

Docket No. 50-333

Mr. John C. Brons
Senior Vice President -
Nuclear Generation
Power Authority of the State
of New York
123 Main Street
White Plains, New York 10601

DEC 11 1985

Dear Mr. Brons:

SUBJECT: ORDER MODIFYING LICENSE CONFIRMING ADDITIONAL LICENSEE
COMMITMENTS ON EMERGENCY RESPONSE CAPABILITY
(SUPPLEMENT 1 TO NUREG-0737)

Re: James A. FitzPatrick Nuclear Power Plant

The Commission has issued the enclosed Order confirming your additional commitments on emergency response capability. This Order is based on your letters dated June 14, and June 28, 1985 which commit to the schedules specified in the Table attached to the Order.

This Order pertains to the schedules for the Safety Parameter Display System and Regulatory Guide 1.97 implementation. Your schedule for meeting these NUREG-0737 requirements was proposed in part on the basis of your proposed schedule for meeting the ATWS rule, 10 CFR 50.62. Approval of your schedule for the ATWS rule will be addressed in separate correspondence.

A copy of this Order is being filed with the Office of the Federal Register for publication.

Sincerely, Original signed by
Daniel R. Muller

Daniel R. Muller, Director
BWR Project Directorate #2
Division of BWR Licensing

Enclosure:
Order

cc w/enclosure:
See next page

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Mr. John C. Brons
Power Authority of the State of New York

James A. FitzPatrick Nuclear
Power Plant

cc:

Mr. Charles M. Pratt
Assistant General Counsel
Power Authority of the State
of New York
10 Columbus Circle
New York, New York 10019

Mr. Jay Dunkleberger
Division of Policy Analysis
and Planning
New York State Energy Office
Agency Building 2
Empire State Plaza
Albany, New York 12223

Resident Inspector's Office
U. S. Nuclear Regulatory Commission
Post Office Box 136
Lycoming, New York 13093

Regional Administrator, Region I
U.S. Nuclear Regulatory Commission
631 Park Avenue
King of Prussia, Pennsylvania 19406

Mr. Radford J. Converse
Resident Manager
James A. FitzPatrick Nuclear
Power Plant
Post Office Box 41
Lycoming, New York 13093

Mr. A. Klausman
Vice President - Quality Assurance
Power Authority of the State
of New York
10 Columbus Circle
New York, New York 10019

Mr. J. A. Gray, Jr.
Director - Nuclear Licensing - BWR
Power Authority of the State
of New York
123 Main Street
White Plains, New York 10601

Mr. George Wilverding, Chairman
Safety Review Committee
Power Authority of the State
of New York
123 Main Street
White Plains, New York 10601

Mr. Robert P. Jones, Supervisor
Town of Scriba
R. D. #4
Oswego, New York 13126

Mr. Leroy W. Sinclair
Power Authority of the State
of New York
10 Columbus Circle
New York, New York 10019

Mr. M. C. Cosgrove
Quality Assurance Superintendent
James A. FitzPatrick Nuclear
Power Plant
Post Office Box 41
Lycoming, New York 13093

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)	Docket No. 50-333
)	
POWER AUTHORITY OF THE STATE)	
OF NEW YORK)	
(James A. FitzPatrick Nuclear)	
Power Plant))	

ORDER MODIFYING LICENSE CONFIRMING ADDITIONAL LICENSEE COMMITMENTS
ON EMERGENCY RESPONSE CAPABILITY

I.

Power Authority of the State of New York (the licensee) is the holder of Facility Operating License No. DPR-59 which authorizes the operation of the James A. FitzPatrick Nuclear Power Plant (the facility) at steady state reactor power levels each not in excess of 2436 megawatts thermal. The facility is a boiling water reactor located in Oswego 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 included Operational Safety, Siting and Design, and Emergency Preparedness and are intended to 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 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

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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 modifications, 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 15, 1983 and supplemented their response by letters dated June 30, 1983 and August 24, 1983. In these submittals, the licensee made commitments to complete the basic requirements. The licensee's commitments included (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 June 12, 1984, the NRC issued "Order Confirming Licensee Commitments on Emergency Response Capability" which confirmed the licensee's commitments.

IV.

The June 12, 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 milestones in the June 12, 1984 Order, the licensee, by letter dated November 30, 1984, provided completion schedules for the following requirements:

- | | |
|---|---|
| 1. Safety Parameter Display System (SPDS) | 1b. SPDS fully operational and operators trained. |
| 3. Regulatory Guide 1.97 - Application to Emergency Response Facilities | 3b. Implement (installation or upgrade) requirements. |
| 5. Emergency Response Facilities | 5a. Technical Support Center fully functional. |

The staff reviewed the licensee's November 30, 1984 letter and discussed the dates with the licensee. As a result of these discussions, the licensee provided certain revised dates by letters dated June 14 and June 28, 1985. The attached Table summarizing the licensee's schedular commitments for the above items was developed by the NRC from the information provided by the licensee.

The NRC staff finds that these dates are reasonable and achievable dates 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 10 CFR Part 50, IT IS HEREBY ORDERED, EFFECTIVE IMMEDIATELY, THAT Facility Operating License No. DPR-59 is modified to provide that the licensee shall:

Implement the specific items described in the Attachment to this ORDER in the manner described in the licensee's submittal noted in Section IV herein no later than the dates in the Attachment.

Extension of time for completing these items may be granted by the Director, Division of BWR Licensing, for good cause shown.

VJ.

The licensee or any person with 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 should

be addressed to the Director, Office of Nuclear Reactor Regulation, U. S. Nuclear Regulatory Commission, Washington, D. C. 20555. A copy should 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

A handwritten signature in black ink, appearing to read "Robert M. Bernero", is written over the printed name.

Robert M. Bernero, Director
Division of BWR Licensing
Office of Nuclear Reactor Regulation

Dated in Bethesda, Maryland
this 11th day of December 1985.

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

LICENSEE'S COMMITMENTS ON SUPPLEMENT 1 TO NUREG-0737

TITLE	ITEM/REQUIREMENT	LICENSEE'S COMPLETION SCHEDULE (OR STATUS)
Safety Parameter Display System (SPDS)	1b. SPDS fully operational and operators trained.	30 days after startup of Cycle 8, or January 31, 1987, whichever is later
Regulatory Guide 1.97 - Application to Emergency Response Facilities	3b. Implement (installation or upgrade) requirements.	30 days after startup of Cycle 9, or April 1, 1988 whichever is later
Emergency Response Facilities	5a. Technical Support Center fully functional.	Fully functional*

*does not include SPDS display terminal