

May 9, 1989

Docket No. 50-333

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Mr. John C. Brons
 Executive Vice President - Nuclear Generation
 Power Authority of the State of New York
 123 Main Street
 White Plains, New York 10601

Dear Mr. Brons:

SUBJECT: ISSUANCE OF AMENDMENT (TAC NO. 67144)

The Commission has issued the enclosed Amendment No. 128 to Facility Operating License No. DPR-59 for the James A. FitzPatrick Nuclear Power Plant. The amendment consists of changes to the Operating License in response to your application transmitted by letter dated December 7, 1987 and supplemented by letter dated April 11, 1989.

The amendment clarifies the license conditions governing receipt, possession and use of radioactive materials such as apparatus, components and tools.

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

Sincerely,

Original signed by

David E. LaBarge, Project Manager
 Project Directorate I-1
 Division of Reactor Projects, I/II

Enclosures:

1. Amendment No.128 to DPR-59
2. Safety Evaluation

cc: w/enclosures
 See next page

[AMEND TAC 67144]

DFoI
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OFC :PDI-1	:PDI-1	:PRAB	:OGC	:PDI-1	:
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Power Authority of the State of New York

James A. FitzPatrick Nuclear
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UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

POWER AUTHORITY OF THE STATE OF NEW YORK

DOCKET NO. 50-333

JAMES A. FITZPATRICK NUCLEAR POWER PLANT

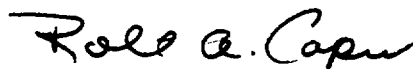
AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 128
License No. DPR-59

1. The Nuclear Regulatory Commission (the Commission) has found that:
 - A. The application for amendment by Power Authority of the State of New York (the licensee) dated December 7, 1987 and supplemented by letter dated April 11, 1989, 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, paragraphs 2.B.(4) and 2.B.(5) of Facility Operating License No. DPR-59 are hereby amended to read as follows:
 - (4) Pursuant to the Act and 10 CFR Parts 30, 40, and 70, to receive, possess, and use, at any time, any byproduct, source and special nuclear material without restriction to chemical or physical form, for sample analysis or instrument calibration; or associated with radioactive apparatus, components or tools.
 - (5) Pursuant to the Act and 10 CFR Parts 30 and 70, to possess, but not separate, such byproduct and special nuclear materials as may be produced by the operation of the facility.

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

FOR THE NUCLEAR REGULATORY COMMISSION



Robert A. Capra, Director
Project Directorate I-1
Division of Reactor Projects, I/II

Date of Issuance: May 9, 1989



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

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION

RELATED TO AMENDMENT NO. 128 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

INTRODUCTION

By letter dated December 7, 1987 and supplemented by letter dated April 11, 1989, the Power Authority of the State of New York (PASNY) requested changes to Facility License No. DPR-59 for the James A. FitzPatrick Nuclear Power Plant. The changes would modify the license section dealing with byproduct material by removing the limit on the receipt, possession, and use of radioactive apparatus, components and tools, and removing the limit on possession of source and special nuclear material by expressly permitting the possession of radioactive material which is produced by the operation of the plant.

EVALUATION

The purpose of the proposed changes is to clarify the license conditions governing on-site receipt, possession and use of radioactive materials. The current license does not explicitly address the receipt, possession and use of radioactive equipment such as apparatus, components and tools and does not reflect the amount of byproduct, source and special nuclear material already existing in the plant. This material is being used for check sources, sampling and instrument calibration, or results from normal plant operation, or is used to support normal plant operation. The quantity currently noted in the operating license was a limiting value initially used for sampling analysis and/or for laboratory and portable instrument calibration prior to issuance of the operating license.

The ability to receive, possess and use byproduct, source and special nuclear material, radioactive apparatus, components, and tools, without restriction to chemical or physical form to support various plant activities, is implicitly granted by the operating license, subject to 10 CFR Parts 30, 40 and 70 conditions. Clarifying the license in this area will, among other things, eliminate difficulties which have been encountered in the past during transfer of radioactive tools from other utilities to the licensee. The proposed license change will also clarify the ability of the licensee to possess the byproduct and special nuclear material, such as fission byproducts and activated equipment, resulting from plant operation, the principle source of such material.

The licensee has been handling byproduct, source and special nuclear material in accordance with 10 CFR Parts 30, 40 and 70. These sections specify the rules for handling such materials, but do not limit the amount a licensee may possess. At the site, this material is controlled by the Radiological & Environmental Services and Operations Departments and procedures are in effect for handling, storage, and inventory control. Also, the NRC Safety Evaluation Report, Supplement 1, dated February 1, 1973, determined that the personnel qualifications, facilities, equipment, and procedures for handling this material meet the applicable radiation protection provisions of 10 CFR Parts 20 and 30. Additionally, the licensee's technical specifications contain provisions for leakage testing and related surveillance and reporting requirements for applicable radioactive material sources at the plant.

The proposed license changes are clarifying in nature and do not affect the original authorization in the license to possess nuclear materials necessary for plant operation. They have no significant impact on the types or quantities of radioactive materials on hand at the plant. The proposed change does not change any system or subsystem and will not alter the conclusions of either the FSAR or SER accident analysis.

ENVIRONMENTAL CONSIDERATION

The amendment involves a change in the installation or use of a facility component located within the restricted area as defined in 10 CFR Part 20. The 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 previously issued a proposed finding that this amendment involves no significant hazards consideration and there has been no public comment on such finding. Accordingly, this amendment meets the eligibility criteria for categorical exclusion set forth in 10 CFR Sec 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 this amendment.

CONCLUSION

We have 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, and (2) such activities will be conducted in compliance with the Commission's regulations and the issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public.

Dated: May 9, 1989

PRINCIPAL CONTRIBUTOR:

D. LaBarge