

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

March 12, 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 NUCLEAR  
GENERATING UNIT NO. 3 (TAC NO. M97785)

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 January 13, 1997, which would revise the Technical Specifications for Indian Point Nuclear Generating Unit No. 3 to add several containment isolation valves and implement the performance-based requirements of 10 CFR Part 50, Appendix J, Option B.

Sincerely,

/S/

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 of Consideration

cc w/encls: See next page

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UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001  
March 12, 1997

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

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Sincerely,

A handwritten signature in cursive script, reading "George F. Wunder", is positioned above the typed name.

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

Docket No. 50-286

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cc w/encls: See next page

James Knubel  
Power Authority of the State  
of New York

cc:

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Mr. Paul Eddy  
New York State Dept. of  
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Albany, NY 12223

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 (NYPA) for operation of the Indian Point Nuclear Generating Unit No. 3 (IP3) located in Westchester County, New York.

The proposed amendment would add several containment isolation valves to the list of containment isolation valves in the technical specifications and amends the technical specifications to allow the use of performance-based methods described in 10 CFR Part 50, Appendix J, Option B for containment leakage rate testing.

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. The proposed amendment changes the TS to implement 10 CFR Part 50, Appendix J, Option B, by referencing Regulatory Guide 1.163, "Performance-Based Containment Leakage-Test Program." Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would

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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?

The addition of existing Containment Isolation Valves into the Table of Containment Isolation Valves in the Technical Specifications does not change the design, operation or testing of the plant. The valves are currently tested and identified in the Final Safety Analysis Report as Containment Isolation Valves. The addition of the valves is an administrative change with no effect on the probability or consequences of an accident.

The proposed Technical Specification is intended to incorporate a rule change, i.e., 10 CFR 50, Appendix J, Option B. Incorporation of the rule change into the Technical Specifications affects the test requirements and frequency by which the containment and containment penetrations are tested to verify that the containment boundary will maintain leakage within the limits assumed in accident analyses. The testing of the containment structure and penetrations under Option B does not increase the probability of an accident previously evaluated. No equipment changes are required for the adoption of Option B so modifications to equipment cannot be an accident initiator. The proposed testing provisions and testing frequency are based on Regulatory Guide 1.63 which endorses the provisions of NEI 94-01 and, by incorporation, ANSI/ANS 56.8. These provisions do not change the way that the plant is operated. Testing is not performed on the containment during plant operations and penetrations are tested in accordance with approved procedures so they are not tested during plant operations if they could initiate an accident. Testing frequency changes do not require physical changes to the plant or alter the manner in which the plant is operated so changed frequencies do not contribute to initiation of an accident. The testing of the containment structure and penetrations under Option B does not increase the consequences of an accident previously evaluated. The test frequency for Type A integrated leak rate testing may be reduced up to ten years and the frequency of Type B and C tests, excluding airlocks, may be reduced up to 3 years. NUREG-1493, a technical basis for the rule adding Option B, assessed the risk associated with increasing the frequency for Type A, B and C testing for a period greater than allowed by Option B. The study concluded that there was a small increase in risk associated with extending the Type A test because the integrated leak rate tests

identify only a few leakage paths (i.e., [a] small percentage of the leakages) and that most leaks have marginally above allowable requirements. Given the insensitivity of risk to the containment leak rate and the small fraction of leakage detected solely by Type A testing, increasing the Type A test interval has minimal effect on the public. The NUREG-1493 assessment found that performance based leakage testing would have a small incremental effect on risk even though the majority of leakage was found by Type B and C testing. From the above, NYPA [New York Power Authority] concluded that the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

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

Changing the list of containment isolation valves for consistency with the Final Safety Analysis Report without changing design, operation or testing of the plant cannot create a new or different type of accident.

The incorporation of 10 CFR 50, Appendix J, Option B, into the Technical Specifications affects the test requirements and frequency by which the containment and containment penetrations are tested. There are no physical changes made to the plant and there are no changes to the operation of the plant so no new failure modes will be introduced and the ability to perform accident mitigating functions will not be altered. The change will not create a new or different kind of accident from any accident previously evaluated.

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

The addition of four isolation valves to the Table of Containment Isolation Valves in the Technical Specifications has no effect on any margin of safety because the change is strictly to reflect current design, operation and testing of the plant.

The incorporation of 10 CFR 50, Appendix J, Option B, into the Technical Specifications affects the test requirements and frequency by which the containment and containment penetrations are tested. The study in NUREG-1493, a generic study providing technical support for Option B, determined that the effect of increasing surveillance intervals resulted in minimal increased the risk to public [sic]. NUREG-1493 found the design containment leakage rate contributes about 0.1 percent to the individual risk. The decreased frequency of Type A and B testing has minimal effect on this risk since most (about 95 percent) potential leakage paths are detected by Type A testing. The model of component failure with time identified in NUREG-1493 indicates that the number of components tested could be reduced by 60 percent with less than a threefold increase in risk. The extension of Type C tests beyond the current 30 month interval requires successful completion of two consecutive leakage rate tests. NUREG-1493, Appendix A, indicates that a component which does not fail within two operating cycles will have

further failures governed by random failure. Table 1 in Appendix A to the NUREG also indicates that, for a representative PWR [pressurized-water reactor], extending Type C tests to the full test interval results in less than a fourfold increase in risk that was originally less than 0.03 percent of the total risk. The change will not involve a significant reduction in the margin of safety because there is a minimal increase in public risk.

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 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 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 April 18, 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 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 S. Singh Bajwa: 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. Charles M. Pratt, 10 Columbus Circle, New York, New York 10019, attorney for the licensee.

Untimely 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 January 13, 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 10601.

Dated at Rockville, Maryland, this 12th day of March 1997.

FOR THE NUCLEAR REGULATORY COMMISSION

*George F. Wunder*

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