

July 31, 1989

Docket No. 50-286

DISTRIBUTION

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

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Dear Mr. Brons:

SUBJECT: INDIAN POINT UNIT 3 ULTIMATE HEAT SINK AND CONTAINMENT  
AIR TEMPERATURE (TAC 73834)

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 24, 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,

Donald S. Brinkman for

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

Enclosure:  
Notice

cc w/enclosure:  
See next page

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PDI-1:LA  
CVogan  
07/28/89 *CV*

*DHB*  
PDI-1:PM  
J.Neighbors  
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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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UNITED STATES NUCLEAR REGULATORY COMMISSIONPOWER AUTHORITY OF THE STATE OF NEW YORKDOCKET NO. 50-286NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENT TO  
FACILITY OPERATING LICENCE 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-64, issued to 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 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 24, 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:

In accordance with the requirements of 10 CFR 50.92, the application is judged to involve no significant hazards based upon the following information:

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

Response:

Operation of Indian Point Unit 3 with a 95°F ultimate heat sink temperature does not involve a significant increase in the probability or consequences of an accident previously evaluated.

As discussed in Section 5.1.2 of WCAP-12313, operation of Indian Point Unit 3 with a Service Water inlet temperature of 95°F will not increase the probability of the sudden failure of SWS or CCWS cooled equipment, whose sudden failure could cause an accident evaluated in the FSAR, (i.e. loss of reactor coolant flow due to the sudden failure of a RCP, or reactor coolant system failures due to inadequate reactor vessel support cooling).

Section 5.1.3 of WCAP-12313, states 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 plant safety parameters below safety limits.

The Authority has analyzed the effect of a 95°F ultimate heat sink temperature on peak containment accident pressure in WCAP-12269. In addition to the 95°F service water inlet temperature, other key assumptions include a containment ambient temperature of 130°F, a six (6) second Safety Injection (SI) pure time delay (during a main steam line break accident) and zero (0) ppm boron concentration in the Boron Injection Tank. The results of the analysis show that the calculated peak containment accident pressure for a main steam line break accident, which is the worst case, is 42.42 psig, which is below the containment design pressure of 47 psig. It should also be noted, the new peak containment accident temperature (257°F) is less than that previously analyzed for Equipment Qualification (EQ).

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

Response:

Operation of Indian Point Unit 3 with a 95°F ultimate heat sink temperature and a 130°F maximum allowable containment temperature does not create the possibility of a new or different kind of accident than any previously evaluated.

Operation of Indian Point Unit 3 with a 95°F ultimate heat sink temperature and a 130°F maximum allowable containment temperature does not create new equipment failure modes from those already evaluated in the Final Safety Analysis Report (FSAR). The failure of nonsafety-related equipment either does not cause a new or different accident or does not 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 95°F or increasing the containment maximum temperature to 130°F.

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

Response:

Operation of Indian Point Unit 3 with a 95°F ultimate heat sink temperature does not involve a significant reduction in a margin of safety.

As discussed in Section 5.1 of WCAP-12313, adequate cooling is provided to support operation of safety-related equipment during normal operation, abnormal operations, and following design basis accident. In addition, adequate cooling is provided to ensure that safety-related equipment performance is sufficient to maintain safety parameters below safety limits. With a 95°F ultimate heat sink, post-loss of coolant accident emergency core cooling functions are supported to ensure long term core cooling. Peak containment accident pressure (42.42 psig) will not exceed the design pressure of 47 psig. The peak containment accident temperature (247°F) is less than previously analyzed for EQ. Therefore, since all applicable safety limits are met, there is no reduction in any margin of safety.

The Authority considers that the proposed changes can be classified as not likely to involve significant hazards consideration since with a 95°F ultimate heat sink adequate cooling is provided to support all necessary equipment during normal operation, abnormal operation and following design basis accidents.

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 September 5, 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 a 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 the 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, D.C. 20444, 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 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 24, 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 31st 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