



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

December 17, 1992

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 AMENDMENT FOR JAMES A. FITZPATRICK NUCLEAR POWER PLANT  
(TAC NO. M84949)

The Commission has issued the enclosed Amendment No. 184 to Facility Operating License No. DPR-59 for the James A. FitzPatrick Nuclear Power Plant. The amendment consists of changes to the Technical Specifications in response to your application transmitted by letter dated November 20, 1992.

The amendment revises Technical Specification (TS) 3.0.D and its associated Bases to incorporate recommendations of NRC Generic Letter (GL) 87-09, "Sections 3.0 And 4.0 Of The Standard Technical Specifications (STS) On The Applicability Of Limiting Conditions For Operation And Surveillance Requirements." Specifically GL 87-09 provides guidance to address unnecessary restrictions on mode changes by TS 3.0.4 (FitzPatrick TS 3.0.D) and inconsistent application of exceptions.

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,

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

Enclosures:

1. Amendment No.184 to DPR-59
2. Safety Evaluation

cc w/enclosures:  
See next page

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PDR ADOCK 05000333  
P PDR

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DF01

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

James A. FitzPatrick Nuclear  
Power Plant

cc:

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

DATED: December 17, 1992

AMENDMENT NO. 184 TO FACILITY OPERATING LICENSE NO. DPR-59-FITZPATRICK

Docket File

NRC & Local PDRs

PDI-1 Reading

S. Varga, 14/E/4

J. Calvo, 14/A/4

R. Capra

C. Vogan

B. McCabe

OGC-WF

D. Hagan, 3302 MNBB

G. Hill (4), P1-22

Wanda Jones, P-370

C. Grimes, 11/F/23

ACRS (10)

OPA

OC/LFMB

PD plant-specific file

C. Cowgill, Region I

C. Grimes, 11/E/22

cc: Plant Service list

December 17, 1992

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 AMENDMENT FOR JAMES A. FITZPATRICK NUCLEAR POWER PLANT  
(TAC NO. M84949)

The Commission has issued the enclosed Amendment No. 184 to Facility Operating License No. DPR-59 for the James A. FitzPatrick Nuclear Power Plant. The amendment consists of changes to the Technical Specifications in response to your application transmitted by letter dated November 20, 1992.

The amendment revises Technical Specification (TS) 3.0.D and its associated Bases to incorporate recommendations of NRC Generic Letter (GL) 87-09, "Sections 3.0 And 4.0 Of The Standard Technical Specifications (STS) On The Applicability Of Limiting Conditions For Operation And Surveillance Requirements." Specifically GL 87-09 provides guidance to address unnecessary restrictions on mode changes by TS 3.0.4 (FitzPatrick TS 3.0.D) and inconsistent application of exceptions.

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

Enclosures:

- 1. Amendment No.184 to DPR-59
- 2. Safety Evaluation

cc w/enclosures:  
See next page

OFFICE	PDI-1:LA	PDI-1:PM	OGC	PDI-1:D	
NAME	CVogan	BMcCabe:av1	BmB	RACapra	
DATE	12/2/92	12/2/92	12/4/92	12/17/92	1/1

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FILENAME: G:\FITZ\FIT84949.AMD



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. 184  
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 November 20, 1992, 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:

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(2) Technical Specifications

The Technical Specifications contained in Appendices A and B, as revised through Amendment No. 184, 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 to be implemented within 30 days.

FOR THE NUCLEAR REGULATORY COMMISSION

*Robert A. Capra*

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

Attachment:  
Changes to the Technical  
Specifications

Date of Issuance: December 17, 1992

ATTACHMENT TO LICENSE AMENDMENT NO. 184

FACILITY OPERATING LICENSE NO. DPR-59

DOCKET NO. 50-333

Revise Appendix A as follows:

Remove Pages

30a  
30b

Insert Pages

30a  
30b

## JAFNPP

### 3.0 Continued

- D. Entry into an OPERATIONAL CONDITION (mode) or other specified condition shall not be made when the conditions for the Limiting Condition for Operation are not met and the associated ACTION requires a shutdown if they are not met within a specified time interval. Entry into an OPERATIONAL CONDITION (mode) or specified condition may be made in accordance with ACTION requirements when conformance to them permits continued operation of the facility for an unlimited period of time. This provision shall not prevent passage through OPERATIONAL CONDITIONS (modes) required to comply with ACTION requirements. Exceptions to these requirements are stated in the individual specifications.
- E. When a system, subsystem, train, component or device is determined to be inoperable solely because its emergency power source is inoperable, or solely because its normal power source is inoperable, it may be considered OPERABLE for the purpose of satisfying the requirements of its applicable Limiting Condition for Operation, provided: (1) its corresponding normal or emergency power source is OPERABLE; and (2) all of its redundant system(s), subsystem(s), train(s), component(s) and device(s) are OPERABLE, or likewise satisfy the requirements of this specification. Unless both conditions (1) and (2) are satisfied, the unit shall be placed in COLD SHUTDOWN within the following 24 hours. This specification is not applicable when in Cold Shutdown or Refuel Mode.

### 4.0 Continued

- D. Entry into an OPERATIONAL CONDITION (mode) shall not be made unless the Surveillance Requirement(s) associated with the Limiting Condition for Operation have been performed within the applicable surveillance interval or as otherwise specified.

## JAFNPP

### 3.0 BASES

- A. This specification states the applicability of each specification in terms of defined OPERATIONAL CONDITION (mode) and is provided to delineate specifically when each specification is applicable.
- B. This specification defines those conditions necessary to constitute compliance with the terms of an individual Limiting Condition for Operation and associated ACTION requirement.
- C. This specification delineates the ACTION to be taken for circumstances not directly provided for in the ACTION statements and whose occurrence would violate the intent of the specification. Under the terms of Specification 3.0, the facility is to be placed in COLD SHUTDOWN within the following 24 hours. It is assumed that the unit is brought to the required OPERATIONAL CONDITION (mode) within the required times by promptly initiating and carrying out the appropriate ACTION statement.
- D. This specification provides that entry into an OPERABLE CONDITION (mode) must be made with (a) the full complement of required systems, equipment or components OPERABLE and (b) all other parameters as specified in the Limiting Conditions for Operation being met without regard for allowable deviations and out of service provisions contained in the ACTION statements.

The intent of this provision is to insure that facility operation is not initiated with either required equipment or systems inoperable or other limits being exceeded. Compliance with ACTION requirements that permit continued operation of the facility for an unlimited period of time provides an acceptable level of safety for continued operation without the regard to

- D. Continued

the status of the plant before or after an OPERATIONAL CONDITION (mode) change. Therefore in this case, entry into an OPERATIONAL CONDITION (mode) or other specified condition may be made in accordance with the provisions of the ACTION requirements. The provisions of this specification should not, however, be interpreted as endorsing the failure to exercise good practice in restoring systems or components to OPERABLE status before startup.

Exceptions to this provision may be made for a limited number of specifications when startup with inoperable equipment would not affect plant safety. These exceptions are stated in the ACTION statements of the appropriate specifications.

- E. This specification delineates what additional conditions must be satisfied to permit operation to continue, consistent with the ACTION statements for power sources, when a normal or emergency power source is not OPERABLE. It specifically prohibits operation when one division is inoperable because its normal or emergency power source is inoperable and a system, subsystem, train, component or device in another division is inoperable for another reason.

The provisions of this specification permit the ACTION statements associated with individual systems, subsystems, trains, components or devices to be consistent with the ACTION statement of the associated electrical power source. It allows operation to be governed by the time



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

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION

RELATED TO AMENDMENT NO. 184 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 November 20, 1992, the Power Authority of the State of New York (the licensee) submitted a request for changes to the James A. FitzPatrick Nuclear Power Plant, Technical Specifications. The requested changes revise Technical Specification (TS) 3.0.D and its associated Bases to incorporate recommendations of NRC Generic Letter (GL) 87-09, "Sections 3.0 And 4.0 Of The Standard Technical Specifications (STS) On The Applicability Of Limiting Conditions For Operation And Surveillance Requirements." Specifically, GL 87-09 provides guidance to address unnecessary restrictions on mode changes by TS 3.0.4 (FitzPatrick TS 3.0.D) and inconsistent application of exceptions.

2.0 STATEMENT OF EXIGENT CIRCUMSTANCES

This proposed amendment was processed on an exigent basis because the proposed TS changes are necessary to avoid a delay in the startup of the FitzPatrick plant. In their application, the licensee stated that the FitzPatrick plant is scheduled to startup on December 10, 1992. Since this amendment is required to permit startup of the plant, and the startup date is less than 30 days from the date of this application, insufficient time was available to permit a 30-day public comment period. The licensee could not have avoided this situation because plant modifications associated with fire barrier penetration seals on certain vents and drains have been avoidably delayed beyond their original scheduled completion. Due to the delayed and emerging fire protection modifications, fire watches (action requirements) posted in the vicinity of degraded fire barriers may be required after the currently scheduled startup date. Emergent modifications to fire door seals may also not be completed by the currently scheduled startup date.

3.0 EVALUATION

As defined in the Code of Federal Regulations, 10 CFR 50.36, "Technical Specifications," Limiting Conditions for Operation (LCO) are the lowest functional capability or performance levels of equipment required for safe operation of the facility. Further, it is stated that when an LCO of a nuclear reactor is not met, the licensee shall shut down the reactor or follow

any remedial action permitted by the technical specifications until the condition can be met.

The TS include two basic types of action requirements that are applicable when the LCO is not met. The first specifies the remedial actions that permit continued operation of the facility not restricted by the time limits of action requirements. In this case, completing the action requirements provides an acceptable level of safety for continued operation of the facility, and operation may proceed indefinitely as long as the remedial action requirements are met. The second type of action requirement specifies a time limit in which the LCO must be met. This time limit is the time allowed to restore an inoperable system or component to operable status or to restore parameters within specified limits. If these actions are not completed within the allowable time limits, action must be taken to shut down the facility by placing it in a mode or condition of operation in which the LCO does not apply.

TS 3.0.D currently states that entry into an operational condition (mode) shall not be made unless the conditions of the LCO are met without reliance on the provisions of the action requirements. Therefore, this TS currently precludes entering an operational condition (mode) or specified condition if an LCO is not met, even if the action requirements would permit continued operation of the facility for an unlimited period of time. In GL 87-09, the NRC staff presented its position that this specification unduly restricts facility operation when conformance to the action requirements provides an acceptable level of safety for continued operation. For an LCO that has action requirements permitting continued operation for an unlimited period of time, entry into an operational mode or other specified condition of operation should be permitted in accordance with the action requirements. This restriction on a change in operational modes or other specified conditions should apply only where the action requirements establish a specified time interval in which the LCO must be met or a shutdown of the facility would be required.

The proposed amendment revises TS 3.0.D and its associated Bases to be consistent with the guidance provided in GL 87-09. Specifically, the proposed revision changes TS 3.0.D to read:

Entry into an OPERATIONAL CONDITION (mode) or other specified condition shall not be made when the conditions for the Limiting Condition for Operation are not met and the associated ACTION requires a shutdown if they are not met within a specified time interval. Entry into an OPERATIONAL CONDITION (mode) or specified condition may be made in accordance with ACTION requirements when conformance to them permits continued operation of the facility for an unlimited period of time. This provision shall not prevent

passage through OPERATIONAL CONDITIONS (mode) required to comply with ACTION requirements. Exceptions to these requirements are stated in the individual specifications.

Bases Section 3.0.D is being revised to reflect the stated changes to TS 3.0.D.

Based on our review of the licensee's application, the staff concludes that the proposed revisions to the TS are consistent with the guidance provided in NRC GL 87-09 and ensure that an acceptable level of safety is maintained during mode changes. Therefore, the NRC staff finds that the proposed amendment is acceptable.

#### 4.0 FINAL NO SIGNIFICANT HAZARD CONSIDERATION

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 would not: (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from an 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.

Operation of the FitzPatrick plant in accordance with the proposed amendment would not involve a significant hazards consideration as defined in 10 CFR 50.92, since it would not:

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

During full power operation, some action requirements establish an acceptable level of safety for continued operation of the facility for an unlimited period of time. Therefore, to allow [allowing] the facility to startup or change modes while conforming to such action requirements will not increase 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.

The proposed change will not change design, operation or the testing process. During full power operation, some action requirements establish an acceptable level of safety for continued operation of the facility for

an unlimited period of time. Therefore, to allow [allowing] the facility to startup or change modes while conforming to such action requirements will 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.

During full power operation, the action requirements establish an acceptable level of safety for continued operation of the facility for an unlimited period of time. Therefore, to allow [allowing] the facility to startup or change modes while conforming to such action requirements will not reduce the margin of safety.

Based on the foregoing, the Commission has concluded that the standards of 10 CFR 50.92 are satisfied. Therefore, the Commission has made a final determination that the proposed amendment does not involve a significant hazards consideration.

#### 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 previously issued a proposed finding that the amendment involves no significant hazards consideration, and there has been no public comment on such finding (57 FR 56430). 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:  
Brian C. McCabe

Date: December 17, 1992