

Docket No. 50-333

APR 28 1983

Mr. J. P. Bayne
Executive Vice President,
Nuclear Generation
Power Authority of the State
of New York
123 Main Street
White Plains, New York 10601

Dear Mr. Bayne:

SUBJECT: EXEMPTION FROM THE ANNUAL SCHEDULE REQUIREMENT FOR AN EMERGENCY
PREPAREDNESS EXERCISE

Re: James A. FitzPatrick Nuclear Power Plant

The Commission has issued the enclosed Exemption from the schedular requirements of 10 CFR 50, Appendix E, Section IV.F in response to your letter dated January 4, 1983. The Exemption pertains to a requirement in our letter dated January 21, 1982, which granted an exemption to conduct an earlier exercise but, required that the next exercise be conducted prior to April 1, 1983. As a result of the enclosed Exemption, the next exercise must now be conducted no later than October 15, 1983.

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

Sincerely,

Original signed by
D. B. Vassallo

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

Enclosure:
Exemption

cc w/enclosure

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Mr. J. P. Bayne
Executive Vice President
Nuclear Generation
Power Authority of the State of New York

cc:

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U.S. Nuclear Regulatory Commission
631 Park Avenue
King of Prussia, PA 19406

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of

) Docket No. 50-333
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POWER AUTHORITY OF THE
STATE OF NEW YORK

(James A. FitzPatrick Nuclear
Power Plant)

EXEMPTION

I.

The Power Authority of the State of New York (the licensee) is the holder of Facility Operating License No. DPR-59 (the license) which authorizes the operation of the James A. FitzPatrick Nuclear Power Plant (the facility) at steady-state reactor power levels not in excess of 2436 megawatts thermal. The facility consists of a boiling water reactor located at the licensee's site in Oswego County, New York. The license provides, among other things, that it is subject to all rules, regulations and Orders of the Commission now or hereafter in effect.

II.

Section IV.F of Appendix E to 10 CFR Part 50 requires that an emergency preparedness exercise be conducted (at least) annually. By letter dated January 4, 1983 the licensee requested a one-time exemption from the requirements of 10 CFR 50, Appendix E, Section IV.F, to conduct an annual emergency preparedness exercise for the year subsequent to its first full-scale exercise (August 11, 1982). This first exercise of August 11, 1982, was scheduled in response to a January 21, 1982 letter from the NRC to G. T. Berry, which granted a deferral from an earlier mandated exercise date and required that the second

annual exercise be conducted prior to April 1, 1983. However, as a result of coordination efforts with New York State, Oswego County and Niagara Mohawk, the licensee has tentatively scheduled the 1983 exercise for October 12, 1983. Therefore the licensee requested a one-time waiver for the date of this currently scheduled exercise.

During our review we found: that the last full-scale exercise held on August 11, 1982 demonstrated an acceptable level of preparedness; that a full-scale exercise was conducted September 16, 1981 by Niagara Mohawk at its Nine Mile Point facility, which is adjacent to the FitzPatrick plant (on the same site), and that this has effectively resulted in an annual exercise involving state and local authorities with the FitzPatrick - Nine Mile Point site; that these full-scale exercises provide adequate assurance regarding the capability of the State and local officials to respond to an emergency at either nuclear plant; that another exercise will be conducted prior to October 15, 1983; and that the training of emergency response personnel will continue as committed to in the James A. FitzPatrick Nuclear Power Plant Emergency Plan to ensure that personnel remain familiar with emergency response duties.

Based on our findings, we have determined that a one-time delay in performing the next annual emergency preparedness exercise will not adversely affect the overall state of emergency preparedness at FitzPatrick. Therefore, we conclude that the licensee's exemption request is acceptable and should be granted.

III.

Accordingly, the Commission has determined that pursuant to 10 CFR 50.12, an exemption is authorized by law and will not endanger life or property

or the common defense and security and is otherwise in the public interest.

Therefore, the Commission hereby approves the following exemption request:

The licensee is exempt from the requirement of Section IV.F of Appendix E to 10 CFR Part 50 with respect to the requirement for conducting an annual emergency preparedness exercise and is required to conduct the next emergency preparedness exercise no later than October 15, 1983.

The NRC staff has determined that the granting of this Exemption will not result in any significant environmental impact and that 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 this action.

FOR THE NUCLEAR REGULATORY COMMISSION



Darrell G. Eisenhut
Division of Licensing
Office of Nuclear Reactor Regulation

Dated at Bethesda, Maryland
this 28th day of April 1983.