

7590-01

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)	
POWER AUTHORITY OF THE STATE)	
OF NEW YORK)	Docket No. 50-286
(Indian Point Nuclear)	
Generating Unit No. 3))	

ORDER CONFIRMING LICENSEE COMMITMENTS
ON EMERGENCY RESPONSE CAPABILITY

I.

The Power Authority of the State of New York (the licensee) is the holder of Facility Operating License No. DPR-64 which authorizes the operation of the Indian Point Nuclear Generating Unit No. 3 (the facility) at steady-state power levels not in excess of 3025 megawatts thermal. The facility is a pressurized water reactor (PWR) located in Westchester County, New York.

II.

Following the accident at Three Mile Island Unit No. 2 (TMI-2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are intended to

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provide substantial additional protection in the operation of nuclear facilities and significant upgrading of emergency response capability based on the experience from the accident at TMI-2 and the official studies and investigations of the accident. The requirements are set forth in NUREG-0737, "Clarification of TMI Action Plan Requirements," and in Supplement 1 to NUREG-0737, "Requirements for Emergency Response Capability." Among these requirements are a number of items consisting of emergency response facility operability, emergency procedure implementation, addition of instrumentation, possible control room design modification, and specific information to be submitted.

On December 17, 1982, a letter (Generic Letter 82-33) was sent to all licensees of operating reactors, applicants for operating licenses, and holders of construction permits enclosing Supplement 1 to NUREG-0737. In this letter operating reactor licensees and holders of construction permits were requested to furnish the following information, pursuant to 10 CFR 50.54(f), no later than April 15, 1983:

- (1) A proposed schedule for completing each of the basic requirements for the items identified in Supplement 1 to NUREG-0737, and
- (2) A description of plans for phased implementation and integration of emergency response activities including training.

III.

The licensee responded to Generic Letter 82-33 by letter dated April 18, 1983, and August 23, 1983. In these submittals, the licensee made commitments to complete the basic requirements: (1) dates for providing required submittals to the NRC, (2) dates for implementing certain requirements, and (3) a schedule for providing implementation dates for other

requirements. The staff found that these dates were reasonable and achievable dates for meeting the Commission requirements and concluded that the schedule proposed by the licensee would provide timely upgrading of the licensee's emergency response capability. On February 21, 1984, the NRC issued "Order Confirming Licensee Commitments on Emergency Response Capability" which confirmed the licensee's commitments.

IV.

The February 21, 1984, Order stated that for those requirements for which the licensee committed to a schedule for providing implementation dates, those dates would be reviewed, negotiated and confirmed by a subsequent order. In conformance with the requirements of the February 21, 1984 Order, the licensee's letter dated June 29, 1984, provided a completion schedule for the following requirement:

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| 3. Regulatory Guide 1.97 - Application to
Emergency Response Facilities | 3b. Implement (installation
or upgrade) requirements. |
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The attached Table summarizing the licensee's schedular commitment for the above item was developed by the NRC staff from the information provided by the licensee. The staff reviewed the licensee's June 29, 1984 letter and discussed the date with the licensee.

The NRC staff finds that this date is a reasonable and an achievable date for meeting the Commission requirements. The NRC staff concludes that the schedule proposed by the licensee will provide timely upgrading of the licensee's emergency response capability.

In view of the foregoing, I have determined that the implementation of the licensee's commitments are required in the interest of the public health and safety and should, therefore, be confirmed by an immediately effective Order.

V.

Accordingly, pursuant to Sections 103, 161i, 161o and 182 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR 2.204 and 50, IT IS HEREBY ORDERED, EFFECTIVE IMMEDIATELY, THAT License No. DPR-64 is modified to provide that the licensee shall:

Implement the specific item described in the Attachment to this ORDER in the manner described in the licensee's submittal dated June 29, 1984, no later than the date in the Attachment.

Extension of time for completing this item may be granted by the Director, Division of Licensing, for good cause shown.

VI.


The licensee or any other person who has an adversely affected interest may request a hearing on this Order within 20 days of the date of publication of this Order in the Federal Register. Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy shall be sent to the Executive Legal Director at the same address. A REQUEST FOR HEARING SHALL NOT STAY THE IMMEDIATE EFFECTIVENESS OF THIS ORDER.

If a hearing is to be held, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether the licensee should comply with the requirements set forth in Section V of this Order.

This Order is effective upon issuance.

FOR THE NUCLEAR REGULATORY COMMISSION


Hugh L. Thompson, Jr., Director
Division of Licensing
Office of Nuclear Reactor Regulation

Dated in Bethesda, Maryland
this 6th day of August, 1985.

Attachment: Licensee's Additional Commitment
on Requirements Specified in
Supplement 1 to NUREG-0737

INDIAN POINT UNIT 3

LICENSEE'S ADDITIONAL COMMITMENTS ON SUPPLEMENT 1 TO NUREG-0737

TITLE	REQUIREMENTS	LICENSEE'S COMPLETION SCHEDULE (OR STATUS)
3. Regulatory Guide 1.97 - Application to Emergency Response Facilities	3b. Implement (installation or upgrade) requirements	Cycle 5/6 Refueling Outage (scheduled for about second quarter 1987)