



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

June 27, 1994

Docket No. 50-333

Mr. William A. Josiger, Acting Executive  
Vice President - Nuclear Generation  
Power Authority of the State of New York  
123 Main Street  
White Plains, New York 10601

Dear Mr. Josiger:

SUBJECT: ISSUANCE OF AMENDMENT FOR JAMES A. FITZPATRICK NUCLEAR POWER PLANT  
(TAC NO. M88678)

The Commission has issued the enclosed Amendment No. 215 to Facility Operating License No. DPR-59 for the James A. FitzPatrick Nuclear Power Plant. The amendment consists of changes to the Technical Specifications (TSs) in response to your application transmitted by letter dated January 31, 1994.

The amendment revises TS 3.8, "Miscellaneous Radioactive Materials Sources," to adopt the Limiting Conditions for Operation of Section 3/4.7.6, "Sealed Source Contamination," in NUREG-0123, "Standard Technical Specifications for General Electric Boiling Water Reactors (BWR/5)." The amendment also reformats TSs 3.8 and 4.8 to make them consistent with the remainder of the TSs.

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,

John E. Menning, Project Manager  
Project Directorate I-1  
Division of Reactor Projects - I/II  
Office of Nuclear Reactor Regulation

Enclosures:

1. Amendment No. 215 to DPR-59
2. Safety Evaluation

cc w/enclosures:  
See next page

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*Handwritten initials*

Mr. William A. Josiger, Acting  
Power Authority of the State of New York

James A. FitzPatrick Nuclear  
Power Plant

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DATED: June 27, 1994

AMENDMENT NO. 215 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

M. Boyle

C. Vogan

J. Menning

OGC

D. Hagan, 3302 MNBB

G. Hill (2), P1-22

C. Grimes, 11/F/23

L. Cunningham, 10/D/4

ACRS (10)

OPA

OC/LFDCB

PD plant-specific file

C. Cowgill, Region I

cc: Plant Service list



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. 215  
License No. DPR-59

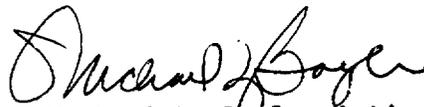
1. The Nuclear Regulatory Commission (the Commission) has found that:
  - A. The application for amendment by Power Authority of the State of New York (the licensee) dated January 31, 1994, complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act) and the Commission's 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:

(2) Technical Specifications

The Technical Specifications contained in Appendices A and B, as revised through Amendment No. 215, 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



Michael L. Boyle, Acting 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: June 27, 1994

ATTACHMENT TO LICENSE AMENDMENT NO. 215

FACILITY OPERATING LICENSE NO. DPR-59

DOCKET NO. 50-333

Revise Appendix A as follows:

Remove Pages

214

-

Insert Pages

214

214a

## JAFNPP

### 3.8 LIMITING CONDITIONS FOR OPERATION

#### 3.8 MISCELLANEOUS RADIOACTIVE MATERIALS SOURCES

##### Applicability:

Applies to the handling and use of sealed special nuclear, source and by-product material at all times.

##### Objective:

To assure that leakage from by-product, source and special nuclear radioactive material sources does not exceed allowable limits.

##### Specification:

Each sealed source containing radioactive material either in excess of 100 microcuries of beta and/or gamma emitting material or 5 microcuries of alpha emitting material, shall have removable contamination of less than or equal to 0.005 microcuries.

- A. With a sealed source having removable contamination in excess of the above limit, immediately withdraw the sealed source from use, and either:
1. Decontaminate and repair the sealed source, or
  2. Dispose of the sealed source in accordance with applicable regulations.

### 4.8 SURVEILLANCE REQUIREMENTS

#### 4.8 MISCELLANEOUS RADIOACTIVE MATERIALS SOURCES

##### Applicability:

Applies to the surveillance requirements of sealed special nuclear, source and by-product materials.

##### Objective:

To specify the surveillances to be applied to sealed special nuclear, source and by-product materials.

##### Specification:

Tests for leakage and/or contamination shall be conducted as follows:

- A. Each sealed source, except startup sources subject to core flux, containing radioactive material, other than Hydrogen 3, with a half-life greater than thirty days and in any form other than gas shall be tested for leakage and/or contamination at intervals not to exceed six months.
- B. The periodic leak test required does not apply to sealed sources that are stored and not being used. The sources excepted from this test shall be tested for leakage prior to any use or transfer to another user unless they have been leak tested within six months prior to the date of use or transfer. In the absence of a certificate from a transferor indicating that a test has been made within six months prior to the transfer, sealed source shall not be put into use until tested.
- C. Startup sources shall be leak tested within 31 days prior to being subjected to core flux or installed in the core and following repair or maintenance to the source.
- D. The test method shall have a detection sensitivity of at least 0.005 microcuries per test sample. Testing shall be performed by the licensee or by other persons specifically authorized by the NRC or an agreement State.

## JAFNPP

### 3.8 and 4.8 Bases

Ingestion or inhalation of source material may give rise to total body or organ irradiation. This specification assures that leakage from radioactive material sources does not exceed allowable limits. In the unlikely event that those quantities of radioactive by-product materials of interest to this specification which are exempt from leakage testing are ingested or inhaled, they represent less than one maximum permissible body burden for total body irradiation. The limits for all other sources (including alpha emitters) are based upon 10 CFR 70.39(c) limits for plutonium.



UNITED STATES  
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION

RELATED TO AMENDMENT NO. 215 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 January 31, 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 revise TS 3.8, "Miscellaneous Radioactive Materials Sources," to adopt the Limiting Conditions for Operation (LCO) of Section 3/4.7.6, "Sealed Source Contamination," in NUREG-0123, "Standard Technical Specifications for General Electric Boiling Water Reactors (BWR/5)." The amendment would also reformat TSs 3.8 and 4.8 to make them consistent with the remainder of the TSs.

2.0 EVALUATION

As currently written, TS 3.8 requires leak testing of sealed sources containing byproduct material in excess of the quantities listed in 10 CFR 30.71, Schedule B, and of all other sources not listed in Schedule B (including alpha emitters) containing greater than 0.1 microcuries. This requirement is different from that contained in Section 3/4.7.6 of NUREG-0123. Specifically, NUREG-0123 exempts from testing those sources containing 100 microcuries or less of beta and/or gamma emitting material or 5 microcuries or less of alpha emitting material. This exemption from testing is consistent with the requirements of 10 CFR 31.5(c)(2)(ii) which states in part that:

Devices containing ... not more than 100 microcuries of other beta and/or gamma emitting material or 10 microcuries of alpha emitting material ... need not be tested for any purpose.

The licensee has proposed that TS 3.8 be revised to adopt the LCO of Section 3/4.7.6 in NUREG-0123 on the basis that the current requirements of TS 3.8 are overly restrictive. The licensee has also proposed that TS 3.8 be reformatted to be consistent with the remainder of the TSs. The revised TS 3.8 would read as follows:

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Applicability:

Applies to the handling and use of sealed special nuclear, source and by-product material at all times.

Objective:

To assure that leakage from by-product, source, and special nuclear radioactive material sources does not exceed allowable limits.

Specification:

Each sealed source containing radioactive material either in excess of 100 microcuries of beta and/or gamma emitting material or 5 microcuries of alpha emitting material shall have removable contamination of less than or equal to 0.005 microcuries.

Specification:

- A. With a sealed source having removable contamination in excess of the above limit, immediately withdraw the sealed source from use, and either:
1. Decontaminate and repair the sealed source, or
  2. Dispose of the sealed source in accordance with applicable regulations.

The licensee has proposed that TS 4.8 be reformatted to be consistent with the remainder of the TSs. As part of the reformatting, the licensee has proposed that startup source testing requirements be modified to add a defined time frame (i.e., 31 days) to perform leak testing prior to the sources being subjected to core flux or installed in the core. The revised TS 4.8 would read as follows:

Applicability:

Applies to the surveillance requirements of sealed special nuclear, source, and by-product materials.

Objective:

To specify the surveillances to be applied to sealed special nuclear, source and by-product materials.

Specification:

Tests for leakage and/or contamination shall be conducted as follows:

- A. Each sealed source, except startup sources subject to core flux, containing radioactive material, other than Hydrogen 3, with a half-life greater than thirty days and in any form other than gas shall be tested for leakage and/or contamination at intervals not to exceed six months.
- B. The periodic leak test required does not apply to sealed sources that are stored and not being used. The sources excepted from this test shall be tested for leakage prior to any use or transfer to another user unless they have been leak tested within six months prior to the date of use or transfer. In the absence of a certificate from a transferor indicating that a test has been made within six months prior to the transfer, sealed source shall not be put into use until tested.
- C. Startup sources shall be leak tested within 31 days prior to being subjected to core flux or installed in the core and following repair or maintenance to the source.
- D. The test method shall have a detection sensitivity of at least 0.005 microcuries per test sample. Testing shall be performed by the licensee or by other persons specifically authorized by the NRC or an agreement State.

In order to accommodate the changes to TSs 3.8 and 4.8, the licensee has also proposed that the associated Bases section be relocated from page 214 to a new page 214a.

The NRC staff has reviewed the proposed changes to TSs 3.8 and 4.8. The staff has determined that the changes in format and the relocation of the Bases section to a new page are administrative in nature. The other proposed changes are consistent with NUREG-0123 and the TSs for sealed radioactive sources that have been approved by the staff for other nuclear power plants. The proposed changes are, therefore, 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 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 10014). 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:  
J. Menning

Date: June 27, 1994

June 27, 1994

Mr. William A. Josiger, Acting Executive  
Vice President - Nuclear Generation  
Power Authority of the State of New York  
123 Main Street  
White Plains, New York 10601

Dear Mr. Josiger:

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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

Enclosures:

- 1. Amendment No. 215 to DPR-59
- 2. Safety Evaluation

cc w/enclosures:  
See next page

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DATE	6/1/94	6/2/94	6/18/94	6/15/94	6/22/94

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