Mr. James Knubel
Chief Nuclear Officer
Power Authority of the State
of New York
123 Main Street
White Plains, NY 10601

March 4, 1998

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 NUCLEAR GENERATING UNIT NO. 3 (TAC NO. M99928)

Dear Mr. Knubel:

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, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing." This notice relates to your application for amendment dated February 27, 1998, which would revise the Technical Specifications for Indian Point Nuclear Generating Unit No. 3 by revising the pressure-temperature and overpressure limits.

Sincerely,
ORIGINAL SIGNED BY:

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

Docket No. 50-286

Enclosure: Notice

cc w/encl: See next page

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

March 4, 1998

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James Knubel
Power Authority of the State
of New York

Indian Point Nuclear Generating
Unit No. 3

cc:

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

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

Mr. Eugene W. Zeltmann, President
and Chief Operating Officer
Power Authority of the State
of New York
123 Main Street
White Plains, NY 10601

Mr. Robert J. Barrett
Site Executive Officer
Indian Point 3 Nuclear Power Plant
P.O. Box 215
Buchanan, NY 10511

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

Mr. F. William Valentino, President
New York State Energy, Research,
and Development Authority
Corporate Plaza West
286 Washington Ave. Extension
Albany, NY 12203-6399

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

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

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

Mayor, Village of Buchanan
236 Tate Avenue
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

Mr. Paul Eddy
New York State Dept. of
Public Service
3 Empire State Plaza, 10th Floor
Albany, NY 12223

Union of Concerned Scientists
Attn: Mr. David Lochbaum
1616 P Street, NW, Suite 310
Washington, DC 20036

UNITED STATES NUCLEAR REGULATORY COMMISSION

POWER AUTHORITY OF THE STATE OF NEW YORK

DOCKET NO. 50-286

NOTICE 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. DPR-64 issued to New York Power Authority for operation of the Indian Point Nuclear Generating Unit No. 3 (IP3) located in Westchester County, New York.

The proposed amendment would change the pressure-temperature and overpressure limits.

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 analyzed?

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Response:

The proposed license amendment does not involve a significant increase in the probability or consequences of a previously analyzed accident. The pressure-temperature limit changes proposed by this amendment are based on supporting data and evaluation methodologies previously submitted to the NRC in References 2, 3 and 4 [see application dated February 27, 1998]. These limits are based upon the irradiation damage prediction methods of Regulatory Guide 1.99, Revision 2. The LTOPS [low-temperature overpressure protection] changes contained in this submittal have been conservatively adjusted in accordance with the new pressure-temperature limits, in accordance with the information contained in References 2 and 5 [see application dated February 27, 1998] and ASME Code Case N-514.

The revised version of Section 3.1.A.8 clarifies existing requirements related to the OPS [overpressure protection system] system and adds an eight hour completion time for compensating actions, consistent with the STS. The changes to Section 3.1.A.1.h, I, and j revise the requirements associated with the start of an RCP [reactor coolant pump]. These changes improve specification clarity and do not increase the probability or consequences of an accident.

The Technical Specification changes associated with the restriction on SI [safety injection] pumps provides added conservatism to the Technical Specifications and limits the likelihood of an RHR [residual heat removal] overpressurization event. Current plant procedures prohibit actuation of any SI pumps when RHR is in service, except during testing, loss of RHR cooling, or reduced inventory operations. Therefore, the change to the Technical Specifications will not alter current plant operation.

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

Response:

The proposed license amendment does not create the possibility of a new or different kind of accident from any accident previously analyzed. The pressure-temperature limits are updating the existing limits by taking into account the effects of radiation embrittlement, utilizing criteria defined in Regulatory Guide 1.99, Revision 2, and extending the effective period to 13.3 EFPYs [effective full-power years]. The updated OPS limits have been adjusted to account for the effect of irradiation on the limiting reactor vessel material. These changes do not affect the way the pressure-temperature or OPS limits provide plant protection and no physical plant alterations are necessary.

The revisions to Section 3.1.A.8 concerning the OPS system improve on the clarity of existing specifications and add a completion time for compensating actions that is consistent with the STS. These changes do not involve any hardware modifications and do not affect the function of the OPS system.

The revisions concerning the operation of SI pumps bring the Technical Specifications into line with current operating procedures. The changes to Specification 3.1.A.1.h, I, and j provide specification clarity and are more conservative than existing Technical

Specifications. Therefore, the changes cannot create the possibility of a new or different kind of accident.

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

Response:

The proposed amendment does not involve a significant reduction in a margin of safety. The margins of safety against fracture provided by the pressure-temperature limits are those limits specified in 10 CFR Part 50, Appendix G, ASME [American Society of Mechanical Engineers] Boiler and Pressure Vessel Code Section XI, Appendix G, and Reference 4 [see application dated February 27, 1998]. The guidance in these documents has been utilized to develop the pressure-temperature limits with the requisite margins of safety for the heatup and cooldown conditions. The new LTOP limits are based upon References 2 and 5 [see application dated February 27, 1998] and ASME Code Case N-514.

The revisions to Section 3.1.A.8 clarify the requirements associated with the OPS system. The revisions associated with the operation of SI pumps with RHR in service (Sections 3.3.A.3, 8, 9 and 10) and the changes regarding RCP starts (Section 3.1.A.1.h, I, and j) are more conservative than the current Technical Specifications, and are consistent with plant operating procedures. Therefore, they do not reduce a 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 Rules Review and Directives Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should cite the publication date and page number of this FEDERAL REGISTER notice. Written comments may also be delivered to Room 6D59, 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 April 8, 1998, 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 10601. 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, 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 Number N1023 and the following message addressed to Susan F. Shankman: 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 Mr. David Blabey, 10 Columbus Circle, New York, New York 10019, 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 February 27, 1998, 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 10601.

Dated at Rockville, Maryland, this 4th day of March 1998.

FOR THE NUCLEAR REGULATORY COMMISSION

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