

April 14, 2005

Mr. Michael R. Kansler, President  
Entergy Nuclear Operations, Inc.  
440 Hamilton Avenue  
White Plains, NY 10601

SUBJECT: INDIAN POINT NUCLEAR GENERATING UNIT NOS. 2 AND 3 - ISSUANCE OF  
AMENDMENTS ELIMINATING REQUIREMENTS FOR HYDROGEN  
RECOMBINERS AND HYDROGEN MONITORS (TAC NOS. MC5032  
AND MC5033)

Dear Mr. Kansler:

The Commission has issued the enclosed Amendment No. 243 to Facility Operating License No. DPR-26 for the Indian Point Nuclear Generating Unit No. 2 and Amendment No. 228 to Facility Operating License No. DPR-64 for the Indian Point Nuclear Generating Unit No. 3. The amendments consist of changes to the Technical Specifications (TSs) in response to your application transmitted by letter dated October 22, 2004.

The amendments revise the TSs by eliminating the requirements associated with hydrogen recombiners and hydrogen monitors.

A copy of the related Safety Evaluation is enclosed. A Notice of Issuance will be included in the Commission's next regular biweekly *Federal Register* notice.

Sincerely,

**/RA/**

Patrick D. Milano, Sr. Project Manager, Section 1  
Project Directorate I  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

Docket Nos. 50-247 and 50-286

Enclosures: 1. Amendment No. 243 to DPR-26  
2. Amendment No. 228 to DPR-64  
3. Safety Evaluation

cc w/encls: See next page

April 14, 2005

Mr. Michael R. Kansler, President  
Entergy Nuclear Operations, Inc.  
440 Hamilton Avenue  
White Plains, NY 10601

SUBJECT: INDIAN POINT NUCLEAR GENERATING UNIT NOS. 2 AND 3 - ISSUANCE OF  
AMENDMENTS ELIMINATING REQUIREMENTS FOR HYDROGEN  
RECOMBINERS AND HYDROGEN MONITORS (TAC NOS. MC5032  
AND MC5033)

Dear Mr. Kansler:

The Commission has issued the enclosed Amendment No. 243 to Facility Operating License No. DPR-26 for the Indian Point Nuclear Generating Unit No. 2 and Amendment No. 228 to Facility Operating License No. DPR-64 for the Indian Point Nuclear Generating Unit No. 3. The amendments consist of changes to the Technical Specifications (TSs) in response to your application transmitted by letter dated October 22, 2004.

The amendments revise the TSs by eliminating the requirements associated with hydrogen recombiners and hydrogen monitors.

A copy of the related Safety Evaluation is enclosed. A Notice of Issuance will be included in the Commission's next regular biweekly *Federal Register* notice.

Sincerely,

/RA/

Patrick D. Milano, Sr. Project Manager, Section 1  
Project Directorate I  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

Docket Nos. 50-247 and 50-286

Enclosures: 1. Amendment No. 243 to DPR-26  
2. Amendment No. 228 to DPR-64  
3. Safety Evaluation

cc w/encls: See next page

Accession Number: ML050660112

OFFICE	PDIV-1/PE	PDIV-1/PM	PDI-1\PM	PDI-1\LA	PDI-1\SC
NAME	MThorpe-Kavanaugh	WReckley	PMilano	SLittle	RLaufer
DATE	01/19/05	02/08/05	03/09/05	03/08/05	04/14/05

Official Record Copy

DATED: April 14, 2005

AMENDMENT NO. 243 TO FACILITY OPERATING LICENSE NO. DPR-26 INDIAN POINT  
UNIT 2 AND AMENDMENT NO. 228 TO FACILITY OPERATING LICENSE NO. DPR-64  
INDIAN POINT UNIT 3

PUBLIC  
PDI-1 R/F  
R. Laufer  
T. Boyce  
P. Milano  
W. Reckley  
S. Little  
G. Matakas, RI  
G. Hill (2)  
OGC  
ACRS

cc: Plant Service list

Indian Point Nuclear Generating Unit Nos. 2 & 3

cc:

Mr. Gary J. Taylor  
Chief Executive Officer  
Entergy Operations, Inc.  
1340 Echelon Parkway  
Jackson, MS 39213

Mr. John T. Herron  
Senior Vice President and  
Chief Operating Officer  
Entergy Nuclear Operations, Inc.  
440 Hamilton Avenue  
White Plains, NY 10601

Mr. Fred Dacimo  
Site Vice President  
Entergy Nuclear Operations, Inc.  
Indian Point Energy Center  
450 Broadway, GSB  
P.O. Box 249  
Buchanan, NY 10511-0249

Mr. Christopher Schwarz  
General Manager, Plant Operations  
Entergy Nuclear Operations, Inc.  
Indian Point Energy Center  
295 Broadway, Suite 2  
P.O. Box 249  
Buchanan, NY 10511-0249

Mr. Danny L. Pace  
Vice President Engineering  
Entergy Nuclear Operations, Inc.  
440 Hamilton Avenue  
White Plains, NY 10601

Mr. Brian O'Grady  
Vice President, Operations Support  
Entergy Nuclear Operations, Inc.  
440 Hamilton Avenue  
White Plains, NY 10601

Mr. John McCann  
Director, Nuclear Safety Assurance  
Entergy Nuclear Operations, Inc.  
440 Hamilton Avenue  
White Plains, NY 10601

Ms. Charlene D. Faison  
Manager, Licensing  
Entergy Nuclear Operations, Inc.  
440 Hamilton Avenue  
White Plains, NY 10601

Mr. Michael J. Columb  
Director of Oversight  
Entergy Nuclear Operations, Inc.  
440 Hamilton Avenue  
White Plains, NY 10601

Mr. James Comiotes  
Director, Nuclear Safety Assurance  
Entergy Nuclear Operations, Inc.  
Indian Point Energy Center  
295 Broadway, Suite 1  
P.O. Box 249  
Buchanan, NY 10511-0249

Mr. Patric Conroy  
Manager, Licensing  
Entergy Nuclear Operations, Inc.  
Indian Point Energy Center  
295 Broadway, Suite 1  
P. O. Box 249  
Buchanan, NY 10511-0249

Mr. John M. Fulton  
Assistant General Counsel  
Entergy Nuclear Operations, Inc.  
440 Hamilton Avenue  
White Plains, NY 10601

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

Senior Resident Inspector's Office  
Indian Point 2  
U. S. Nuclear Regulatory Commission  
P.O. Box 59  
Buchanan, NY 10511-0038

Indian Point Nuclear Generating Unit Nos. 2 & 3

cc:

Senior Resident Inspector's Office  
Indian Point 3  
U. S. Nuclear Regulatory Commission  
P.O. Box 337  
Buchanan, NY 10511-0337

Mr. Peter R. Smith, President  
New York State Energy, Research, and  
Development Authority  
17 Columbia Circle  
Albany, NY 12203-6399

Mr. Paul Eddy  
Electric Division  
New York State Department  
of Public Service  
3 Empire State Plaza, 10<sup>th</sup> Floor  
Albany, NY 12223

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

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

Mr. Ray Albanese  
Executive Chair  
Four County Nuclear Safety Committee  
Westchester County Fire Training Center  
4 Dana Road  
Valhalla, NY 10592

Ms. Stacey Lousteau  
Treasury Department  
Entergy Services, Inc.  
639 Loyola Avenue  
Mail Stop: L-ENT-15E  
New Orleans, LA 70113

PWR SRC Consultant  
139 Depot Road  
East Kingston, NH 03827

Mr. Dan C. Poole  
PWR SRC Consultant  
20 Captains Cove Road  
Inglis, FL 34449

Mr. William T. Russell  
PWR SRC Consultant  
400 Plantation Lane  
Stevensville, MD 21666-3232

Mr. Jim Riccio  
Greenpeace  
702 H Street, NW  
Suite 300  
Washington, DC 20001

Mr. William DiProfio

ENTERGY NUCLEAR INDIAN POINT 2, LLC

ENTERGY NUCLEAR OPERATIONS, INC.

DOCKET NO. 50-247

INDIAN POINT NUCLEAR GENERATING UNIT NO. 2

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 243  
License No. DPR-26

1. The Nuclear Regulatory Commission (the Commission) has found that:
  - A. The application for amendment by Entergy Nuclear Operations, Inc. (the licensee) dated October 22, 2004, 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 amended by changes to the Technical Specifications as indicated in the attachment to this license amendment, and paragraph 2.C.(2) of Facility Operating License No. DPR-26 is hereby amended to read as follows:

(2) Technical Specifications

The Technical Specifications contained in Appendices A and B, as revised through Amendment No. 243, are hereby incorporated in the license. The licensee shall operate the facility in accordance with the Technical Specifications.

3. This license amendment is effective as of the date of its issuance and shall be implemented within 60 days.

FOR THE NUCLEAR REGULATORY COMMISSION

*/RA/*

Richard J. Laufer, Chief, Section 1  
Project Directorate I  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

Attachment:  
Changes to the Technical  
Specifications

Date of Issuance: April 14, 2005

ATTACHMENT TO LICENSE AMENDMENT NO. 243

FACILITY OPERATING LICENSE NO. DPR-26

DOCKET NO. 50-247

Replace the following pages of the Appendix A Technical Specifications with the attached revised pages. The revised pages are identified by amendment number and contain marginal lines indicating the areas of change.

Remove Pages

3.3.3-2  
3.3.3-4  
3.6.8-1  
3.6.8-2

Insert Pages

3.3.3-2  
3.3.3-4  
3.6.8-1  
-



ENTERGY NUCLEAR OPERATIONS, INC.

DOCKET NO. 50-286

INDIAN POINT NUCLEAR GENERATING UNIT NO. 3

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 228

License No. DPR-64

1. The Nuclear Regulatory Commission (the Commission) has found that:
  - A. The application for amendment by Entergy Nuclear Operations, Inc. (the licensee) dated October 22, 2004, 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 amended by changes to the Technical Specifications as indicated in the attachment to this license amendment, and paragraph 2.C.(2) of Facility Operating License No. DPR-64 is hereby amended to read as follows:

(2) Technical Specifications

The Technical Specifications contained in Appendices A and B, as revised through Amendment No. 228, are hereby incorporated in the license. The licensee shall operate the facility in accordance with the Technical Specifications.

3. This license amendment is effective as of the date of its issuance and shall be implemented within 60 days.

FOR THE NUCLEAR REGULATORY COMMISSION

**/RA/**

Richard J. Laufer, Chief, Section I  
Project Directorate I  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

Attachment:  
Changes to the Technical  
Specifications

Date of Issuance: April 14, 2005

ATTACHMENT TO LICENSE AMENDMENT NO. 228

FACILITY OPERATING LICENSE NO. DPR-64

DOCKET NO. 50-286

Replace the following pages of the Appendix A Technical Specifications with the attached revised pages. The revised pages are identified by amendment number and contain marginal lines indicating the areas of change.

Remove Pages

3.3.3-4  
3.3.3-5  
3.6.8-1  
3.6.8-2

Insert Pages

3.3.3-4  
3.3.3-5  
3.6.8-1  
-

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION  
RELATED TO AMENDMENT NO. 243 TO FACILITY OPERATING  
LICENSE NO. DPR-64 AND  
AMENDMENT NO. 228 TO FACILITY OPERATING  
LICENSE NO. DPR-26  
ENTERGY NUCLEAR OPERATIONS, INC.  
INDIAN POINT NUCLEAR GENERATING UNIT NOS. 2 AND 3  
DOCKET NOS. 50-247 AND 50-286

1.0 INTRODUCTION

By letter dated October 22, 2004 (ADAMS Accession No. ML043140231), Entergy Nuclear Operations, Inc. (the licensee) submitted a request for changes to the Indian Point Nuclear Generating Unit Nos. 2 and 3 Technical Specifications (TSs). The proposed changes would delete the TS requirements associated with hydrogen recombiners and hydrogen monitors.

The Nuclear Regulatory Commission (NRC) has revised Section 50.44, "Combustible gas control for nuclear power reactors," of Part 50 to Title 10 of the *Code of Federal Regulations* (10 CFR 50.44). The amended standards eliminated the requirements for hydrogen recombiners and relaxed the requirements for hydrogen and oxygen monitoring. In letters dated December 17, 2002, and May 12, 2003, the Nuclear Energy Institute (NEI) Technical Specification Task Force (TSTF) proposed, on behalf of the industry, to remove requirements for hydrogen recombiners and hydrogen and oxygen monitors from the standard technical specifications (STS) (NUREGs 1430 - 1434) to incorporate the amended standards. This proposed change is designated TSTF Traveler No. 447 (TSTF-447).

The NRC staff prepared this model safety evaluation (SE) for the elimination of requirements regarding containment hydrogen recombiners and the removal of requirements from TSs for containment hydrogen and oxygen monitors and solicited public comment (67 FR 50374, published August 2, 2002) in accordance with the Consolidated Line Item Improvement Process (CLIIP). The use of the CLIIP in this matter is intended to help the NRC to efficiently process amendments that propose to remove the hydrogen recombiner and hydrogen and oxygen monitor requirements from the TSs. Licensees of nuclear power reactors to which this model applies were informed (68 FR 55416; September 25, 2003) that they could request amendments conforming to the model, and, in such requests, should confirm the applicability of the SE to their reactors and provide the requested plant-specific verifications and commitments.

## 2.0 BACKGROUND AND REGULATORY EVALUATION

Regulatory Issue Summary 2000-06, "Consolidated Line Item Improvement Process for Adopting Standard Technical Specification Changes for Power Reactors," was issued on March 20, 2000. The CLIIP is intended to improve the efficiency of NRC licensing processes. This is accomplished by processing proposed changes to the STS in a manner that supports subsequent license amendment applications. The CLIIP includes an opportunity for the public to comment on proposed changes to the STS following a preliminary assessment by the NRC staff and finding that the change will likely be offered for adoption by licensees. The NRC staff evaluates any comments received for a proposed change to the STS and either reconsiders the change or proceeds with announcing the availability of the change for proposed adoption by licensees. Those licensees opting to apply for the subject change to TSs are responsible for reviewing the staff's evaluation, referencing the applicable technical justifications, and providing any necessary plant-specific information. Each amendment application made in response to the notice of availability would be processed and noticed in accordance with applicable rules and NRC procedures.

The Commission's regulatory requirements related to the content of TSs are set forth in 10 CFR 50.36. This regulation requires that the TSs include items in five specific categories. These categories include: (1) safety limits, limiting safety system settings and limiting control settings, (2) limiting conditions for operation (LCOs), (3) surveillance requirements, (4) design features, and (5) administrative controls. However, the regulation does not specify the particular TSs to be included in a plant's license.

Additionally, 10 CFR 50.36(c)(2)(ii) sets forth four criteria to be used in determining whether an LCO is required to be included in the TSs. These criteria are as follows:

1. Installed instrumentation that is used to detect, and indicate in the control room, a significant abnormal degradation of the reactor coolant pressure boundary.
2. A process variable, design feature, or operating restriction that is an initial condition of a design basis accident or transient analysis that either assumes the failure of or presents a challenge to the integrity of a fission product barrier.
3. A structure, system, or component that is part of the primary success path and which functions or actuates to mitigate a design basis accident or transient that either assumes the failure of or presents a challenge to the integrity of a fission product barrier.
4. A structure, system, or component which operating experience or probabilistic risk assessment has shown to be significant to public health and safety.

Existing LCOs and related surveillances included as TS requirements, which satisfy any of the criteria stated above, must be retained in the TSs. Those TS requirements which do not satisfy these criteria may be relocated to other licensee-controlled documents.

As part of the rulemaking that revised 10 CFR 50.44, the Commission retained requirements for ensuring a mixed atmosphere, inerting Mark I and II containments, and providing hydrogen control systems capable of accommodating an amount of hydrogen generated from a

metal-water reaction involving 75 percent of the fuel cladding surrounding the active fuel region in Mark III and ice condenser containments. The Commission eliminated the design-basis loss-of-coolant accident (LOCA) hydrogen release from 10 CFR 50.44 and consolidated the requirements for hydrogen and oxygen monitoring to 10 CFR 50.44 while relaxing safety classifications and licensee commitments to certain design and qualification criteria. The Commission also relocated without change the hydrogen control requirements in 10 CFR 50.34(f) to 10 CFR 50.44 and the high point vent requirements from 10 CFR 50.44 to 10 CFR 50.46a.

### 3.0 TECHNICAL EVALUATION

The ways in which the requirements and recommendations for combustible gas control were incorporated into the licensing bases of commercial nuclear power plants varied as a function of the date when plants were licensed. Plants that were operating at the time of the Three Mile Island (TMI), Unit 2, accident are likely to have been the subject of confirmatory orders that imposed the combustible gas control functions described in NUREG-0737, "Clarification of TMI Action Plan Requirements," as obligations. The issuance of plant-specific amendments to adopt these changes, which would remove hydrogen recombiner and hydrogen and oxygen monitoring controls from TSs, supersede the combustible gas control specific requirements imposed by post-TMI confirmatory orders.

#### 3.1 Hydrogen Recombiners

The revised (current) 10 CFR 50.44 no longer defines a design-basis LOCA hydrogen release, and eliminates requirements for hydrogen control systems to mitigate such a release. The installation of hydrogen recombiners and/or vent and purge systems required by 10 CFR 50.44(b)(3) was intended to address the limited quantity and rate of hydrogen generation that was postulated from a design-basis LOCA. The Commission has found that this hydrogen release is not risk-significant because the design-basis LOCA hydrogen release does not contribute to the conditional probability of a large release up to approximately 24 hours after the onset of core damage. In addition, these systems were ineffective at mitigating hydrogen releases from risk-significant beyond design-basis accidents (DBAs). Therefore, the Commission eliminated the hydrogen release associated with a design-basis LOCA from 10 CFR 50.44 and the associated requirements that necessitated the need for the hydrogen recombiners and the backup hydrogen vent and purge systems. As a result, the NRC staff finds that requirements related to hydrogen recombiners no longer meet any of the four criteria in 10 CFR 50.36(c)(2)(ii) for retention in TSs and the existing TS requirements may, therefore, be eliminated for all plants.

#### 3.2 Hydrogen Monitoring Equipment

Section 50.44(b)(1) of 10 CFR Part 50, the STSs, and plant-specific TSs currently contain requirements for monitoring hydrogen. Licensees have also made commitments to the design and qualification criteria for hydrogen monitors in Item II.F.1, Attachment 6 of NUREG-0737 and Regulatory Guide (RG) 1.97, "Instrumentation for Light-Water-Cooled Nuclear Power Plants to Assess Plant and Environs Conditions During and Following an Accident." The hydrogen monitors are required to assess the degree of core damage during a beyond DBA and confirm that random or deliberate ignition has taken place. If an explosive mixture that could threaten containment integrity exists during a beyond DBA, then other severe accident management

strategies, such as purging and/or venting, would need to be considered. The hydrogen monitors are needed to implement these severe accident management strategies.

With the elimination of the design-basis LOCA hydrogen release, hydrogen monitors are no longer required to mitigate DBAs and, therefore, the hydrogen monitors do not meet the definition of a safety-related component as defined in 10 CFR 50.2. RG 1.97 recommends classifying the hydrogen monitors as Category 1. RG 1.97 Category 1 is intended for key variables that most directly indicate the accomplishment of a safety function for DBA events and, therefore, are items usually addressed within TSs. As part of the rulemaking to revise 10 CFR 50.44, the Commission found that the hydrogen monitors no longer meet the definition of Category 1 in RG 1.97. The Commission concluded that Category 3, as defined in RG 1.97, is an appropriate categorization for the hydrogen monitors because the monitors are required to diagnose the course of beyond DBAs. Hydrogen monitoring is not the primary means of indicating a significant abnormal degradation of the reactor coolant pressure boundary. Section 4 of Attachment 2 to SECY-00-0198, "Status Report on Study of Risk-Informed Changes to the Technical Requirements of 10 CFR Part 50 (Option 3) and Recommendations on Risk-Informed Changes to 10 CFR 50.44 (Combustible Gas Control)," found that the hydrogen monitors were not risk-significant. Therefore, the NRC staff finds that hydrogen monitoring equipment requirements no longer meet any of the four criteria in 10 CFR 50.36(c)(2)(ii) for retention in TSs and, therefore, may be relocated to other licensee-controlled documents. However, because the monitors are required to diagnose the course of beyond DBAs, each licensee should verify that it has, and make a regulatory commitment to maintain, a hydrogen monitoring system capable of diagnosing beyond DBAs.

The elimination of Post-Accident Sampling System requirements from some plant-specific TSs (and associated CLIIP notices) indicated that during the early phases of an accident, safety-grade hydrogen monitors provide an adequate capability for monitoring containment hydrogen concentration. The NRC staff has subsequently concluded that Category 3 hydrogen monitors also provide an adequate capability for monitoring containment hydrogen concentration during the early phases of an accident.

#### 4.0 VERIFICATIONS AND COMMITMENTS

As requested by the NRC staff in the notice of availability for this TS improvement, the licensee has addressed the following plant-specific verification and commitment.

Each licensee should verify that it has, and make a regulatory commitment to maintain, a hydrogen monitoring system capable of diagnosing beyond design-basis accidents.

The licensee has verified that it has a hydrogen monitoring system capable of diagnosing beyond DBAs. The licensee has committed to maintain the hydrogen monitors within its preventative maintenance program. The licensee will implement this commitment within 60 days of issuance of the amendment.

The NRC staff finds that reasonable controls for the implementation and for subsequent evaluation of proposed changes pertaining to the above regulatory commitments are provided by the licensee's administrative processes, including its commitment management program. Should the licensee choose to incorporate a regulatory commitment into the emergency plan,

final safety analysis report, or other document with established regulatory controls, the associated regulations would define the appropriate change-control and reporting requirements. The staff has determined that the commitments do not warrant the creation of regulatory requirements which would require prior NRC approval of subsequent changes. The NRC staff has agreed that NEI 99-04, Revision 0, "Guidelines for Managing NRC Commitment Changes," provides reasonable guidance for the control of regulatory commitments made to the NRC staff. (See Regulatory Issue Summary 2000-17, "Managing Regulatory Commitments Made by Power Reactor Licensees to the NRC Staff," dated September 21, 2000.) The commitments should be controlled in accordance with the industry guidance or comparable criteria employed by a specific licensee. The staff may choose to verify the implementation and maintenance of these commitments in a future inspection or audit.

## 5.0 STATE CONSULTATION

In accordance with the Commission's regulations, the New York State official was notified of the proposed issuance of the amendment. The State official had no comments.

## 6.0 ENVIRONMENTAL CONSIDERATION

The amendment changes a requirement with respect to installation or use of a facility component located within the restricted area as defined in 10 CFR Part 20 and changes surveillance requirements. The NRC staff has determined that the amendment involves no significant increase in the amounts, and no significant change in the types, of any effluents that may be released offsite, and that there is no significant increase in individual or cumulative occupational radiation exposure. The Commission has previously issued a proposed finding that the amendment involves no significant hazards consideration, and there has been no public comment on such finding (70 FR 5240). Accordingly, the amendment meets the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(9). Pursuant to 10 CFR 51.22(b) no environmental impact statement or environmental assessment need be prepared in connection with the issuance of the amendment.

## 7.0 CONCLUSION

The Commission has concluded, based on the considerations discussed above that (1) there is reasonable assurance that the health and safety of the public will not be endangered by operation in the proposed manner, (2) such activities will be conducted in compliance with the Commission's regulations, and (3) the issuance of the amendment will not be inimical to the common defense and security or to the health and safety of the public.

Principal Contributor: W. Reckley

Date: April 14, 2005