

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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

ORDER CONFIRMING LICENSEE COMMITMENTS
ON EMERGENCY RESPONSE CAPABILITY

I.

Power Authority of the State of New York (PASNY) (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 power levels not in excess of 2436 megawatts thermal. The facility is a boiling water reactor (BWR) 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 include 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 the official studies and investigations of the

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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 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.

PASNY 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, PASNY made commitments to complete the basic requirements. The attached Table summarizing the licensee's schedular commitments or status was developed by the NRC staff from the Generic Letter and the information provided by the licensee.

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PASNY's commitments include (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. These latter implementation dates will be reviewed, negotiated and confirmed by a subsequent order.

The NRC staff reviewed the licensee's April 15, 1983 and June 30, 1983 letters and entered into negotiations with the licensee regarding schedules for meeting the requirements of Supplement 1 to NUREG-0737. As a result of these negotiations, the licensee modified certain dates by letter dated August 24, 1983. The NRC staff finds that the modified dates are reasonable, 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 PASNY's commitments are required in the interest of the public health and safety and should, therefore, be confirmed by an immediately effective Order.

IV.

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 Parts 2 and 50, IT IS HEREBY ORDERED, EFFECTIVE IMMEDIATELY, THAT the licensee shall:

Implement the specific items described in the Attachment to this ORDER in the manner described in PASNY's submittals noted in Section III herein no later than the dates in the Attachment.

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

V.

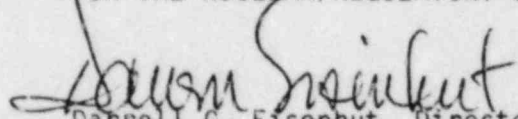
The licensee may request a hearing on this Order within 20 days of the date of publication of this Order in the Federal Register. Any request for a hearing should be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy should also 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 IV of this Order.

This Order is effective upon issuance.

FOR THE NUCLEAR REGULATORY COMMISSION



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

Dated at Bethesda, Maryland,
this 12 day of June, 1984.

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

LICENSEE'S COMMITMENTS ON SUPPLEMENT 1 TO NUREG-0737

| TITLE | REQUIREMENT | LICENSEE'S COMPLETION SCHEDULE (OR STATUS) |
|---|--|--|
| 1. Safety Parameter Display System (SPDS) | 1a. Submit a safety analysis and an implementation plan to the NRC. | December 1, 1984 |
| | 1b. SPDS fully operational and operators trained. | Submit a firm completion date by December 1, 1984. |
| 2. Detailed Control Room Design Review (DCRDR) | 2a. Submit a program plan to the NRC. | Completed (Submitted on October 24, 1983) |
| | 2b. Submit a summary report to the NRC including a proposed schedule for implementation. | November 15, 1985 |
| 3. Regulatory Guide 1.97 - Application to Emergency Response Facilities | 3a. Submit a report to the NRC describing how the requirements of Supplement 1 to NUREG-0737 have been or will be met. | December 1, 1984 |
| | 3b. Implement (installation or upgrade) requirements. | Submit a firm completion date by December 1, 1984. |

LICENSEE'S COMMITMENTS ON SUPPLEMENT 1 TO NUREG-0737

| TITLE | REQUIREMENT | LICENSEE'S COMPLETION SCHEDULE (OR STATUS) |
|--|--|--|
| 4. Upgrade Emergency Operating Procedures (EOPs) | 4a. Submit a Procedures Generation Package to the NRC. | Completed (Submitted on June 30, 1983) |
| | 4b. Implement the upgraded EOPs. | December 31, 1984 |
| 5. Emergency Response Facilities | 5a. Technical Support Center fully functional. | Submit a firm completion date by December 1, 1984. |
| | 5b. Operational Support Center fully functional. | Complete |
| | 5c. Emergency Operations Facility fully functional | June 28, 1985 |