



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

September 28, 1995

Unit File

50-286

Mr. William J. Cahill, Jr.  
Chief Nuclear Officer  
Power Authority of the State  
of New York  
123 Main Street  
White Plains, NY 10601

SUBJECT: ISSUANCE OF A SCHEDULAR EXEMPTION FROM THE REQUIREMENTS OF 10 CFR  
50.71(e)(4) - INDIAN POINT NUCLEAR GENERATING UNIT NO. 3 (TAC NO.  
M92770)

Dear Mr. Cahill:

By letter dated June 20, 1995, you requested a one time schedular exemption from the requirements of 10 CFR 50.71(e)(4) for the submittal of the periodic update to the Indian Point Nuclear Generating Unit No. 3 (IP3) Final Safety Analysis Report (FSAR). Specifically, you requested an extension from July 22, 1995, to 6 months after the plant restarted from the performance improvement extended shutdown.

The NRC staff has reviewed the information provided in support of your request and finds that granting the one time schedular exemption from the FSAR update requirements of 10 CFR 50.71(e)(4) is authorized by law, will not present an undue risk to public health and safety, is consistent with the common defense and security, and meets the special circumstances described in 10 CFR 50.12(a)(2)(v). Accordingly, your request is granted. The schedular exemption reschedules the FSAR update submittal date from July 22, 1995, to December 27, 1995 (IP3 restarted on June 27, 1995). This 6-month schedular extension also applies to the quality assurance program description update requirements of 10 CFR 50.54(a)(3).

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W. Cahill

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A copy of the one time schedular exemption is enclosed and a copy has been forwarded to the Office of the Federal Register for publication.

Sincerely,



Ledyard B. Marsh, Director  
Project Directorate I-1  
Division of Reactor Projects - I/II  
Office of Nuclear Reactor Regulation

Docket No. 50-286

Enclosure: Exemption

cc w/encl: See next page

William J. Cahill, Jr.  
Power Authority of the State  
of New York

Indian Point Nuclear Generating  
Station Unit No. 3

cc:

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Indian Point 3 Nuclear Power Plant  
U.S. Nuclear Regulatory Commission  
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Director Nuclear Licensing  
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Union of Concerned Scientists  
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Assistant Attorney General  
New York Department of Law  
120 Broadway  
New York, NY 10271

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

In the Matter of

POWER AUTHORITY OF THE STATE  
OF NEW YORK

(Indian Point Nuclear Generating  
Unit No. 3)

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Docket No. 50-286

EXEMPTION

I.

The Power Authority of the State of New York (the licensee) is the holder of Facility Operating License No. DPR-64, which authorizes operation of the Indian Point Nuclear Generating Unit No. 3 (IP3). The license provides, among other things, that the licensee is subject to all rules, regulations, and orders of the Nuclear Regulatory Commission (the Commission) now or hereafter in effect.

The facility consists of a pressurized-water reactor at the licensee's site located in Westchester County, New York.

II.

By letter dated June 20, 1995, the licensee requested a one time schedular exemption from the Final Safety Analysis Report (FSAR) update submittal requirements of 10 CFR 50.71(e)(4) which requires that FSAR revisions must be submitted annually or 6 months after a refueling outage provided the interval between updates does not exceed 2 years. The licensee also requested a one time schedular exemption from 10 CFR 50.54(a)(3) which

requires that changes to the quality assurance program description that do not reduce commitments must be submitted to the NRC in accordance with the FSAR update requirements of 10 CFR 50.71(e).

In February 1993, the licensee shut down IP3 for an extended performance improvement outage. The plant was recently restarted on June 27, 1995. Although this extended shutdown was not a refueling outage, the number of facility changes made by the licensee during the shutdown equates it to one. As such, a one time FSAR update scheduler exemption was requested to enable the licensee to include most of the modifications, technical specifications amendments, and other changes completed during the extended shutdown in the next FSAR update. This would result in a more complete and accurate update. The requested scheduler exemption would reschedule the required FSAR update from July 22, 1995, to 6 months after restart from the extended shutdown.

### III.

Pursuant to 10 CFR 50.12, the Commission may, upon application by any interested person or upon its own initiative, grant exemptions from the requirements of 10 CFR Part 50 when (1) the exemptions are authorized by law, will not present an undue risk to public health and safety, and are consistent with the common defense and security and (2) when special circumstances are present as set forth in 10 CFR 50.12(a)(2).

The licensee has indicated that the requested exemption does not produce undue risk to the public health and safety since the exemption is an extension of reporting requirements. Other reporting requirements such as 10 CFR 50.59(b)(2), 50.72, 50.73, and the license amendment process ensure that the

NRC will receive timely notifications concerning changes to the plant and its licensing basis. The common defense and security are not impacted by this exemption.

The licensee has also indicated that the 6-month schedular extension would provide only temporary relief from the applicable regulation and a good faith effort has been made to comply with the regulation.

#### IV.

Accordingly, the Commission has determined, pursuant to 10 CFR 50.12, that (1) the exemption as described in Section II is authorized by law, will not endanger life or property, and is otherwise in the public interest and (2) special circumstances exist pursuant to 10 CFR 50.12(a)(2)(v), in that the exemption would provide only temporary relief from the applicable regulation and the licensee has made good faith efforts to comply with the regulation. Therefore, the Commission hereby grants the following one time schedular exemption:

- (1) The Power Authority of the State of New York is exempt from the requirement of 10 CFR 50.71(e)(4), to the extent that the current FSAR update submittal due date has been extended from July 22, 1995, to December 27, 1995.

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this exemption will have no significant impact on the quality of the human environment (60 FR 48528). A specific one time schedular exemption from the reporting requirements of 10 CFR 50.54(a)(3) is not required since

the 10 CFR 50.54(a)(3) reports are submitted in accordance with the requirements 50.71(e)(4), which has been authorized above for a one time schedular exemption.

This exemption is effective upon issuance.

FOR THE NUCLEAR REGULATORY COMMISSION

  
Steven A. Varga, Director  
Division of Reactor Projects - I/II  
Office of Nuclear Reactor Regulation

Dated at Rockville, Maryland,  
this 28th day of September 1995

the 10 CFR 50.54(a)(3) reports are submitted in accordance with the requirements 50.71(e)(4), which has been authorized above for a one time schedular exemption.

This exemption is effective upon issuance.

FOR THE NUCLEAR REGULATORY COMMISSION

Original signed by:

Steven A. Varga, Director  
Division of Reactor Projects - I/II  
Office of Nuclear Reactor Regulation

Dated at Rockville, Maryland,  
this 28th day of September 1995

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W. Cahill

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A copy of the one time scheduler exemption is enclosed and a copy has been forwarded to the Office of the Federal Register for publication.

Sincerely,

Original signed by:

Ledyard B. Marsh, Director  
Project Directorate I-1  
Division of Reactor Projects - I/II  
Office of Nuclear Reactor Regulation

Docket No. 50-286

Enclosure: Exemption

cc w/encl: See next page

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