number of this Federal Register notice.

By October 9, 1987, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated

by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary of the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR §2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention would be permitted with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters

within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it effective notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish a

notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325-6000 (in Missouri (800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Robert A. Capra, Acting Director, Project Directorate I-1, Division of Reactor Projects, I/II: petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this FEDERAL REGISTER notice. A copy of the petition should also be sent to the Office of the General Counsel - Bethesda, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 and Mr. Brent L. Brandenburg, 4 Irving Place, New York, New York 10003, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer of the presiding Atomic Safety and Licensing Board, that the petition and/or request should be granted based upon a balancing of factors specified in 10 CFR 2.714(a) (1) (i)-(v) and 2.714 (d).

For further details with respect to this action, see the application for amendment which is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the White Plains Public Library, 100 Martine Avenue, White Plains, New York.

Dated at Bethesda, Maryland, this 2nd day of September 1987.

FOR THE NUCLEAR REGULATORY COMMISSION



Robert A. Capra, Acting Director
Project Directorate I-1
Division of Reactor Projects, I/II