

July 31, 2001

Mr. A. Alan Blind
Vice President, Nuclear Power
Consolidated Edison Company
of New York, Inc.
Broadway and Bleakley Avenue
Buchanan, NY 10511

SUBJECT: INDIAN POINT NUCLEAR GENERATING UNIT NO. 2 - THREE MILE ISLAND
(TMI) ACTION PLAN ITEM III.D.3.4 REGARDING CONTROL ROOM
HABITABILITY (TAC NO. MB1475)

Dear Mr. Blind:

On March 13, 2001, Consolidated Edison Company of New York, Inc. (Con Edison), requested, pursuant to 10 CFR 2.206, the U.S. Nuclear Regulatory Commission (NRC) to rescind a portion of the NRC's confirmatory order of March 18, 1983, pertaining to TMI Action Plan (NUREG-0737), Item III.D.3.4 for the Indian Point Nuclear Generating Unit No. 2 (IP2). In accordance with Item III.D.3.4, "Control Room Habitability," Con Edison had installed, among other equipment, a toxic gas monitoring system that provides an alarm to the IP2 Central Control Room when the presence of ammonia or chlorine gas is detected and automatically closes outside air dampers to isolate the control room. In its March 13, 2001, letter, Con Edison noted that the Technical Specification requirements for the toxic gas monitors were relocated to the Updated Final Safety Analysis Report (UFSAR) in Amendment No. 208, dated April 20, 2000. Con Edison indicated that this action was needed in order to modify the facility to entirely remove the toxic gas monitors.

The NRC staff has reviewed the information in the March 13, 2001, request and has determined that Con Edison should apply for an amendment to its operating license for IP2 rather than request the rescinding of the portion of the order regarding toxic gas monitors. The application for amendment would request the modification of the March 18, 1983, order as the order comprises a modification of the license. Further, the staff believes that the removal of the monitors could raise significant risk concerns, and as such, the staff may need to explore the underlying engineering issues in more detail and the potential risk significance of the amendment (see NRC Regulatory Issue Summary 2001-02, "Guidance on Risk-Informed Decisionmaking in License Amendment Reviews," January 18, 2001). Thus, the staff would encourage Con Edison to submit the amendment as a risk-informed request.

If Con Edison should propose that the amendment be considered as a risk-informed change to the current licensing basis, Con Edison should prepare the application using the guidance in NRC Regulatory Guide (RG) 1.174, "An Approach for Using Probabilistic Risk Assessment in Risk-Informed Decisions on Plant-Specific Changes to the Licensing Basis," dated July 1998. As discussed in RG 1.174, the NRC staff will be reviewing any subsequent application in this area for defense-in-depth, safety margins, performance monitoring, and other deterministic issues along with the licensee's risk assessment. In particular, Con Edison will need to identify its plans for any proposed modifications to the facility along with the specific requirements that

need to be modified to support those changes. Con Edison should also provide its rationale from both a deterministic and probabilistic perspective to justify why these requirements are no longer appropriate (or were never appropriate in the first place) for IP2 and to define the practical effect on safety/risk, if removed. In this regard, Con Edison will need to consider the original bases for imposition of the requirements. Further, the submittal should describe the plans for periodic assessments to ensure the continued validity of the risk analysis (e.g., using historical data regarding the frequency and proximity of toxic gas shipments) since RG 1.174 discusses a performance monitoring program (controlled by licensee).

In light of the need for submittal of an application for amendment, the NRC staff has concluded its review of March 13, 2001, Con Edison request for rescinding the order. The staff considers this action closed. The staff will establish a new task action to begin its evaluation upon receipt of an application.

Sincerely,

/RA/

Patrick D. Milano, Senior Project Manager, Section 1
Project Directorate I
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket No. 50-247

cc: See next page

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