

March 31, 1995

Mr. William J. Cahill, Jr.
Executive Vice President - Nuclear
Generation
Power Authority of the State of
New York
123 Main Street
White Plains, NY 10601

SUBJECT: ISSUANCE OF AMENDMENT FOR JAMES A. FITZPATRICK NUCLEAR POWER PLANT
(TAC NO. M89764)

Dear Mr. Cahill:

The Commission has issued the enclosed Amendment No. 224 to Facility Operating License No. DPR-59 for the James A. FitzPatrick Nuclear Power Plant. The amendment consists of changes to the Facility Operating License in response to your application transmitted by letter dated June 13, 1994.

The amendment removes License Condition 2.E from the Facility Operating License. License Condition 2.E incorporated the requirements of U.S. Department of Interior publication "Environmental Criteria for Electric Transmission Systems" - 1970, which applies to the construction cleanup, restoration, and maintenance of transmission lines. The NRC staff has determined that removing this condition from the Facility Operating License has no bearing on plant safety or the health and safety of the public, and is therefore acceptable.

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

C. E. Carpenter, Jr., Project Manager
Project Directorate I-1
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation

Docket No. 50-333

Enclosures: 1. Amendment No. 224 to DPR-59
2. Safety Evaluation

cc w/encls: See next page

*See previous concurrence

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William J. Cahill, Jr.
Power Authority of the State of New York

James A. FitzPatrick Nuclear
Power Plant

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UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

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. 224
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 June 13, 1994, 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 deleting paragraph 2.E on page 4 of the Facility Operating License No. DPR-59.

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3. This license amendment is effective as of the date of its issuance to be implemented within 30 days.

FOR THE NUCLEAR REGULATORY COMMISSION



Ledyard B. Marsh, Director
Project Directorate I-1
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation

Attachment:
Page 4 of License DPR-59

Date of Issuance: March 31, 1995

D. Physical Protection

The licensee shall fully implement and maintain in effect all provisions of the Commission-approved physical security, guard training and qualification, and safeguards contingency plans including amendments made pursuant to provisions of the Miscellaneous Amendments and Search Requirements revisions to 10 CFR 73.55 (51 FR 27817 and 27822) and to the authority of 10 CFR 50.90 and 10 CFR 50.54(p). The plans, which contain Safeguards Information protected under 10 CFR 73.21, are entitled: "FitzPatrick Modified Amended Security Plan," with revisions submitted through March 7, 1988; "FitzPatrick Modified Amended Security Force Training and Qualification Plan," with revisions submitted through April 10, 1985; and "FitzPatrick Security Contingency Plan," with revisions submitted through June 20, 1980. Changes made in accordance with 10 CFR 73.55 shall be implemented in accordance with the schedule set forth therein.



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION
RELATED TO AMENDMENT NO. 224 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 June 13, 1994, the Power Authority of the State of New York (the licensee) submitted a request to change the James A. FitzPatrick Nuclear Power Plant (FitzPatrick) Facility Operating License. The proposed change would remove License Condition 2.E from the Facility Operating License. License Condition 2.E incorporated the requirements of U.S. Department of Interior publication "Environmental Criteria for Electric Transmission Systems" - 1970, which applies to the construction cleanup, restoration, and maintenance of transmission lines.

2.0 EVALUATION

2.1 Background

When FitzPatrick was licensed, several conditions were incorporated into the Facility Operating License, including License Condition 2.E. License Condition 2.E.1 addressed the protection of the environment by incorporating the requirements of U.S. Department of Interior publication "Environmental Criteria for Electric Transmission Systems" - 1970, which applies to the construction cleanup, restoration, and maintenance of transmission lines. The goal of this standard is to "safeguard aesthetic and environmental values within the constraints imposed by the current state of high-voltage transmission technology." The standard is limited to the preservation and enhancement of natural beauty and the conservation of natural resources associated with high-voltage transmission line right-of-ways. The applicable right-of-ways are those associated with the two 345kV transmission lines at FitzPatrick: the FitzPatrick-Edic line and the FitzPatrick-Scriba line.

Subsection 2 of License Condition 2.E had been previously deleted by License Amendment No. 73, dated March 11, 1983.

2.2 Assessment

The two 345kV transmission lines at FitzPatrick (the FitzPatrick-Edic line and the FitzPatrick-Scriba line) provide an alternate source of offsite AC electrical power to plant auxiliaries during plant shutdowns and under

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accident conditions. FitzPatrick accident analyses assume that offsite power is unavailable. Therefore, removing this License Condition does not affect the conclusions of the accident analyses.

The transmission lines right-of-way management are subject to regulation by other Federal and State agencies, including jurisdiction authority by the U.S. Environmental Protection Agency (EPA) and the New York State Department of Environmental Conservation (DEC). Additionally, the licensee has developed a plan, "Generic Transmission Line Right-of-Way Management" - 1982, whose requirements meets or exceeds those presently imposed by the requirements of U.S. Department of Interior publication "Environmental Criteria for Electric Transmission Systems" - 1970. Therefore, removing this License Condition does not affect the environmental concerns which originally justified this License Condition.

The FitzPatrick Technical Specifications do not address the 345kV transmission lines right-of-ways. There is no guidance in NUREG-1433, Standard Technical Specification, BWR/4, Revision 0, dated September 28, 1992, for the maintenance of transmission lines right-of-ways, nor is there an NRC inspection procedure on the environmental aspects of transmission lines right-of-ways. Based on the above, removing this License Condition will not affect safety and is, therefore, acceptable.

2.3 Summary

The NRC staff concludes, based on the considerations discussed above, that the requirements imposed by License Condition 2.E are unrelated to nuclear safety, outside the scope of the Atomic Energy Act of 1954, as amended, and the NRC's rules and regulations as set forth in Title 10 of the Code of Federal Regulations. Further, the NRC staff finds that the proposed deletion of this License Condition will not involve a significant increase in the probability or consequences of an accident previously evaluated, create the possibility of a new or different kind of accident from any accident previously evaluated, or involve a significant reduction in a margin of safety. Therefore, the NRC staff finds that the proposed change is acceptable.

3.0 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.

4.0 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 (60 FR 11140). 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.

5.0 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: C. E. Carpenter

Date: March 31, 1995

DATED: March 31, 1995

AMENDMENT NO. 224 TO FACILITY OPERATING LICENSE NO. DPR-59-FITZPATRICK

Docket File

PUBLIC

PDI-1 Reading

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PD plant-specific file

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cc: Plant Service list