

June 30, 1998

Mr. James Knubel
Chief Nuclear Officer
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. M97666)

Dear Mr. Knubel:

The Commission has issued the enclosed Amendment No. 243 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 November 26, 1996, as supplemented April 17, 1998, and authorizes relocation of snubber operability, surveillance, and records requirements from the TS to plant controlled documents. You provided supplemental information on April 17, 1998, documenting your commitment to sufficiently describe the snubber operability and surveillance requirements in the Final Safety Analysis Report so that 10 CFR 50.59 will apply to future changes to the relocated requirements.

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:

Joseph F. Williams, Project Manager
Project Directorate I-1
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation

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DFC

Docket No. 50-333

Enclosures: 1. Amendment No. 243 to DPR-59
2. Safety Evaluation

cc w/encls: See next page

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*See previous concurrence

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UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

June 30, 1998

Mr. James Knubel
Chief Nuclear Officer
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. M97666)

Dear Mr. Knubel:

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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,

A handwritten signature in black ink, appearing to read "Joseph F. Williams".

Joseph F. Williams, 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. 243 to DPR-59
2. Safety Evaluation

cc w/encs: See next page

DATED: June 30, 1998

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

Docket File

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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. 243
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 26, 1996, as supplemented April 17, 1998, 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 Appendix A, as revised through Amendment No243, and the Environmental Protection Plan contained in Appendix B are incorporated into Facility License No. DPR-59. PASNY shall operate the facility in accordance with the Technical Specifications and the Environmental Protection Plan.

In addition, the license is amended by redesignating existing paragraph 2.(F) as paragraph 3. and adding new paragraph 2.(F) to read as follows:

(F) Additional Conditions

The Additional Conditions contained in Appendix C as revised through Amendment No243, are hereby incorporated into this license. The Power Authority of the State of New York (PASNY) shall operate the facility in accordance with the Additional Conditions.

3. This license amendment is effective as of the date of its issuance, to be implemented within 90 days of issuance, except for incorporation of relocated requirements which shall be incorporated into the first Final Safey Analysis Report update due more than 6 months after issuance of this amendment. Implementation of this amendment shall include the relocation of certain technical specification requirements to the appropriate licensee-controlled documents as described in the Licensee's application dated November 17, 1996, as supplemented on April 17, 1998, and evaluated in the staff's Safety Evaluation attached to this amendment.

FOR THE NUCLEAR REGULATORY COMMISSION



S. Singh Bajwa, Director
Project Directorate I-1
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation

- Attachment: 1. Page 5 to License* No. DPR-59 and page 1
of Appendix C to the license
2. Changes to the Technical Specifications

Date of Issuance: June 30, 1998

*Page 5 of the license and page 1 of Appendix C are attached, for convenience, for the composite license to reflect this change.

F. Additional Conditions

The Additional Conditions contained in Appendix C, as revised through Amendment No. 50, are hereby incorporated into this license. PASNY shall operate the facility in accordance with the Additional Conditions.

3. This license is effective as of the date of issuance and shall expire at midnight on October 17, 2014.

FOR THE NUCLEAR REGULATORY COMMISSION

(ORIGINAL SIGNED BY: ROBERT W. REID)

Robert W. Reid, Chief
Operating Reactors Branch #4
Division of Operating Reactors

Attachments/Appendices:

1. Appendix A - Technical Specifications
2. Appendix B - Radiological Effluent Technical Specifications
3. Appendix C - Additional Conditions

Date of Issuance: June 3, 1977

APPENDIX C

ADDITIONAL CONDITIONS
OPERATING LICENSE NO. DPR-59

Amendment Number	Additional Conditions
243	The Power Authority of the State of New York shall describe snubber operation and surveillance requirements in the Final Safety Analysis Report such that future changes to those requirements will be subject to the provisions of 10 CFR 50.59.

ATTACHMENT TO LICENSE AMENDMENT NO. 243

FACILITY OPERATING LICENSE NO. DPR-59

DOCKET NO. 50-333

Revise Appendix A as follows:

Remove Pages

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Amendment No. ~~20, 92, 98, 180,~~ 243

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3.6 and 4.6 BASES (cont'd)

H. (DELETED)

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- (B) The following records shall be retained for the duration of the Facility Operating License:
1. Records of any drawing changes reflecting facility design modifications made to systems and equipment described in the Final Safety Analysis Report.
 2. Records of new and irradiated fuel inventory, fuel transfers and assembly burnup histories.
 3. Records of facility radiation and contamination surveys.
 4. Records of radiation exposure for all individuals entering radiation control areas.
 5. Records of gaseous and liquid radioactive material released to the environs.
 6. Records of transient or operational cycles for those facility components identified in Table 6.10-1.
 7. Records of training and qualification for current members of the plant staff.
 8. Records of in-service inspections performed pursuant to these Technical Specifications.
 9. Records of Quality Assurance activities required by the Quality Assurance Manual.
 10. Records of reviews performed for changes made to procedures or equipment or reviews of tests and experiments pursuant to 10 CFR 50.59.
 11. Records of meetings of the PORC and the SRC.
 12. Records for Environmental Qualification which are covered under the provisions of paragraph 6.15.
 13. DELETED

6.11 RADIATION PROTECTION PROGRAM

Procedures for personnel radiation protection shall be prepared and adhered to for all plant operations. These procedures shall be formulated to maintain radiation exposures received during operation and maintenance as far below the limits specified in 10 CFR 20 as practicable. The procedures shall include planning, preparation, and training for operation and maintenance activities. They shall also include exposure allocation, radiation and contamination control techniques, and final debriefing.



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

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION
RELATED TO AMENDMENT NO. 243 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 26, 1996, as supplemented April 17, 1998, 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 remove the snubber operability, surveillance, and records requirements from the TS and relocate them to plant controlled documents. The licensee provided supplemental information on April 17, 1998, clarifying that the relocated requirements would be sufficiently described in the Final Safety Analysis Report (FSAR) to ensure future changes would be controlled under the provisions of 10 CFR 50.59. This supplemental information did not affect the NRC staff's proposed finding of no significant hazards considerations.

2.0 BACKGROUND AND EVALUATION

The criteria for inclusion of a requirement in the TS are set forth in 10 CFR 50.36. The criteria are as follows:

- (1) Installed instrumentation that is used to detect, and indicate in the control room, a significant abnormal degradation of the reactor coolant pressure boundary;
- (2) a process variable, design feature, or operating restriction that is an initial condition of a Design Basis Accident or Transient analysis that either assumes the failure of or presents a challenge to the integrity of a fission product barrier;
- (3) a structure, system, or component that is part of the primary success path and which functions or actuates to mitigate a Design Basis Accident or Transient that either assumes the failure of or presents a challenge to the integrity of a fission product barrier;
- (4) a structure, system, or component which operating experience or probabilistic safety assessment has shown to be significant to public health and safety.

Existing TS requirements which fall within or satisfy any of the criteria of 10 CFR 50.36 must be retained in the TS, while those TS requirements which do not fall within or satisfy these criteria may be relocated to other, licensee-controlled documents.

Snubbers are devices used for supporting piping systems against dynamic loads while allowing thermal expansion of piping during normal and design loading conditions. The restraining action

of the snubbers ensures that the initiating event failure does not propagate to other parts of the failed system or to other safety systems. The existing TS action statement requires that an inoperable snubber be replaced or repaired within the allowed outage time. The surveillance requirement for snubbers is that they be periodically examined under the inservice inspection program in accordance with 10 CFR 50.55a.

Requirements related to the snubbers do not satisfy any of the final policy statement criteria which would necessitate that they be included in the TS. Operability requirements of snubbers are not explicitly considered in the design basis accident (DBA) or transient analysis. The requirement of the existing TS that all snubbers be operable is not a requirement that identifies a parameter that is an initial condition assumption for a DBA or transient, is not used to detect a significant abnormal degradation of the reactor coolant pressure boundary, and is not part of the primary success path which functions or actuates to mitigate a DBA or transient. Therefore, the licensee plans to relocate the requirements specified in the existing TS to licensee controlled documents and will be controlled in accordance with 10 CFR 50.59 and 10 CFR 50.55a. The proposed amendment involves the procedures for controlling the snubber requirements, and do not involve changes to the operability and surveillance provisions of the snubber program. Snubber operability and record requirements will be relocated to a plant administrative procedure. In the November 26, 1996 submittal, the licensee stated that the plant controlled documents associated with the relocated requirements will be referenced in the first final safety analysis report (FSAR) update due more than 6 months after NRC issuance of this amendment. The licensee provided supplemental information on April 17, 1998, committing to sufficiently describe the snubber operating and surveillance requirements in the FSAR to ensure that future changes to the requirements would be subject to 10 CFR 50.59.

On the basis presented above, the NRC staff concludes that the snubber requirements do not need to be controlled by TS and that changes to these requirements are adequately controlled by 10 CFR 50.59, "Changes, tests, and experiments." 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. NRC inspection and enforcement programs also enable the staff to monitor facility changes and licensee adherence to FSAR update commitments and to take any remedial action that may be appropriate.

The NRC staff has concluded, therefore, that relocation of TS Section 3.6.1/4.6.1 is acceptable because (1) their inclusion in TS is not specifically required by 10 CFR 50.36 or other regulations, (2) the requirements are not required to avert an immediate threat to the public health and safety, and (3) changes that are deemed to involve an unreviewed safety question will require prior NRC approval in accordance with 10 CFR 50.59(c).

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 the 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 (62 FR 4352). 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: Joseph F. Williams

Date: June 30, 1998