

FEBRUARY 22 1980

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Docket No. 50-271

Mr. Robert L. Smith
 Licensing Engineer
 Vermont Yankee Nuclear
 Power Corporation
 25 Research Drive
 Westboro, Massachusetts 01581

Dear Mr. Smith:

By letters dated August 16, 1978 and February 23, 1979, you requested an amendment of the Appendix B Non-Radiological Environmental Technical Specifications (ETS) for Vermont Yankee Nuclear Power Station. You proposed to revise totally the ETS by replacing the license conditions of Appendix B with the water quality limits and surveillance requirements that fall within the jurisdiction of the U. S. Environmental Protection Agency and the Vermont Agency of Environmental Conservation. Your justification for replacing the limiting conditions for operation (LCO's) and associated monitoring programs with those in the National Pollutant Discharge Elimination System (NPDES) Permit requirements is that water quality limits are outside the NRC's jurisdiction and authority. No arguments related to the potential for environmental impact were offered to support this request.

On July 3, 1979, we completed our review of your submittal, concluded that the majority of the changes requested were justified, and sent you a new, proposed upgraded version of the Appendix B ETS for consideration. Our review indicated that with the exception of LCO's for chlorine and river flow, the ETS requirements were duplicative of those in the NPDES Permit. This, we felt, was basis enough for eliminating these other conditions from the ETS and incorporating the NPDES limits by reference. We further discussed these matters with your representatives in a meeting on September 29, 1979. You responded unfavorably to the upgraded Appendix B ETS as proposed and so no action has been taken.

We have now concluded that the LCO's relating to the protection of the aquatic ecology, including those for chlorine and river flow, should be removed as a matter of law. Therefore, we have amended the ETS for Vermont Yankee. Amendment No. 56 to Facility Operating License No. DPR-28 is enclosed.

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FEBRUARY 22 1980

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 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.

We are enclosing a proposed revision which would become Appendix B Technical Specifications. This change recognizes reliance on the NPDES permit for specifying conditions for the protection of the aquatic environment, substitutes reporting requirements to assure that NRC remains aware of potential environmental impacts at the facility, and specifies requirements related to unreviewed environmental questions and requirements related to records.

We have concluded that these requirements should be added to your license to allow proper discharge of the NRC NEPA responsibilities. Accordingly, unless you inform us in writing within 20 days of the date of this letter that you do not agree with this course of action, including your reasons, we plan to initiate steps to issue the enclosed revised ETS.

Sincerely,

Original Signed by
T. A. Ippolito

Thomas A. Ippolito, Chief
Operating Reactors Branch #3
Division of Operating Reactors

Enclosures:

- 1. Amendment No. *56* to DPR-28
- 2. Notice
- 3. Proposed Revised ETS

cc w/enclosures:
See next page

OELD
SA. TREBY
2/22/80

OFFICE →	DOR:ORB#3	DOR:ORB#3	DOR:ORB#3	DOR:ORB		
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DATE →	2/20/80	2/21/80	2/21/80	2/21/80		

February 22, 1980

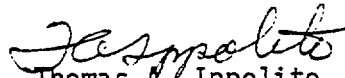
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Sincerely,



Thomas A. Ippolito, Chief
Operating Reactors Branch #3
Division of Operating Reactors

Enclosures:

1. Amendment No. 56 to DPR-28
2. Notice
3. Proposed Revised ETS

cc w/enclosures:

See next page

Mr. Robert L. Smith
Yankee Atomic Electric Company

- 3 -

cc:

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Mr. Robert L. Smith
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(Continuation)

- 4 -

cc:

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U. S. Environmental Protection Agency
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Boston, Massachusetts 02203



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

VERMONT YANKEE NUCLEAR POWER CORPORATION

DOCKET NO. 50-271

VERMONT YANKEE NUCLEAR POWER STATION

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 56
License No. DPR-28

1. The Nuclear Regulatory Commission (the Commission) has found that:
 - A. The application for amendment by Vermont Yankee Nuclear Power Corporation (the licensee) dated August 16, 1978, as supplemented February 23, 1979, 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. The facility will operate in conformity with the application, 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. Accordingly, the license is hereby amended by deleting all pages in the Appendix B Technical Specifications and revising paragraph 3.B. of the Facility Operating License No. DPR-28 to read as follows:

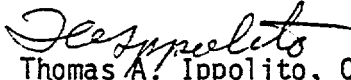
B. Technical Specifications

The Technical Specifications contained in Appendices A and B, as revised through Amendment No.56, are hereby incorporated in the license. The licensee shall operate the facility in accordance with the Technical Specifications.

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3. This license amendment is effective as of the date of its issuance.

FOR THE NUCLEAR REGULATORY COMMISSION


Thomas A. Ippolito, Chief
Operating Reactors Branch #3
Division of Operating Reactors

Date of Issuance: February 22, 1980

UNITED STATES NUCLEAR REGULATORY COMMISSION

DOCKET NO. 50-271

VERMONT YANKEE NUCLEAR POWER CORPORATION

NOTICE OF ISSUANCE OF AMENDMENT TO FACILITY
OPERATING LICENSE

The U. S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 56 to Facility Operating License No. DPR-28, issued to Vermont Yankee Nuclear Power Corporation (the licensee), which revised Technical Specifications for operation of the Vermont Yankee Nuclear Power Station (the facility) located near Vernon, Vermont. The amendment is effective as of its date of issuance.

The amendment deletes the limiting conditions for operation and surveillance requirements relating to the protection of the aquatic ecology set forth in the Appendix B Environmental Technical Specifications.

The application for the amendment 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 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. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment is a ministerial action required as a matter of law and that an environmental impact assessment need not be prepared.


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For further details with respect to this action, see (1) the application for amendment dated August 16, 1978, as supplemented February 23, 1979, (2) Amendment No. 56 to License No. DPR-28, and (3) the Commission's letter to the licensee dated February 22, 1980 . All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D. C., and at the Brooks Memorial Library, 224 Main Street, Brattleboro, Vermont.

A copy of items (2) and (3) may be obtained upon request addressed to the U. S. Nuclear Regulatory Commission, Washington, D. C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland this 22nd day of February 1980.

FOR THE NUCLEAR REGULATORY COMMISSION


Thomas A. Ippolito, Chief
Operating Reactors Branch #3
Division of Operating Reactors

APPENDIX B

TO FACILITY OPERATING LICENSE NO. DPR-28
VERMONT YANKEE NUCLEAR POWER STATION

VERMONT YANKEE NUCLEAR POWER CORPORATION

Docket No. 50-271

ENVIRONMENTAL TECHNICAL SPECIFICATIONS
(NON-RADIOLOGICAL)

February 5, 1980

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Vermont Yankee Nuclear Power Station
ENVIRONMENTAL TECHNICAL SPECIFICATIONS
(NON-RADIOLOGICAL)

TABLE OF CONTENTS

<u>Section</u>		<u>Page</u>
1.0	Definitions	1-1
2.0	Limiting Conditions for Operation	2-1
3.0	Environmental Monitoring	2-1
4.0	Special Studies and Requirements	4-1
4.1	Exceptional Occurrences	4-1
4.2	Special Studies	4-2
5.0	Administrative Controls	5-1
5.1	Responsibility	5-1
5.2	Review and Audit	5-1
5.3	Changes in Station Design or Operation	5-2
5.4	Station Reporting Requirements	5-4
5.5	Changes in Environmental Technical Specifications and Permits	5-7
5.6	Record Retention	5-8

1.0 Definitions

Annually: Annually is once per calendar year at intervals of twelve calendar months \pm 30 days.

NPDES Permit: NPDES permit is the National Pollutant Discharge Elimination System Permit No. VT 0000264 issued by the State of Vermont Agency of Environmental Conservation, to Vermont Yankee Nuclear Power Corporation (VYNPC), dated September 6, 1974, and as subsequently amended. This permit authorizes VYNPC to discharge controlled waste water from Vermont Yankee Nuclear Power Station into the Connecticut River.

Plant: Plant refers to Vermont Yankee Nuclear Power Station.

Station: Station refers to Vermont Yankee Nuclear Power Station.

2.0 Limiting Conditions for Operation

None required.*

3.0 Environmental Monitoring

None required.*

* In consideration of the provisions of the Clean Water Act (33 USC s 1251, et seq.) and in the interest of avoiding duplication of effort, the conditions and monitoring requirements related to water quality and aquatic biota are specified in the NPDES Permit.

The Nuclear Regulatory Commission will be relying on the NPDES Permit limitations for protection of the aquatic environment due to non-radiological effluents.

4.0 Special Studies and Requirements

4.1 Exceptional Occurrences

4.1.1 Unusual or Important Environmental Events

Requirements

The licensee shall record any occurrence of unusual or important events that potentially could result in environmental impact causally related to station operation. The following are examples: excessive bird impaction events; onsite plant or animal disease outbreaks; unusual occurrence or mortality of any species protected by the Endangered Species Act of 1973; fish kills near or downstream of the plant; and unanticipated or emergency discharges of waste water or chemical substances.

Action

Should an unusual or important event occur, the licensee shall make a prompt report to the NRC in accordance with the provisions of Subsection 5.4.2.1 and 5.4.2.3.

4.1.2 Exceeding Limits of other Relevant Permits

Requirements

The licensee shall notify the NRC of occurrences in which the limits specified in relevant permits and certificates issued by other Federal, State and local agencies are exceeded and which are reportable to the agency which issued the permit.

Action

The licensee shall make a report to the NRC in accordance with the provisions of Subsection 5.4.2.2 and 5.4.2.3 in the event that a limit specified in a relevant permit or certificate issued by another Federal, State or local agency is exceeded (for example, the NPDES Permit and the 401 Certification are relevant).

4.2 Special Studies

None required.

5.0 Administrative Controls

5.1 Responsibility

The Plant Superintendent has responsibility for operating the plant in compliance with these environmental technical specifications.

5.2 Review and Audit

The Vermont Yankee Nuclear Power Corporation regulatory staff is responsible for independent review and audit of procedures for meeting environmental specifications and environmental monitoring activities. This staff shall conduct an annual audit of the environmental monitoring program.

The above mentioned reviews and audits shall be conducted on the following:

- A. Proposed changes to the Environmental Technical Specifications and any evaluation of the environmental impact of the changes.
- B. Proposed changes to station operating procedures, which affect the environmental effects of the station and any evaluation of the environmental impact of the changes.
- C. Proposed changes or modifications to station or unit equipment, or systems which might have an environmental impact, and any evaluation of the environmental impact of the changes.

- D. All routine reports prior to their submittal to NRC (described in Subsection 5.4.1).
- E. All nonroutine reports prior to submittal of the written report (described in Subsection 5.4.2).
- F. Investigations of all reported instances of noncompliance with Environmental Technical Specifications, associated corrective actions, and measures taken to prevent recurrence.

5.3 Changes in Station Design or Operation

Changes in station design or operation affecting the environment may be made subject to the following conditions:

- A. The licensee may (1) make changes in the station design and operation, and (2) conduct tests and experiments not described in this document without prior Commission approval, unless the proposed change, test or experiment involves a change in the objectives of the ETS, and/or an unreviewed environmental question of significant impact.
- B. A proposed change, test or experiment shall be deemed to involve an unreviewed environmental question if it concerns (1) a matter which may result in a significant increase in any adverse environmental impact

previously evaluated in the final environmental statement (FES) as modified by staff's testimony to the Atomic Safety and Licensing Board, supplements to the FES, environmental impact appraisals, or in any initial or final decisions of an Atomic Safety and Licensing Board; or (2) a significant change in effluents or power level as specified in Section 51.5(b)(2) of 10 CFR 51; or (3) a matter not previously reviewed and evaluated in the documents specified in (1) of this section which may have a significant adverse environmental impact.

- C. The licensee shall maintain records of changes in facility design or operation made pursuant to this subsection. The licensee shall also maintain records of tests and experiments carried out pursuant to paragraph "A" of this subsection. These records shall include a written evaluation which provides the bases for the determination that the change, test, or experiment does not involve an unreviewed environmental question of significant impact or constitute a change in the objectives of these ETS. The licensee shall furnish to the Commission, annually or at such shorter intervals as may be specified in the license, a report containing descriptions, analyses, interpretations, and evaluations of such changes, tests and experiments.

5.4 Station Reporting Requirements

5.4.1 Routine Reports

Annual Environmental Operating Report

A report of the environmental monitoring programs for the previous year shall be submitted to the NRC separate from other NRC reporting requirements within 90 days following each anniversary of issuance of the operating license. The report shall include summaries, analyses, interpretations, and statistical evaluation of the results of the environmental monitoring required by special studies and requirements (Section 4) for the report period, including a comparison with preoperational studies, operational controls (as appropriate), and previous non-radiological environmental monitoring reports, and an assessment of the observed impacts of the station operation on the environment. If harmful effects or evidence of irreversible damage are suggested by the monitoring programs, the licensee shall provide a more detailed analysis of the data and a proposed course of action to alleviate the problem.

For those programs concerned with water quality or protection of aquatic biota this requirement shall be satisfied by submitting to the NRC copies of the

reports as required by the NPDES permit (or otherwise required pursuant to the Clean Water Act).

In the event that some results are not available by the report due date, the report shall be submitted noting and explaining the missing results. The missing data shall be submitted as soon as possible in a supplementary report.

The Annual Report shall also include summaries of:

1. All ETS noncompliances and the corrective actions taken to remedy them.
2. Changes made to applicable Federal and State permits and certifications.
3. Changes in station design which could involve an environmental impact or change the findings of the FES-OL.
4. All nonroutine reports submitted per ETS Section 4.1.
5. Changes in ETS.

5.4.2 Nonroutine Reports

A report shall be submitted in the event that an "Unusual or Important Environmental Event," as specified in Subsection 4.1.1 occurs, or if another relevant

permit is violated as specified in Subsection 4.1.2. Reports shall be submitted under one of the report schedules described below.

5.4.2.1 Prompt Report

Those events specified as requiring prompt reporting shall be reported within 24 hours by telephone, telegraph, or facsimile transmission to the NRC followed by a written report to the NRC within 30 days.

5.4.2.2 Thirty Day Report

Nonroutine events not requiring a prompt report as described in Subsection 5.4.2.1, shall be reported to NRC within 30 days of their occurrence.

5.4.2.3 Content of Nonroutine Reports

Written 30-day reports and, to the extent possible, the preliminary telephone, telegraph, or facsimile reports shall (a) describe, analyze, and evaluate the occurrence, including extent and magnitude of the impact, (b) describe the cause of the occurrence, (c) indicate the action taken to correct the reported occurrence, and (d) indicate the corrective action taken (including any significant changes made in procedures) to preclude repetition of the occurrence and to prevent similar occurrences involving similar components of systems.

5.4.2.4 Exceptions for Matters Regulated Under the Clean Water Act

For matters regulated under the Clean Water Act, the report schedules and content requirements described in Subsection 5.4.2. shall be satisfied by submitting, to the NRC, copies of reports as required by the NPDES permit (or other regulations pursuant to the Clean Water Act) in accordance with the schedules and content requirements imposed thereby.

5.5 Changes in Environmental Technical Specifications and Permits

5.5.1 Changes in Environmental Technical Specifications

Requests for changes in environmental technical specifications shall be submitted to the NRC for review and authorization per 10 CFR 50.90. The request shall include an evaluation of the environmental impact of the proposed changes and a supporting justification. Implementation of such requested changes in the ETS shall not commence prior to incorporation by the NRC of the new specifications by an amendment into the license.

5.5.2 Changes in Permits and Certifications

Changes and additions to required Federal (other than NRC), State, regional, and local authority permits and certificates for the protection of the environment that pertain to the requirements of these ETS shall be reported to the

NRC within 30 days. In the event that the licensee initiates or becomes aware of request for changes to any of the water quality requirements, limits or values stipulated in any certification or permit issues pursuant to Sections 401 or 402 of the Clean Water Act, NRC shall be notified within 30 days.

If a permit or certification, in part or in its entirety, is appealed and stayed, NRC shall be notified as described above. If, as a result of the appeal process, the 402 requirements are changed, the change shall be dealt with as described in the first paragraph of this subsection, 5.5.2.

5.6 Records Retention

Records and logs relative to the environmental aspects of station operation shall be made and retained in a manner convenient for review and inspection. These records and logs shall be made available to NRC on request.

5.6.1 The following records shall be retained for the life of the station:

- (a) Records of changes to Section 4.0 of these Environmental Technical Specifications including, when applicable, records of NRC approval of such changes.
- (b) Records of modifications to station structures, systems and components determined to potentially affect the continued protection of the environment.
- (c) Records of changes to permits and certification required by Federal (other than NRC), State, regional and local authorities for the protection of the environment.
- (d) Routine reports submitted to the NRC.

5.6.2 Records of the following shall be retained for a minimum of six years:

- (a) Review and audit activities.
- (b) Events, and the reports thereon, which are the subjects of non-routine reports to the NRC.

5.6.3 Records associated with requirements of Federal (other than NRC), State, local and regional authorities' permits and certificates for the protection of the environment shall be retained for the period established by the respective permit or certificate.