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Chairman, ASLAB

APR 24 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. <sup>35</sup> to Facility Operating License No. DPR-64 for the Indian Point Nuclear Generating Unit No. 3. This amendment consists of changes to the Environmental Technical Specifications in response to your application transmitted by letter dated February 27, 1981, which supercedes your amendment applications dated December 14, 1978 and December 3, 1979.

The amendment revises the Appendix B Environmental Technical Specifications (ETS) to delete non-radiological environmental requirements, and to add a non-radiological environmental protection plan (EPP). The basis for your request is that the ETS modifications are necessary to permit implementation of a Settlement Agreement which has been reached by parties to EPA's Hudson River Power Plant Case. Based on our review, we find that your request for ETS modifications is appropriate and should be granted.

Water quality conditions in existing operating licenses must be removed as a matter of law. We have concluded that, since this is a ministerial action required as a matter of law, no environmental assessment need be prepared as a condition precedent to taking the action.

The Settlement Agreement establishes that aquatic issues are to be addressed by effluent limitations, monitoring requirements or other requirements in or annexed to the new Section 402 Permit to be issued by the New York Department of Environmental Conservation (DEC). Therefore, there is no further need for the specific non-radiological requirements of the existing ETS; we will be relying on the DEC for continued protection of the aquatic environment via the effective State Pollutant Discharge Elimination System (Section 402) Permit.



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Mr. George T. Berry

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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:  
S. A. Varga

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

Enclosures:

- 1. Amendment No. <sup>35</sup> to DPR-64
- 2. Notice of Issuance

cc: w/enclosures  
See next page

SEE PREVIOUS CONCURRENCES\*

*Concur subject to changes*

OFFICE	ORB#1:DL	ORB#1:DL	ORB#1:DL	AD/OR:DL	OELD		
SURNAME	CParrish	LOlshan/ds	SVarga	TNovak*	<i>J Moore</i>		
		4/ /81	4/ /81	4/ /81	<i>4/81M</i>		

SEE COPY

(Insert)

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

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L PDR Chairman, ASLAB  
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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. to Facility Operating License No. DPR-64 for the Indian Point Nuclear Generating Unit No. 3. This amendment consists of changes to the Environmental Technical Specifications in response to your application transmitted by letter dated February 27, 1981, which supercedes your amendment applications dated December 14, 1978 and December 3, 1979.

The amendment revises the <sup>environmental</sup> Appendix B Environmental Technical Specifications (ETS) to delete non-radiological environmental requirements, and to add a non-radiological protection plan (EPP). The basis for your request is that the ETS modifications are necessary to permit implementation of a Settlement Agreement which has been reached by parties to EPA's Hudson River Power Case. Based on our review, we find that your request for ETS modifications is appropriate and should be granted.

An <sup>Plant</sup> environmental impact appraisal need not be prepared in connection with the issuance of this amendment; therefore, no environmental impact statement nor negative declaration is required. We have taken the position that water quality conditions in existing operating licenses must be removed as a matter of law. Furthermore, the deletion of water quality requirements from an NRC <sup>change</sup> license is to be considered a ministerial action for which no prior EIA need be prepared. (Lose)

From a practical standpoint, The Settlement Agreement establishes that aquatic issues are to be addressed by effluent limitations, monitoring requirements or other requirements in or annexed to the new Section 402 Permit to be issued by the New York Department of Environmental Conservation (DEC). Therefore, there is no further need for the specific non-radiological requirements of the existing ETS; we will be relying on the DEC for continued protection of the aquatic environment via the effective, SPDES (Section 402) Permit.

<sup>The amendment does not involve</sup> We have concluded, based on the considerations discussed above, that: (1) because the amendment does not involve a significant increase in the probability or consequences of accidents previously considered and does not involve a significant decrease in a safety margin, the amendment does not

<sup>not new safety information of a type not considered by a previous Commission safety</sup>

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DATE							

Mr. George T. Berry

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The amendments do not involve significant new safety information of a type not considered by a previous Commission safety review of the facility. They do not involve a significant increase in the probability or consequences of an accident, do not involve a significant decrease in a safety margin, and therefore do 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.

Sincerely,

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

Enclosures:

- 1. Amendment No. to DPR-64
- 2. Notice of Issuance

cc: w/enclosures  
See next page

OFFICE	ORB#1:DL	ORB#1:DL	ORB#1:DL	AD/OR:DL	OELD		
SURNAME	CParrish	Polshan:ds	SVarga	TNoVak			
DATE	4/22/81	4/22/81	4/22/81	4/23/81	4/ /81		