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AUG 5 1981

Docket No. 50-286



Mr. George T. Berry, President
and Chief Operating Officer
Power Authority of the State of New York
10 Columbus Circle
New York, New York 10019

Dear Mr. Berry:

The Commission has issued the enclosed Amendment No. 37 to Facility Operating License No. DPR-64 for the Indian Point Nuclear Generating Unit No. 3. This amendment deletes Paragraph 2.E from your license and was effective on May 14, 1981.

Paragraph 2.E required termination of operation with once through cooling by 1982. On May 12, 1981 the Commission issued an Order which granted your motion to delete this license condition, and directed the staff to take any ministerial actions necessary to conform the license with the Commission Order. The enclosed amendment satisfies this direction.

We have concluded, that since this is a ministerial action required by Commission Order, no environmental assessment need be prepared as a condition precedent to taking the action.

The amendment does not involve significant new safety information of a type not considered by a previous Commission safety review of the facility. It does not involve a significant increase in the probability or consequences of an accident does not involve a significant decrease in a safety margin, and therefore does not involve a significant hazards consideration. We have also concluded that there is reasonable assurance that the health and safety of the public will not be endangered by this action.

A copy of the Notice of Issuance is also enclosed.

Sincerely,
Original Signed By:

Steven A. Varga, Chief
Operating Reactors Branch No. 1
Division of Licensing

Enclosures:

- 1. Amendment No. 37 to DPR-64 *cp 8/15/81*
- 2. Notice of Issuance *cp 7/16/81*

Concur subject to changes sent back for rewrite 7/27/81

cp 7/16/81 *7/16/81*

OFFICE	cc w/enclosures: See next page	ORB 1 CParrish 6/24/81	ORB 1 LOlshan 6/24/81	ORB 1 SVarga 6/24/81	AD:OR TNovak 6/24/81	OELD JMoss 6/24/81
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Mr. George T. Berry
Power Authority of the State of New York

cc: White Plains Public Library
100 Martine Avenue
White Plains, New York 10601

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Honorable George Begany
Mayor, Village of Buchanan
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Buchanan, New York 10511

Mr. J. P. Bayne, Senior Vice Pres.
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Environmental Protection Bureau
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UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

POWER AUTHORITY OF THE STATE OF NEW YORK

DOCKET NO. 50-286

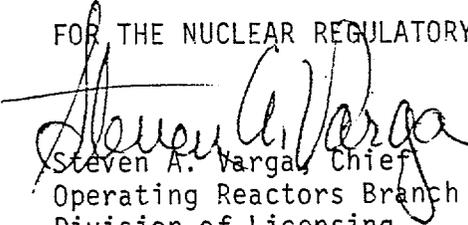
INDIAN POINT NUCLEAR GENERATING UNIT NO. 3

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 37
License No. DPR-64

1. The Nuclear Regulatory Commission (the Commission) has found that:
 - A. This amendment is issued in accordance with the Commission's Order dated May 12, 1981;
 - B. The facility will operate in conformity with the Commission's Order, the provisions of the Act, and the rules and regulations of the Commission;
 - C. There is reasonable assurance (i) that the activities authorized by this amendment can be conducted without endangering the health and safety of the public, and (ii) that such activities will be conducted in compliance with the Commission's regulations;
 - D. The issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public; and
 - E. The issuance of this amendment is in accordance with 10 CFR Part 51 of the Commission's regulations and all applicable requirements have been satisfied.
2. This amendment deletes paragraph 2.E from the license.
3. This license amendment became effective on May 14, 1981.

FOR THE NUCLEAR REGULATORY COMMISSION


Steven A. Varga, Chief
Operating Reactors Branch No. 1
Division of Licensing

Date of Issuance: **AUG 5 1981**

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PDR ADUCK 05008286
PDR

UNITED STATES NUCLEAR REGULATORY COMMISSIONDOCKET NO. 50-286POWER AUTHORITY OF THE STATE OF NEW YORKNOTICE OF ISSUANCE OF AMENDMENT TO FACILITY
OPERATING LICENSE

The U. S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 37 to Facility Operating License No. DPR-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 (the facility) located in Buchanan, Westchester County, New York. The amendment deletes Paragraph 2.E from your license and became effective on May 14, 1981.

The amendment deletes the license condition that required termination of operation with once-through cooling.

On November 15, 1978 the Commission issued an Order announcing its intent to review ALAB-487. The purpose of the review was to clarify the status of the aforementioned license condition in light of the pendency of the adjudicatory proceeding before the Environmental Protection Agency (EPA) to determine the type of cooling system required for Indian Point, Unit Nos. 2 and 3 and two fossil-fired generating plants located along the Hudson River. A settlement agreement, which went into effect on May 14, 1981, terminated the EPA proceeding, permitting continued use of open-cycle cooling at the Indian Point Units, coupled with a variety of compensating measures.

On February 27, 1981, Consolidated Edison Company of New York filed a motion requesting that the Commission issue an Order deleting the license condition that requires termination of operation with once-through cooling.

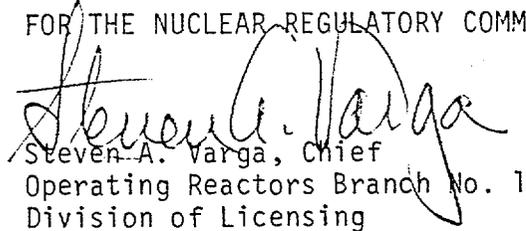
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On May 12, 1981, the Commission issued an Order to delete the license condition from the Unit Nos. 2 and 3 licenses, and directed the NRC Staff to take the necessary ministerial action.

For further details with respect to this action, see (1) the Commission Order dated May 12, 1981, (2) Amendment No. 37 to License No. DPR-64, and (3) the Commission's related letter dated August 5, 1981. All of these items are 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. A copy of items (1), (2) and (3) may be obtained upon request addressed to the U. S. Nuclear Regulatory Commission, Washington, D. C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 5th day of August 1981.

FOR THE NUCLEAR REGULATORY COMMISSION


Steven A. Varga, Chief
Operating Reactors Branch No. 1
Division of Licensing