

May 6, 1985

Docket No. 50-333

DISTRIBUTION

Mr. J. P. Bayne  
First Executive Vice President,  
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Dear Mr. Bayne:

SUBJECT: EXEMPTION FROM SCHEDULE FOR INSTALLATION  
OF ALTERNATIVE SHUTDOWN CAPABILITY

Re: James A. FitzPatrick Nuclear Power Plant

The Commission has issued the enclosed Exemption from the requirement of 10 CFR 50.48(c)(4) which sets the schedule for implementation of alternative shutdown capability. The Exemption extends the deadline for completion of alternative shutdown capability at FitzPatrick until the startup of Cycle 8 (estimated January 1987).

The Exemption is being forwarded to the Office of the Federal Register for publication.

Sincerely,

Original signed by/

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

Enclosure:  
Exemption

cc w/enclosure:  
See next page

\*Please see previous concurrence page.

DL:ORB#2	DL:ORB#2	DL:ORB#5	DE:ChEB	DL:ORB#2	OELD
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04/23/85	04/30/85	04/3/85	04/6/85

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Mr. J. P. Bayne  
Power Authority of the State of New York  
James A. FitzPatrick Nuclear Power Plant

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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)	)	

EXEMPTION

I.

The Power Authority of the State of New York (PASNY/the licensee) is the holder of Facility Operating License No. DPR-59 which authorizes the licensee to operate the James A. FitzPatrick Nuclear Power Plant (the facility) at power levels not in excess of 2436 megawatts thermal. The facility is a boiling water reactor (BWR) 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 50.48(c)(4) of 10 CFR Part 50 requires a licensee to complete, if necessary, the alternative shutdown capability at a nuclear power plant according to the schedule detailed in the rule. The schedule in the rule calls for implementation to be complete before startup after the earliest of the following events commencing 180 days or more after NRC approval of the design of the alternative shutdown capability:

- (1) the first refueling outage;
- (2) a planned outage lasting 60 days or more; or
- (3) an unplanned outage lasting 120 days or more.

By letter dated April 26, 1983, the NRC staff transmitted a Safety Evaluation to the licensee which concluded that the licensee's alternative safe shutdown capability and associated proposed modifications met the requirements of Section III.G.3 and III.L of Appendix R to 10 CFR Part 50 within the control room, cable spreading room and relay room and were therefore acceptable. (These three areas were identified in an earlier staff Safety Evaluation as areas in which redundant systems could be damaged by a single fire, thereby affecting safe shutdown. The licensee committed to provide alternative safe shutdown capability for these areas.) In accordance with the schedule set forth in the rule and cited above, all necessary modifications are to be completed before startup from the current Reload 6/Cycle 7 refueling outage, which began on February 16, 1985.

By letter dated March 15, 1985, the licensee informed the NRC staff that, as a result of an independent third party review of its fire protection programs and systems, it had identified a condition existing at the FitzPatrick facility similar to that described in IE Information Notice No. 85-09, "Isolation Transfer Switches and Post-Fire Shutdown Capability," dated January 31, 1985. This Information Notice describes a condition at Kansas Gas and Electric Company's Wolf Creek nuclear power plant that could disable the plant's alternate shutdown system in the event of a fire in the control room. Fire damage could open fuses, rendering the equipment inoperable if the fuses open before control is transferred to the alternate shutdown circuit. At FitzPatrick, the scheme used to transfer control of shutdown systems to the alternative shutdown system does not include

redundant fuses. To correct this condition, the licensee has committed to install redundant fuses in alternative shutdown system circuits.

In its March 15, 1985 letter, the licensee stated that, because this condition was identified only recently, the installation of redundant fuses could not be completed prior to startup from the refueling outage currently in progress as required by 10 CFR 50.48(c)(4). Therefore, in accordance with the provisions of 10 CFR 50.12, the licensee has requested a schedular exemption from the requirements of 10 CFR 50.48(c)(4) to extend the deadline for completing all modifications required for alternative shutdown capability until the startup of Cycle 8 (estimated January 1987). In a subsequent letter dated April 5, 1985, the licensee provided justification as to why the installation of redundant fuses could not be completed prior to startup from the current outage, now scheduled for May 6, 1985. Among the reasons stated are:

- (1) The design and engineering of the modifications, including preparation of procurement specifications for Class 1E equipment, design of new conduit runs and seismically qualified supports, and revision of around 100 plant drawings, would require between five to seven months.
- (2) Estimated procurement time for all requisite materials and components is at least five months after issuance of specifications.

- (3) A significant portion of the required work can be performed only during an outage because of equipment locations and operating restrictions.

The licensee's letters dated March 15 and April 5, 1985 also described interim compensatory measures to be taken to provide an acceptable level of alternative shutdown capability until the necessary modifications are completed. The licensee has committed to implement these measures prior to startup from the refueling outage now in progress.

The areas affected by the schedular exemption are the control room, cable spreading room and relay room. The cable spreading room and relay room are presently protected by area-wide automatic fire detection and fire suppression systems, which annunciate alarms in the constantly-manned control room. If a fire should occur in these locations, it would be detected in its formative stages before significant flame propagation or temperature rise occurred. The plant fire brigade would be summoned and fire extinguishment achieved by the use of portable fire extinguishers or manual hose stations. If rapid fire spread occurred, the automatic fire suppression system in these rooms would actuate to put out the fire and protect vulnerable shutdown-related systems. The staff, therefore, has reasonable assurance that safe shutdown capability can be maintained for the cable spreading room and relay room pending completion of the licensee's planned modifications.

In the control room, the licensee, by letter dated April 5, 1985, committed to implement a continuous fire watch until modifications are

complete. The fire watch will observe all areas of the control room and will be able to react immediately upon any indication of fire. The watch will be trained in the safe use of portable fire extinguishers and will, therefore, be capable of suppressing a fire before significant damage to shutdown-related systems occurs.

The staff therefore has reasonable assurance that, pending completion of the licensee's Appendix R-related modifications, the advent of a fire in any of these areas will not result in damage to systems such that safe shutdown could not be achieved and maintained.

The staff has reviewed the licensee's justification for schedular exemption and the interim compensatory measures to be taken and finds these acceptable. Thus, the staff has concluded that schedular exemption should be granted.

### III.

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12(a), the exemption requested by the licensee's letter of March 15, 1985, is authorized by law and will not endanger life or property or the common defense and security, and is otherwise in the public interest. The Commission hereby grants to the licensee an exemption from the requirements of 10 CFR 50.48(c)(4) to extend the deadline for completion of alternative shutdown capability at the James A. FitzPatrick Nuclear Power Plant until the startup of Cycle 8 (estimated January 1987).

Pursuant to 10 CFR 51.32, the Commission has determined that the issuance of the exemption will have no significant impact on the environment (50 FR 15515).

This Exemption is effective upon issuance.

FOR THE NUCLEAR REGULATORY COMMISSION



Harold R. Denton, Director  
Office of Nuclear Reactor Regulation

Dated at Bethesda, Maryland  
this 6th day of May, 1985.