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

October 20, 2008

Vice President, Operations
Entergy Nuclear Operations, Inc.
Indian Point Energy Center
450 Broadway, GSB
P.O. Box 249
Buchanan, NY 10511-0249

SUBJECT: INDIAN POINT NUCLEAR GENERATING UNIT NO. 2 - ISSUANCE OF EXIGENT AMENDMENT RE: SURVEILLANCE INTERVAL FOR DIESEL GENERATOR ENDURANCE TEST (TAC NO. MD9845)

Dear Sir or Madam:

The Commission has issued the enclosed Amendment No. 255 to Facility Operating License No. DPR-26 for the Indian Point Nuclear Generating Unit No. 2. The amendment consists of changes to the Technical Specifications (TSs) in response to your application dated October 13, 2008. The amendment revises the TSs by adding a footnote to Surveillance Requirement (SR) 3.8.1.10, which extends the SR interval for the diesel generator endurance test on a one-time basis by giving credit for a test conducted in March 2008.

A copy of the related Safety Evaluation (SE) is enclosed. The SE describes the exigent circumstances under which the amendment was issued and the final determination of no significant hazards. A Notice of Issuance, addressing the final no significant hazards determination and opportunity for a hearing, will be included in the Commission's next regular biweekly *Federal Register* notice.

Sincerely,

John P. Boska

John P. Boska, Senior Project Manager
Plant Licensing Branch I-1
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket No. 50-247

Enclosures:
1. Amendment No. 255 to DPR-26
2. Safety Evaluation

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WASHINGTON, D.C. 20555-0001

ENTERGY NUCLEAR INDIAN POINT 2, LLC

ENTERGY NUCLEAR OPERATIONS, INC.

DOCKET NO. 50-247

INDIAN POINT NUCLEAR GENERATING UNIT NO. 2

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 255
License No. DPR-26

1. The Nuclear Regulatory Commission (the Commission) has found that:

   A. The application for amendment by Entergy Nuclear Operations, Inc. (the licensee) dated October 13, 2008, complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act) and the Commission's rules and regulations set forth in 10 CFR Chapter I;

   B. The facility will operate in conformity with the application, the provisions of the Act, and the rules and regulations of the Commission;

   C. There is reasonable assurance (i) that the activities authorized by this amendment can be conducted without endangering the health and safety of the public, and (ii) that such activities will be conducted in compliance with the Commission's regulations;

   D. The issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public; and

   E. The issuance of this amendment is in accordance with 10 CFR Part 51 of the Commission's regulations and all applicable requirements have been satisfied.

2. Accordingly, the license is amended by changes to the Technical Specifications as indicated in the attachment to this license amendment, and paragraph 2.C.(2) of Facility Operating License No. DPR-26 is hereby amended to read as follows:

(2) Technical Specifications

The Technical Specifications contained in Appendices A and B, as revised through Amendment No. 255, are hereby incorporated in the license. ENO shall operate the facility in accordance with the Technical Specifications.

3. This license amendment is effective as of the date of its issuance and shall be implemented within 30 days.

FOR THE NUCLEAR REGULATORY COMMISSION

Mark G. Kowal, Chief
Plant Licensing Branch I-1
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Attachment:
Changes to the License and
Technical Specifications

Date of Issuance: October 20, 2008

ATTACHMENT TO LICENSE AMENDMENT NO. 255

FACILITY OPERATING LICENSE NO. DPR-26

DOCKET NO. 50-247

Replace the following page of the License with the attached revised page. The revised page is identified by amendment number and contains marginal lines indicating the areas of change.

Remove Page	Insert Page
3	3

Replace the following page of the Appendix A Technical Specifications with the attached revised page. The revised page is identified by amendment number and contains marginal lines indicating the areas of change.

Remove Page	Insert Page
3.8.1-8	3.8.1-8

instrumentation and radiation monitoring equipment calibration, and as fission detectors in amounts as required;

(4) ENO pursuant to the Act and 10 CFR Parts 30, 40 and 70, to receive, possess, and use in amounts as required any byproduct, source or special nuclear material without restriction to chemical or physical form, for sample analysis or instrument calibration or associated with radioactive apparatus or components; Amdt. 42 10-17-78

(5) ENO pursuant to the Act and 10 CFR Parts 30 and 70, to possess, but not separate, such byproduct and special nuclear materials as may be produced by the operation of the facility. Amdt. 220 09-06-01

C. This amended license shall be deemed to contain and is subject to the conditions specified in the following Commission regulations in 10 CFR Chapter I: Part 20, Section 30.34 of Part 30, Section 40.41 of Part 40, Sections 50.54 and 50.59 of Part 50, and Section 70.32 of Part 70; is subject to all applicable provisions of the Act and to the rules, regulations, and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified or incorporated below:

(1) Maximum Power Level

ENO is authorized to operate the facility at steady state reactor core power levels not in excess of 3216 megawatts thermal. Amdt. 241 10-27-04

(2) Technical Specifications

The Technical Specifications contained in Appendices A and B, as revised through Amendment No. 255, are hereby incorporated in the license. ENO shall operate the facility in accordance with the Technical Specifications.

(3) The following conditions relate to the amendment approving the conversion to Improved Standard Technical Specifications:

1. This amendment authorizes the relocation of certain Technical Specification requirements and detailed information to licensee-controlled documents as described in Table R, "Relocated Technical Specifications from the CTS," and Table LA, "Removed Details and Less Restrictive Administrative Changes to the CTS" attached to the NRC staff's Safety Evaluation enclosed with this amendment. The relocation of requirements and detailed information shall be completed on or before the implementation of this amendment.

SURVEILLANCE REQUIREMENTS (continued)

	SURVEILLANCE	FREQUENCY
SR 3.8.1.10	**- NOTES -** 1. Momentary transients outside the load and power factor ranges do not invalidate this test. 2. This SR shall not normally be performed in MODE 1 or 2. However, this Surveillance may be performed to reestablish OPERABILITY provided an assessment determines the safety of the plant is maintained or enhanced. 3. If performed with DG synchronized with offsite power, it shall be performed at a power factor ≤ 0.85. However, if grid conditions do not permit, the power factor limit is not required to be met. Under this condition the power factor shall be maintained as close to the limit as practicable. Verify each DG operating at a power factor ≤ 0.85 operates for ≥ 8 hours: a. For ≥ 2 hours loaded ≥ 1837 kW and ≤ 1925 kW and b. For the remaining hours of the test loaded ≥ 1575 kW and ≤ 1750 kW.	24 months(1)
SR 3.8.1.11	**- NOTE -** Load sequence timers associated with equipment that has automatic initiation capability disabled are not required to be OPERABLE. Verify each load sequence timer relay functions within the required design interval.	24 months

(1) The surveillance interval is extended, on a one time basis, to 48 months, with a 6 month grace period, following the testing in refueling outage 17 (spring 2006) based on testing performed under administrative controls in accordance with Administrative Letter 98-10 during refueling outage 18 (spring 2008) that satisfy the intent of the surveillance.

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

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION

RELATED TO AMENDMENT NO. 255 TO FACILITY OPERATING LICENSE NO. DPR-26

ENTERGY NUCLEAR OPERATIONS, INC.

INDIAN POINT NUCLEAR GENERATING UNIT NO. 2

DOCKET NO. 50-247

1.0 INTRODUCTION

By letter dated October 13, 2008, Agencywide Documents Access and Management System (ADAMS) Accession No. ML082870002, Entergy Nuclear Operations, Inc. (Entergy or the licensee) submitted a request for changes to the Indian Point Nuclear Generating Unit No. 2 (IP2) Technical Specifications (TSs). The proposed changes would extend the interval for Surveillance Requirement (SR) 3.8.1.10 on a one-time basis, to 48 months, with a 6-month grace period, following the testing in refueling outage (RFO)-17 (spring 2006) based on testing performed under administrative controls in accordance with Nuclear Regulatory Commission (NRC) Administrative Letter (AL) 98-10, "Dispositioning of Technical Specifications That Are Insufficient to Assure Plant Safety," during RFO-18 (spring 2008) that satisfy the intent of the surveillance.

2.0 REGULATORY EVALUATION

The NRC's regulatory requirements related to the content of the TSs are set forth in Title 10 of the *Code of Federal Regulations* (10 CFR), Section 50.36, "Technical specifications." This regulation requires that the TSs include items in five specific categories. These categories include: (1) safety limits, limiting safety system settings and limiting control settings; (2) limiting conditions for operation (LCOs); (3) SRs; (4) design features; and (5) administrative controls. With respect to SRs, 10 CFR 50.36(d)(3) states that: "Surveillance requirements are requirements relating to test, calibration, or inspection to assure that the necessary quality of systems and components is maintained, that facility operation will be within safety limits, and that the limiting conditions for operation will be met."

3.0 TECHNICAL EVALUATION

There are three safety-related diesel generators (DGs) at IP2. Improved technical specification (ITS) SR 3.8.1.10 is a test required for each DG on a 24-month frequency. The 24 months can be extended by 6 months as allowed by SR 3.0.2. This SR is known as an endurance test, because the DG is run for an extended period of time (at least 8 hours). This surveillance requires that each DG be started and loaded for a specified period of time at specified loading conditions, which include kilowatt (kW) output and power factor. Prior to conversion to the present TS, the IP2 custom technical specifications (CTS) contained a requirement for DG

testing (Specification 4.6.A.2) that stated "each diesel shall be manually started, synchronized and loaded up to its continuous (nameplate) and short term ratings." The TS Bases clarified the loading requirements: "Each diesel is rated for operation for 0.5 hours of operation out of any 24 hours at 2300 kW plus 2.0 hours of operation out of any 24 hours at 2100 kW with the remaining 21.5 hours of operation out of any twenty four hours at 1750 kW." The continuous (or nameplate) rating for each DG is 1750 kW. The 2300 kW and 2100 kW ratings are short-term ratings.

During the conversion to ITS for IP2 (Reference 1), the CTS requirement was expanded to specify test acceptance criteria for test duration, load values and power factor. In addition, the loading requirement for this test was modified to specify two test intervals: one at a load range that corresponds to 90% to 100% of the DG continuous rating and the other at a load range that corresponds to 105% to 110% of the DG continuous rating.

During NRC inspection activities described in Reference 2, questions were raised regarding the adequacy of the load ranges specified in ITS SR 3.8.1.10 to demonstrate the capability of the DGs to operate at the peak loading conditions identified in plant safety analyses for the limiting design-basis accident (DBA). As a result, Entergy acknowledged the need to submit a license amendment request to establish new load ranges that would bound the peak accident loads. Entergy submitted a proposed amendment (References 3 and 4) to establish load ranges based on the diesel ratings previously described in the CTS. The proposed changes revised power factors to ≤ 0.88 (applicable to DGs 21 and 23) and ≤ 0.87 (applicable to DG 22) and revised load ranges to the following:

a. For ≥ 15 minutes and ≤ 30 minutes loaded to ≥ 2270 kW and ≤ 2300 kW, and
b. For ≥ 105 minutes and ≤ 2 hours loaded to ≥ 2050 kW and ≤ 2100 kW, and
c. For the remaining hours of the test loaded to ≥ 1700 kW and ≤ 1750 kW.

Entergy tested the DGs to the proposed TS requirements during the most recent RFO (RFO - 18) in the spring of 2008, following the guidance in NRC AL 98-10, which says that imposing administrative controls in response to an improper or inadequate TS is considered an acceptable short-term corrective action.

Following the testing in RFO-18, Entergy discussed the review schedule for the amendment with the NRC to determine if a one time change to TS should be proposed to allow the testing under AL 98-10. The reason for the discussion was that the testing performed in RFO-18 did demonstrate DG operability but did not constitute literal compliance with the current SR 3.8.1.10. Prior testing in RFO-17 (spring of 2006) would be able to satisfy the existing SR 3.8.1.10 only up until October 18, 2008 (24 months plus the 6 months allowed by SR 3.0.2 since the test performed per SR 3.8.1.10 for the earliest tested DG during RFO-17). The licensee did not expect that a one time change to the TS would be required since the amendment was anticipated to be issued prior to October 18, 2008. Additional information regarding this amendment was submitted to the NRC in References 5, 6, and 7. Entergy and the NRC discussed the status of the amendment on October 9, 2008, and determined that more time would be required for the NRC to complete the necessary reviews and that no other mechanism for approving the test was available. Entergy decided an exigent TS request was the most practical means to prevent unnecessary retesting of the DGs to current SR 3.8.1.10 requirements.

Entergy has several reasons for not performing a diesel test at the non-conservative requirements of SR 3.8.1.10 in accordance with the current TS. Testing the DGs to the current non-conservative SR 3.8.1.10 will not adequately demonstrate the DGs are operable and will render the DGs inoperable for a period of 24 hours after testing above the steady state loads, adding significant unnecessary unavailability time for each of the DGs. Additionally, performing SR 3.8.1.10 tests during power operations represents an infrequently performed test or evolution. The testing is normally performed during outage conditions and testing while at power would present an increased level of risk. The testing is performed with the DG paralleled to the bus and removes the independence of the DG from the outside electrical grid. The test also requires the tap changer for the Station Auxiliary Transformer to be placed in manual, thus defeating this normally automatic feature, which can adversely impact the stability of the voltage of the offsite power delivered to the plant electrical buses.

Testing to demonstrate DG operability was recently performed during RFO-18. The DG testing performed during RFO-18 was based on the loading conditions in the current version of the IP2 DG loading study. The methodology consists of an evaluation of emergency safeguards equipment powered from the 480v ac emergency bus under postulated accident scenarios which also involve loss of normal offsite power. The evaluation accounts for the time-dependent electrical power requirements of various safety equipment as the accident scenario progresses. The testing load profiles used were more conservative than those in SR 3.8.1.10. SR 3.8.1.10 currently requires that each DG be tested for at least 8 hours, with the electrical load for the first 2 hours between 1837 kilowatts (kW) and 1925 kW, and between 1575 kW and 1750 kW for the next 6 hours. During the spring 2008 test, Entergy loaded the DGs to between 2270 kW and 2300 kW for at least 15 minutes but less than 30 minutes, then between 2050 kW and 2100 kW for at least 105 minutes but less than 120 minutes, and between 1700 kW and 1750 kW for the remainder of the 8 hours. The NRC staff finds that this test was more conservative than the test required by existing SR 3.8.1.10 in that the loading values bound the peak electrical loads that are expected to occur during a LOCA, with a failure of one DG.

The NRC staff notes that the DGs are also tested on a monthly frequency per SR 3.8.1.2 and SR 3.8.1.3. During this test, the DGs are loaded to between 1575 kW and 1750 kW for at least 60 minutes. Although the electrical loading on the DG is not as high as during the endurance test of SR 3.8.1.10, the test does provide additional verification of the operability of the DGs.

Based on this information, the NRC staff finds that the DG tests performed by Entergy in spring 2008 were sufficient to demonstrate that the DGs are operable. The NRC staff finds that the one-time extension of the surveillance interval as requested in this license amendment is acceptable, as the DG endurance tests conducted in spring 2008 demonstrated the capability of the DGs to supply the accident loads assumed in the Updated Final Safety Analysis Report. On the current schedule, the next endurance test of the DGs would be performed in spring 2010, during RFO-19.

4.0 EXIGENT CIRCUMSTANCES

Background

The Commission's regulations in 10 CFR 50.91 contain provisions for issuance of amendments when the usual 30-day public comment period cannot be met. One of these provisions is exigency. An exigency is a case where the licensee and the NRC staff must act quickly and

there is insufficient time to process the license amendment request within the normal time frame. Pursuant to the provisions in 10 CFR 50.91(a)(6), the licensee requested the proposed amendment on an exigent basis.

Under the provisions in 10 CFR 50.91(a)(6), the Commission notifies the public in one of two ways: (1) by issuing a *Federal Register* notice providing an opportunity for hearing and allowing at least 2 weeks from the date of the notice for prior public comments; or (2) by using local media to provide reasonable notice to the public in the area surrounding the licensee's facility. In this case, the Commission used the second approach and published a public notice in the local newspaper, *The Journal News*, on October 17 and October 18, 2008.

As discussed in the licensee's application dated October 13, 2008, Entergy requested that the proposed amendment be processed by the NRC on an exigent basis in accordance with the provisions in 10 CFR 50.91(a)(6) based on the delay in receiving an amendment of SR 3.8.1.10 from the NRC and the impact of conducting a test of the DGs at power.

NRC Staff Conclusion

Based on the above circumstances, the NRC staff finds that the licensee made a timely application for the proposed amendment following identification of the delay in issuance of the referenced license amendment for SR 3.8.1.10. Based on this finding, the NRC staff has determined that a valid need exists for issuance of the license amendment using the exigent provisions of 10 CFR 50.91(a)(6).

5.0 FINAL NO SIGNIFICANT HAZARDS CONSIDERATION DETERMINATION

The Commission's regulations in 10 CFR 50.92(c) state that the Commission may make a final determination that a proposed license amendment involves no significant hazards considerations if 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.

As required by 10 CFR 50.91(a), an evaluation of the issue of no significant hazards consideration is presented below:

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

No. The proposed change revises the frequency of the existing TS surveillance test of the facility DGs for the current surveillance cycle. The revised frequency recognizes that a surveillance test performed during RFO-18 demonstrated DG operability and removes the requirement to perform the less conservative existing surveillance test while online. Extending the frequency of a surveillance test is not an accident initiator and does not increase the probability of an accident occurring. The extended frequency did not eliminate required testing of the diesel to demonstrate operability but does eliminate the need for testing that does not serve to demonstrate operability. Extending the TS frequency will not create a significant increase in the consequences of an accident previously evaluated. Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident

previously evaluated.

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

No. The proposed change revises the frequency for a TS required surveillance test. The proposed change does not involve installation of new equipment or modification of existing equipment, so no new equipment failure modes are introduced. The proposed revision to the DG surveillance test frequency is not a change to the way that the equipment or facility is operated and no new accident initiators are created. Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

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

No. The conduct of performance tests on safety-related plant equipment is a means of assuring that the equipment is capable of maintaining the margin of safety established in the safety analyses for the facility. The proposed change to the DG TS surveillance test frequency removes the need to perform the surveillance test per the current surveillance cycle because the existing test requirements may not be sufficient to assure DG operability. The change does not reduce the margin of safety because a more conservative test was performed within the normal frequency. Therefore, the proposed change does not involve a significant reduction in a margin of safety.

Based on the above evaluation, the NRC staff concludes that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff has made a final determination that no significant hazards consideration is involved for the proposed amendments and that the amendment should be issued as allowed by the criteria contained in 10 CFR 50.91.

6.0 STATE CONSULTATION

In accordance with the Commission's regulations, the New York State official was notified of the proposed issuance of the amendment. The State official had no comments.

7.0 ENVIRONMENTAL CONSIDERATION

The amendment changes a requirement with respect to installation or use of a facility component located within the restricted area as defined in 10 CFR Part 20 and changes SRs. The NRC staff has determined that the amendment involves no significant increase in the amounts, and no significant change in the types, of any effluents that may be released offsite, and that there is no significant increase in individual or cumulative occupational radiation exposure. The Commission has made a final determination that the amendment involves no significant hazards consideration as discussed above in SE Section 5.0. Accordingly, the amendment meets the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(9). Pursuant to 10 CFR 51.22(b) no environmental impact statement or environmental assessment need be prepared in connection with the issuance of the amendment.

8.0 CONCLUSION

The Commission has concluded, based on the considerations discussed above that (1) there is reasonable assurance that the health and safety of the public will not be endangered by operation in the proposed manner, (2) such activities will be conducted in compliance with the Commission's regulations, and (3) the issuance of the amendment will not be inimical to the common defense and security or to the health and safety of the public.

9.0 REFERENCES

1. NRC letter to Entergy regarding issuance of Amendment 238 for Indian Point Nuclear Generating Unit 2, dated November 21, 2003 (ADAMS ML033160522).

2. NRC Inspection Report 05000247-06-003, dated August 11, 2006 (NCV 2006-003-05) (ADAMS ML062260074).

3. Entergy Letter NL-07-038, "Proposed Changes to Indian Point 2 Technical Specifications Regarding Diesel Generator Endurance Test Surveillance," dated March 22, 2007 (ADAMS ML070890414).

4. Entergy Letter NL-07-128, "Reply to Request for Additional Information Regarding Proposed Technical Specification Changes for the Diesel Generator Endurance Test Surveillance (TAC MD4923)," dated November 13, 2007 (ADAMS ML073250358).

5. Entergy letter NL-08-101, "Proposed Changes to Indian Point 2 Technical Specifications Regarding Diesel Generator Endurance Test Surveillance," dated July 9, 2008 (ADAMS ML081980160).

6. Entergy letter NL-08-139, "Reply to Request for Additional Information Regarding Indian Point Unit 2 Proposed Changes to Technical Specifications Regarding Diesel Generator Endurance Test Surveillance (TAC NO.MD9214)," dated September 29, 2008 (ADAMS ML082760288).

7. Entergy letter NL-08-157, "Supplement to Reply to Request for Additional Information Regarding Indian Point Unit 2 Proposed Changes to Technical Specifications Regarding Diesel Generator Endurance Test Surveillance (TAC No. MD9214)," dated October 8, 2008 (ADAMS ML082890535).

Principal Contributor: J. Boska

Date: October 20, 2008

October 20, 2008

Vice President, Operations
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450 Broadway, GSB
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Buchanan, NY 10511-0249

SUBJECT: INDIAN POINT NUCLEAR GENERATING UNIT NO. 2 - ISSUANCE OF EXIGENT AMENDMENT RE: SURVEILLANCE INTERVAL FOR DIESEL GENERATOR ENDURANCE TEST (TAC NO. MD9845)

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Sincerely,

/RA/

John P. Boska, Senior Project Manager
Plant Licensing Branch I-1
Division of Operating Reactor Licensing
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DATED: October 20, 2008

AMENDMENT NO. 255 TO FACILITY OPERATING LICENSE NO. DPR-26 INDIAN POINT UNIT 2

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