

Docket No. 50-333

Mr. Leroy W. Sinclair
President and Chief Operating Officer
Power Authority of the State of New York
10 Columbus Circle
New York, New York 10019

MAR 11 1983

Dear Mr. Sinclair:

The Commission has issued the enclosed Amendment No. 73 to Facility Operating License No. DPR-59 for the James A. FitzPatrick Nuclear Power Plant. This amendment consists of changes to the License and Technical Specifications in response to your application dated February 10, 1983, and subsequent discussions between the NRC staff and your staff. These changes have been discussed with and agreed to by members of your staff.

This amendment deletes the Appendix B Environmental Technical Specifications (ETS) which pertain to non-radiological water quality-related requirements, as required by the Federal Water Pollution Control Act Amendments of 1972.

Your basis for the requested deletion of water quality limits and monitoring programs is that these aquatic requirements are now under the jurisdiction of the U.S. Environmental Protection Agency (EPA) as established by the Federal Water Pollution Control Act Amendments of 1972. Therefore, water quality conditions in existing reactor operating licenses should be removed as a matter of law where the licensee holds, as you do, an effective National Pollutant Discharge Elimination System (NPDES) permit.

We concur in the deletion of the aquatic requirements and will rely on the NPDES permit system which is administered by EPA for regulation and protection of the aquatic environment. However, the NRC staff still wishes to remain informed about any changes in your NPDES permit and any violations of this permit. Accordingly, as discussed with your staff, you have agreed to provide NRC with a copy of any changes to the NPDES discharge permit and any permit violations requiring notification to the permitting agency at the time this information is reported to or received from the permitting agency. This information is to be submitted to the appropriate Regional Administrator with a copy to the Director, Office of Nuclear Reactor Regulation.

Please confirm this commitment in writing within 30 days of receipt of this letter.

We have determined that the deletion of these water quality requirements is a ministerial action required as a matter of law and will not result in any significant environmental impact. Having made this determination, we have further concluded that the amendment involves an action which is insignificant from the standpoint of environmental impact and pursuant to 10 CFR 51.5(d)(4) that an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of this amendment.

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Since the amendment applies only to deletion of water quality requirements, we have concluded that: (1) because the amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated, does not create the possibility of an accident of a type different from any evaluated previously, and does not involve a significant reduction in a margin of safety, the amendment does not involve a significant hazards consideration, (2) there is reasonable assurance that the health and safety of the public will not be endangered by operation in the proposed manner, and (3) such activities will be conducted in compliance with the Commission's regulations and the issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public.

A copy of the Notice of Issuance is also enclosed.

Sincerely,

Original signed by
D. B. Vassallo

Domenic B. Vassallo, Chief
Operating Reactors Branch #2
Division of Licensing

Enclosures:

- 1. Amendment No. 73 to DPR-59
- 2. Notice of Issuance

cc w/Enclosures
See next page

DIST:	Docket File	NRC PDR	LPDR	ORB#2 Rdg	DEisenhut	SNorris
KEccleston	OELD	SECY	LJHarmon-2	TBarnhart-4	LSchneider	DBrinkman
XTRA-5	ACRS-10	OPA-CMiles	RDiggs	NSIC	Gray	ASLAB
JHegner						

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SURNAME	SNorris	KEccleston	JHegner	DVassallo	WJohnston	GLarnas	
DATE	2/28/83	2/28/83	2/28/83	2/29/83	2/21/83	3/2/83	2/1/83

Mr. Leroy W. Sinclair
Power Authority of the State
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cc:

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

POWER AUTHORITY OF THE STATE OF NEW YORK

DOCKET NO. 50-333

JAMES A. FITZPATRICK NUCLEAR POWER PLANT

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 73
License No. DPR-59

1. The Nuclear Regulatory Commission (the Commission) has found that:

- A. The application for amendment by the Power Authority of the State of New York (the licensee) dated February 10, 1983, 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 deleting paragraph 2.E.(2) and 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-59 is hereby amended to read as follows:

(2) Technical Specifications

The Technical Specifications contained in Appendices A and B, as revised through Amendment No. 73, 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.

FOR THE NUCLEAR REGULATORY COMMISSION



Domenic B. Vassallo, Chief
Operating Reactors Branch #2
Division of Licensing

Attachment:
Changes to the
Technical Specifications

Date of Issuance: March 11, 1983

ATTACHMENT TO LICENSE AMENDMENT NO. 73

FACILITY OPERATING LICENSE NO. DPR-59

DOCKET NO. 50-333

Replace the following pages of the Appendix B Technical Specifications with the enclosed pages as indicated. The revised pages are identified by Amendment number and contain vertical lines indicating the area of change.

Remove

i
iii
iv
1
2
3-5
16a-32
33
39
40

Insert

i
iii
iv
1
2
3
16a
33
39
40

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1.0 Definitions

Normal Plant Operation is with the reactor critical and above one percent rated power and in conformance with the requirements of the Technical Specifications.

Sample. Material gathered, such as water or fish, for the purpose of analyzing for a certain parameter or characteristic.

Sub-sample. A sample which is divided in a uniform manner so as to make the analysis of the smaller portion representative of the total sample. For example, a large sample of fish would be divided into a smaller sample with the same ratio of species and weight of fish as the whole sample.

LIMITING CONDITIONS FOR OPERATIONS

2.0 Protection Limits

2.1 This section intentionally deleted.

2.2 This section intentionally deleted.

Pages 3 -5 Intentionally deleted.

Amendment No. ~~25~~, ~~46~~ 73 3

Pages 16a -32 Intentionally deleted.

Amendment No. ~~46~~ 73

16a

4.0 Environmental Surveillance and Special Study Programs

4.1 (Deleted)

4.2 (Deleted)

4.3 Environmental Radiological Monitoring

OBJECTIVE

An environmental radiological monitoring program shall be conducted to evaluate the effects of station operation on the environs and to verify the effectiveness of the controls on radioactive materials sources.

SPECIFICATION

An environmental radiological monitoring program shall be conducted as follows:

1. The environmental radiation monitoring program specified in Table 4.3-1 shall be conducted.
2. Reporting requirements for the environmental radiological monitoring program are outlined in Sect. 5.5, Plant Reporting Requirements.
3. During the seasons that animals producing milk for human consumption are on pasture, samples of fresh milk shall be obtained from these animals at the frequencies and number of locations shown in Table 4.3-1 and analyzed for their radioiodine content, calculated as I-131. Analysis shall be carried out within eight days (one I-131 half-life) of sampling. Suitable analytical procedures shall be used to determine the radioiodine concentration to a sensitivity of 0.5 picocuries per liter of milk at the time of sampling. For activity levels at or above 0.5 picocuries per liter, overall error (one sigma confidence level) of the analysis shall be within \pm 25 percent. Results shall be reported, with associated calculated error, as picocuries of I-131 per liter of milk at the time of sampling.

5.5.2 Plant Operating Procedures include provisions, in addition to the procedures specified in Section 5.5.1, to ensure that all plant systems and components are operated in compliance with the limiting conditions for operations established as part of the Environmental Technical Specifications.

5.6 PLANT REPORTING REQUIREMENTS

5.6.1 Routine Reports

a. Annual Environmental Operating Report

(This part intentionally deleted.)

A report on the radiological environmental surveillance programs for the previous 12 months of operation shall be submitted to the Director of the NRC Regional Office (with a copy to the Director, Office of Nuclear Reactor Regulation) as a separate document within 90 days after January 1 of each year. The period of the first report shall begin with the date of initial criticality. The reports shall include summaries, interpretations, and statistical evaluation of the results of the radiological environmental surveillance activities for the report period, including a comparison with preoperational studies, operational controls (as appropriate), and previous environmental surveillance reports and an assessment of the observed impacts of the plant operation on the environment. The reports shall also include the results of land use censuses required by the Technical Specifications. If harmful effects or evidence of irreversible damage are detected by the monitoring, the licensee shall provide an analysis of the problem and a proposed course of action to alleviate the problem.

Results of all radiological environmental samples taken shall be summarized and tabulated on an annual basis. In the event that some results are not available within the 90 day period, the report shall be submitted noting and explaining the reasons for the missing results. The missing data shall be submitted as soon as possible in a supplementary report.

b. Radioactive Effluent Release Report

A report on the radioactive discharges released from the site during the previous 6 months of operation shall be submitted to the Director of the NRC Regional Office (with a copy to the Director, Office of Nuclear Reactor Regulation) within 60 days after January 1 and July 1 of each year. The period of the first report shall begin with the date of initial criticality. The report shall include a summary of the quantities of radioactive liquid and gaseous effluents and solid waste released from the plant as outlined in Regulatory Guide 1.21, "Measuring, Evaluating, and Reporting Radioactivity in Solid Wastes and Releases of Radioactive Materials in Liquid and Gaseous Effluents from Light-Water-Cooled Nuclear Power Plants," with data summarized on a quarterly basis following the format of Appendix B thereof.

The report shall include a summary of the meteorological conditions concurrent with the release of gaseous effluents during each quarter as outlined in Regulatory Guide 1.21, with data summarized on a quarterly basis following the format of Appendix B thereof.

5.6.2 Nonroutine Reports

a. Nonroutine Environmental Operating Reports

A report shall be submitted in the event that (a) a limiting condition for operation is exceeded (as specified in Section 2, "Limiting Conditions for Operation") or (b) an unusual important event occurs that causes a significant environmental impact.

(1) Prompt Report. Those events requiring prompt reports shall be reported within 24 hours by telephone, telegraph, or facsimile transmission to the Director of the NRC Regional Office and within 14 days by a written report to the Director of the Regional Office (with a copy to the Director, Office of Nuclear Reactor Regulation).

(2) 30-Day Report. Those events not requiring prompt reports shall be reported within 30 days by a written report to the Director of the NRC Regional Office (with a copy to the Director, Office of Nuclear Reactor Regulation).

(Written 14-day and 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, and (c) indicate the corrective action (including any significant changes made in procedures) taken to preclude repetition of the occurrence and to prevent similar occurrences involving similar components or systems.

UNITED STATES NUCLEAR REGULATORY COMMISSIONDOCKET NO. 50-333POWER AUTHORITY OF THE STATE OF NEW YORKNOTICE OF ISSUANCE OF AMENDMENT TO FACILITYOPERATING LICENSE

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 73 to Facility Operating License No. DPR-59, issued to the Power Authority of the State of New York (the licensee), which revised the Licensee and Technical Specifications for operation of the James A. FitzPatrick Nuclear Power Plant. The amendment is effective as of the date of issuance.

The amendment deletes the Appendix B Environmental Technical Specifications (ETS) which pertain to non-radiological water quality-related requirements, as required by the Federal Water Pollution Control Act Amendments of 1972.

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 the amendment was not required since the amendment does not involve a significant hazards consideration.

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The Commission has determined that the issuance of this amendment is a ministerial action required as a matter of law and will not result in any significant environmental impact and pursuant to 10 CFR 51.5(d)(4), an environmental impact statement, or negative declaration and environmental impact appraisal, need not be prepared in connection with issuance of the amendment.

For further details with respect to this action, see (1) the application for amendment dated February 10, 1983, (2) Amendment No. 73 to License No. DPR-59, and (3) the Commission's letter to the licensee dated March 11, 1983. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Penfield Library, State University College of Oswego, Oswego, New York. 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 Licensing.

Dated at Bethesda, Maryland, this 11th day of March 1983.

FOR THE NUCLEAR REGULATORY COMMISSION



Domenic B. Vassallo, Chief
Operating Reactors Branch #2
Division of Licensing