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Attorney, OELD

Luner, ANL

Docket No. 50-333

Power Authority of the State of New York  
ATTN: Mr. George T. Berry  
General Manager and Chief Engineer  
10 Columbus Circle  
New York, New York 10019

Gentlemen:

The Commission has issued the enclosed Amendment No. 12 to Facility Operating License No. DPR-59 for the James A. Fitzpatrick Nuclear Power Plant. This amendment is in response to your request dated September 25, 1975.

This amendment revises the provisions in the Technical Specifications relating to elimination of one of the sampling locations in the entrainment sampling program. The change is required due to the fact that it is both unnecessary and impossible to monitor sampling locations in the manner previously described in the Technical Specifications. The 401 certificate issued by the State of New York and Facility Operating License No. DPR-59 have been reviewed and it was determined that this amendment does not conflict with conditions listed therein.

We have evaluated the potential for environmental impact of plant operation in accordance with the enclosed amendment. The amendment applies to the environmental sampling locations. We have determined that the amendment does not authorize a change in effluent types or total amounts nor an increase in power level, 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 statement, negative declaration or environmental impact appraisal need not be prepared in connection with the issuance of this amendment.

Since the amendment applies only to the environmental sampling locations, it does not involve significant new safety information of a type not considered by a previous Commission safety review of the facility. It does not involve a significant increase in the probability or consequences of an accident, does not involve a significant decrease in a safety margin, and therefore does not involve a significant hazards consideration. We have also concluded that there is reasonable assurance that the health and safety of the public will not be endangered by this action.

OFFICE ➤						
SURNAME ➤						
DATE ➤						

Power Authority of the State of  
New York

2

March 1, 1976

A copy of the related Federal Register Notice is also enclosed.

Sincerely,

Original signed by

Robert W. Reid, Chief  
Operating Reactors Branch 4  
Division of Operating Reactors

Enclosures:

1. Amendment No. 12 to DPR-59
2. Federal Register Notice

cc w/encl: (see attached list)

bcc: w/encl

J. R. Buchanan, ORNL  
T. B. Abernathy, DTIE  
~~A. Rosenthal, ASLAB~~  
~~N. Goodrich, ASLBP~~

OFFICE →	DSE:EP-3 ma	DSE:EP-3 RBevan	DSE:ADP VMorre	ORB-4 R ING-RAM in 2/5/76	OELD Bla. Goodrich	ORB-4 RReid
SURNAME →	MDuncan:s1	WRegan		MFairtile		
DATE →	2/2/76	2/3/76	2/4/76	2/5/76	2/26/76	3/1/76

POWER AUTHORITY OF THE STATE OF NEW YORK

AND

NIAGARA MOHAWK POWER CORPORATION

DOCKET NO. 50-333

JAMES A. FITZPATRICK NUCLEAR POWER PLANT

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 12  
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 and Niagara Mohawk Power Corporation (the licensee) dated September 25, 1975, 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. An environmental statement or negative declaration need not be prepared in connection with the issuance of this amendment.
2. Accordingly, the license is amended by a change to the Technical Specifications as indicated in the attachment to this license amendment.

OFFICE ➤						
SURNAME ➤						
DATE ➤						

3. This license amendment is effective as of the date of its issuance.

FOR THE NUCLEAR REGULATORY COMMISSION

Original signed by

Robert W. Reid, Chief  
Operating Reactors Branch 4  
Division of Operating Reactors

Attachment:  
Changes to the  
Technical Specifications

Date of Issuance:  
March 1, 1976

	ORB-4 R INGRAM in 2/5/76					
OFFICE →	DSE:EP-3 <i>md</i>	DSE:EP-3	DSE:ADP	ORB-4	OELD	ORB-4
SURNAME →	MDuncan:s1	RBevan WRegan	VMoore	MFairtile	B. BORDENICH	RReid
DATE →	2/2/76	2/13/76	2/11/76	2/5/76	2/26/76	3/1/76

ATTACHMENT TO LICENSE AMENDMENT NO. 12

FACILITY OPERATING LICENSE NO. DPR-59

DOCKET NO. 50-333

Revise Appendix B of the Technical Specifications as follows:

Remove page 27 and insert the attached revised page 27. The changed area on the revised page is shown by marginal line.

OFFICE ➤						
SURNAME ➤						
DATE ➤						

UNITED STATES NUCLEAR REGULATORY COMMISSION  
DOCKET NO. 50-333  
POWER AUTHORITY OF THE STATE OF NEW YORK  
NIAGARA MOHAWK POWER CORPORATION  
NOTICE OF ISSUANCE OF AMENDMENT TO FACILITY  
OPERATING LICENSE

Notice is hereby given that the U. S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 12 to Facility Operating License No. DPR-59 issued to the Power Authority of the State of New York and Niagara Mohawk Power Corporation which revised Technical Specifications for operation of the James A. Fitzpatrick Nuclear Power Plant, located in Oswego County, New York. The amendment is effective as of its date of issuance.

The amendment permits elimination of one of the sampling locations in the entrainment sampling program. The amendment is required due to the fact that it is both unnecessary and impossible to monitor sampling locations in the manner previously described in the Technical Specifications. The 401 certificate issued by the State of New York and Facility Operating License No. DPR-59 have been reviewed and it was determined that this amendment does not conflict with conditions listed therein.

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

The Commission has determined that the issuance of this amendment will

OFFICE >	not result in any significant environmental impact and that pursuant to
SURNAME >	10 CFR § 51.5(d)(4) an environmental statement, negative declaration or
DATE >	

environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated September 25, 1975, and (2) Amendment No. 12 to License No. DPR-59. Both 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 Oswego City Library, 120 East Second Street, Oswego, New York.

A copy of item (2) may be obtained upon request addressed to the U. S. Nuclear Regulatory Commission, Washington, D. C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 1st day of March, 1976.

FOR THE NUCLEAR REGULATORY COMMISSION

Original signed by

Robert W. Reid, Chief  
Operating Reactors Branch 4  
Division of Operating Reactors

OFFICE →	DSE:EP-3 MDuncan:sl	DSE:EP-3 RBryan WRegan	DSE:ADP VMoore	ORB-4 MFairtile	DELD B. B. Spence	ORB-4 RReid
SURNAME →						
DATE →	2/2/76	2/3/76	2/1/76	2/5/76	2/26/76	3/1/76

Handwritten notes: ORB-4 MBJ, R. INGRAM 2/5/76, BMS, 2



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

March 1, 1976

Docket No. 50-333

Power Authority of the State of New York  
ATTN: Mr. George T. Berry  
General Manager and Chief Engineer  
10 Columbus Circle  
New York, New York 10019

Gentlemen:

The Commission has issued the enclosed Amendment No. 12 to Facility Operating License No. DPR-59 for the James A. Fitzpatrick Nuclear Power Plant. This amendment is in response to your request dated September 25, 1975.

This amendment revises the provisions in the Technical Specifications relating to elimination of one of the sampling locations in the entrainment sampling program. The change is required due to the fact that it is both unnecessary and impossible to monitor sampling locations in the manner previously described in the Technical Specifications. The 401 certificate issued by the State of New York and Facility Operating License No. DPR-59 have been reviewed and it was determined that this amendment does not conflict with conditions listed therein.

We have evaluated the potential for environmental impact of plant operation in accordance with the enclosed amendment. The amendment applies to the environmental sampling locations. We have determined that the amendment does not authorize a change in effluent types or total amounts nor an increase in power level, 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 statement, negative declaration or environmental impact appraisal need not be prepared in connection with the issuance of this amendment.

Since the amendment applies only to the environmental sampling locations, it does not involve significant new safety information of a type not considered by a previous Commission safety review of the facility. It does not involve a significant increase in the probability or consequences of an accident, does not involve a significant decrease in a safety margin, and therefore does not involve a significant hazards consideration. We have also concluded that there is reasonable assurance that the health and safety of the public will not be endangered by this action.



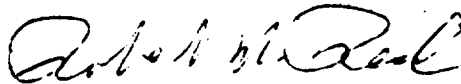
Power Authority of the State of  
New York

2

March 1, 1976

A copy of the related Federal Register Notice is also enclosed.

Sincerely,

A handwritten signature in dark ink, appearing to read "Robert W. Reid". The signature is fluid and cursive, with the first and last names being more prominent.

Robert W. Reid, Chief  
Operating Reactors Branch 4  
Division of Operating Reactors

Enclosures:

1. Amendment No. 12 to DPR-59
2. Federal Register Notice

cc w/encl: (see attached list)

March 1, 1976

cc w/encl:

Scott B. Lilly, General Counsel  
Power Authority of the State of New York  
10 Columbus Circle  
New York, New York 10019

Arvin E. Upton, Esquire  
LeBoeuf, Lamb, Leiby and MacRae  
1757 N Street, N.W.  
Washington, D. C. 20555

Lauman Martin, Esquire  
Senior Vice President and  
General Counsel  
Niagara Mohawk Corporation  
300 Erie Boulevard  
Syracuse, New York 13202

Charles V. Mangan  
Manager Production Plant Engineering  
Niagara Mohawk Corporation  
300 Erie Boulevard West  
Syracuse, New York 13202

Mr. Z. Chilazi  
Power Authority of the State  
of New York  
10 Columbus Circle  
New York, New York 10019

Dr. William E. Seymour  
Staff Coordinator  
New York State Atomic  
Energy Council  
New York State Department  
of Commerce  
112 State Street  
Albany, New York 12207

Mr. Thomas Lempkes  
Niagara Mohawk Power Corporation  
P.O. Box 32  
Lycoming, New York 13093

Mr. Paul Arbesman  
Environmental Protection Agency  
26 Federal Plaza  
New York, New York 10007

Mr. Robert P. Jones, Supervisor  
Town of Scriba  
Route 4, Hall Road  
Oswego, New York 13126

Mr. Alvin L. Krakau, Chairman  
County Legislature  
County Office Building  
46 East Bridge Street  
Oswego, New York 13126

Mr. Neill Thomasson  
ATTN: Loretto Long  
Office of Radiation Programs  
Environmental Protection Agency  
Waterside Mall, Rm. 647A  
East Tower  
401 M Street, S.W.  
Washington, D. C. 20460



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D. C. 20565

POWER AUTHORITY OF THE STATE OF NEW YORK

AND

NIAGARA MOHAWK POWER CORPORATION

DOCKET NO. 50-333

JAMES A. FITZPATRICK NUCLEAR POWER PLANT

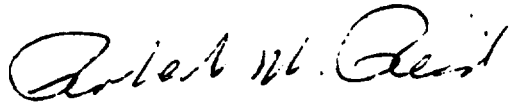
AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 12  
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 and Niagara Mohawk Power Corporation (the licensee) dated September 25, 1975, 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. An environmental statement or negative declaration need not be prepared in connection with the issuance of this amendment.
2. Accordingly, the license is amended by a change to the Technical Specifications as indicated in the attachment to this license amendment.

3. This license amendment is effective as of the date of its issuance.

FOR THE NUCLEAR REGULATORY COMMISSION

A handwritten signature in cursive script, appearing to read "Robert W. Reid".

Robert W. Reid, Chief  
Operating Reactors Branch 4  
Division of Operating Reactors

Attachment:  
Changes to the  
Technical Specifications

Date of Issuance:  
March 1, 1976

ATTACHMENT TO LICENSE AMENDMENT NO. 12

FACILITY OPERATING LICENSE NO. DPR-59

DOCKET NO. 50-333

Revise Appendix B of the Technical Specifications as follows:

Remove page 27 and insert the attached revised page 27. The changed area on the revised page is shown by marginal line.

- (2) Twice per month, replicate samples shall be collected during day and night for all entrained organisms at following locations: (1) Intake forebay, (2) discharge forebay, (3) in the mixing zone, and in the plume 2°F above ambient. Simulated laboratory studies will be acceptable where actual field sampling is not possible due to design features.
- (3) Phytoplankton - The viability of phytoplankton after condenser passage and the concentration of chlorophyll-a and photosynthetic rate as determined by  $^{14}\text{C}$  uptake shall be determined at 7, 24, 48 and 72 hours after collection.
- (4) Zooplankton - Organisms shall be identified to the lowest possible taxa and viability shall be determined as soon as possible after collection up to 24 hour period. Attempts shall be made to identify size selective mortality.
- (5) Fish eggs, fry, and young of the year - Two plankton nets shall be permitted to drift in the current in the forebay. The contents of nets shall be examined for fish eggs and larvae which shall be identified and enumerated for approximately five (5) minute collections. Extent of mortality shall be determined in field and laboratory thermal shock studies.
- (6) At the end of two years of the entrainment study the results from the study shall be analyzed, evaluated by the licensee and submitted in summarized form to the Director of Operating Reactors. The report shall include:
  - (a) proposed final values of the protection limits and report levels and/or appropriate substantiated recommendations for modifications or discontinuance of the various portions of the study.
  - (b) Identification of those biological parameters which require continuing monitoring throughout the life of the plant.

#### BASES

The data outlined in the Specifications above is necessary to determine the extent of entrainment and of mortality of entrained organisms. These data will be analyzed in the light of information obtained on plankton and fish eggs and larvae under the General Ecological Survey to determine the significance of entrainment mortality and to arrive at limiting conditions and report levels.

UNITED STATES NUCLEAR REGULATORY COMMISSION  
DOCKET NO. 50-333  
POWER AUTHORITY OF THE STATE OF NEW YORK  
NIAGARA MOHAWK POWER CORPORATION  
NOTICE OF ISSUANCE OF AMENDMENT TO FACILITY  
OPERATING LICENSE

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The amendment permits elimination of one of the sampling locations in the entrainment sampling program. The amendment is required due to the fact that it is both unnecessary and impossible to monitor sampling locations in the manner previously described in the Technical Specifications. The 401 certificate issued by the State of New York and Facility Operating License No. DPR-59 have been reviewed and it was determined that this amendment does not conflict with conditions listed therein.

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

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental statement, negative declaration or

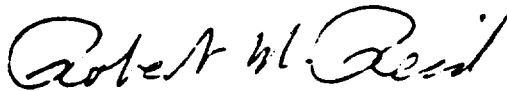
environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated September 25, 1975, and (2) Amendment No. 12 to License No. DPR-59. Both 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 Oswego City Library, 120 East Second Street, Oswego, New York.

A copy of item (2) may be obtained upon request addressed to the U. S. Nuclear Regulatory Commission, Washington, D. C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 1st day of March, 1976.

FOR THE NUCLEAR REGULATORY COMMISSION

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Robert W. Reid, Chief  
Operating Reactors Branch 4  
Division of Operating Reactors