

July 5, 1985

Docket No. 50-286

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Mr. John C. Brons  
Senior Vice President - Nuclear Generation  
Power Authority of the State of New York  
123 Main Street  
White Plains, New York 10601

Dear Mr. Brons:

The Commission has issued the enclosed Rescission of Order for the Indian Point Nuclear Generating Unit No. 3. This rescission is based on the Commission's Decision CLI-85-06 dated May 7, 1985, and rescinds the requirements of the February 11, 1980, Order as set forth:

Sincerely,

/s/SAVarga

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

Enclosure:  
As stated

cc w/enclosure:  
See next page

ORB#1:DL *cp*  
CParrish  
6/18/85

ORB#1:DL  
JDNeighbors;ps  
6/18/85

BC-ORB#1:DL  
*Svarga*  
6/18/85

OELD  
6/ /85

*See letter phone  
concernance on  
6/26/85 - same as IP2  
Jan*

Mr. John C. Brons  
Power Authority of the State  
of New York

Indian Point 3 Nuclear  
Generating

cc:  
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Buchanan, New York 10511

Power Authority of the State  
of New York

- 2 -

Indian Point 3

cc  
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Albany, New York 12223

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

In the Matter of )  
POWER AUTHORITY OF THE STATE ) Docket No. 50-286  
OF NEW YORK )  
(Indian Point Nuclear Generating )  
Unit No. 3) )

RESCISSION OF ORDER

I.

In September of 1979, the Union of Concerned Scientists (UCS) filed a petition with the Commission pursuant to 10 C.F.R. § 2.206 requesting, among other things, that Indian Point Units 2 and 3 be shut down. The Director of the Office of Nuclear Reactor Regulation denied that part of the petition relating to the requested shutdown of the two Indian Point units.

Consolidated Edison Company of New York, Inc. (Indian Point, Units 1 and 2), Power Authority of the State of New York (Indian Point, Unit 3), DD-80-5, 11 NRC 351 (1980). However, the Director imposed by Order certain interim requirements upon the Indian Point Units while an NRC Task Force determined what design changes should be made to further reduce the probability and/or consequences of a severe reactor accident. Id. at 370.

The Commission decided, in its discretion, to commence a special investigatory proceeding concerning the Indian Point plants in which one of the issues to be addressed was the risk reduction afforded by the requirements

imposed by the Director in 1980. Consolidated Edison Company of New York, Inc. (Indian Point, Unit No. 2), Power Authority of the State of New York (Indian Point, Unit No. 3) CLI-81-1, 13 NRC 1 (1981). After hearing testimony on this issue the Licensing Board designated to preside over the proceeding concluded that the Director's Order resulted in some small positive benefit which was not amenable to quantification. Consolidated Edison Company of New York, Inc. (Indian Point, Unit No. 2), Power Authority of the State of New York (Indian Point, Unit No. 3), LBP-83-68, 18 NRC 811, 816 (1983).

The Commission, after reviewing the Licensing Board's recommendations, concluded that because the risk reduction effect of these measures is not sufficient to be termed substantial, the Director's measures should be rescinded unless they are required to fulfill generic requirements applicable to similar types of reactors, or are required to meet other license requirements for the Indian Point units. Consolidated Edison Company of New York (Indian Point, Unit No. 2), Power Authority of the State of New York (Indian Point, Unit No. 3) CLI-85-06 --NRC-- (1985) slip op at 26. This document implements the Commission's directive that these Orders be rescinded.

## II.

Some of the requirements in Appendix A of the February 11, 1980 Order can be rescinded in full. Other items have been completed and the action is irreversible. In the case of the completed items, no further action is required. Items in these categories are:

<u>Rescind</u>	<u>Complete</u>
A.1	A.6
A.2	A.7
A.3	B.2
B.1	C.1
B.6	C.2
C.6	C.3
D.1.b	C.4
D.2	C.5
D.3	E.1.a
E.1.c	E.1.b
E.1.d	E.1.f
E.1.e	E.1.g
F.4	E.1.h
	E.1.i
	E.2
	F.1
	F.3
	F.5

Eight of the Order requirements are generic issues. In some cases, the specific Order requirement is rescinded when compliance with the generic issue is confirmed. These eight items and resolutions are:

1. Item A.4: The requirements for shift manning are set forth in 10 CFR 50.54. Therefore, the Order is rescinded for this item.

2. Item A.5: LPI/RHR check valve operability. Valve operability and leakage requirements are set forth in the NRC generic letter dated February 23, 1980. These requirements were imposed on most licensees other than the Indian Point licensees by Orders issued during April, 1981. The requirements of the generic letter set forth the staff's final position on this generic matter. Accordingly, the licensee shall follow the Order Item A.5 until Technical Specifications implementing the generic letter have been submitted to and approved by the NRC. Upon such approval the Order is rescinded with respect to this item.
3. Item B.3: Requirements for notification for emergency action levels are set forth in 10 CFR 50.72. Therefore, the Order is rescinded with respect to this item.
4. Item B.4: Requirements for containment purge and vent operations in accordance with the staff's generic position on this matter are set forth in the NRC Safety Evaluation Report dated December 17, 1984. Consistent with the actions taken generically with respect to other licensees, the SER calls for the submission of additional Technical Specifications. The licensee shall follow Order Item B.4 until Technical Specifications implementing the SER requirements have been submitted to and approved by the NRC. Upon such approval the Order is rescinded with respect to this item.
5. Item B.5: Personnel training for the following items shall be in conformance with the requirements in NUREG-0737. The requirements for these items are contained in an Order dated July 10, 1981. Similar Orders were issued generically to other licensees.

Containment and Degraded Core Sampling

Degraded Core - Training

Emergency Power for Pressurizer Heaters and Decay Heat Removal

Containment Isolation

Containment Purge/Purge Valve Operation

Subcooling Meter Operation

In-plant Area Radioiodine Monitors

Training requirements for the following four items shall conform to the training requirements of 10 CFR 50 Appendix E.

Technical Support Center

Onsite Operational Support Center

Near-Site Emergency Operations Center

Emergency Preparedness Plan

There are no generic requirements with respect to Surveillance Testing of non-ESF Filtration System Training.

For these reasons the Order is rescinded with respect to the above items.

6. Item B.7: Reactor operator qualifications shall conform to the requirements in NUREG-0737. This item is contained in an Order dated July 10, 1981. Similar Orders were issued generically to other licensees. Accordingly, this item is rescinded.
7. & 8. Item D.1.a: Emergency Preparedness manning levels and Item F.2: Meteorological acceptance criteria shall be in conformance with NUREG-0737, Supplement 1. Items D.1.a and F.2 are contained in an Order dated February 21, 1984. Similar Orders were issued generically to other licensees. Accordingly, these items are rescinded.

III.

Accordingly, pursuant to the Commissioners Decision CLI-85-06 the requirements of the February 11, 1980 Order are rescinded in accordance with the terms set forth herein.

This rescission is effective upon issuance.

Original signed by  
Darrell G. Eisenhut  
Darrell G. Eisenhut, Deputy Director  
Office of Nuclear Reactor Regulation

Dated in Bethesda, Maryland,  
this 5th day of July, 1985.

\*See previous white for concurrence

ORB#1:DL*	ORB#1:DL*	BC-ORB#1:DL*	OELD*	AD:OR:DL*	D:DL*
CParrish	JDNeighbors;ps	SVarga		GLainas	HThompson
6/18/85	6/26/85	6/24/85	6/26/85	6/26/85	6/27/85
AD/TECH*	D:NRB DEisenhut	D:NRB HDenton			
FRowsome	7/5/85	fw 7/5/85			
6/24/85					

III.

Accordingly, pursuant to the Commissioners Decision CLI-85-06 the requirements of the February 11, 1980 Order are rescinded in accordance with the terms set forth herein.

This rescission is effective upon issuance.

Harold R. Denton, Director  
Office of Nuclear Reactor Regulation

Dated in Bethesda, Maryland,  
this                    day of

*Joe Scinto please  
concur on  
6/26/85 - same as IP-2*

\*See previous white for concurrence

ORB#1:DL*	ORB#1:DL	BC-ORB#1:DL*
CParrish	JDN 6/26/85	SVarga 6/24/85

OELD AD:DL	GLainas
6/ /85	6/26/85

D:DL	HThompson
6/27/85	

AD/TECH*	D:NRR	D:NRR
FRowsome	DEisenhut	HDenton
6/24/85	6/ /85	6/ /85

Order dated February 21, 1984. Similar Orders were issued generically to other licensees. Accordingly, these items are rescinded.

III.

Accordingly, pursuant to the Commissioners Decision CLI-85-06 the requirements of the February 11, 1980 Order are rescinded except as noted in Section II.

This rescission is effective upon issuance.

Harold R. Denton, Director  
Office of Nuclear Reactor Regulation

Dated in Bethesda, Maryland,  
this                    day of

*OK as changed*

\*See previous white for concurrence

ORB#1:DL\*  
CParrish  
6/18/85

ORB#1:DL  
JDNeibors;RS SVarga  
6/21/85

BC-ORB#1:DL  
6/18/85

OELD AD:OR:DL  
GLainas  
6/ /85 6/ /85

D:DL  
HThompson  
6/ /85

AD/TECH  
FRowsome  
6/21/85

D:NRR  
DEisenhut  
6/ /85

D:NRR  
HDenton  
6/ /85

*Make some changes for IPR2*

Onsite Operational Support Center  
Near-Site Emergency Operations Center  
Emergency Preparedness Plan

In-plant Area Airborne Radioidine Monitors Training shall be in conformance with NUREG-0737, Item III.D.3.3. This item was found acceptable by NRC letter dated February 19, 1982.

The above Order items as well as Surveillance Testing of non-ESF Filtration System Training is rescinded.

6. Item B.7: Reactor operator qualifications shall conform to the requirements in NUREG-0737. This item was found acceptable by letter dated December 28, 1982 and are rescinded.

7. & 8. Item D.1.a: Emergency Preparedness manning levels and Item F.2: Meteorological acceptance criteria shall be in conformance with NUREG-0737, Supplement 1. Items D.1.a and F.2 are contained in Orders dated February 21, 1984. These items are rescinded.

III.

Accordingly, pursuant to the Commissioners Decision CLI-85-06 the requirements of the February 11, 1980 Order as rescinded except as noted in Section III.

This rescission is effective upon issuance.

Harold R. Denton, Director  
Office of Nuclear Reactor Regulation

Dated in Bethesda, Maryland,  
this            day of

ORB#1:DL  
CParrish  
6/18/85  
D:NRR  
HDenton  
6/ /85

ORB#1:DL  
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6/ /85

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6/ /85

OELD AD:OR:DL  
GLainas  
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D:DL  
HThompson  
6/ /85