

November 3, 1994

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. M89987)

Dear Mr. Cahill:

The Commission has issued the enclosed Amendment No. 218 to Facility Operating License No. DPR-59 for the James A. FitzPatrick Nuclear Power Plant. The amendment consists of changes to DPR-59 and to the Technical Specifications (TSs) in response to your application transmitted by letter dated July 21, 1994, as supplemented September 26, 1994.

The amendment revises the TSs to relocate fire protection requirements from the TSs to the plant fire protection program in accordance with the guidance provided in Generic Letter (GL) 86-10, "Implementation of Fire Protection Requirements," and GL 88-12, "Removal of Fire Protection Requirements from the Technical Specifications." The amendment also modifies the Facility Operating License to incorporate the standard fire protection license condition provided in GL 86-10.

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

John E. Menning, 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. 218 to DPR-59
2. Safety Evaluation

cc w/encs: See next page

Distribution: See attached sheet

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UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

November 3, 1994

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

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The amendment revises the TSs to relocate fire protection requirements from the TSs to the plant fire protection program in accordance with the guidance provided in Generic Letter (GL) 86-10, "Implementation of Fire Protection Requirements," and GL 88-12, "Removal of Fire Protection Requirements from the Technical Specifications." The amendment also modifies the Facility Operating License to incorporate the standard fire protection license condition provided in GL 86-10.

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,

A handwritten signature in black ink, appearing to read "John E. Menning".

John E. Menning, 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. 218 to DPR-59
2. Safety Evaluation

cc w/encls: See next page

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

James A. FitzPatrick Nuclear
Power Plant

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DATED: November 3, 1994

AMENDMENT NO. 218 TO FACILITY OPERATING LICENSE NO. DPR-59-FITZPATRICK

Docket File

PUBLIC

PDI-1 Reading

S. Varga, 0-14 E4

J. Zwolinski, 0-14 H3

L. B. Marsh

C. Vogan

J. Menning

OGC

D. Hagan, T-4 A43

G. Hill (2), T-5 C3

C. Grimes, 0-11 E22

A. Singh, 08/B/1

ACRS (10)

OPA

OC/LFDCB

PD plant-specific file

C. Cowgill, Region I

C. McCracken, 08/D/1

cc: Plant Service list

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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. 218
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 July 21, 1994, as supplemented September 26, 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 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. 218, are hereby incorporated in the license. The licensee shall operate the facility in accordance with the Technical Specifications.

3. Accordingly, pages 3 and 3a of Facility Operating License No. DPR-59 are hereby amended to read as follows:*

2.C.(3) Fire Protection

The licensee shall implement and maintain in effect all provisions of the approved fire protection program as described in the Final Safety Analysis Report for the facility and as approved in the SER dated November 20, 1972; the SER Supplement No. 1 dated February 1, 1973; the SER Supplement No. 2 dated October 4, 1974; the SER dated August 1, 1979; the SER Supplement dated October 3, 1980; the SER Supplement dated February 13, 1981; the NRC Letter dated February 24, 1981; Technical Specification Amendments 34 (dated January 31, 1978), 80 (dated May 22, 1984), 134 (dated July 19, 1989), 135 (dated September 5, 1989), 142 (dated October 23, 1989), 164 (dated August 10, 1990), 176 (dated January 16, 1992), 177 (dated February 10, 1992), 186 (dated February 19, 1993), 190 (dated June 29, 1993), 191 (dated July 7, 1993), 206 (dated February 28, 1994) and 214 (dated June 27, 1994); and NRC Exemptions and associated safety evaluations dated April 26, 1983, July 1, 1983, January 11, 1985, April 30, 1986, September 15, 1986 and September 10, 1992 subject to the following provision:

The licensee may make changes to the approved fire protection program without prior approval of the Commission only if those changes would not adversely affect the ability to achieve and maintain safe shutdown in the event of a fire.

4. 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:

1. Pages 3 and 3a of License DPR-59
2. Changes to the Technical Specifications

Date of Issuance: November 3, 1994

*Pages 3 and 3a are attached, for convenience, for the composite license to reflect this change.

- (3) 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 as sealed neutron sources for reactor startup, sealed sources for reactor instrumentation and radiation monitoring equipment calibration, and as fission detectors in amounts as required;
- (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.

C. The license shall be deemed to contain and is subject to the conditions specified in the following Commission regulations in 10 CFR Chapter I: Part 20, Section 30.34 of Part 30, Section 40.41 of Part 40, Sections 50.54 and 50.59 of Part 50, and Section 70.32 of Part 70; and is subject to all applicable provisions of the Act and to the rules, regulations, and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified or incorporated below:

(1) Maximum Power Level

The licensee is authorized to operate the facility at steady state reactor core power levels not in excess of 2436 megawatts (thermal).

(2) Technical Specifications

The Technical Specifications contained in Appendices A and B, as revised through Amendment No. *, are hereby incorporated in the license. The licensee shall operate the facility in accordance with the Technical Specifications.

*Each amendment updates this paragraph to indicate the latest amendment to the License.

(3) Fire Protection

The licensee shall implement and maintain in effect all provisions of the approved fire protection program as described in the Final Safety Analysis Report for the facility and as approved in the SER dated November 20, 1972; the SER Supplement No. 1 dated February 1, 1973; the SER Supplement No. 2 dated October 4, 1974; the SER dated August 1, 1979; the SER Supplement dated October 3, 1980; the SER Supplement dated February 13, 1981; the NRC Letter dated February 24, 1981; Technical Specification Amendments 34 (dated January 31, 1978), 80 (dated May 22, 1984), 134 (dated July 19, 1989), 135 (dated September 5, 1989), 142 (dated October 23, 1989), 164 (dated August 10, 1990), 176 (dated January 16, 1992), 177 (dated February 10, 1992), 186 (dated February 19, 1993), 190 (dated June 29, 1993), 191 (dated July 7, 1993), 206 (dated February 28, 1994) and 214 (dated June 27, 1994); and NRC Exemptions and associated safety evaluations dated April 26, 1983, July 1, 1983, January 11, 1985, April 30, 1986, September 15, 1986 and September 10, 1992 subject to the following provision:

The licensee may make changes to the approved fire protection program without prior approval of the Commission only if those changes would not adversely affect the ability to achieve and maintain safe shutdown in the event of a fire.

(4) Systems Integrity

The licensee shall implement a program to reduce leakage from the systems outside containment that would or could contain highly radioactive fluids during a serious transient or accident to as low as practical levels. This program shall include the following:

1. Provisions establishing maintenance and periodic visual inspection requirements, and
2. Leak test requirements for the systems at a frequency not to exceed operating cycle intervals.

(5) Iodine Monitoring

The licensee shall implement a program which will ensure the capability to accurately determine the airborne iodine concentration in areas vital to the mitigation of or recovery from an accident. This program shall include the following:

1. Training of personnel,
2. Procedures for monitoring, and
3. Provisions for maintenance of sampling and analysis equipment.

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1.0 (cont'd)

U. Thermal Parameters

1. Minimum critical power ratio (MCPR)- Minimum value of the ratio of that power in a fuel assembly which is calculated to cause some point in that fuel assembly to experience boiling transition to the actual assembly operating power for all fuel assemblies in the core.
2. Fraction of Limiting Power Density - The ratio of the linear heat generation rate (LHGR) existing at a given location to the design LHGR.
3. Maximum Fraction of Limiting Power Density - The Maximum Fraction of Limiting Power Density (MFLPD) is the highest value existing in the core of the Fraction of Limiting Power Density (FLPD).
4. Transition Boiling - Transition boiling means the boiling region between nucleate and film boiling. Transition boiling is the region in which both nucleate and film boiling occur intermittently with neither type being completely stable.

V. Electrically Disarmed Control Rod

To disarm a rod drive electrically, the four amphenol type plug connectors are removed from the drive insert and withdrawal solenoids rendering the rod incapable of withdrawal. This procedure is equivalent to valving out the drive and is preferred. Electrical disarming does not eliminate position indication.

W. Deleted

X. Staggered Test Basis

A Staggered Test Basis shall consist of:

- a. A test schedule for "n" systems, subsystems, trains or other designated components obtained by dividing the specified test interval into "n" equal subintervals.
- b. The testing of one system, subsystem, train or other designated component at the beginning of each subinterval.

Y. Rated Recirculation Flow

That drive flow which produces a core flow of 77.0×10^6 lb/hr.

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Pages 244a - 244w DELETED

2. An SRO or an SRO with a license limited to fuel handling shall directly supervise all Core Alterations. This person shall have no other duties during this time;
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4. In the event of illness or unexpected absence, up to two (2) hours is allowed to restore the shift crew to the minimum complement.
5. The Operations Manager, Assistant Operations Manager, Shift Supervisor and Assistant Shift Supervisor shall hold a SRO license and the Senior Nuclear Operator and the Nuclear Control Operator shall hold a RO license or an SRO license.
6. Administrative procedures shall be developed and implemented to limit the working hours of unit staff who perform safety-related functions; e.g., senior reactor operators, health physicists, auxiliary operators, and maintenance personnel who are working on safety-related systems.

Adequate shift coverage shall be maintained without routine heavy use of overtime. The objective shall be to have operating personnel work a normal 8-hour day, 40-hour week while the plant is operating.

However, in the event that unforeseen problems require substantial amounts of overtime to be used or during extended periods of shutdown for refueling, major maintenance or major modifications, on a temporary basis, the following guidelines shall be followed:

- a. An individual should not be permitted to work more than 16 hours straight, excluding shift turnover time.
- b. An individual should not be permitted to work more than 16 hours in any 24-hour period, nor more than 24 hours in any 48-hour period, nor more than 72 hours in any seven day period, all excluding shift turnover time.
- c. A break of at least eight hours should be allowed between work periods, including shift turnover time.
- d. Except during extended shutdown periods, the use of overtime should be considered on an individual basis and not for the entire staff on a shift.

Any deviation from the above guidelines shall be authorized by the Resident Manager or the General Manager - Operations, or higher levels of management, in accordance with established procedures and with documentation of the basis for granting the deviation. Controls shall be included in the procedures such that individual overtime shall be reviewed monthly by the Resident Manager or his designee to assure that excessive hours have not been assigned. Routine deviation from the above guidelines is not authorized.

6.3 PLANT STAFF QUALIFICATIONS

- 6.3.1 The minimum qualifications with regard to educational background and experience for plant staff positions shown in FSAR Figure 13.2-7 shall meet or exceed the minimum qualifications of ANSI N18.1-1971 for comparable positions; except for the Radiological and Environmental Services Manager who shall meet or exceed the qualifications of Regulatory Guide 1.8, September 1975.
- 6.3.2 The Shift Technical Advisor (STA) shall meet or exceed the minimum requirements of either Option 1 (Combined SRO/STA Position) or Option 2 (Continued use of STA Position), as defined in the Commission Policy Statement on Engineering Expertise on Shift, published in the October 28, 1985 Federal Register (50 FR 43621). When invoking Option 1, the STA role may be filled by the Shift Supervisor or Assistant Shift Supervisor. (1)
- 6.3.3 Any deviations will be justified to the NRC prior to an individual's filling of one of these positions.

NOTE:

- (1) The 13 individuals who hold SRO licenses, and have completed the FitzPatrick Advanced Technical Training Program prior to the issuance of License Amendment 111, shall be considered qualified as dual-role SRO/STAs.

6.4 RETRAINING AND REPLACEMENT TRAINING

A training program shall be maintained under the direction of the Training Manager to assure overall proficiency of the plant staff organization. It shall consist of both retraining and replacement training and shall meet or exceed the minimum requirements of Section 5.5 of ANSI N18.1-1971.

The retraining program shall not exceed periods two years in length with a curriculum designed to meet or exceed the requalification requirements of 10 CFR 55.59.

6.5 REVIEW AND AUDIT

Two separate groups for plant operations have been constituted. One of these, the Plant Operating Review Committee (PORC), is an onsite review group. The other is an independent review and audit group, the offsite Safety Review Committee (SRC).

(B) Alternates

Alternative members shall be appointed in writing by the PORC Chairman to serve on a temporary basis; however, no more than two alternates shall participate in PORC activities at any one time.

(C) Meeting Frequency

Meetings will be called by the Chairman as the occasions for review or investigation arise. Meetings will be no less frequent than once a month.

(D) Quorum

A quorum of the PORC shall consist of the Chairman or one of three Vice-Chairmen and five members including designated alternates. Vice-Chairmen may act as members when not acting as Chairman.

(E) Responsibilities

1. Review plant procedures, and changes thereto, required by Specification 6.8.
2. Review proposed tests and experiments that affect nuclear safety.
3. Review proposed changes to the Operating License and Technical Specifications.
4. Review proposed changes or modifications to plant systems or equipment that affect nuclear safety.
5. Investigate violations of the Technical Specifications and prepare and forward a report covering evaluation and recommendations to prevent recurrence to the Resident Manager, who will forward the report to the Manager - Nuclear Operations and to the Chairman of the Safety Review Committee.
6. Review plant operations to detect potential safety hazards.
7. Review the Security Plan (including the Safeguards Contingency Plan) and implementing procedures annually.
8. Review the Emergency Plan and implementing procedures annually.
9. Perform special review and/or investigations at the request of the Resident Manager.
10. Review of all reportable events.
11. Review the Offsite Dose Calculation Manual (ODCM) and implementing procedures at least once per 24 months.
12. Review the Process Control Program (PCP) at least once per 24 months.
13. Review the FitzPatrick Fire Protection Program and implementing procedures and changes thereto.

(F) Authority

The PORC shall function to advise the Resident Manager on all matters related to nuclear safety and environmental operations. The PORC shall recommend approval or disapproval to the Resident Manager of those items considered in 6.5 1E (1) through (4) and determine if items considered in 6.5 1E (1) through (5) constitute unreviewed safety questions, as defined in 10 CFR 50.59.

In the event of a disagreement between the PORC and the Resident Manager, the Chairman of the SRC and the Executive Vice President-Nuclear Generation, or their designated alternates, shall be notified within 24 hours and written notification provided on the next business day; however, the Resident Manager shall have responsibility for resolution of such disagreement pursuant to Section 6.1.

(G) Records

Minutes of all meetings of the PORC shall be recorded and numbered. Copies will be retained in file. Copies will be forwarded to the Chairman of the SRC and the Executive Vice President-Nuclear Generation.

(H) Procedures

Conduct of the PORC and the mechanism for implementation of its responsibilities and authority are defined in the pertinent Administrative Procedures.

6.5.2 SAFETY REVIEW COMMITTEE (SRC)

FUNCTION

6.5.2.1 The SRC shall function to provide independent review and audit of designated activities in the areas of:

- a. Nuclear power plant operations
- b. Nuclear engineering
- c. Chemistry and radiochemistry
- d. Metallurgy
- e. Instrumentation and control

(B) SPECIAL REPORTS

1. Fifteen copies of the Evaluation Report of the results of the first five years of performance of the non-destructive inspection listed in Table 4.6-1 of Technical Specifications 4.6.F, Structural Integrity, relating to the FitzPatrick in-service inspection program shall be submitted to the NRC, Director of Operating Reactors, within three months of the completion of the fifth year of the program.
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6.10 RECORD RETENTION

(A) The following records shall be retained for at least five years:

1. Records and logs of facility operation covering time intervals at each power level.
2. Records and logs of principal maintenance activities, inspections, repair and replacement of principal items of equipment related to nuclear safety.
3. All Reportable Events.
4. Records of surveillance activities, inspections and calibrations required by these Technical Specifications.
5. Records of reactor tests and experiments.
6. Records of changes made to Operating Procedures.
7. Records of radioactive shipments.
8. Records of sealed source leak tests and results.
9. Records of annual physical inventory of all source material of record.



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

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION
RELATED TO AMENDMENT NO. 218 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 July 21, 1994, as supplemented September 26, 1994, 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 (TSs). The requested changes would relocate fire protection requirements from the TSs to the plant fire protection program in accordance with the guidance provided in Generic Letter (GL) 86-10, "Implementation of Fire Protection Requirements," and GL 88-12, "Removal of Fire Protection Requirements from the Technical Specifications." The requested changes would also modify the Facility Operating License to incorporate the standard fire protection license condition provided in GL 86-10. The September 26, 1994, letter added references to fire protection-related license amendments and NRC exemptions to the proposed fire protection license condition and did not change the initial proposed no significant hazards consideration determination.

2.0 BACKGROUND

Section 50.36 of Title 10 of the Code of Federal Regulations established the regulatory requirements related to the content of the TSs. The rule requires that TSs include items in five specified categories: (1) safety limits, limiting safety system settings, and limiting control settings; (2) limiting conditions for operation (LCOs); (3) surveillance requirements; (4) design features; and (5) administrative controls. In addition, the Commission's final policy statement on TS improvements, 58 FR 39132 (July 22, 1993), and other Commission documents provide guidance regarding the content of TSs. The fundamental purpose of the TSs, as described in the Commission's final policy statement, is to impose those conditions or limitations upon reactor operation necessary to obviate the possibility of an abnormal situation or event giving rise to an immediate threat to the public health and safety by identifying those features that are of controlling importance to safety and establishing on them certain conditions of operation which cannot be changed without prior Commission approval.

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The Commission's final policy statement acknowledged that its implementation may result in the relocation of existing TS requirements to licensee controlled documents and programs such as the Updated Final Safety Analysis Report (UFSAR). Those items relocated to the UFSAR would in turn be controlled in accordance with the requirements of 10 CFR 50.59, "Changes, tests, and experiments." Section 50.59 of Title 10 of the Code of Federal Regulations provides criteria to determine when facility or operating changes planned by a licensee require prior Commission approval in the form of a license amendment in order to address any unreviewed safety questions. NRC inspection and enforcement programs also enable the staff to monitor facility changes and licensee adherence to UFSAR commitments and to take any remedial action that may be appropriate.

Following the fire at the Browns Ferry Nuclear Power Plant on March 22, 1975, the Commission undertook a number of actions to ensure that improvements were implemented in the fire protection programs for all power reactor facilities. Because of the extensive modification of fire protection programs and the number of open issues resulting from staff evaluations, a number of revisions and alterations occurred in these programs over the years. Consequently, licensees were requested by GL 86-10 to incorporate the final NRC-approved fire protection program in their FSARs. In this manner, the fire protection program, including the systems, certain administrative and technical controls, the organization, and other plant features associated with fire protection, would have a status consistent with that of other plant features described in the FSAR. In addition, the Commission concluded that a standard license condition, requiring compliance with the provisions of the fire protection program as described in the FSAR, should be used to ensure uniform enforcement of the fire protection requirements. Finally, the Commission stated that with the requested actions, licensees may request an amendment to delete the fire protection TSs that would now be unnecessary.

On this basis, the staff concludes that a licensee's fire protection program does not need to be controlled by TSs, and changes to the fire protection program, which will be described in the UFSAR, are adequately controlled by 10 CFR 50.59. Should the licensee's determination conclude that an unreviewed safety question is involved, due to either (1) an increase in the probability or consequences of accidents or malfunctions of equipment important to safety, (2) the creation of a possibility for an accident or malfunction of a different type than any evaluated previously, or (3) a reduction in the margin of safety, NRC approval and a license amendment would be required prior to implementation of the change.

3.0 DISCUSSION

The licensee has proposed the following TS changes:

- A. Delete TS 3/4.12.A. (High Pressure Water Fire Protection System), TS 3/4.12.B. (Water Spray and Sprinkler Systems), TS 3/4.12.C. (Carbon Dioxide Systems), TS 3/4.12.D. (Manual Fire Hose Stations), TS 3/4.12.E.

(Fire Protection Systems Smoke and Heat Detectors), TS 3/4.12.F. (Fire Barrier Penetration Seals), and their associated Bases and incorporate them into the UFSAR by reference and into Administrative Procedure AP-01-04, "Tech Spec Related Requirements, Lists, and Tables."

- B. Delete TS 6.2.2.3. for site fire brigade staffing and incorporate into the UFSAR by reference and into the administrative procedures.
- C. Delete TS 6.4 requirements related to the fire brigade training program and incorporate into the UFSAR by reference.
- D. Add TS 6.5.1(E)13. to include the review of the fire protection program and implementing procedures as an additional responsibility of the Plant Operating Review Committee (PORC).
- E. Delete TS 6.9(B)2. related to the requirements for special reports for inoperable fire protection suppression and detection equipment including fire barrier penetration seals.

The licensee also proposed that paragraph 2.C.(3) of the Facility Operating License be modified to read as follows:

The licensee shall implement and maintain in effect all provisions of the approved fire protection program as described in the Final Safety Analysis Report for the facility and as approved in the SER dated November 20, 1972; the SER Supplement No. 1 dated February 1, 1973; the SER Supplement No. 2 dated October 4, 1974; the SER dated August 1, 1979; the SER Supplement dated October 3, 1980; the SER Supplement dated February 13, 1981; the NRC Letter dated February 24, 1981; Technical Specification Amendments 34 (dated January 31, 1978), 80 (dated May 22, 1984), 134 (dated July 19, 1989), 135 (dated September 5, 1989), 142 (dated October 23, 1989), 164 (dated August 10, 1990), 176 (dated January 16, 1992), 177 (dated February 10, 1992), 186 (dated February 19, 1993), 190 (dated June 29, 1993), 191 (dated July 7, 1993), 206 (dated February 28, 1994) and 214 (dated June 27, 1994); and NRC Exemptions and associated safety evaluations dated April 26, 1983, July 1, 1983, January 11, 1985, April 30, 1986, September 15, 1986 and September 10, 1992 subject to the following provision:

The licensee may make changes to the approved fire protection program without prior approval of the Commission only if those changes would not adversely affect the ability to achieve and maintain safe shutdown in the event of a fire.

References to exemptions dated May 10, 1982, and May 6, 1985, were not included in the proposed license condition since they were schedular exemptions which have since expired. References to two exemptions dated September 18, 1991, were not included in the license condition since they were rendered unnecessary by plant modifications. An exemption dated February 1, 1984, was not referenced in the license condition since this exemption was superseded by an exemption dated January 11, 1985.

4.0 EVALUATION

The NRC staff reviewed the license amendment request against the guidance provided in GLs 86-10 and 88-12. Generic Letter 86-10 requested that the licensee incorporate the NRC-approved fire protection program into the facility FSAR and specified a standard fire protection license condition. GL 88-12 addressed the elements a licensee should include in a license amendment request to remove the fire protection requirements from the plant TSs. These elements are (1) the NRC-approved fire protection program must be incorporated into the FSAR; (2) the LCOs and Surveillance Requirements associated with fire detection systems, fire suppression systems, fire barriers, and the administrative controls that address fire brigade staffing would be deleted from the TSs (the existing administrative controls related to fire protection audits would be retained in the TSs); (3) all operational conditions, remedial actions, and test requirements presently included in the TSs for these systems, as well as the fire brigade staffing requirements, shall be incorporated into the fire protection program; (4) the standard fire protection license condition specified in GL 86-10 must be included in the Facility Operating License; (5) the Unit Review Group (Onsite Review Group) shall be given responsibility for review of the fire protection program and implementing procedures and for the submittal of recommended changes to the Company Nuclear Review and Audit group (Off-site or Corporate Review Group); and (6) fire protection program implementation shall be added to the list of elements for which written procedures shall be established, implemented, and maintained.

The licensee stated in the July 21, 1994, submittal that the approved fire protection program will be incorporated by reference into the plant UFSAR in the 1995 UFSAR update. Based on this commitment, the staff concludes that the licensee has satisfied Element 1 of GL 88-12.

The licensee will incorporate the current TS LCO and surveillance requirements for fire detection systems, fire suppression systems, and fire rated assemblies into Administrative Procedure AP-01.04. Control of these LCOs and surveillance requirements by the TSs is not required since they will be relocated as they currently exist to licensee procedures and maintained under appropriate administrative controls. The licensee will also incorporate the TS requirements related to fire brigade staffing into AP-01.04. The licensee has, therefore, satisfied Elements 2 and 3 of GL 88-12. The staff has determined that fire protection TSs are not required to avert an immediate threat to the public health and safety since they are not associated with: (1) the detection of abnormal degradation of the reactor coolant system pressure boundary, (2) boundary conditions for design basis accidents and transients, (3) primary success paths to prevent or mitigate design basis accidents and transients, or (4) functions determined to be important to risk or operating experience.

The licensee has proposed the standard fire protection license condition specified in GL 86-10. The licensee has, therefore, satisfied Element 4 of GL 88-12.

In order to satisfy Element 5 of GL 88-12, the licensee will add TS 6.5.1(E)13. to include the review of the fire protection program and implementing procedures as an additional responsibility of the PORC. The licensee has, therefore, satisfied Element 5 of GL 88-12.

Element 6 of GL 88-12 required the licensee to add the fire protection program to the list of elements for which written procedures shall be established, implemented, and maintained. Since TS 6.8.1 currently addresses the fire protection program, no changes are required and the licensee has satisfied Element 6 of GL 88-12.

The licensee also proposed to delete TS 6.9.B.2 which relates to special reporting requirements for fire protection system smoke and heat detectors, fire suppression systems, and fire barrier penetration seals. Since the TSs for the detectors, fire suppression systems, and fire barrier penetration seals will be deleted by the proposed amendment, the reporting requirements will no longer be applicable to the plant TSs. The deletion of TS 6.9.B.2 is, therefore, acceptable.

In summary, the staff has concluded that relocation of the fire protection TSs is acceptable because (1) their inclusion in TSs is not specifically required by 10 CFR 50.36 or other regulations, (2) fire protection TSs are not required to avert an immediate threat to the public health and safety, (3) changes that are described in the UFSAR and deemed to involve an unreviewed safety question will require prior NRC-approval in accordance with 10 CFR 50.59(c), and (4) the proposed TS amendment is consistent with NRC staff guidance provided in GLs 86-10 and 88-12.

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 and changes surveillance requirements. 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 (59 FR 42345). 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.

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