

Mr. James Knubel  
Chief Nuclear Officer  
Power Authority of the State  
of New York  
123 Main Street  
White Plains, NY 10601

December 8, 1998

SUBJECT: ENVIRONMENTAL ASSESSMENT AND FINDING OF NO SIGNIFICANT IMPACT  
REQUEST FOR EXEMPTION FROM 10 CFR 70.24 CRITICALITY ACCIDENT  
REQUIREMENTS - INDIAN POINT NUCLEAR GENERATING UNIT NO. 3  
(TAC NO. MA3667)

Dear Mr. Knubel:

Enclosed is a copy of the Environmental Assessment and Finding of No Significant Impact related to your application dated September 24, 1998. Your application requested an exemption from certain requirements of 10 CFR 70.24, "Criticality Accident Requirements."

The assessment is being forwarded to the Office of the Federal Register for publication.

Sincerely,

ORIGINAL SIGNED BY:

George F. Wunder, Project Manager  
Project Directorate I-1  
Division of Reactor Projects - I/II  
Office of Nuclear Reactor Regulation

Docket No. 50-286

Enclosure: Environmental Assessment

cc w/encl: See next page

**DISTRIBUTION:**

Docket File	S. Little	C. Hehl, RI
PUBLIC	G. Wunder	
PDI-1 R/F	T. Essig	
J. Zwolinski	OGC	
S. Bajwa	ACRS	

9812110128 981208  
PDR ADOCK 05000286  
P PDR

DOCUMENT NAME: G:\IP3\MA03667.EA

To receive a copy of this document, indicate in the box: "C" = Copy without attachment/enclosure "E" = Copy with attachment/enclosure "N" = No copy

OFFICE	PM:PD1-1	E	LA:PDI-1	D:PDI-1	NRR:PGEB	OGC
NAME	GWunder/rsL	SLittle	S. Bajwa	T. Essig		
DATE	12/10/98	12/2/98	12/8/98	12/4/98	12/11/98	12/11/98

Official Record Copy

**NRC FILE CENTER COPY**



UNITED STATES  
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

December 8, 1998

Mr. James Knubel  
Chief Nuclear Officer  
Power Authority of the State  
of New York  
123 Main Street  
White Plains, NY 10601

SUBJECT: ENVIRONMENTAL ASSESSMENT AND FINDING OF NO SIGNIFICANT IMPACT  
REQUEST FOR EXEMPTION FROM 10 CFR 70.24 CRITICALITY ACCIDENT  
REQUIREMENTS - INDIAN POINT NUCLEAR GENERATING UNIT NO. 3  
(TAC NO. MA3667)

Dear Mr. Knubel:

Enclosed is a copy of the Environmental Assessment and Finding of No Significant Impact related to your application dated September 24, 1998. Your application requested an exemption from certain requirements of 10 CFR 70.24, "Criticality Accident Requirements."

The assessment is being forwarded to the Office of the Federal Register for publication.

Sincerely,

A handwritten signature in cursive script, appearing to read "George F. Wunder".

George F. Wunder, Project Manager  
Project Directorate I-1  
Division of Reactor Projects - I/II  
Office of Nuclear Reactor Regulation

Docket No. 50-286

Enclosure: Environmental Assessment

cc w/encl: See next page

UNITED STATES NUCLEAR REGULATORY COMMISSION

POWER AUTHORITY OF THE STATE OF NEW YORK

DOCKET NO. 50-286

INDIAN POINT NUCLEAR GENERATING UNIT NO. 3

ENVIRONMENTAL ASSESSMENT AND

FINDING OF NO SIGNIFICANT IMPACT

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an exemption from certain requirements of its regulations for 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, located in Westchester County, New York.

ENVIRONMENTAL ASSESSMENT

Identification of Proposed Action:

The proposed action would exempt the licensee from the requirements of 10 CFR 70.24, which requires a monitoring system that will energize clear audible alarms if accidental criticality occurs in each area in which special nuclear material is handled, used, or stored. The proposed action would also exempt the licensee from the requirements to maintain emergency procedures for each area in which this licensed special nuclear material is handled, used, or stored to ensure that all personnel withdraw to an area of safety upon the sounding of the alarm, to familiarize personnel with the evacuation plan, and to designate responsible individuals for determining the cause of the alarm, and to place radiation survey instruments in accessible locations for use in such an emergency.

9812110129 981208  
PDR ADOCK 05000286  
P PDR

The proposed action is in accordance with the licensee's application for exemption dated September 24, 1998.

The Need for the Proposed Action:

The purpose of 10 CFR 70.24 is to ensure that if a criticality were to occur during the handling of special nuclear material, personnel would be alerted to that fact and would take appropriate action. At a commercial nuclear power plant the inadvertent criticality with which 10 CFR 70.24 is concerned could occur during fuel handling operations. The special nuclear material that could be assembled into a critical mass at a commercial nuclear power plant is in the form of nuclear fuel; the quantity of other forms of special nuclear material that is stored on site is small enough to preclude achieving a critical mass. Because the fuel is not enriched beyond 5.0 weight percent Uranium-235 and because commercial nuclear plant licensees have procedures and design features that prevent inadvertent criticality, the staff has determined that it is unlikely that an inadvertent criticality could occur due to the handling of special nuclear material at a commercial power reactor. The requirements of 10 CFR 70.24, therefore, are not necessary to ensure the safety of personnel during the handling of special nuclear materials at commercial power reactors.

Environmental Impacts of the Proposed Action:

The Commission has completed its evaluation of the proposed action and concludes that inadvertent or accidental criticality will be precluded through compliance with the Indian Point Unit No. 3 Technical Specifications, through the design of the fuel storage racks, and through administrative controls imposed on fuel handling procedures.

The proposed action will not increase the probability or consequences of accidents, no changes are being made in the types of any effluents that may be released off site, and there

is no significant increase in occupational or public radiation exposure. Therefore, there are no significant radiological environmental impacts associated with the proposed exemption.

With regard to potential non-radiological impacts, the proposed action does not involve any historic sites. It does not affect nonradiological plant effluents and has no other nonradiological environmental impact. Therefore, there are no significant non-radiological environmental impacts associated with the proposed action.

Accordingly, the Commission concludes that there are no significant environmental impacts associated with the proposed action.

Alternatives to the Proposed Action:

As an alternative to the proposed exemption, the staff considered denial of the proposed action (i.e., the no action alternative). Denial of the request would result in no change in current environmental impacts. The environmental impacts of the proposed action and the alternative action are similar.

Alternative Use of Resources:

This action does not involve the use of any resources not previously considered in the Final Environmental Statement related to the Indian Point Unit 3, dated February 1975.

Agencies and Persons Consulted:

In accordance with its stated policy, on October 28, 1998, the staff consulted with the New York State Official, Jack Spath, of the New York State Research and Development Authority regarding the environmental impact of the proposed action. The State official had no comments.

FINDING OF NO SIGNIFICANT IMPACT

On the basis of the environmental assessment, the Commission concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the Commission has determined not to prepare an environmental impact statement for the proposed action.

For further details with respect to the proposed action, see the licensee's letter dated September 24, 1998, which is available for public inspection at the Commission's Public Document Room, which is located at The Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the 100 Martine Avenue, White Plains Public Library, White Plains, New York, 10601.

Dated at Rockville, Maryland, this 8<sup>th</sup> day of December , 1998.

FOR THE NUCLEAR REGULATORY COMMISSION



Alexander W. Dromerick, Acting Director  
Project Directorate I-1  
Division of Reactor Projects - I/II  
Office of Nuclear Reactor Regulation

**James Knubel  
Power Authority of the State  
of New York**

**Indian Point Nuclear Generating  
Unit No. 3**

cc:

**Regional Administrator, Region I  
U.S. Nuclear Regulatory Commission  
475 Allendale Road  
King of Prussia, PA 19406**

**Resident Inspector  
Indian Point 3 Nuclear Power Plant  
U.S. Nuclear Regulatory Commission  
P.O. Box 337  
Buchanan, NY 10511**

**Mr. Gerald C. Goldstein  
Assistant General Counsel  
Power Authority of the State  
of New York  
1633 Broadway  
New York, NY 10019**

**Mr. Charles W. Jackson, Manager  
Nuclear Safety and Licensing  
Consolidated Edison Company  
of New York, Inc.  
Broadway and Bleakley Avenues  
Buchanan, NY 10511**

**Mr. Eugene W. Zeltmann, President  
and Chief Operating Officer  
Power Authority of the State  
of New York  
99 Washington Ave., Suite # 2005  
Albany, NY 12210-2820**

**Mayor, Village of Buchanan  
236 Tate Avenue  
Buchanan, NY 10511**

**Mr. Robert J. Barrett  
Site Executive Officer  
Indian Point 3 Nuclear Power Plant  
P.O. Box 215  
Buchanan, NY 10511**

**Mr. Richard L. Patch, Director  
Quality Assurance  
Power Authority of the State  
of New York  
123 Main Street  
White Plains, NY 10601**

**Ms. Charlene D. Faison  
Director Nuclear Licensing  
Power Authority of the State  
of New York  
123 Main Street  
White Plains, NY 10601**

**Mr. Paul Eddy  
New York State Dept. of  
Public Service  
3 Empire State Plaza, 10th Floor  
Albany, NY 12223**

**Mr. F. William Valentino, President  
New York State Energy, Research,  
and Development Authority  
Corporate Plaza West  
286 Washington Ave. Extension  
Albany, NY 12203-6399**

**Mr. Harry P. Salmon, Jr.  
Vice President - Engineering  
Power Authority of the State  
of New York  
123 Main Street  
White Plains, NY 10601**

**Charles Donaldson, Esquire  
Assistant Attorney General  
New York Department of Law  
120 Broadway  
New York, NY 10271**

**Mr. Robert Hargrove (5)  
Environmental Review Coordinator  
26 Federal Plaza  
New York, NY 10278**