July 21, 1989

Docket No. 50-247

DISTRIBUTION
Docket File
PDI-1 RF
ADRI
DSBrinkman
DHagan
GPA/PA
NRC&Local PDR
SAVarga
CVogan
OGC
ACRS (10)
Gray File

Mr. Stephen B. Bram
Vice President, Nuclear Power
Consolidated Edison Company
of New York, Inc.
Broadway and Bleakley Avenue
Buchanan, New York 105011

Dear Mr. Bram:

SUBJECT: INDIAN POINT UNIT 2 ULTIMATE HEAT SINK AND CONTAINMENT AIR TEMPERATURE (TAC 73764)

The Commission has requested the Office of the Federal Register to publish the enclosed "Notice of Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing." The notice relates to your application dated July 13, 1989, regarding your proposal to increase the maximum allowable river water temperature at the inlet to the service water system from 85°F to 95°F and to increase the maximum allowable containment air temperature from 120°F to 130°F.

Sincerely,

/s/

Donald S. Brinkman, Senior Project Manager
Project Directorate I-1
Division of Reactor Projects I/II

Enclosure:
Notice

cc w/enclosure:
See next page

[IP2 73764]

PDI-1:LA	PDI-1:PM	OGC	PDI-1:D
CVogan	DSBrinkman		RACapra
07/18/89	07/18/89	07/20/89	07/20/89

cc:

Mayor, Village of Buchanan
236 Tate Avenue
Buchanan, New York 10511

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

Mr. Jude Del Percio
Manager of Regulatory Affairs
Consolidated Edison Company
of New York, Inc.
Broadway and Bleakley Avenue
Buchanan, New York 10511

Senior Resident Inspector
U.S. Nuclear Regulatory Commission
Post Office Box 38
Buchanan, New York 10511

Mr. Brent L. Brandenburg
Assistant General Counsel
Consolidated Edison Company
of New York, Inc.
4 Irving Place - 1822
New York, New York 10003

Director, Technical Development
Programs
State of New York Energy Office
Agency Building 2
Empire State Plaza
Albany, New York 12223

Mr. Peter Kokolakis, Director
Nuclear Licensing
Power Authority of the State
of New York
123 Main Street
White Plains, New York 10601

Mr. Walter Stein
Secretary - NFSC
Consolidated Edison Company
of New York, Inc.
4 Irving Place - 1822
New York, New York 10003

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

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

7590-01

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 an 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 Specification to authorize operation of the plant with Hudson River (ultimate heat sink) water temperatures of up to a maximum of 95°F and with containment air temperatures of up to a maximum of 130°F when the reactor is operating. The licensee's application for this amendment is contained in its submittal of July 13, 1989.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the request for amendment involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would 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 from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The licensee provided the following analysis of the proposed changes:

[Service Water System (SWS)] Temperature

The Commission has provided guidance concerning the application of the standards for determining whether a significant hazards consideration exists by providing certain examples in 51 FR 7751. Example (i) relates to a purely administrative change to Technical Specifications. The proposed change to Technical Specification 3.3.F.1.b and 3.3.F.2.b changes [two] LCO action requirements and wording to be consistent with other 350°F LCOs in our Technical Specifications. These proposed changes would also eliminate an unnecessary restriction (i.e., be below 200°F within 30 hours), because the LCOs 3.3.F.1.a and 3.3.F.2.a only apply above RCS temperature of 350°F. Also, changes to Technical Specification Bases 3.3 page 3.3-14 adds reference (12) and corrects a foot note error. Thus, these proposed changes reflect such an example.

Example (ii) relates to a change that constitutes an additional limitation, restriction or control not presently included in the Technical Specifications. The proposed changes to Technical Specification 3.3.F.4 and 3.3.F.5 impose new Limiting Conditions for Operation for service water inlet temperature and associated monitoring instrumentation. Additionally, changes to Technical Specification Table 4.1-1 imposes surveillance requirements for the service water inlet temperature monitoring instrumentation. Thus, these proposed changes reflect such an example.

Example (vi) relates to a change which either may result in some increase to the probability or consequences of a previously-analyzed accident or may reduce in some way a safety margin, but where the results of the change are clearly within all acceptable criteria. The proposed change to Technical Specification 5.2.C and Technical Specification Bases 3.3 pages 3.3-10 and 3.3-11 increases the limit on service water temperature from 85°F to 95°F and reflects such an example.

Therefore, in accordance with the requirements of 10 CFR 50.92, the proposed changes to Technical Specification 3.3.F, to Technical Specification 5.2.C, Technical Specification table 4.1-1, and to Technical Specification Basis 3.3 with respect to a maximum SWS inlet temperature of 95°F, are deemed to involve "No Significant Hazards Considerations" because operation of Indian Point Unit No. 2 in accordance with these changes would not:

1) Involve a significant increase in the probability or consequences of an accident previously evaluated.

With respect to a significant increase in the probability of an accident previously evaluated, [the safety analysis provided with this submittal] analyzed the cooling provided to safety-related and non-safety-related equipment by the SWS and [Component Cooling Water System (CCWS)] during normal operation, assuming a maximum SWS inlet temperature of 95°F. The analysis determined that with a maximum SWS inlet temperature of 95°F, there will not be an increase in the probability of the sudden failure of equipment cooled by SWS or CCWS, whose failure could cause an accident evaluated in the FSAR, (i.e. loss of reactor coolant flow due to the sudden failure of a RCP, loss of normal feedwater due to the sudden failure of a main feedwater pump, or reactor coolant system failures due to inadequate reactor vessel support cooling). Thus, these changes would not significantly increase the probability of an accident previously evaluated.

With respect to a significant increase in the consequences of an accident previously evaluated, [the safety analysis provided with this submittal] evaluated the adequacy of the cooling provided by the SWS and CCW[S] during off-normal and postulated accident conditions. The analysis determined that adequate cooling is provided to safety-related equipment to support operability following design basis accidents. In addition, adequate cooling is provided to the emergency core cooling and containment cooling systems to mitigate design basis accidents and maintain safety parameters below safety limits. Thus these would not significantly increase the consequences of an accident previously evaluated.

Therefore, these proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2) Create the possibility of a new or different kind of accident from any accident previously evaluated.

Operation of Indian Point Unit 2 with a maximum 95°F Ultimate Heat Sink temperature does not create new equipment failure modes from those already evaluated in the FSAR. The failure of non-safety-related equipment cannot cause an accident not already evaluated. Adequate cooling is provided to safety-related equipment to ensure that they operate as intended. Therefore, no new or different kind of accident is created by increasing the allowable Ultimate Heat Sink temperature to a maximum of 95°F.

3) Involve a significant reduction in a margin of safety.

[The safety analysis provided with this submittal] determined that adequate cooling is provided to support operation of safety-related equipment during normal operation, abnormal operations, and following design basis accidents. In addition, the [analysis] determined adequate cooling is provided to ensure that safety-related equipment performance is sufficient to maintain safety parameters below safety limits (e.g., containment temperature and pressure will not exceed design limits or an acceptable EQ envelope, post LOCA emergency core cooling functions are supported to ensure long-term core cooling). The [analysis] concluded that all applicable safety limits are met. Therefore, the proposed changes do not involve a significant reduction in a margin of safety.

Therefore, based on the above discussion [the licensee] has determined that the proposed changes to Technical Specification 3.3.F, Technical Specification 4.1-1, Technical Specification 5.2.C and Technical Specification Basis 3.3 with respect to a maximum SWS inlet temperature of 95°F, involve "No Significant Hazards Considerations." . . .

Containment Integrity

The Commission has provided guidance concerning the application of the standards for determining whether a significant hazards consideration exists by providing certain examples (51 FR 7751). Example (i) describes a purely administrative change to technical specifications. Changes to Technical Specification bases 4.4 clarifies the statement regarding containment temperature and pressure and reflects such an example. Example (vi) describes a change which either may result in some increase to the probability or consequences of a previously analyzed accident or may reduce in some way a safety margin, but where the results of the change are clearly within all acceptable criteria. The change to the approximate average maximum containment temperature from 120°F to 130°F in Technical Specification Bases 4.4 reflects such an example.

Therefore, in accordance with the requirements of 10 CFR 50.92, the proposed change to Technical Specification Basis 4.4 with respect to an initial containment temperature of 130°F, is deemed to involve "No Significant Hazards Considerations" because 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.

With respect to a significant increase in the probability of an accident previously evaluated, it should be noted that containment integrity is utilized in accident mitigation and has no affect on initiating an accident. Thus, this change would not significantly increase the probability of an accident previously evaluated.

With respect to a significant increase in the consequences of an accident previously evaluated, the results provided in [the safety analysis provided with this submittal] are based on conservative analyses utilizing new, refined and more accurate methodologies. These analyses show that with increased maximum containment temperature under the worst case LOCA condition, containment pressure will be maintained well below its design value of 47 psig. Thus, the same safety criteria as previously evaluated are still met with the proposed change. Thus, this change would not significantly increase the consequences of an accident previously evaluated.

Therefore, this proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2) Create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed change to the maximum temperature of containment does not modify the plant's configuration or operation, and therefore the postulated accidents are the only ones that require analysis and resolution. Nothing would be added or removed that would conceivably introduce a new or different kind of accident mechanism or initiating circumstance than that previously evaluated. There[fore], no new or different kind of accident is created by increasing the maximum allowable containment temperature to 130°F.

3) Involve a significant reduction in a margin of safety.

With the proposed change, all safety criteria previously evaluated are still met, and remain conservative. With the new containment integrity analyses results provided in [the safety analysis provided with the licensee's submittal], it has been established that the IP-2 containment has substantial margins compared to its design pressure following a worst case loss of coolant accident. Therefore, the proposed change does not involve a significant reduction in a margin of safety.

Therefore, based on the above discussion [the licensee] has determined that the proposed change to Technical Specification Basis 4.4 with respect to an initial containment temperature of 130°F, involves "No Significant Hazards Considerations."

The staff agrees with the licensee's analysis. Therefore, based on the above considerations, the Commission has made a proposed determination that the amendment request involves no significant hazards considerations.

The Commission is seeking public comments 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.

Written comments may be submitted by mail to the Regulatory Publications Branch, Division of Freedom of Information and Publications Services, 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. Written comments may also be delivered to Room P-216, Phillips Building, 7920 Norfolk Avenue, Bethesda, Maryland from 7:30 a.m. to 4:15 p.m. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, N.W., Washington, D.C. The filing of requests for hearing and petitions for leave to intervene are discussed below.

By August 25, 1989 , 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. Request 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 or 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 should be permitted with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made 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 considerations. The final determination will serve to decide when the hearing is held.

If the final determination is that the request for amendment involves no significant hazards considerations, 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 a final determination is that the amendment involves significant hazards considerations, 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 considerations. 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, DC 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, N.W., Washington, DC, 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 1-(800) 325-6000 (in Missouri 1-(800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Robert A. Capra: (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, U.S. Nuclear

Regulatory Commission, Washington, DC 20555, and to Brent L. Brandenburg, Esq. 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 or the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be based upon a balancing of the 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 dated July 13, 1989, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, N.W., Washington, D.C. and at the Local Public Document Room located at White Plains Public Library, 100 Martine Avenue, White Plains, New York 10610.

Dated at Rockville, Maryland, this 21st day of July, 1989.

FOR THE NUCLEAR REGULATORY COMMISSION

Donald S. Brinkman, Senior Project Manager
Project Directorate I-1
Division of Reactor Projects I/II
Office of Nuclear Reactor Regulation