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APR 5 1976

Docket No. 50-286

Mr. William J. Cahill, Jr.
Vice President
Consolidated Edison Company
of New York, Inc.
4 Irving Place
New York, New York 10003

Mr. George T. Berry
General Manager and Chief Engineer
Power Authority of the State
of New York
10 Columbus Circle
New York, New York 10019

Gentlemen:

The Nuclear Regulatory Commission has issued Amendment No. 2 to Facility Operating License No. DPR-64 to you for the Indian Point Nuclear Generating Unit No. 3. The amended license has been issued pursuant to a Memorandum and Order by the Atomic Safety and Licensing Board and a Memorandum and Order by the Commission, copies of which have been sent to you.

Both the Memorandum and Order by the Atomic Safety and Licensing Board and the Memorandum and Order by the Commission authorize the issuance of a full-term, full-power license. However, the Advisory Committee on Reactor Safeguards has recommended that operation of the facility be restricted to 2760 megawatts thermal pending further review by the Committee on several matters, as stated in the Committee's report to the Commission, dated November 14, 1973 (copy sent to you previously). Although the staff's conclusions presented in its Safety Evaluation Report (including Supplements 1, 2 and 3) would permit operation at power levels greater than 2760 megawatts thermal, initial operation will be limited to 2760 megawatts thermal in accordance with the Committee's recommendations. Accordingly, this amended license authorizes operation of the Indian Point Nuclear Generating Unit 3 at steady state reactor core power levels not in excess of 2760 megawatts thermal (91% of rated power). It also authorizes completion of power startup testing at reactor core power levels up to and including 3025 megawatts thermal (100% of rated power).

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The Office of Nuclear Reactor Regulation has issued Supplement No. 3 to the Safety Evaluation Report for Indian Point Unit 3. Copies of Supplement No. 3 and the Federal Register Notice, which has been forwarded to the Office of the Federal Register for publication, are enclosed for your information.

Sincerely,

Original signed by
D. B. Vassallo

D. B. Vassallo, Chief
Light Water Reactors Branch No. 5
Division of Reactor Licensing

Enclosures:

1. Amendment No. 2 to Facility Operating License No. DPR-64
2. Safety Evaluation Report, Supplement No. 3
3. Federal Register Notice

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Mr. William J. Cahill, Jr.
Mr. George T. Berry

- 3 -

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Honorable Louis J. Lefkowitz
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Two World Trade Center - Room 4776
New York, New York 10047

CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.

POWER AUTHORITY OF THE STATE OF NEW YORK

DOCKET NO. 50-286

INDIAN POINT NUCLEAR GENERATING UNIT NO. 3

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 2
License No. DPR-64

1. The Nuclear Regulatory Commission (the Commission) having found that:
- A. The application for license filed by Consolidated Edison Company of New York, Inc. and the Power Authority of the State of New York (the licensees) complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations set forth in 10 CFR Chapter I;
 - B. Construction of the Indian Point Nuclear Generating Unit No. 3 (facility) has been substantially completed in conformity with Construction Permit no. CPPR-62 and the application, as amended, the provisions of the Act and the rules and regulations of the Commission;
 - C. The facility will operate in conformity with the application, the provisions of the Act, and the rules and regulations of the Commission;
 - D. There is reasonable assurance: (i) that the activities authorized by this amended operating license can be conducted without endangering the health and safety of the public, and (ii) that such activities will be conducted in compliance with the rules and regulations of the Commission;
 - E. Consolidated Edison Company of New York, Inc. is technically qualified and Consolidated Edison Company of New York, Inc. and the Power Authority of the State of New York are financially qualified to engage in the activities authorized by this amended operating license in accordance with the rules and regulations of the Commission;
 - F. The licensees have satisfied the applicable provisions of 10 CFR Part 140, "Financial Protection Requirements and Indemnity Agreements", of the Commission's regulations;

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OFFICE	G.	The issuance of this amended operating license will not be inimical to				
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- H. After weighing the environmental, economic, technical, and other benefits of the facility against environmental and other costs and considering available alternatives, the issuance of Amendment No. 2 to Facility Operating License No. DPR-64, subject to the conditions for protection of the environment set forth herein, is in accordance with 10 CFR Part 51 (formerly 10 CFR Part 50, Appendix D) of the Commission's regulations and all applicable requirements have been satisfied;
 - I. The receipt, possession, and use of source, byproduct, and special nuclear material as authorized by this amended license will be in accordance with the Commission's regulations in 10 CFR Parts 30, 40, and 70, including 10 CFR Sections 30.33, 40.32, 70.23, and 70.31; and
 - J. An environmental statement or negative declaration need not be prepared in connection with the issuance of this amended license.
2. Facility Operating License No. DPR-64, issued to Consolidated Edison Company of New York, Inc. and the Power Authority of the State of New York is hereby amended in its entirety to read as follows:

A. This amended license applies to the Indian Point Nuclear Generating Unit No. 3, a pressurized water nuclear reactor and associated equipment (the facility), owned by the Power Authority of the State of New York. The facility will be operated and maintained by Consolidated Edison Company of New York, Inc. under contract with the Power Authority of the State of New York. The facility is located in Westchester County, New York, on the east bank of the Hudson River in the Village of Buchanan, and is described in the "Final Facility Description and Safety Analysis Report" as supplemented and amended (Supplements 1 through 32) and the Environmental Report as amended (Supplements 1 through 12).

B. Subject to the conditions and requirements incorporated herein, the Commission licenses:

(1) Consolidated Edison Company of New York, Inc. (the Operator):

- (a) Pursuant to Section 104b of the Act and 10 CFR Part 50, "Licensing of Production and Utilization Facilities", to possess, use, and operate the facility at the designated location in Westchester County, New York in accordance with the procedures and limitations set forth in this amended license;
- (b) Pursuant to the Act and 10 CFR Part 70, to receive, possess, and use at any time special nuclear material as reactor fuel, in accordance with the limitations for storage and amounts

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required for reactor operation, as described in the Final Facility Description and Safety Analysis Report, as supplemented and amended;

- (c) Pursuant to the Act and 10 CFR Parts 30, 40 and 70, to receive, possess and use at any time any byproduct, source and special nuclear material as sealed neutron sources for reactor startup, sealed sources for reactor instrumentation and radiation monitoring equipment calibration, and as fission detectors in amounts as required;
- (d) Pursuant to the Act and 10 CFR Parts 30, 40 and 70, to receive, possess and use in amounts as required any byproduct, source, or special nuclear material without restriction to chemical or physical form, for sample analysis or instrument calibration or associated with radioactive apparatus or components;
- (e) Pursuant to the Act and 10 CFR Parts 30 and 70, to possess, but not separate, such byproduct and special nuclear materials as may be produced by the operation of the facility.

(2) The Power Authority of the State of New York:

Pursuant to Section 104b of the Act and 10 CFR Part 50, "Licensing of Production and Utilization Facilities", to own the facility at the designated location in Westchester County, New York in accordance with the procedures and limitations set forth in this amended license.

C. This amended license shall be deemed to contain and is subject to the conditions specified in the following Commission regulations in 10 CFR Chapter I: Part 20, Section 30.34 of Part 30, Section 40.41 of Part 40, Sections 50.54 and 50.59 of Part 50, and Section 70.32 of Part 70; and is subject to all applicable provisions of the Act and to the rules, regulations, and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified or incorporated below:

(1) Maximum Power Level

The Operator is authorized to operate the facility at steady state reactor core power levels not in excess of 2760 megawatts thermal (91% of full power operation) except that, as required for completion of the startup testing program described in the Indian Point Unit No. 3 Final Facility Description and Safety Analysis Report, operation at reactor core power levels not in excess of 3025 megawatts thermal (100% of rated power) is authorized.

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(2) Technical Specifications

The Technical Specifications, Appendix A have been revised in their entirety. The revised Technical Specifications are attached hereto and are hereby incorporated in this amended license. The Technical Specifications, Appendix B issued on December 12, 1975, are hereby incorporated in this amended license. The Operator shall operate the facility in accordance with the Technical Specifications.

(3) Less Than Four Loop Operation

The Operator shall not operate the reactor at power levels above P-7 (as defined in Section 7.2 of the Final Facility Description and Safety Analysis Report) with less than four (4) reactor coolant loops in operation until safety analyses for less than four loop operation have been submitted by the licensees and approval for less than four loop operation at power levels above P-7 has been granted by the Commission by Amendment of this license.

(4) Geological and Seismological Investigations

The licensees shall conduct a program of geological and seismological investigations to provide additional information relevant to the following objectives:

(a) Geological mapping in sufficient scope and detail to accomplish the following:

- (i) Definition of the main trace of the Ramapo Fault and associated faults of the Ramapo Fault System.
- (ii) Structural and tectonic relationship of the Ramapo Fault System with faults at the Indian Point site.
- (iii) Identification of crosscutting features and faults which might be used to determine age of most recent movement on faults of the Ramapo System.
- (iv) Age dates of the fault along these sectors near the epicenters of the 1951 Rockland County, New York, earthquake and the 1976 Pompton Lakes, New Jersey, earthquake.

(b) Determination of the age of most recent movement on the Ramapo Fault and the Ramapo Fault System by appropriate age dating techniques and relationship to crosscutting features.

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(c) Determination of the relationship of current and historic earthquake activity to the Ramapo Fault and Ramapo Fault System. The existing earthquake monitoring network is to be extended southward to include the Pompton Lakes, New Jersey, epicenter area and northward to include the Fahnstock region. The density of the network should be sufficient to obtain precise locations and focal mechanism solutions. Velocity studies needed to obtain reliable earthquake locations and mechanism solutions should be conducted. This network is to be operated at least two full years following complete installation of all stations. These studies should be supplemented by stress measurements to define the current tectonic environment of the area.

(d) Additional geochronological age dates of most recent movements shall be obtained on those faults observed in the immediate vicinity of the plant including each of the different fault sets. Fluid inclusion dates are to be confirmed by dating other mineral assemblages and/or by using other dating techniques.

The licensees shall provide a detailed work plan for completion of the above studies within sixty days from the date of issuance of this license amendment. The investigations under Conditions (a), (b) and (d) shall be completed and a final report of the findings submitted to the Commission for review by April 1, 1977. The investigations under Condition (c) shall be completed within two years following the onset of operation of the complete seismic monitoring network, but in no case shall completion of the investigations under Condition (c) extend beyond three years from the date of issuance of this license amendment.

D. The Operator shall maintain in effect and fully implement all provisions of the Commission-approved physical security plan, including amendments and changes made pursuant to the authority of 10 CFR 50.54(p). The approved security plan consists of proprietary documents, collectively titled, "Physical Security Plan for Indian Point Station", as follows:

- Original, submitted with letter dated May 1, 1974
- Letter dated June 27, 1974
- Revision, submitted with letter dated September 13, 1974
- Revision, submitted with letter dated October 25, 1974
- Revision, submitted with letter dated February 10, 1976

E. This amended license is subject to the following additional conditions for the protection of the environment:

(1) The conditions of this paragraph are pursuant to a stipulation dated January 13, 1975 entered into by the Hudson River Fisherman's Association, Save Our Stripers, the Atomic Energy Council of the State of New York, the Attorney General of the State of New York, Consolidated Edison Company of New York, Inc. and the Nuclear Regulatory Commission:

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Operation of Indian Point Unit No. 3 (the Plant) with the once-through cooling system will be permitted during an interim period, the termination date for which will be September 15, 1980 (the September 15 date). Thereafter, except as hereinafter provided or as ordered by the Nuclear Regulatory Commission, the Plant shall be operated with an approved closed-cycle cooling system. Such interim operation is subject to the following conditions, none of which shall be interpreted to limit or to affect in any way such other conditions as are imposed by the Nuclear Regulatory Commission or any other governmental body (including, but not limited to, the State of New York) in accord with applicable law:

- (a) Interim operation shall only be permitted to the extent that the requirements of this amended license (including such technical specifications as may be imposed by the Office of Nuclear Reactor Regulation) to protect the aquatic biota of the Hudson River from any significant adverse impacts are satisfied; any necessary mitigating measures shall be promptly taken; such measures to include any authorized remedy deemed to be appropriate by the Nuclear Regulatory Commission, including an acceleration of the September 15 date to an earlier date which is deemed reasonable and warranted by the circumstances.
- (b) The September 15 date is subject to acceleration or extension depending upon whether the licensees, acting with due diligence, obtain all governmental approvals required to proceed with the construction of the closed cycle cooling system by the end of the twelfth month following submission of the evaluation required by subparagraph (g) (the twelve-month deadline). In the event all such government approvals are obtained a month or more prior to the twelve-month deadline, then the September 15 date shall be accelerated accordingly. In the event the licensees have acted with due diligence in seeking all such governmental approvals, but have not obtained such approvals by the twelve-month deadline, then the September 15 date shall be extended accordingly. If this license is issued before May 1, 1975, the twelve-month deadline shall be June 1, 1976.
- (c) If the licensees believe that the empirical data collected during this interim operation justify an extension of the interim operation period, or other relief, they may make an application to the Nuclear Regulatory Commission. The filing of such application in and of itself shall not warrant an extension of the interim operation period.
- (d) After the commencement of construction of a closed-cycle cooling system, a request for an extension of the interim operation period will be considered by the Nuclear Regulatory Commission on the

basis of a showing of good cause by the licensees which also includes a showing that the aquatic biota of the Hudson River will continue to be protected from any significant adverse impacts

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as a result of operation of the Plant during the period for which an extension is sought. The filing of such application in and of itself shall not warrant an extension of the interim operation period.

- (e) The September 15 date is subject to extension if the empirical data referred to in subparagraph (c) are insufficient solely because the Plant has not operated at at least 40% of rated power for 45 or more full days (8:00 a.m. to 7:59 a.m.) during the period from May 15 to July 31 in each calendar year, commencing January 1, 1975. The September 15 date will be extended one year for each calendar year in which such operation is not achieved. However, no such extension shall be granted after the Plant has achieved such operation in two calendar years, and no more than two such extensions shall be granted. This subparagraph shall not bar an application for an extension under subparagraph (c) because of lack of operation. As long as an extension of the September 15 date is possible pursuant to this subparagraph, whenever the Plant operates at less than 20% of rated power for more than 12 consecutive hours during the May 15 to July 31 period, no more than three circulating water pumps shall be used.
- (f) In addition to the reporting requirements otherwise imposed by this license, the licensees are directed to file with the Commission and serve on the parties reports of their analysis of data collected during interim operation which bear on the environmental effects of once-through cooling on the aquatic biota of the Hudson River. Such reports shall be made publicly available. The first such report shall be made as soon as is feasible after the end of the 1975 striped bass spawning season but no later than July 31, 1976, and thereafter as significant new data become available.
- (g) Evaluation of the economic and environmental impact of alternative closed-cycle cooling systems shall be made by the licensees in order to determine a preferred system for installation. This evaluation shall be submitted to the Nuclear Regulatory Commission by one month following the receipt of the full-term, full-power operating license for review and approval prior to construction.
- (h) The September 15 date assumes that the installation of a closed-cycle cooling system for the Plant will require the relocation of the natural gas pipeline owned by Algonquin Gas Pipeline

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Company. If the final determination as to the location of the closed-cycle cooling system does not require the relocation of the pipeline, the date for the termination of the interim period of operation with the once-through cooling system will be May 1, 1980, and all dates in this condition shall be deemed changed to reflect those circumstances by substituting "May 1, 1980 (the May 1 date)" for "September 15, 1980 (the September 15 date)" and "the May 1 date" for "the September 15 date" throughout this condition and subparagraph (j)(i) of this condition shall be ineffective.

(i) No acceleration of the September 15 date shall be made pursuant to subparagraph (b) or (h) to the extent that such acceleration would result in the simultaneous excavation or outage for the construction of closed-cycle cooling systems for both Indian Point Units Nos. 2 and 3.

(j) In construing and applying this condition, the following definitions shall govern:

(i) "Governmental approvals" shall include, among others, approval by the Federal Power Commission of a certificate of public convenience and necessity, or amendment thereto, authorizing relocation of the natural gas pipeline owned by Algonquin Gas Pipeline Company and crossing the Plant site in order to permit excavation for a cooling tower adjacent to the Plant;

(ii) "Licensee" shall include Applicant or any successor to its interest in the license to operate the Plant or any joint holder of the license to operate the Plant.

(2) A plan-of-action of operating procedures and design modifications of the once-through cooling system for Indian Point Unit No. 3 shall be developed by the licensees in order to take the corrective actions to minimize detrimental effects on aquatic biota in the Hudson River to a practicable minimum during the interim period prior to installation of a closed-cycle cooling system. The plan shall include means of reducing thermal shock, impingement on the intake structure, entrainment of fish eggs, larvae, and plankton, chemical and thermal discharges, and loss of dissolved oxygen below 5.0 ppm; and shall include other mitigating measures available. The plan shall be submitted to the Nuclear Regulatory Commission one month after receipt of the full-term operating license for Unit No. 3, and upon approval by the Commission, the plan shall be implemented so as to eliminate or substantially reduce such adverse effects as are revealed by the monitoring and environmental surveillance and special studies program presented in the Environmental Technical Specifications for once-through

cooling.

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- F. This amended license is also subject to appropriate conditions imposed by the New York State Department of Environmental Conservation in its letter of May 2, 1975, to Consolidated Edison Company of New York, Inc., granting a Section 401 certification under the Federal Water Pollution Control Act Amendments of 1972.
- G. This amended license is effective as of the date of issuance and shall expire at midnight, August 13, 2009.

FOR THE NUCLEAR REGULATORY COMMISSION

Original signed by
Roger S. Boyd

Roger S. Boyd, Director
Division of Project Management
Office of Nuclear Reactor Regulation

Attachment:
Appendix A - Revised
Technical Specifications

Date of Issuance: April 5, 1976

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SURNAME →	JLee:sjh	VMoore	<i>C. Wood</i>	DBVassallo	RCBYoung	RSBo
DATE →	4/5/76	4/5/76	4/5/76	4/5/76	4/5/76	4/

UNITED STATES NUCLEAR REGULATORY COMMISSION

DOCKET NO. 50-286

CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.

POWER AUTHORITY OF THE STATE OF NEW YORK

NOTICE OF ISSUANCE OF AMENDMENT TO FACILITY OPERATING LICENSE

Notice is hereby given that the U. S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 2 to Facility Operating License No. DPR-64 issued to Consolidated Edison Company of New York, Inc. and the Power Authority of the State of New York for the Indian Point Nuclear Generating Unit No. 3, located in Westchester County, New York.

The amendment permits operation of the facility at steady state reactor core power levels not in excess of 2760 megawatts thermal (91% of full power operation). It also authorizes completion of power startup testing at core power levels up to and including 3025 megawatts thermal (100% of rated power). Previously, the facility had been restricted to fuel loading and subcritical testing in accordance with Facility Operating License No. DPR-64 and the Technical Specifications. The facility is owned by the Power Authority of the State of New York, and Consolidated Edison is responsible for operation of the facility. The amendment is effective as of its date of issuance.

The application, including its amendments, complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate

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findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 151.5(d)(4) an environmental statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of this amendment.

The basis for this licensing action is contained in the NRC Safety Evaluation Report, including Supplements 1, 2, and 3 on this subject, and in the letter dated April 5, 1976, from the Chief of the Light Water Reactors Branch No. 5 of the Division of Project Management.

For further details with respect to this action, see (1) Amendment No. 2 to License No. DPR-64, (2) Supplement No. 3 to the Safety Evaluation Report issued by the Office of Nuclear Reactor Regulation and (3) letter dated April 5, 1976. All of these documents are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Hendrick Hudson Free Library, 31 Albany Post Road, Montrose, New York.

A copy of items (1) and (2) may be obtained upon request addressed to the U. S. Nuclear Regulatory Commission, Washington, D. C. 20555, Attention: Director, Division of Project Management.

Dated at Bethesda, Maryland, this 5th day of April, 1976.

FOR THE NUCLEAR REGULATORY COMMISSION

A handwritten signature in cursive script, appearing to read "D. B. Vassallo".

D. B. Vassallo, Chief
Light Water Reactors Branch No. 5
Division of Project Management



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.

POWER AUTHORITY OF THE STATE OF NEW YORK

DOCKET NO. 50-286

INDIAN POINT NUCLEAR GENERATING UNIT NO. 3

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 2
License No. DPR-64

1. The Nuclear Regulatory Commission (the Commission) having found that:
 - A. The application for license filed by Consolidated Edison Company of New York, Inc. and the Power Authority of the State of New York (the licensees) complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations set forth in 10 CFR Chapter I;
 - B. Construction of the Indian Point Nuclear Generating Unit No. 3 (facility) has been substantially completed in conformity with Construction Permit No. CPPR-62 and the application, as amended, the provisions of the Act and the rules and regulations of the Commission;
 - C. The facility will operate in conformity with the application, the provisions of the Act, and the rules and regulations of the Commission;
 - D. There is reasonable assurance: (i) that the activities authorized by this amended operating license can be conducted without endangering the health and safety of the public, and (ii) that such activities will be conducted in compliance with the rules and regulations of the Commission;
 - E. Consolidated Edison Company of New York, Inc. is technically qualified and Consolidated Edison Company of New York, Inc. and the Power Authority of the State of New York are financially qualified to engage in the activities authorized by this amended operating license in accordance with the rules and regulations of the Commission;
 - F. The licensees have satisfied the applicable provisions of 10 CFR Part 140, "Financial Protection Requirements and Indemnity Agreements", of the Commission's regulations;
 - G. The issuance of this amended operating license will not be inimical to the common defense and security or to the health and safety of the public;

- H. After weighing the environmental, economic, technical, and other benefits of the facility against environmental and other costs and considering available alternatives, the issuance of Amendment No. 2 to Facility Operating License No. DPR-64, subject to the conditions for protection of the environment set forth herein, is in accordance with 10 CFR Part 51 (formerly 10 CFR Part 50, Appendix D) of the Commission's regulations and all applicable requirements have been satisfied;
 - I. The receipt, possession, and use of source, byproduct, and special nuclear material as authorized by this amended license will be in accordance with the Commission's regulations in 10 CFR Parts 30, 40, and 70, including 10 CFR Sections 30.33, 40.32, 70.23, and 70.31; and
 - J. An environmental statement or negative declaration need not be prepared in connection with the issuance of this amended license.
2. Facility Operating License No. DPR-64, issued to Consolidated Edison Company of New York, Inc. and the Power Authority of the State of New York is hereby amended in its entirety to read as follows:
- A. This amended license applies to the Indian Point Nuclear Generating Unit No. 3, a pressurized water nuclear reactor and associated equipment (the facility), owned by the Power Authority of the State of New York. The facility will be operated and maintained by Consolidated Edison Company of New York, Inc. under contract with the Power Authority of the State of New York. The facility is located in Westchester County, New York, on the east bank of the Hudson River in the Village of Buchanan, and is described in the "Final Facility Description and Safety Analysis Report" as supplemented and amended (Supplements 1 through 32) and the Environmental Report as amended (Supplements 1 through 12).
 - B. Subject to the conditions and requirements incorporated herein, the Commission licenses:
 - (1) Consolidated Edison Company of New York, Inc. (the Operator):
 - (a) Pursuant to Section 104b of the Act and 10 CFR Part 50, "Licensing of Production and Utilization Facilities", to possess, use, and operate the facility at the designated location in Westchester County, New York in accordance with the procedures and limitations set forth in this amended license;
 - (b) Pursuant to the Act and 10 CFR Part 70, to receive, possess, and use at any time special nuclear material as reactor fuel, in accordance with the limitations for storage and amounts

required for reactor operation, as described in the Final Facility Description and Safety Analysis Report, as supplemented and amended;

- (c) Pursuant to the Act and 10 CFR Parts 30, 40 and 70, to receive, possess and use at any time any byproduct, source and special nuclear material as sealed neutron sources for reactor startup, sealed sources for reactor instrumentation and radiation monitoring equipment calibration, and as fission detectors in amounts as required;
- (d) Pursuant to the Act and 10 CFR Parts 30, 40 and 70, to receive, possess and use in amounts as required any byproduct, source, or special nuclear material without restriction to chemical or physical form, for sample analysis or instrument calibration or associated with radioactive apparatus or components;
- (e) Pursuant to the Act and 10 CFR Parts 30 and 70, to possess, but not separate, such byproduct and special nuclear materials as may be produced by the operation of the facility.

(2) The Power Authority of the State of New York:

Pursuant to Section 104b of the Act and 10 CFR Part 50, "Licensing of Production and Utilization Facilities", to own the facility at the designated location in Westchester County, New York in accordance with the procedures and limitations set forth in this amended license.

- C. This amended license shall be deemed to contain and is subject to the conditions specified in the following Commission regulations in 10 CFR Chapter I: Part 20, Section 30.34 of Part 30, Section 40.41 of Part 40, Sections 50.54 and 50.59 of Part 50, and Section 70.32 of Part 70; and is subject to all applicable provisions of the Act and to the rules, regulations, and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified or incorporated below:

(1) Maximum Power Level

The Operator is authorized to operate the facility at steady state reactor core power levels not in excess of 2760 megawatts thermal (91% of full power operation) except that, as required for completion of the startup testing program described in the Indian Point Unit No. 3 Final Facility Description and Safety Analysis Report, operation at reactor core power levels not in excess of 3025 megawatts thermal (100% of rated power) is authorized.

(2) Technical Specifications

The Technical Specifications, Appendix A have been revised in their entirety. The revised Technical Specifications are attached hereto and are hereby incorporated in this amended license. The Technical Specifications, Appendix B issued on December 12, 1975, are hereby incorporated in this amended license. The Operator shall operate the facility in accordance with the Technical Specifications.

(3) Less Than Four Loop Operation

The Operator shall not operate the reactor at power levels above P-7 (as defined in Section 7.2 of the Final Facility Description and Safety Analysis Report) with less than four (4) reactor coolant loops in operation until safety analyses for less than four loop operation have been submitted by the licensees and approval for less than four loop operation at power levels above P-7 has been granted by the Commission by Amendment of this license.

(4) Geological and Seismological Investigations

The licensees shall conduct a program of geological and seismological investigations to provide additional information relevant to the following objectives:

- (a) Geological mapping in sufficient scope and detail to accomplish the following:
 - (i) Definition of the main trace of the Ramapo Fault and associated faults of the Ramapo Fault System.
 - (ii) Structural and tectonic relationship of the Ramapo Fault System with faults at the Indian Point site.
 - (iii) Identification of crosscutting features and faults which might be used to determine age of most recent movement on faults of the Ramapo System.
 - (iv) Age dates of the fault along these sectors near the epicenters of the 1951 Rockland County, New York, earthquake and the 1976 Pompton Lakes, New Jersey, earthquake.
- (b) Determination of the age of most recent movement on the Ramapo Fault and the Ramapo Fault System by appropriate age dating techniques and relationship to crosscutting features.

- (c) Determination of the relationship of current and historic earthquake activity to the Ramapo Fault and Ramapo Fault System. The existing earthquake monitoring network is to be extended southward to include the Pompton Lakes, New Jersey, epicenter area and northward to include the Fahnstock region. The density of the network should be sufficient to obtain precise locations and focal mechanism solutions. Velocity studies needed to obtain reliable earthquake locations and mechanism solutions should be conducted. This network is to be operated at least two full years following complete installation of all stations. These studies should be supplemented by stress measurements to define the current tectonic environment of the area.
- (d) Additional geochronological age dates of most recent movements shall be obtained on those faults observed in the immediate vicinity of the plant including each of the different fault sets. Fluid inclusion dates are to be confirmed by dating other mineral assemblages and/or by using other dating techniques.

The licensees shall provide a detailed work plan for completion of the above studies within sixty days from the date of issuance of this license amendment. The investigations under Conditions (a), (b) and (d) shall be completed and a final report of the findings submitted to the Commission for review by April 1, 1977. The investigations under Condition (c) shall be completed within two years following the onset of operation of the complete seismic monitoring network, but in no case shall completion of the investigations under Condition (c) extend beyond three years from the date of issuance of this license amendment.

- D. The Operator shall maintain in effect and fully implement all provisions of the Commission-approved physical security plan, including amendments and changes made pursuant to the authority of 10 CFR 50.54(p). The approved security plan consists of proprietary documents, collectively titled, "Physical Security Plan for Indian Point Station", as follows:

- Original, submitted with letter dated May 1, 1974
- Letter dated June 27, 1974
- Revision, submitted with letter dated September 13, 1974
- Revision, submitted with letter dated October 25, 1974
- Revision, submitted with letter dated February 10, 1976

- E. This amended license is subject to the following additional conditions for the protection of the environment:

- (1) The conditions of this paragraph are pursuant to a stipulation dated January 13, 1975 entered into by the Hudson River Fisherman's Association, Save Our Stripers, the Atomic Energy Council of the State of New York, the Attorney General of the State of New York, Consolidated Edison Company of New York, Inc. and the Nuclear Regulatory Commission:

Operation of Indian Point Unit No. 3 (the Plant) with the once-through cooling system will be permitted during an interim period, the termination date for which will be September 15, 1980 (the September 15 date). Thereafter, except as hereinafter provided or as ordered by the Nuclear Regulatory Commission, the Plant shall be operated with an approved closed-cycle cooling system. Such interim operation is subject to the following conditions, none of which shall be interpreted to limit or to affect in any way such other conditions as are imposed by the Nuclear Regulatory Commission or any other governmental body (including, but not limited to, the State of New York) in accord with applicable law:

- (a) Interim operation shall only be permitted to the extent that the requirements of this amended license (including such technical specifications as may be imposed by the Office of Nuclear Reactor Regulation) to protect the aquatic biota of the Hudson River from any significant adverse impacts are satisfied; any necessary mitigating measures shall be promptly taken; such measures to include any authorized remedy deemed to be appropriate by the Nuclear Regulatory Commission, including an acceleration of the September 15 date to an earlier date which is deemed reasonable and warranted by the circumstances.
- (b) The September 15 date is subject to acceleration or extension depending upon whether the licensees, acting with due diligence, obtain all governmental approvals required to proceed with the construction of the closed cycle cooling system by the end of the twelfth month following submission of the evaluation required by subparagraph (g) (the twelve-month deadline). In the event all such government approvals are obtained a month or more prior to the twelve-month deadline, then the September 15 date shall be accelerated accordingly. In the event the licensees have acted with due diligence in seeking all such governmental approvals, but have not obtained such approvals by the twelve-month deadline, then the September 15 date shall be extended accordingly. If this license is issued before May 1, 1975, the twelve-month deadline shall be June 1, 1976.
- (c) If the licensees believe that the empirical data collected during this interim operation justify an extension of the interim operation period, or other relief, they may make an application to the Nuclear Regulatory Commission. The filing of such application in and of itself shall not warrant an extension of the interim operation period.
- (d) After the commencement of construction of a closed-cycle cooling system, a request for an extension of the interim operation period will be considered by the Nuclear Regulatory Commission on the basis of a showing of good cause by the licensees which also includes a showing that the aquatic biota of the Hudson River will continue to be protected from any significant adverse impacts

as a result of operation of the Plant during the period for which an extension is sought. The filing of such application in and of itself shall not warrant an extension of the interim operation period.

- (e) The September 15 date is subject to extension if the empirical data referred to in subparagraph (c) are insufficient solely because the Plant has not operated at at least 40% of rated power for 45 or more full days (8:00 a.m. to 7:59 a.m.) during the period from May 15 to July 31 in each calendar year, commencing January 1, 1975. The September 15 date will be extended one year for each calendar year in which such operation is not achieved. However, no such extension shall be granted after the Plant has achieved such operation in two calendar years, and no more than two such extensions shall be granted. This subparagraph shall not bar an application for an extension under subparagraph (c) because of lack of operation. As long as an extension of the September 15 date is possible pursuant to this subparagraph, whenever the Plant operates at less than 20% of rated power for more than 12 consecutive hours during the May 15 to July 31 period, no more than three circulating water pumps shall be used.
- (f) In addition to the reporting requirements otherwise imposed by this license, the licensees are directed to file with the Commission and serve on the parties reports of their analysis of data collected during interim operation which bear on the environmental effects of once-through cooling on the aquatic biota of the Hudson River. Such reports shall be made publicly available. The first such report shall be made as soon as is feasible after the end of the 1975 striped bass spawning season but no later than July 31, 1976, and thereafter as significant new data become available.
- (g) Evaluation of the economic and environmental impact of alternative closed-cycle cooling systems shall be made by the licensees in order to determine a preferred system for installation. This evaluation shall be submitted to the Nuclear Regulatory Commission by one month following the receipt of the full-term, full-power operating license for review and approval prior to construction.
- (h) The September 15 date assumes that the installation of a closed-cycle cooling system for the Plant will require the relocation of the natural gas pipeline owned by Algonquin Gas Pipeline

Company. If the final determination as to the location of the closed-cycle cooling system does not require the relocation of the pipeline, the date for the termination of the interim period of operation with the once-through cooling system will be May 1, 1980, and all dates in this condition shall be deemed changed to reflect those circumstances by substituting "May 1, 1980 (`the May 1 date`)" for "September 15, 1980 (`the September 15 date`)" and "the May 1 date" for "the September 15 date" throughout this condition and subparagraph (j)(i) of this condition shall be ineffective.

- (i) No acceleration of the September 15 date shall be made pursuant to subparagraph (b) or (h) to the extent that such acceleration would result in the simultaneous excavation or outage for the construction of closed-cycle cooling systems for both Indian Point Units Nos. 2 and 3.
 - (j) In construing and applying this condition, the following definitions shall govern:
 - (i) "Governmental approvals" shall include, among others, approval by the Federal Power Commission of a certificate of public convenience and necessity, or amendment thereto, authorizing relocation of the natural gas pipeline owned by Algonquin Gas Pipeline Company and crossing the Plant site in order to permit excavation for a cooling tower adjacent to the Plant;
 - (ii) "Licensee" shall include Applicant or any successor to its interest in the license to operate the Plant or any joint holder of the license to operate the Plant.
- (2) A plan-of-action of operating procedures and design modifications of the once-through cooling system for Indian Point Unit No. 3 shall be developed by the licensees in order to take the corrective actions to minimize detrimental effects on aquatic biota in the Hudson River to a practicable minimum during the interim period prior to installation of a closed-cycle cooling system. The plan shall include means of reducing thermal shock, impingement on the intake structure, entrainment of fish eggs, larvae, and plankton, chemical and thermal discharges, and loss of dissolved oxygen below 5.0 ppm; and shall include other mitigating measures available. The plan shall be submitted to the Nuclear Regulatory Commission one month after receipt of the full-term operating license for Unit No. 3, and upon approval by the Commission, the plan shall be implemented so as to eliminate or substantially reduce such adverse effects as are revealed by the monitoring and environmental surveillance and special studies program presented in the Environmental Technical Specifications for once-through cooling.

- F. This amended license is also subject to appropriate conditions imposed by the New York State Department of Environmental Conservation in its letter of May 2, 1975, to Consolidated Edison Company of New York, Inc., granting a Section 401 certification under the Federal Water Pollution Control Act Amendments of 1972.
- G. This amended license is effective as of the date of issuance and shall expire at midnight, August 13, 2009.

FOR THE NUCLEAR REGULATORY COMMISSION



Roger S. Boyd, Director
Division of Project Management
Office of Nuclear Reactor Regulation

Attachment:
Appendix A - Revised
Technical Specifications

Date of Issuance: April 5, 1976