

September 22, 2014

Douglas V. Pickett, Senior Project Manager
Office of Nuclear Reactor Regulation
U.S. Nuclear Regulatory Commission
One White Flint North, 8G9A
11555 Rockville Pike
Rockville, MD 20852-2738

Re: Comments on proposed license amendment regarding an exigent change to
Technical Specification 3.8.6 Station Battery Surveillance

Dear Mr. Pickett:

The State of New York welcomes the opportunity to provide comments on the September 15, 2014 proposed license amendment and its September 18, 2014 revision. The State's comments are enclosed.

Thank you for your consideration of our comments. We look forward to your response.

Sincerely,



Alyse Peterson
Senior Project Manager
State Liaison Officer – Designee

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New York State Comments: September 2014 Indian Point Unit 2 Proposed License Amendment
Regarding an Exigent Change to Technical Specification 3.8.6 Station Battery Surveillance

Introduction

In September 2014, Entergy Nuclear Northeast filed an Indian Point Unit 2 exigent license amendment request with the NRC seeking to temporarily reduce the minimum capacity requirement for one station battery from 85% to 80% capacity. Indian Point requested approval of the amendment by Thursday, September 24, 2014. If approval is not granted, Indian Point Unit 2 would be required to shutdown.

Indian Point Unit 2 has four separate DC Batteries that serve various loads throughout the station. Since batteries degrade over time, Indian Point tests station batteries annually to ensure capacity is greater than the NRC required technical specification of 85%. An NRC resident inspector recently identified that the capacity of one battery may have degraded below 85% since the last test in March 2014. Indian Point performed calculations confirming the NRC Inspector's concerns and instigated this license amendment: the capacity of Station Battery 22 will drop below 85% next Thursday, September 24. Indian Point is requesting a technical specification change that will allow Station Battery 22 to operate at minimum 80% capacity until the battery can be replaced. Per Entergy, a new battery has been ordered. If granted, the license amendment would give Entergy until March 2015 to get the new battery in place.

New York State Comments

Indian Point Unit 2 is currently operating beyond its initial 40-year operating license, having entered its period of extended operation one year ago in September 2013. The technical specifications proposed to be amended are part of the plant's operating license. During this period of extended operation, NRC and Entergy are to avoid emergent issues related to aging components through monitoring and inspection.

Battery degradation arguably constitutes "aging components," and is thus subject to monitoring and response. Since it is to be expected that batteries such as this "wear out" and fall out of compliance with the Technical Specifications, an operator should have adequate plans in place to have a replacement battery available before an existing battery falls below minimum capacity. In this instance, Entergy did not take steps to have a replacement battery available in time, despite current efforts in the pendency of an emergency license amendment request to have a battery ordered, fabricated, transported, and installed.

To make up for this lack of adequate planning, Entergy is requesting to operate an aged plant in a manner that does not comply with the Operating License. To avoid what would otherwise be a violation of the existing Technical Specifications, Entergy has responded by requesting a change in the Operating

License and Technical Specifications, seeking essentially a six-month suspension of those specifications in anticipation of delivery and installation of a new battery.

Station batteries are a critical component for emergency operations, particularly during Station Blackout conditions. In an April 4, 2012 paper on the "Enhancement of NRC Station Blackout Requirements for Nuclear Power Plants," senior NRC electrical engineer Matthew McConnell wrote:

"Unavailability of power can have a significant adverse impact on a plant's ability to achieve and maintain safe-shutdown conditions. In fact, risk analyses performed for nuclear power plants indicate that the loss of all ac power can be a significant contributor to the risk associated with plant operation, contributing more than 70 percent of the overall risk at some plants. "

This risk was realized during the Fukushima Dai-ichi Nuclear Power Plant crisis of 2011. Since the Fukushima meltdowns, the NRC and its licensees have stated that their emphasis on establishing and maintaining high reliability of onsite emergency power sources has increased. While New York State considers this new emphasis praiseworthy, there appears to be a level of discrepancy in the application of this emphasis to battery capacity surveillance requirements as evidenced by the current situation at Indian Point Unit 2.

NRC has commented that this is the first time an NRC Inspector has scrutinized a plant's compliance with station battery technical specifications. Given this first-time inspection resulted in a seemingly identifiable issue that could be estimated by licensee inspection, New York State is now concerned about compliance of all New York State Nuclear Plant station batteries and the current status of station battery capacity at the Indian Point Unit 3, Ginna, FitzPatrick, and Nine Mile Point Unit 1 and 2 nuclear plants. Therefore, New York State requests the NRC to provide up-to-date station battery surveillance schedules for all six operating NYS Nuclear Plants, and New York State also requests the results for each of those surveillance exercises.

New York State also requests the NRC provide up-to-date surveillance requirement records for all New York State nuclear plants. The surveillances provided should be equivalent to Indian Point Unit 2 SR 3.8.6.6. In addition, New York State requests the NRC provide up-to-date battery maintenance schedules for each operating nuclear plant in New York. Lastly, NRC expectations regarding battery capacity surveillance requirements should be clearly communicated to all New York State licensees and NRC resident inspectors. A copy of this communication should be sent to the New York State Liaison Officer.