



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

July 24, 1991

Docket No. 50-333

Mr. Ralph E. Beedle
Executive Vice President - Nuclear
Generation
Power Authority of the State of
New York
123 Main Street
White Plains, New York 10601

Dear Mr. Beedle:

SUBJECT: ISSUANCE OF A ONE-TIME SCHEDULAR EXEMPTION FROM THE REQUIREMENTS OF
10 CFR 50.71(e)(4) AND 10 CFR 50.54(a)(3) FOR THE JAMES A. FITZPATRICK
NUCLEAR POWER PLANT (TAC NO. 80902)

The Nuclear Regulatory Commission, pursuant to 10 CFR 50.12, has granted the enclosed one-time schedular exemption to 10 CFR 50.71(e)(4) regarding the annual update of the Final Safety Analysis Report (FSAR) and 10 CFR 50.54(a)(3) regarding the annual submittal of changes to the quality assurance (QA) program description contained in the FSAR for the James A. FitzPatrick Nuclear Power Plant. This one-time schedular exemption extends the required submittal date from July 22, 1991, to January 22, 1992, a period of six months.

We find that granting the exemption is authorized by law, will not present an undue risk to the public health and safety, is consistent with the common defense and security, and meets the special circumstances described in 10 CFR 50.12(a)(2)(v), in that the exemption provides only temporary relief from the applicable regulations and the licensee has made a good faith effort to comply with the regulations. Therefore, your request for exemption is granted.

A copy of this Exemption is being filed with the Office of the Federal Register for publication.

Sincerely,

Brian C. McCabe

Brian C. McCabe, Project Manager
Project Directorate I-1
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation

Enclosure:
Exemption

cc w/enclosure:
See next page

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Mr. Ralph E. Beedle
Power Authority of the State of New York

James A. FitzPatrick Nuclear
Power Plant

cc:

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

Ms. Donna Ross
New York State Energy Office
2 Empire State Plaza
16th Floor
Albany, New York 12223

Resident Inspector's Office
U. S. Nuclear Regulatory Commission
Post Office Box 136
Lycoming, New York 13093

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

Mr. William Fernandez
Resident Manager
James A. FitzPatrick Nuclear
Power Plant
Post Office Box 41
Lycoming, New York 13093

Mr. J. A. Gray, Jr.
Director Nuclear Licensing - BWR
Power Authority of the State
of New York
123 Main Street
White Plains, New York 10601

Supervisor
Town of Scriba
Route 8, Box 382
Oswego, New York 13126

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

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

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of
POWER AUTHORITY OF THE
STATE OF NEW YORK

(James A. Fitzpatrick
Nuclear Power Plant)

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Docket No. 50-333

EXEMPTION

I.

The Power Authority of the State of New York (PASNY/licensee) is the holder of Facility Operating License No. DPR-59, which authorizes operation of the James A. FitzPatrick Nuclear Power Plant (the facility). The license provides, among other things, that the facility is subject to all rules, regulations, and orders of the Nuclear Regulatory Commission (the Commission) now or hereafter in effect.

The facility is a boiling water reactor located at the licensee's site in Oswego County, New York.

II.

10 CFR 50.71(e)(4) requires that licensees submit a revision of the Final Safety Analysis Report (FSAR) no less frequently than annually that reflects all changes up to a maximum of 6 months prior to the date of filing. This regulation would require the submittal of the update of the FitzPatrick FSAR by July 22, 1991.

10 CFR 50.54(a)(3) requires, in part, that licensees submit changes to the quality assurance program description included or referenced in the FSAR at least annually provided these changes do not reduce the commitments in the program description previously accepted by the NRC. This regulation would require the submittal of changes to the quality assurance program description contained in Chapter 17 of the FSAR by July 22, 1991.

III.

By letter dated June 28, 1991, and supplemented by letter dated July 12, 1991, the licensee requested a one-time schedular exemption from 10 CFR 50.71(e)(4) and 10 CFR 50.54(a)(3). Specifically, the licensee requested that it be permitted to delay the annual update of the FSAR from July 22, 1991, to January 22, 1992, which is a six-month delay. Also, the licensee requested that it be permitted to delay the submittal of changes to the quality assurance program description contained in Chapter 17 of the FSAR from July 22, 1991, to January 22, 1992, which is a six-month delay.

The Commission may grant exemptions from the requirements of the regulations which, pursuant to 10 CFR 50.12(a), are: (1) authorized by law, will not present an undue risk to the public health and safety, and are consistent with the common defense and security; and (2) present special circumstances. Section 50.12(a)(2)(v) of 10 CFR Part 50 indicates that special circumstances exist when an exemption would provide only temporary relief from the applicable regulation and the licensee has made good faith efforts to comply with the regulation.

IV.

The requested exemption is administrative and would not affect plant equipment, operation, or procedures. The FSAR contains the analysis, assumptions, and technical details of the facility design and operating parameters. Until the FSAR is annually updated, the license amendment process and the reporting requirements of 10 CFR 50.59(b)(2), 10 CFR 50.72, and 10 CFR 50.73 continue to provide the NRC with adequate and timely notification of changes to the plant and its licensing basis. Furthermore, the requested exemption from the schedular requirement of 10 CFR 50.54(a)(3) for annual submittal of changes to the quality assurance program description contained in Chapter 17 of the FSAR applies only to those changes that do not reduce the commitments in the program description previously accepted by the NRC. Changes to the quality assurance program description that do reduce the commitments still must be approved by the NRC prior to implementation.

The current licensing workload for the FitzPatrick plant, in addition to difficulties in finding qualified personnel to fill an abnormally high number of vacancies in licensing engineering positions, have contributed to the need for exemption from 10 CFR 50.71(e)(4) and 10 CFR 50.54(a)(3). Furthermore, additional time is necessary to ensure that extensive improvements, designed to enhance the quality and clarity of the FSAR, are incorporated into the next update. These improvements include the complete revision of Chapter 14, "Safety Analysis," and the upgrading of many FSAR system drawings.

The licensing workload for the FitzPatrick plant includes the following issues:

1. Individual Plant Evaluation (Generic Letter 88-20)
2. Mark I Containment Hardened Vent
3. Service Water System Evaluation (Generic Letter 89-13)
4. Station Blackout Analysis
5. ATWS Rule diversity
6. Motor Operated Valve Operability (Generic Letter 89-10)
7. Thermal Hydraulic Stability
8. Intergranular Stress Corrosion Cracking (Generic Letter 88-01)
9. Spent Fuel Pool Expansion
10. Licensing Actions Required for Refueling
11. Power Uprate
12. 24 Month Operating Cycle

The stated licensing activities are important to the continued safe and efficient operation of the FitzPatrick Plant and have therefore received priority over the annual updates of the FSAR and the quality assurance program description contained in the FSAR, which are administrative requirements.

An increased burden on the FitzPatrick licensing staff has resulted from difficulties in finding qualified personnel to fill an abnormally high number of vacancies in licensing engineering positions. The licensee has made every effort to fill these vacancies as soon as they occurred. In spite of this, vacancies to date in 1991 have exceeded one-third of the authorized licensing engineering positions. The licensee has initiated corrective actions to compensate for this shortage of qualified personnel by hiring three contract engineers and two summer interns. These additional personnel should have a positive impact on the efforts to reduce the current FitzPatrick licensing workload.

Schedular relief is also requested to provide additional time to complete a total revision of FSAR Chapter 14, "Safety Analysis," and to facilitate other FSAR improvements. The objective of the safety analyses in Chapter 14 of the FSAR is to evaluate the ability of the plant to mitigate the consequences of a postulated accident without undue hazard to the health and safety of the public. The revisions to this chapter will result in the following improvements:

1. The transient response figures will be enlarged for legibility and to make them more suitable for licensed operator training.
2. The transient and accident analyses for the fuel reloads will be added.
3. The existing (cycle 1) analyses will be retained since they are the original licensing basis of the FitzPatrick plant.
4. The format will be revised to facilitate updates required by future reload cores.

Another FSAR improvement which requires additional time to implement is the replacement of many of the FSAR flow diagrams with new drawings which are consistent with current computer generated Operating Procedure (OP) and Process and Instrument (P&ID) drawings. The new OP, P&ID, and FSAR drawings incorporate differing levels of detail overlaid on a common base drawing using computer aided drafting techniques. This improves the consistency of all major plant drawings used for plant operator training.

The licensee has made a good faith effort to comply with the regulations by initiating corrective actions, both short term and long term, to improve its submittals and ensure that similar exemptions will not be necessary in

the future. Therefore, the exemption would only provide temporary relief from the applicable regulations. Thus, there are special circumstances present which satisfy 10 CFR 50.12(a)(2)(v).

V.

Accordingly, the Commission has determined, pursuant to 10 CFR 50.12(a), that (1) the exemption as described in Section III is authorized by law, will not present an undue risk to the public health and safety, and is consistent with the common defense and security, and (2) in this case, special circumstances are present as described in Section IV. Therefore, the Commission hereby grants the following exemption:

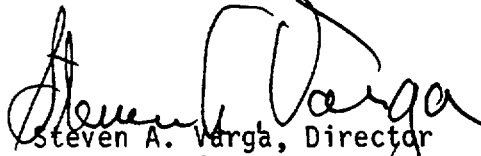
Accordingly, the Commission hereby grants a one-time exemption, as described in Section III above from 10 CFR 50.71(e)(4) from the requirement to submit the annual revision of the FitzPatrick FSAR on July 22, 1991. This revision shall be submitted by January 22, 1992. Furthermore, the Commission hereby grants a one-time exemption, as described in Section III above from the 10 CFR 50.54(a)(3) requirement to submit the annual changes to the quality assurance program description contained in the FitzPatrick FSAR on July 22, 1991. These changes shall be submitted by January 22, 1992.

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this exemption would have no significant impact on the quality of the human environment (56 FR 33948, July 24, 1991).

A copy of the licensee's request for exemption dated June 28, 1991, and the supplement letter dated July 12, 1991, are available for public inspection at the Commission Public Document Room, in the Gelman Building, 2120 L Street, N.W., Washington, D.C., and at the Reference and Documents Department, Penfield Library, State University College of New York, Oswego, New York. Copies may be obtained upon written request addressed to the U.S. Nuclear Regulatory Commission, Washington, DC, 20555, Attention, Director, Division of Reactor Projects - I/II.

This exemption is effective upon issuance.

FOR THE NUCLEAR REGULATORY COMMISSION

A handwritten signature in black ink, appearing to read "Steven A. Varga". The signature is written in a cursive style with a large, prominent initial "S".

Steven A. Varga, Director
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation

Dated in Rockville, Maryland
this 24th day of July 1991.

July 24, 1991

Docket No. 50-333

Mr. Ralph E. Beedle
Executive Vice President - Nuclear
Generation
Power Authority of the State of
New York
123 Main Street
White Plains, New York 10601

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Dear Mr. Beedle:

SUBJECT: ISSUANCE OF A ONE-TIME SCHEDULAR EXEMPTION FROM THE REQUIREMENTS OF
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NUCLEAR POWER PLANT (TAC NO. 80902)

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We find that granting the exemption is authorized by law, will not present an undue risk to the public health and safety, is consistent with the common defense and security, and meets the special circumstances described in 10 CFR 50.12(a)(2)(v), in that the exemption provides only temporary relief from the applicable regulations and the licensee has made a good faith effort to comply with the regulations. Therefore, your request for exemption is granted.

A copy of this Exemption is being filed with the Office of the Federal Register for publication.

Sincerely,

ORIGINAL SIGNED BY:

Brian C. McCabe, Project Manager
Project Directorate I-1
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation

Enclosure: Exemption

cc w/enclosure:
See next page
*See previous concurrence

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