

Mr. Stephen E. Quinn
 Vice President, Nuclear Power
 Consolidated Edison Company
 of New York, Inc.
 Broadway and Bleakley Avenue
 Buchanan, NY 10511

Ma, 1997

SUBJECT: NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENT TO FACILITY
 OPERATING LICENSE, PROPOSED NO SIGNIFICANT HAZARDS CONSIDERATION
 DETERMINATION, AND OPPORTUNITY FOR A HEARING, INDIAN POINT
 UNIT NO. 2 (TAC NO. M98405)

Dear Mr. Quinn:

The Commission has requested the Office of Federal Register to publish the enclosed "Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing." This notice relates to your application for amendment dated March 31, 1997, which would remove containment isolation valve 863 from Technical Specification Table 3.6-1, "Non-Automatic Containment Isolation Valves Open Continuously Or Intermittently for Plant Operation." Removal of the valve from the table would allow a modification to change the valve to an automatically closing valve upon the receipt of a Phase A Containment Isolation Signal.

Sincerely,

/s/

Jefferey F. Harold, Project Manager
 Project Directorate I-1
 Division of Reactor Projects - I/II
 Office of Nuclear Reactor Regulation

Docket No. 50-247

Enclosure: Notice of Consideration

cc w/encl: See next page

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UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

May 8, 1997

Mr. Stephen E. Quinn
Vice President, Nuclear Power
Consolidated Edison Company
of New York, Inc.
Broadway and Bleakley Avenue
Buchanan, NY 10511

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A handwritten signature in cursive script that reads "Jefferey F. Harold".

Jefferey F. Harold, Project Manager
Project Directorate I-1
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation

Docket No. 50-247

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Stephen E. Quinn
Consolidated Edison Company
of New York, Inc.

Indian Point Nuclear Generating
Station Units 1/2

cc:

Mayor, Village of Buchanan
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Buchanan, NY 10511

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New York State Energy, Research,
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Manager of Nuclear Safety and
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Consolidated Edison Company
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Buchanan, NY 10511

Senior Resident Inspector
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Consolidated Edison Company
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U. S. Nuclear Regulatory Commission
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Mr. Paul Eddy
New York State Department of
Public Service
3 Empire State Plaza, 10th Floor
Albany, NY 12223

UNITED STATES NUCLEAR REGULATORY COMMISSIONCONSOLIDATED EDISON COMPANY OF NEW YORKDOCKET NO. 50-247NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENT TO
FACILITY OPERATING LICENSE, PROPOSED NO SIGNIFICANT HAZARDS
CONSIDERATION DETERMINATION, AND OPPORTUNITY FOR A HEARING

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. 26 issued to Consolidated Edison Company of New York (the licensee) for operation of the Indian Point Nuclear Generating Unit No. 2 located in Westchester County, New York. The proposed amendment would remove containment isolation valve 863 from Technical Specification Table 3.6-1, "Non-Automatic Containment Isolation Valves Open Continuously Or Intermittently for Plant Operation." Removal of the valve from the table would allow a modification to change the valve to an automatically closing valve upon the receipt of a Phase A Containment Isolation Signal.

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 amendment request 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. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

- 1) Does the proposed license amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response:

There are no new failure modes introduced by the proposed modification. Normal operation of Valve 863 is not altered by this modification. This modification provides for automatic closure of Valve 863 during a design basis event, rather than relying on manual action. The EOPs [emergency operating procedures] provide for verification of automatic closure of containment isolation valves and for manual closure of any automatic containment isolation valves that fail to close during a design basis event. Neither the probability nor the consequences of an accident previously analyzed is increased due to the proposed changes.

- 2) Does the proposed license amendment create the possibility of a new or different kind of accident from any previously evaluated?

Response:

The capability to open Valve 863 during an Appendix R event is maintained. Contacts from existing relays will be used to provide the containment isolation and reset signal for Valve 863. This signal will be used to de-energize the existing SOV-863. No new electrical loads are added. Equipment associated with this modification will be seismically installed. Therefore, the proposed changes do not create an accident or malfunction of safety equipment of a different type.

- 3) Does the proposed amendment involve a significant reduction in the margin of safety?

Response:

This modification will provide a signal that will close Valve 863 on Phase A Containment Isolation and reset capability for this valve that is consistent with other automatic containment isolation valves. This is an enhancement to the system which already meets the requirements of GDC [General Design Criteria] 57. The capability to open Valve 863 during an Appendix R event

is maintained. Therefore, the proposed amendment does not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

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.

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 in the FEDERAL REGISTER 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.

Written comments may be submitted by mail to the Chief, Rules Review and Directives Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and should cite the publication date and page number of this FEDERAL REGISTER notice. Written comments may also be delivered to Room 6D22, Two White Flint North, 11545 Rockville Pike,

Rockville, Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC.

The filing of requests for hearing and petitions for leave to intervene is discussed below.

By June 16, 1997, 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 request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition 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. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the White Plains Public Library, 100 Martine Avenue, White Plains, New York 10610. 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 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 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. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would

entitle the petitioner to relief. 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 immediately 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 request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

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 20555-0001, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date. Where petitions are filed during the last 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) 248-5100 (in Missouri 1-(800) 342-6700). The Western Union operator should be given Datagram Identification

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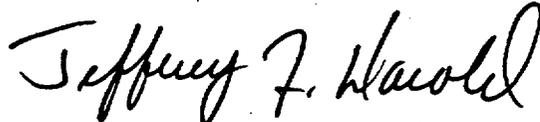
petitioner's name and telephone number, date petition was mailed, plant name, and publication date and page number of this FEDERAL REGISTER notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and to Brent 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 presiding Atomic Safety and Licensing Board that the petition and/or request should be granted 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 March 31, 1997, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the White Plains Public Library, 100 Martine Avenue, White Plains, New York 10610.

Dated at Rockville, Maryland, this 8th day of May 1997.

FOR THE NUCLEAR REGULATORY COMMISSION



Jefferey F. Harold, Project Manager
Project Directorate
Division of Reactor Projects -
Office of Nuclear Reactor Regulation