

June 5, 1987

Docket No. 50-286

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

Dear Mr. Brons:

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 21, 1987 to amend the Technical Specifications to Operating License DPR-64 for Indian Point Nuclear Generating Unit 3. The amendment would revise the provisions of the Technical Specifications to allow a reduced integrated leak rate test duration in accordance with an NRC approved methodology.

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

Indian Point Nuclear Generating
Unit No. 3

cc:
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Indian Point 3

cc

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

The proposed amendment would revise the Technical Specifications to allow a reduced integrated leak rate test (ILRT) duration in accordance with an NRC approved methodology. The proposed amendment is in accordance with the licensee's application dated May 21, 1987.

The Commission has provided standards for determining whether a significant hazards consideration exists as stated in 10 CFR 50.92. A proposed amendment to an operating license for a facility involves no significant hazards consideration if operation of the facility in accordance with a 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 following analysis has been made of these changes:

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

The proposed license amendment does not involve any increase in the probability or consequences of an accident previously evaluated. The proposed amendment will allow use of the Bechtel Topical Report, BN-TOP-1, or other NRC accepted methods for conducting a containment ILRT. Maintaining containment leakage within acceptable limits provides assurance that the consequences of a potential accident can be effectively mitigated. Since the acceptance values for containment leakage under the reduced duration methodology remain unchanged, the consequences of accidents previously evaluated are not affected.

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

The proposed amendment involves methods for testing potential containment leakage. Maintaining containment leakage within acceptable limits provides assurance that the consequences of a potential accident can be effectively mitigated. Since ILRT methods and results relate to accident mitigation, event sequences and accident analyses are not affected. Therefore, the possibility of a new or different kind of accident is not created.

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

The proposed amendment allows use of an NRC acceptable reduced duration methodology for conducting an ILRT that is equivalent to the 24 hour duration test. Under the new methodology, acceptance values for containment leakage remain unchanged and therefore a significant reduction in a margin of safety is not involved.

Based on the above, the staff proposes to determine that the proposed change does not involve a significant hazards consideration.

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 page number of this Federal Register notice.

By July 10 , 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. 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 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 Council - Bethesda, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 and 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 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 5th day of June, 1987.

FOR THE NUCLEAR REGULATORY COMMISSION

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

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