

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-286]

Power Authority of the State of New York; 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. DRP-64 issued to the Power Authority of the State of New York (the licensee) for operation of the Indian Point Nuclear Generating Unit No. 3 (IP3) located in Westchester County, New York.

The proposed amendment would extend the allowed outage time (AOT) for the 32 Emergency Diesel Generator (EDG) and its Fuel Oil Storage Tank (FOST) from 72 hours to 7 days on a one-time basis.

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. 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?

No. The proposed License amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated. The EDGs and their associated fuel oil systems are not part of any accident initiation; therefore, there is no increase in the probability of an accident. At a minimum, two EDGs are still available with sufficient fuel oil supply to mitigate IP3 design basis accidents. The minimum safeguards equipment can still be powered even if the 32 EDG is assumed to be lost due to single failure. This has been verified by EDG loading calculation, IP3-CALC-ED-

00207, "480V Bus 2A, 3A, 5A & 6A and EDGs 31,32 and 33 Accident Loading." With the 32 EDG available and aligned for automatic start capability (although declared inoperable) during this 32-FOST outage, further backup to the 31 and 33 EDGs is provided. By the design of the overall EDG fuel oil system, the 32 EDG fuel oil day tank is able to be supplied with sufficient fuel oil supply from either the 31 or 33 FOSTs in order to support operation of the 32 EDG, if necessary.

To support fuel oil needs of all three EDGs, if necessary, the FSAR [final safety analysis report] describes that additional fuel oil supplies are available on the Indian Point site and locally near the site. Further EDG fuel oil supplies are maintained in the New Rochelle-Mount Vernon, NY area, about 40 miles from IP3. Overall, the EDGs are designed as backup AC power sources in the event of a Loss of Offsite Power (LOOP). The proposed AOT does not change the conditions or minimum amount of safeguards equipment assumed in the safety analysis for design basis accident mitigation, since a minimum of 2 EDGs is assumed. No changes are proposed as to how the EDGs provide plant protection. Additionally, no new modes of overall plant operation are proposed as a result of this change. A PRA [probabilistic risk assessment] evaluation determined that the conditional core damage probability (CCDP) for this scenario will be less than the threshold value of $1 \text{ E-}6$. Therefore, the proposed one-time license amendment to TS [Technical Specification] 3.7.B.1 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?

No. The proposed TS change does not create the possibility of a new or different kind of accident from any accident previously evaluated. The proposed change does not introduce any new overall modes of plant operation or make any permanent physical changes to plant systems necessary for effective accident mitigation. The minimum required EDG operation remains unchanged by removal of this single FOST [Fuel Oil Storage Tank] for repair. Additionally, added requirements to minimize risk associated with loss of offsite power also support this one-time extended AOT. Also, as previously stated, the EDGs and FOSTs are not part of any accident initiation. Therefore, the proposed one-time license amendment to TS 3.7.B.1 does not create the possibility of a new or different kind of accident from any previously evaluated.

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

No. The proposed License amendment does not involve a significant reduction in a margin of safety. The minimum safeguards loads can be maintained available if needed for design basis accident mitigation with 2 EDGs operable combined with their respective FOSTs. The 32 EDG will be available and aligned for automatic start capability (though declared inoperable)

during this outage. The additional fuel oil needed to support 3 EDGs in this condition is available as indicated in the present design and licensing basis. The FSAR describes that this fuel can be provided from the Indian Point site, local sources and from a source about 40 miles away to support the additional 30,026 gallons TS required fuel oil already existing at the Buchanan substation. Therefore, sufficient fuel oil will be available for potential events that could occur during this 7-day AOT. The PRA evaluation for the case of maintaining the 32 EDG available (though declared inoperable) with its FOST out for repair indicates an acceptable safety margin below the risk-informed threshold of $1 \text{ E-}6$.

The 480VAC electrical distribution system can be fed from a number of TS independent 13.8kV and 138kV offsite power sources to minimize reliance of IP3 on EDG power sources during the extended AOT requested. Additional requirements to minimize risk associated with the potential for loss of offsite power sources within this TS change also ensure that this extended AOT does not involve a significant reduction in safety margin. On this basis, the proposed one-time license amendment to TS 3.7.B.1 does not involve a significant reduction in the margin of safety.

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(c) 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 Chief, Rules and

Directives Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to Room 6D59, 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 maybe 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 August 5, 1999, 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 20555-0001, Attention: Rulemakings and Adjudications Staff, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and to Mr. David E. Blabey, 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 June 4, 1999, 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 29th day of June 1999.

For the Nuclear Regulatory Commission.

George F. Wunder,

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

[FR Doc. 99-17017 Filed 7-2-99; 8:45 am]

BILLING CODE 7590-01-P