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DOCKET NUMBER
PROPOSED RULE **PR 50**
(64FR 53270)

December 20, 1999

JPN-99-044

IPN-99-130

Secretary
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
Attention: Rulemakings and Adjudications Staff
Mail Stop O-16C1.

Subject: James A. FitzPatrick Nuclear Power Plant
Docket No. 50-333
Indian Point 3 Nuclear Power Plant
Docket No. 50-286
Comments on Proposed Rulemaking
Emergency Core Cooling System Evaluation Models

Reference: Federal Register, Vol. 64, No. 190, Friday October 1, 1999, pgs.
53270-53275, proposed rule regarding emergency core cooling
system evaluation modes.

Dear Sir:

The New York Power Authority supports the changes recently proposed by the NRC to 10 CFR 50.46. If approved, these changes will permit licensees to reduce the assumed power level used in evaluations of emergency core cooling system (ECCS) performance. These changes will reduce the regulatory burden associated with Appendix K compliance by eliminating an unnecessary conservatism in ECCS analyses. Reduced uncertainties in reactor power measurements facilitate these changes without compromising plant safety. Advances in accident and transient analyses provide additional confidence that small power uprates can be realized safely. In general, the Authority agrees with the conclusions stated in the Federal Register (FR) notice (Reference).

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Other Potential Benefits

In addition to permitting licensees to pursue small power uprates without undue regulatory burden, the Authority sees other potential benefits not enumerated in the FR notice. There may be other ways in which a licensee could take benefit from this rule change without increasing the maximum allowable reactor power limit. For example, new containment analyses performed at power levels less than 102 percent may predict reduced peak containment pressures or temperatures. In turn, this may obviate the need for plant modifications, expensive analyses, or permit extended maintenance and EQ equipment replacement schedules. Plants might be able to benefit from this rule change by relaxing or eliminating existing operating restrictions -- such as restrictions on maximum ultimate heat sink (UHS) temperatures. UHS temperatures approaching analyzed limits have been a problem at some U.S. plants during hot summer months.

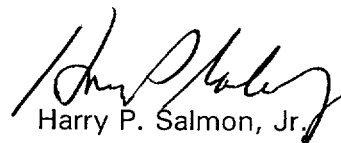
Conforming Technical Specifications

The need for NRC review and approval of conforming technical specifications is discussed towards the end of the FR notice. The FR discussion outlines a hypothetical case where a new limiting condition for operation (LCO) for feedwater flow instrumentation was suggested. Several aspects of this scenario warrant further examination before it can be accepted as valid. An LCO like this, or any other new LCO, must meet the criteria detailed in 10 CFR 50.36.

Potential new technical specifications need not be addressed in the statement accompanying the final rule. If the final rule does address the TS changes, the statement accompanying the final rule should clarify that excluding other regulatory requirements, a license amendment, or technical specification change may not be a prerequisite in all cases.

There are no commitments made by the Authority in this letter. If you have any questions, please contact Ms. C. Faison.

Very truly yours,



Harry P. Salmon, Jr.
Vice President Engineering

cc: See next page

cc: Regional Administrator
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