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DOCKET NO(S). 50-247

Mr. John D. O'Toole

Vice President

Nuclear Engineering & Quality Assurance

Consolidated Edison Company of New York, Inc.

4 Irving Place

New York, New York 10003

SUBJECT:

INDIAN POINT NUCLEAR GENERATING UNIT NO. 2

(Consolidated Edison Company of New York, Inc.)

The following documents concerning our review of the subject facility are transmitted for your information.

- ☐ Notice of Receipt of Application.
- ☐ Draft/Final Environmental Statement, dated _____.
- ☐ Notice of Availability of Draft/Final Environmental Statement, dated _____.
- ☐ Safety Evaluation Report, or Supplement No. _____, dated _____.
- ☐ Notice of Hearing on Application for Construction Permit.
- ☐ Notice of Consideration of Issuance of Facility Operating License.
- ☐ Application and Safety Analysis Report, Volume _____.
- ☐ Amendment No. _____ to Application/SAR dated _____.
- ☐ Construction Permit No. CPPR- _____, Amendment No. _____, dated _____.
- ☐ Facility Operating License No. _____, Amendment No. _____, dated _____.
- ☐ Order Extending Construction Completion Date, dated _____.
- ☒ Other (Specify) Notice of Consideration for licensee's application for amendment
5/3/83. Re: Reactor Cavity Level Technical Specification Change.

Division of Licensing, ORB#1
Office of Nuclear Reactor Regulation

Enclosures:

As stated

CC:

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DATE	7/20/83					

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UNITED STATES NUCLEAR REGULATORY COMMISSION

CONSOLIDATED EDISON COMPANY OF NEW YORK

DOCKET NO. 50-247

NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENT TO
FACILITY OPERATING LICENSE 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-26, issued to Consolidated Edison Company of New York (the licensee), for operation of Indian Point Nuclear Generating Unit No. 2, located in Buchanan, Westchester County, New York.

The amendment would change the Technical Specifications to revise the limiting conditions for operation for the reactor cavity level monitoring instrumentation. Specifically, the amendment would permit power operation with any two of the three presently installed reactor cavity level monitoring devices operable. Currently, the Technical Specifications require that the reactor cavity continuous level monitor and one of the two installed independent level alarms be operable prior to bringing the reactor above cold shutdown. Operation of the plant with the continuous level monitor or level alarm inoperable for more than 30 days requires that either a visual inspection of containment be performed once per shift, or the reactor be placed in the hot shutdown condition.

These requirements in the Technical Specification were committed to by the licensee in response to the recent flooding incident at the facility in which water overflowing the containment sump ran down and overfilled the reactor cavity sump.

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The licensee's reasoning for the Technical Specification change is that with the continuous level monitor inoperable two independent, redundant level indicators are still available. Therefore, neither the radiation exposure that would be incurred by the plant operators to make visual inspections of the containment, nor the required plant shutdown are warranted. The level indication in the two other sumps within containment (the containment sump and recirculation sump) have requirements on their level indicator similar to that being proposed for the reactor cavity.

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. 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 Commission has provided guidance concerning the application of these standards by providing certain examples (48 FR 14870). The examples of actions involving no significant hazards include actions which involve a change that may result in some increase to the probability or consequences of a previously-analyzed accident or may reduce in some way a safety margin, but where the results of the change are clearly within all acceptable criteria with respect to the system or component specified in the Standard

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Review Plan. The present leakage monitoring systems are significantly more conservative than that required in the Standard Review Plan. The proposed Technical Specification change would reduce leakage monitoring requirements. However, this reduction would result in a required leak detection system which is still more conservative than that required in the Standard Review Plan. Therefore, the staff proposes to determine that the application does not involve a 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. The Commission will not normally make a final determination unless it receives a request for a hearing.

Comments should be addressed to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attn: Docketing and Service Branch.

By August 29, 1983, 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

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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 a 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.

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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 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 a significant hazards consideration, 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 consideration. 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 expect that the need to take this action will occur very infrequently.

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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, D.C. 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., 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 (800) 325-6000 (in Missouri (800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Steven A. Varga, Chief, Operating Reactors Branch No. 1, Division of Licensing; 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 Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Thomas J. Farrelly, Esquire, 4 Irving Place, New York, New York 10003, 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).

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For further details with respect to this action, see the application for amendment which is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the White Plains Public Library, 100 Martine Avenue, White Plains, New York 10610.

Dated at Bethesda, Maryland, this day of

FOR THE NUCLEAR REGULATORY COMMISSION

Steven A. Varga, Chief
Operating Reactors Branch #1
Division of Licensing

cp 7/22/83

*Subject to
changes see note*

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DATE	7/20/83	7/20/83	7/21/83	7/20/83			