

September 29, 2000

Mr. James Knubel
Chief Nuclear Officer
Power Authority of the State of New York
123 Main Street
White Plains, NY 10601

SUBJECT: JAMES A. FITZPATRICK NUCLEAR POWER PLANT - AMENDMENT RE:
CHANGE TO THE TECHNICAL SPECIFICATIONS (TSs TO PRECLUDE THE
APPLICABILITY OF TSs 3.0.D AND 4.0.D DURING PLANT SHUTDOWN
(TAC NO. MA9848)

Dear Mr. Knubel:

The Commission has issued the enclosed Amendment No. 262 to Facility Operating License No. DPR-59 for the James A. FitzPatrick Nuclear Power Plant. The amendment consists of changes to the Technical Specifications (TSs) in response to your application transmitted by letter dated August 29, 2000, as supplemented September 8, 2000.

The amendment would adapt the provisions of the Boiling Water Reactor Standard Technical Specifications (STS) regarding applicability of TS 3.0.D and 4.0.D in the event of plant shutdown. Similar STS permit entry into an Operating Condition (mode) under associated specified conditions if part of a required Action or part of a plant shutdown.

A copy of the related Safety Evaluation is enclosed. A Notice of Issuance will be included in the Commission's next regular biweekly *Federal Register* notice.

Sincerely,

/RA/

Guy S. Vissing, Sr. Project Manager, Section 1
Project Directorate I
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket No. 50-333

Enclosures: 1. Amendment No. 262 to DPR-59
2. Safety Evaluation

cc w/encls: See next page

James A. FitzPatrick Nuclear Power Plant

Mr. Gerald C. Goldstein
Assistant General Counsel
Power Authority of the State
of New York
1633 Broadway
New York, NY 10019

Resident Inspector's Office
U. S. Nuclear Regulatory Commission
P.O. Box 136
Lycoming, NY 13093

Mr. Harry P. Salmon, Jr.
Vice President - Engineering
Power Authority of the State
of New York
123 Main Street
White Plains, NY 10601

Ms. Charlene D. Faison
Director Nuclear Licensing
Power Authority of the State
of New York
123 Main Street
White Plains, NY 10601

Supervisor
Town of Scriba
Route 8, Box 382
Oswego, NY 13126

Mr. Eugene W. Zeltmann
President and Chief Operating
Officer
Power Authority of the State
of New York
30 South Pearl Street
Albany, NY 12207-3425

Charles Donaldson, Esquire
Assistant Attorney General
New York Department of Law
120 Broadway
New York, NY 10271

Regional Administrator, Region I
U.S. Nuclear Regulatory Commission
475 Allendale Road
King of Prussia, PA 19406

Mr. F. William Valentino, President
New York State Energy, Research,
and Development Authority
Corporate Plaza West
286 Washington Avenue Extension
Albany, NY 12203-6399

Mr. Richard L. Patch, Director
Quality Assurance
Power Authority of the State
of New York
123 Main Street
White Plains, NY 10601

Mr. Gerard Goering
28112 Bayview Drive
Red Wing, MN 55066

Mr. James Gagliardo
Safety Review Committee
708 Castlewood Avenue
Arlington, TX 76012

Mr. Arthur Zaremba, Licensing Manager
James A. FitzPatrick Nuclear
Power Plant
P.O. Box 41
Lycoming, NY 13093

Mr. Paul Eddy
New York State Dept. of
Public Service
3 Empire State Plaza, 10th Floor
Albany, NY 12223

Michael J. Colomb
Site Executive Officer
James A. FitzPatrick Nuclear Power Plant
P.O. Box 41
Lycoming, NY 13093

Oswego County Administrator Jack Tierney
46 East Bridge Street
Oswego, New York 13126

Mr. James Knubel
Chief Nuclear Officer
Power Authority of the State of New York
123 Main Street
White Plains, NY 10601

September 29, 2000

SUBJECT: JAMES A. FITZPATRICK NUCLEAR POWER PLANT - AMENDMENT RE:
CHANGE TO THE TECHNICAL SPECIFICATIONS (TSs TO PRECLUDE THE
APPLICABILITY OF TSs 3.0.D AND 4.0.D DURING PLANT SHUTDOWN
(TAC NO. MA9848)

Dear Mr. Knubel:

The Commission has issued the enclosed Amendment No. 262 to Facility Operating License No. DPR-59 for the James A. FitzPatrick Nuclear Power Plant. The amendment consists of changes to the Technical Specifications (TSs) in response to your application transmitted by letter dated August 29, 2000, as supplemented September 8, 2000.

The amendment would adapt the provisions of the Boiling Water Reactor Standard Technical Specifications (STS) regarding applicability of TS 3.0.D and 4.0.D in the event of plant shutdown. Similar STS permit entry into an Operating Condition (mode) under associated specified conditions if part of a required Action or part of a plant shutdown.

A copy of the related Safety Evaluation is enclosed. A Notice of Issuance will be included in the Commission's next regular biweekly *Federal Register* notice.

Sincerely,

/RA/

Guy S. Vissing, Sr. Project Manager, Section 1
Project Directorate I
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket No. 50-333

Enclosures: 1. Amendment No. 262 to DPR-59
2. Safety Evaluation

cc w/encls: See next page

Distribution:

PUBLIC	S.Little	ACRS
PDI-1 Reading	OGC	B. Platchek (BRP), Region I
E. Adensam	acrs	
M. Gamberoni G. Hill (2), T-5 C3		
G.Vissing	W. Beckner	

Accession No. ML003749109

OFFICE	PM:PDI-1	E	LA:PDI-1	OGC	SC:PDI-1	BC:STB	BC: EEIB
NAME	GVissing		SLittle	RWeisman	Helen Pastis for MGamberoni	WBeckner	JCalvo
DATE	9/14/00		9/14/00	9/22/00	9/29/00	9/14/00	9/14/00

Official Record Copy

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. 262

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 August 29, 2000, as supplemented September 8, 2000, 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 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. 262 , 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 and shall be implemented within 30 days.

FOR THE NUCLEAR REGULATORY COMMISSION

/RA by Helen N. Pastis for/

Marsha Gamberoni, Chief, Section 1
Project Directorate I
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Attachment:
Changes to the Technical
Specifications

Date of Issuance: September 29, 2000

ATTACHMENT TO LICENSE AMENDMENT NO. 262

FACILITY OPERATING LICENSE NO. DPR-59

DOCKET NO. 50-333

Replace the following pages of the Appendix A Technical Specifications with the attached revised pages. The revised pages are identified by amendment number and contain marginal lines indicating the areas of change.

Remove Pages

30a

30c

30g

Insert Pages

30a

30c

30g

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION
RELATED TO AMENDMENT NO. 262 TO FACILITY OPERATING LICENSE NO. DPR-59

POWER AUTHORITY OF THE STATE OF NEW YORK

JAMES A. FITZPATRICK NUCLEAR POWER PLANT

DOCKET NO. 50-333

1.0 INTRODUCTION

By letter dated August 29, 2000, as supplemented September 8, 2000, the Power Authority of the State of New York (the licensee) submitted a request for changes to the James A. FitzPatrick Nuclear Power Plant Current Technical Specifications (CTS). The requested changes would incorporate provisions of Boiling Water Reactor (BWR) Standard Technical Specifications (STS) limiting conditions for operation (LCO) 3.0.4 and surveillance requirement (SR) 3.0.4 into analogous CTS sections 3.0.D and 4.0.D, stating that the provisions of these specifications shall not prevent changes in OPERATIONAL CONDITIONS (modes) or other specified conditions that result from any plant shutdown. The September 8, 2000, letter provided clarifying information that did not change the initial proposed no significant hazards consideration determination.

On August 27, 2000, the NRC staff, by telephone conversation, followed up by letter dated August 28, 2000, exercised discretion not to enforce compliance with the actions required in CTSs 3.0.D and 4.0.D as it applied to the continuation of shutdown through the transition from the run mode to the startup mode with the intermediate range (IRM) monitor high flux inoperative, and the average power range monitor neutron flux-startup inoperative. Specifically, these reactor trip functions were inoperative because the instruments were required to be calibrated to declare them operable and the testing equipment for calibrating the instrumentation was not on site and would not be available for several hours. Since there was a leak at a weld joint on the electro-hydraulic control (EHC) system for the main turbine and a steam leak at the weld joint on the instrument line for the A reactor feed pump, it was considered prudent to continue shutdown in order to prevent an unnecessary transient.

2.0 EVALUATION

Section 3.0.D of the CTSs precludes entry into a mode when an LCO required in that mode is not met and the associated Action requires a shutdown if the LCO is not met within a specified time interval. The corresponding CTS 4.0.D precludes entry into a mode if the SRs associated with the LCO have not been performed within the applicable surveillance interval. Both CTSs 3.0.D and 4.0.D state that: "This provision shall not prevent passage through OPERATIONAL CONDITIONS (modes) required to comply with ACTION requirements." The CTS provisions

would thus permit entry into and passage through a mode if required by a required Action, but would preclude such entry and passage through a mode in the absence of a required Action. STS contain the same provisions, but also permit entry into and passage through a mode if required as part of a plant shutdown.

As currently written, CTSs 3.0.D and 4.0.D can impede orderly shutdown of the plant if such a shutdown is taken as a prudent action to avoid an unnecessary plant transient, or is taken in anticipation of not meeting the time requirements of an LCO requiring plant shutdown. For example, on August 27, 2000, the FitzPatrick plant conducted an unplanned shutdown due to an EHC leak which had the potential of causing a turbine trip with loss of bypass. Prudent action dictated an expeditious controlled shutdown; however, such a shutdown requires passage through the startup mode before the shutdown mode is achieved. Because certain surveillances associated with the startup mode had not been performed within the interval required in the startup mode, a Notice of Enforcement Discretion (NOED) was required for the provisions of CTS 3.0.D and 4.0.D so that a controlled shutdown could proceed.

Adaptation of the provisions of STS permitting a controlled shutdown in such cases is an enhancement, correcting a deficiency in CTS. These provisions permit expeditious, controlled shutdowns in cases where such action is prudent, even if not specified by an Action requirement. This, in turn, reduces unnecessary plant transients associated with shutting down by manual scram, the alternative to a controlled shutdown. Even from low power, such transients are undesirable.

The proposed change to the CTS adapting the cited provisions has already been submitted as part of the James A. FitzPatrick proposed conversion to Improved STS. This proposed amendment was noticed in the Federal Register on November 26, 1999 (64 FR 66509). In light of the recent experience of requiring Enforcement Discretion to conduct a controlled shutdown, the licensee deemed it prudent to request a separate change to CTS. The changes requested are extracted from STS, and reworded to be consistent with the language and format of CTS.

On the basis of the above evaluation, the NRC staff has determined the proposed changes to be acceptable.

3.0 EXIGENT CIRCUMSTANCES

Based on further review of the NRC guidance with regard to executing a request for a Notice of Enforcement Discretion (NOED), after the submission of the proposed amendment on August 29, 2000, the licensee requested, by a letter dated September 8, 2000, that the proposed amendment be granted on an exigent basis. The exigent need for the proposed amendment to the TSs was the result of not having immediate available testing equipment needed to calibrate instruments that were required to be operable in the startup mode. Delaying the calibration of the instrumentation until the calibration equipment was made available would have delayed plant shutdown several hours. It was desirable to transition from the run mode to the startup mode as expeditiously as possible because the rate of degradation of the EHC hydraulic control oil pressure boundary was unknown. The alternative (manually scrambling the reactor) would have adversely affected the degraded EHC system and,

therefore, would have posed a significant challenge to the main condenser as heat sink. On August 27, 2000, during a conference call between the licensee and the NRC, the licensee requested enforcement discretion to continue shutdown while not in compliance with the requirements of CTS 3.0.D. The NRC staff granted enforcement discretion during this conference call. The licensee followed up with a formal request for enforcement discretion by letter dated August 29, 2000, as supplemented September 8, 2000, and on September 5, 2000, the NRC staff issued a NOED. NRC Inspection Manual, Part 9900, NOED, Section C.4 states that for a NOED lasting longer than 2 weeks an exigent amendment should be issued within 4 weeks of the NOED. The NOED is still in effect, and therefore, exigent circumstances exist in that the licensee and the Commission must act quickly and time does not permit the Commission to publish a *Federal Register* notice allowing 30 days for prior public comment. Based on the above, the NRC staff determined that the licensee has used best efforts to make a timely application and that exigent circumstances are present which warrant processing the requested amendment pursuant to 10 CFR 50.91(a)(6).

4.0 FINAL NO SIGNIFICANT HAZARDS CONSIDERATION DETERMINATION

The Commission has provided standards for determining whether a significant hazards consideration exists (10 CFR 50.92(c)). A proposed amendment to an operating license for a facility involves no significant hazards consideration if operation of the facility in accordance with the proposed amendment does not: (1) involve a significant increase in the probability or consequences of an accident previously evaluated; (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The following evaluation, by the licensee and with which we agree, demonstrates that the proposed amendment does not involve a significant hazards consideration.

The proposed change has been evaluated against the standards in 10 CFR 50.92 and has been determined to not involve a significant hazards consideration, in that operation of the facility in accordance with proposed amendment does not:

1. Involve a significant increase in the probability or consequences of an accident previously evaluated:

The proposed changes to the TS would permit proceeding from the Run Mode through the Startup Mode to the Shutdown Mode without the conditions of CTS 3.0.D and 4.0.D being met, a condition already permitted if required to comply with an Action requirement. The proposed changes do not introduce a new condition or set of circumstances, they merely expand the applicability of existing TS provisions to cover unplanned shutdowns where continued operation would be imprudent, and where unnecessary transients associated with shutdown by manual scram can be avoided. As such, the proposed changes do not introduce new conditions and therefore, will not increase the probability or consequences of any previously evaluated accidents.

2. Create the possibility of a new or different kind of accident from any accident previously evaluated:

The proposed changes to the TS permit proceeding from the Run Mode through the Startup Mode to the Shutdown mode without the conditions of CTS 3.0.D and 4.0.D being met, is a condition already permitted if required to comply with an Action requirement. Since this condition is already permitted by TS, the proposed TS change cannot create the possibility of a new or different kind of accident.

Therefore, the proposed TS changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Involve a significant reduction in a margin of safety.

The proposed changes to the TS do not introduce any new conditions for plant operation. By extending the existing Action requirement exception to CTS 3.0.D and 4.0.D to include plant shutdowns, prudent action to conduct an expeditious, controlled shutdown is permitted where appropriate. Such action reduces the potential of unplanned plant transients and reduces challenges to automatic initiation of safety systems.

Therefore, the proposed TS changes do not involve a significant reduction in a margin of safety.

5.0 STATE CONSULTATION

In accordance with the Commission's regulations, the New York State official was notified of the proposed issuance of the amendment. The State official had no comments.

6.0 ENVIRONMENTAL CONSIDERATION

The amendment changes a requirement with respect to installation or use of a facility component located within the restricted area as defined in 10 CFR Part 20. The NRC staff has determined that the amendment involves no significant increase in the amounts, and no significant change in the types, of any effluents that may be released offsite, and that there is no significant increase in individual or cumulative occupational radiation exposure. The Commission has made a final finding that the amendment involves no significant hazards consideration. Accordingly, the amendment meets the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(9). Pursuant to 10 CFR 51.22(b) no environmental impact statement or environmental assessment need be prepared in connection with the issuance of the amendment.

7.0 CONCLUSION

The Commission has concluded, based on the considerations discussed above that (1) there is reasonable assurance that the health and safety of the public will not be endangered by operation in the proposed manner, (2) such activities will be conducted in compliance with the

Commission's regulations, and (3) the issuance of the amendment will not be inimical to the common defense and security or to the health and safety of the public.

Principal Contributor: G. Vissing

Date: September 29, 2000