

JUL 3, 1990

Docket No. 50-286

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Mr. John C. Brons  
Executive Vice President - Nuclear Generation  
Power Authority of the State of New York  
123 Main Street  
White Plains, New York 10601

Dear Mr. Brons:

SUBJECT: INDIAN POINT NUCLEAR GENERATING UNIT NO. 3 - NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENT (TAC NO. 77003)

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 Opportunity for Hearing." This notice relates to your application for amendment dated June 21, 1990, which would revise Technical Specifications 5.3.A.1 and 6.9.2 to permit the replacement of fuel rods with Zircaloy-4 or stainless steel filler rods, or with open water channels, if justified by cycle-specific reload analysis; and provide reporting requirements.

Sincerely,

ORIGINAL SIGNED BY:

Joseph D. Neighbors, Senior Project Manager  
Project Directorate I-1  
Division of Reactor Projects - I/II  
Office of Nuclear Reactor Regulation

Enclosure:  
Notice

cc w/enclosure:  
See next page

PDI-1  
CVogan *cc*  
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DNeighbors  
7/3/90

PDI-1 *Ru*  
RACapra  
7/3/90

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Mr. John C. Brons  
Power Authority of the State  
of New York

Indian Point 3 Nuclear Power Plant

cc: ←

Regional Administrator, Region I  
U.S. Nuclear Regulatory Commission  
475 Allendale Road  
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Resident Inspector  
Indian Point 3 Nuclear Power Plant  
U.S. Nuclear Regulatory Commission  
Post Office Box 337  
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Power Authority of the State  
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Manager, Nuclear Safety and Licensing  
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White Plains, New York 10601

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Albany, New York 12223

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

UNITED STATES NUCLEAR REGULATORY COMMISSIONPOWER AUTHORITY OF THE STATE OF NEW YORKDOCKET NO. 50-286NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENT TO  
FACILITY OPERATING LICENSE AND OPPORTUNITY FOR HEARING

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR-64, issued to the Power Authority of the State of New York (the licensee or the Authority), for operation of the Indian Point Nuclear Generating Unit No. 3 located in Westchester County, New York.

The amendment would revise Technical Specification 5.3.A.1 to permit the replacement of fuel rods with Zircaloy-4 or stainless steel filler rods, or with open water channels, if justified by cycle-specific reload analyses. Additionally, a special report will be required if more than 30 rods in the core or 10 rods in any assembly are replaced per refueling. The proposed changes are in accordance with the guidance provided by Generic Letter 90-02, "Alternative Requirements for Fuel Assemblies in the Design Features Section of Technical Specifications."

Existing Specification 5.3.A.1 states that each assembly contains 204 fuel rods. The proposed change to Specification 5.3.A.1 will provide for the flexibility to deviate from the nominal number of fuel rods per assembly without the need to request future amendments to the Technical Specifications.

This reduces the burden of processing changes for both the Commission and the Authority. Additionally, the change will permit the timely removal of fuel rods that are found to be leaking during a refueling outage or are determined to be probable sources of future leakage. This will provide for reductions in future occupational radiation exposure and plant radiological releases.

The replacement of fuel rods with filler rods or open water channels would be justified by a cycle-specific reload analysis using a Commission-approved methodology to ensure that the existing safety criteria and design limits are met.

In accordance with the Generic Letter, a special report shall be submitted to the Commission if more than 30 rods in the core or 10 in any assembly are replaced per refueling. The report shall state the number of rods replaced per assembly. This requirement is included in the proposed changes to Specifications 5.3.A.1 and 6.9.2.

The proposed revisions are in accordance with the licensee's application dated June 21, 1990.

Prior to 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.

By August 13, 1990, 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 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. 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, N.W., Washington, D.C. 20555 and at the Local Public Document Room located at 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 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. 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.

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 Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, N.W. Washington, D.C. 20555, 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, D.C. 20555, and to Mr. Charles M. Pratt, 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).

If a request for a hearing is received, the Commission's staff may issue the amendment after it completes its technical review and prior to the completion of any required hearing if it publishes a further notice for public comment of its proposed finding of no significant hazards consideration in accordance with 10 CFR 50.91 and 50.92.

For further details with respect to this action, see the application for amendment dated June 21, 1990, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, N.W., Washington, D.C. 20555, and at the Local Public Document Room, White Plains Public Library, 100 Martine Avenue, White Plains, New York 10601.

Dated at Rockville, Maryland, this 3rd day of July, 1990

FOR THE NUCLEAR REGULATORY COMMISSION

ORIGINAL SIGNED BY:

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

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