

Mr. James Knubel  
Chief Nuclear Officer  
Power Authority of the State of  
New York  
123 Main Street  
White Plains, NY 10601

January 12, 1999

SUBJECT: ISSUANCE OF AMENDMENT FOR JAMES A. FITZPATRICK NUCLEAR POWER  
PLANT (TAC NO. M95098)

Dear Mr. Knubel:

The Commission has issued the enclosed Amendment No. 250 to Facility Operating License No. DPR-59 for the James A. FitzPatrick Nuclear Power Plant. The amendment provides function-specific actions and allowed outage times for certain instrumentation, and relocates some instrumentation requirements to licensee-controlled documents consisting of changes to the Technical Specifications (TSs) in response to your application of March 22, 1996, as revised and supplemented on February 6, 1998, April 17, 1998 and October 30, 1998.

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

Docket No. 50-333

Enclosures: 1. Amendment No. 250 DPR-59  
2. Safety Evaluation

cc w/encls: See next page

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DATED: January 12, 1999

AMENDMENT NO. 250 TO FACILITY OPERATING LICENSE NO. DPR-59-FITZPATRICK

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UNITED STATES  
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

January 12, 1999

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  
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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. 250 to DPR-59  
2. Safety Evaluation

cc w/encls: See next page

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Lycoming, NY 13093



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. 250  
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 March 22, 1996, revised and supplemented on February 6, 1998, April 17, 1998 and October 30, 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. This license is amended to approve the relocation of certain Technical Specification requirements to licensee-controlled documents, as described in the licensee's application dated July 10, 1998, and reviewed in the staff's Safety Evaluation Report dated January 12, 1999. This license is also hereby 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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P PDR

(2) Technical Specifications

The Technical Specifications contained in Appendix A, as revised through Amendment No. 250 , 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 revising paragraph 2.(F) as follows:

- (F) The Additional Conditions contained in Appendix C as revised through Amendment No. 250 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 60 days of issuance. 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 March 22, 1996, as revised and supplemented on February 6, 1998, April 17, 1998, and October 30, 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: January 12, 1999

\*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. 250, 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**

<b>Amendment Number</b>	<b>Additional Conditions</b>
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.
250	The Power Authority of the State of New York shall relocate operability and surveillance requirements for logic bus power monitors, core spray sparger differential pressure, and low pressure coolant injection cross-connect valve position instruments to an Authority-controlled document where future changes to those relocated requirements are controlled under the provisions of 10 CFR 50.59.

ATTACHMENT TO LICENSE AMENDMENT NO. 250

FACILITY OPERATING LICENSE NO. DPR-59

DOCKET NO. 50-333

Revise Appendix A as follows:

Remove Pages

66  
67  
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71a  
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Insert Pages

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TABLE 3.2-2

**CORE AND CONTAINMENT COOLING SYSTEM INITIATION AND CONTROL INSTRUMENTATION OPERABILITY REQUIREMENTS**

Item No.	Minimum No. of Operable Instrument Channels Per Trip System	Trip Function	Trip Level Setting	Instrument Channels Provided by Design for Both Trip Systems	Total Number of Remarks
1	2 (Notes 1, 11)	Reactor Low-Low Water Level	$\geq$ 126.5 in. above TAF	4 (HPCI & RCIC)	Initiates HPCI, RCIC, and SGTS.
2	2 (Notes 2, 3, 11)	Reactor Low-Low-Low Water Level	$\geq$ 18 in. above TAF	4 (Core Spray & RHR) Generators.  4 (ADS)	Initiates Core Spray, RHR (LPCI), and Emergency Diesel  Initiates ADS (if not inhibited by ADS override switches), in conjunction with Confirmatory Low Level, 120 second delay and RHR (LPCI) or Core Spray pump discharge pressure interlock.
3	2 (Notes 4, 12)	Reactor High Water Level	$\leq$ 222.5 in. above TAF	2 (Note 16)	Trips HPCI turbine.
4	2 (Notes 4, 12)	Reactor High Water Level	$\leq$ 222.5 in. above TAF	2 (Note 16)	Closes RCIC steam supply valve.
5	1 (Notes 5, 11)	Reactor Low Level (inside shroud)	$\geq$ 0 in. above TAF	2	Prevents inadvertent operation of containment spray during accident condition.
6	2 (Notes 5, 11)	Containment High Pressure	$1 < p < 2.7$ psig	4	Prevents inadvertent operation of containment spray during accident condition.

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TABLE 3.2-2 (Cont'd)

**CORE AND CONTAINMENT COOLING SYSTEM INITIATION AND CONTROL INSTRUMENTATION OPERABILITY REQUIREMENTS**

Item No.	Minimum No. of Operable Instrument Channels Per Trip System	Trip Function	Trip Level Setting	Total Number of Instrument Channels Provided by Design for Both Trip Systems	Remarks
7	1 (Notes 3, 11)	Reactor Low Level	$\geq 177$ in. above TAF	2	Confirmatory low water level for ADS actuation.
8	2 (Notes 1, 2, 11)	Drywell High Pressure	$\leq 2.7$ psig	4	Initiates Core Spray, RHR (LPCI), HPCI and SGTS.
9	2 (Notes 6, 11)	Reactor Low Pressure	$\geq 450$ psig	4	Permits opening Core Spray and RHR (LPCI) injection valves.
10	1 (Notes 2, 12)	Reactor Low Pressure	$50 \leq p \leq 75$ psig	2	Permits closure of RHR (LPCI) injection valves while in shutdown cooling in conjunction with PCIS signal.
11	1 (Notes 7, 11)	Core Spray Pump Start Timer (each loop)	$11 \pm 0.6$ sec.	1 (Note 16)	Initiates starting of core spray pump. (each loop)
12	1 (Notes 7, 11)	RHR (LPCI) Pump Start Timer			
		1st Pump (A Loop)	$1.0 + 0.5 (-) 0$ sec.	1 (Note 16)	Starts 1st Pump (A Loop)
		1st Pump (B Loop)	$1.0 + 0.5 (-) 0$ sec.	1 (Note 16)	Starts 1st Pump (B Loop)
		2nd Pump (A Loop)	$6.0 \pm 0.5$ sec.	1 (Note 16)	Starts 2nd Pump (A Loop)
		2nd Pump (B Loop)	$6.0 \pm 0.5$ sec.	1 (Note 16)	Starts 2nd Pump (B Loop)

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TABLE 3.2-2 (Cont'd)

**CORE AND CONTAINMENT COOLING SYSTEM INITIATION AND  
CONTROL INSTRUMENTATION OPERABILITY REQUIREMENTS**

Item No.	Minimum No. of Operable Instrument Channels Per Trip System	Trip Function	Trip Level Setting	Instrument Channels Provided by Design for Both Trip Systems	Total Number of Remarks
13	1 (Notes 8, 11)	Auto Blowdown Timer	120 sec. ± 5 sec.	2	Initiates ADS (if not inhibited by ADS override switches).
14	4 (Notes 8, 11)	RHR (LPCI) Pump Discharge Pressure Interlock	125 psig ± 20 psig	8	Permits ADS actuation.
15	2 (Notes 8, 11)	Core Spray Pump Discharge Pressure Interlock	100 psig ± 10 psig	4	Permits ADS actuation.
16	2 (Notes 9, 11)	Condensate Storage Tank Low Level	≥ 59.5 in. above tank bottom (= 15,600 gal. avail)	2 (Note 16)	Transfers RCIC pump suction to suppression chamber.
17	2 (Notes 9, 11)	Condensate Storage Tank Low Level	≥ 59.5 in. above tank bottom (= 15,600 gal. avail)	2 (Note 16)	Transfers HPCI pump suction to suppression chamber.
18	2 (Notes 9, 11)	Suppression Chamber High Level	≤ 6 in. above normal level	2 (Note 16)	Transfers HPCI pump suction to suppression chamber.

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TABLE 3.2-2 (Cont'd)

**CORE AND CONTAINMENT COOLING SYSTEM INITIATION AND CONTROL INSTRUMENTATION OPERABILITY REQUIREMENTS**

Item No.	Minimum No. of Operable Instrument Channels Per Trip System	Trip Function	Trip Level Setting	Total Number of Instrument Channels Provided by Design	for Both Trip Systems Remarks
19	(2 per 4kV bus) (Note 10)	4kV Emergency Bus Undervoltage Relay (Degraded Voltage)	110.6 ± 0.8 secondary volts	4	Initiates both 4kV Emergency Bus Undervoltage Timers. (Degraded Voltage LOCA and non-LOCA) (Note 14)
20	(1 per 4kV bus) (Note 10)	4kV Emergency Bus Undervoltage Timer (Degraded Voltage LOCA)	8.96 ± 0.55 sec.	2	(Note 13)
21	(1 per 4kV bus) (Note 10)	4kV Emergency Bus Undervoltage Timer (Degraded Voltage non-LOCA)	43.8 ± 2.8 sec.	2	(Note 13)
22	(2 per 4kV bus) (Note 10)	4kV Emergency Bus Undervoltage Relay (Loss of Voltage)	85 ± 4.81 secondary volts	4	Initiates 4kV Emergency Bus Undervoltage Loss of Voltage Timer. (Note 15)
23	(1 per 4kV bus) (Note 10)	4kV Emergency Bus Undervoltage Timer (Loss of Voltage)	2.50 ± 0.11 sec.	2	(Note 13)
24	2 (Notes 6, 11)	Reactor Low Pressure	285 to 335 psig	4	Permits closure of recirculation pump discharge valve.

TABLE 3.2-2

**CORE AND CONTAINMENT COOLING SYSTEM INITIATION AND  
CONTROL INSTRUMENTATION OPERABILITY REQUIREMENTS**

**NOTES FOR TABLE 3.2-2**

1. With one or more channels inoperable for HPCI and/or RCIC:
  - A. Within one hour from discovery of loss of system initiation capability, declare the affected system inoperable, and
  - B. Within 24 hours, place channel in trip.
  - C. If required actions and associated completion times of actions A or B are not met, immediately declare the affected system inoperable.
  
2. With one or more channels inoperable for Core Spray and/or RHR:
  - A. Within one hour from discovery of loss of initiation capability for feature(s) in both divisions, declare the supported features inoperable, and
  - B. Within 24 hours, place channel in trip.
  - C. If required actions and associated completion times of actions A or B are not met, immediately declare associated supported feature(s) inoperable.
  
3. With one or more channels inoperable for ADS:
  - A. Within one hour from discovery of loss of ADS initiation capability in both trip systems, declare ADS inoperable, and
  - B. Within 96 hours from discovery of an inoperable channel concurrent with HPCI or RCIC inoperable, place channel in trip, and
  - C. Within 8 days, place channel in trip.
  - D. If required actions and associated completion times of actions A, B, or C are not met, immediately declare ADS inoperable.

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**TABLE 3.2-2**

**CORE AND CONTAINMENT COOLING SYSTEM INITIATION AND  
CONTROL INSTRUMENTATION OPERABILITY REQUIREMENTS**

4. With one or more channels inoperable for HPCI and/or RCIC:
  - A. Within 24 hours, restore channel to operable status.
  - B. If required action and associated completion time of action A is not met, immediately declare affected system inoperable.
5. With one or more channels inoperable for containment spray:
  - A. Within 24 hours, place channel in trip.
  - B. If required action and associated completion time of action A is not met, immediately declare associated supported feature(s) inoperable.
6. With one or more channels inoperable for injection permissive and/or recirculation discharge valve permissive:
  - A. Within one hour from discovery of loss of initiation capability for feature(s) in both divisions, declare the supported features inoperable, and
  - B. Within 24 hours, restore channel to operable status.
  - C. If required actions and associated completion times of actions A or B are not met, immediately declare associated supported feature(s) inoperable.

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**TABLE 3.2-2**

**CORE AND CONTAINMENT COOLING SYSTEM INITIATION AND  
CONTROL INSTRUMENTATION OPERABILITY REQUIREMENTS**

7.
  - A. With one start timer inoperable, restore the timer to an operable status within 24 hours.
  - B. With two or more start timers inoperable, within one hour declare the associated ECCS subsystem(s) inoperable.
  - C. If the required actions and associated completion times of A and B cannot be met declare the associated ECCS subsystem(s) inoperable.
8. With one or more channels inoperable for ADS:
  - A. Within one hour from discovery of loss of ADS initiation capability in both trip systems, declare ADS inoperable, and
  - B. Within 96 hours from discovery of an inoperable channel concurrent with HPCI or RCIC inoperable, restore channel to operable status, and
  - C. Within 8 days, restore channel to operable status.
  - D. If required actions and associated completion times of actions A, B, or C are not met, immediately declare ADS inoperable.
9. With one or more channels inoperable for HPCI and/or RCIC:
  - A. Within one hour from discovery of loss of system initiation capability while suction for the affected system is aligned to the CST, declare the affected system inoperable, and
  - B. Within 24 hours, place channel in trip or align suction for the affected system to the suppression pool.
  - C. If required actions and associated completion times of actions A or B are not met, immediately declare the affected system inoperable.

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**TABLE 3.2-2**

**CORE AND CONTAINMENT COOLING SYSTEM INITIATION AND  
CONTROL INSTRUMENTATION OPERABILITY REQUIREMENTS**

10. With one or more channels inoperable for 4kV Emergency Bus Undervoltage Trip Functions:
  - A. Within one hour, place channel in trip.
  - B. If required action and associated completion time of action A is not met, immediately declare the affected Emergency Diesel Generator System inoperable.
11. When a channel is placed in an inoperable status solely for performance of required surveillances, entry into associated Limiting Conditions For Operation and required actions may be delayed for up to 6 hours provided the associated Trip Function or the redundant Trip Function maintains ECCS initiation capability.
12. When a channel is placed in an inoperable status solely for performance of required surveillances, entry into associated Limiting Conditions For Operation and required actions may be delayed for up to 6 hours.
13. The 4kV Emergency Bus Undervoltage Timers (degraded voltage LOCA, degraded voltage non-LOCA, and loss-of-voltage) initiate the following: starts the Emergency Diesel-Generators; trips the normal/reserve tie breakers and trips all 4kV motor breakers (in conjunction with 75 percent Emergency Diesel-Generator voltages); initiates diesel-generator breaker close permissive (in conjunction with 90 percent Emergency Diesel-Generator voltages) and; initiates sequential starting of vital loads in conjunction with low-low-low reactor water level or high drywell pressure.
14. A secondary voltage of 110.6 volts corresponds to approximately 93% of 4160 volts on the bus.
15. A secondary voltage of 85 volts corresponds to approximately 71.5% of 4160 volts on the bus.
16. Only one trip system.

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TABLE 4.2-2

**CORE AND CONTAINMENT COOLING SYSTEM INSTRUMENTATION**  
**TEST AND CALIBRATION REQUIREMENTS**

Instrument Channel	Instrument Functional Test	Calibration Frequency	Instrument Check (Note 4)
1) Reactor Water Level	Q (Note 5)	SA / R (Note 15)	D
2a) Drywell Pressure (non-ATTS)	Q	Q	NA
2b) Drywell Pressure (ATTS)	Q (Note 5)	SA / R (Note 15)	D
3a) Reactor Pressure (non-ATTS)	Q	Q	NA
3b) Reactor Pressure (ATTS)	Q (Note 5)	SA / R (Note 15)	D
4) Auto Sequencing Timers	NA	18M	NA
5) ADS - LPCI or CS Pump Disch.	Q	Q	NA
6) HPCI & RCIC Suction Source Levels	Q	Q	NA
7) 4kV Emergency Bus Under-Voltage (Loss-of-Voltage, Degraded Voltage LOCA and non-LOCA) Relays and Timers.	R	R	NA

NOTE: See notes following Table 4.2-5.



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

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION  
RELATED TO AMENDMENT NO. 250 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

On March 22, 1996, the Power Authority of the State of New York (the licensee, also known as the New York Power Authority) proposed changes to the Technical Specification (TS) for the James A. FitzPatrick Nuclear Power Plant. The licensee proposed changes to TS Table 3.2-2, "Core and Containment Cooling System Initiation and Control Instrumentation Operability Requirements," and to TS Table 4.2-2, "Core and Containment Cooling System Instrumentation Test and Calibration Requirements." The proposed changes also clarified the operability requirements for 4-kV emergency bus undervoltage trip functions. The licensee revised and supplemented the proposed changes on February 6, 1998, and provided supplemental information on April 17, 1998 and October 30, 1998. The revisions and supplemental information do not affect the NRC staff's proposed finding of no significant hazards considerations.

2.0 EVALUATION

The proposed changes to Fitzpatrick TS Table 3.2-2 and TS Table 4.2-2 are:

- 1) replace the generic actions for inoperable instrument channels with function-specific actions,
- 2) replace generic test allowable outage times (AOT) with function-specific test AOTs, and
- 3) relocate selected trip functions from the TS to a licensee-controlled document.

The revised actions and AOTs simplify the use of the TS by providing trip function-specific requirements and by ensuring consistency with the Standard Technical Specifications (STS), NUREG-1433, "Standard Technical Specifications, General Electric Plants, BWR/4," Revision 1, dated April 1995. Table 3.2-2 presently provides a generic action statement and generic allowed outage times for testing for various trip functions. The proposed revision provides function-specific actions for these items based upon the STS requirements.

For high-pressure coolant injection (HPCI) or reactor core isolation cooling (RCIC), initiation instrumentation involves a total of four instruments, two in each of two trip systems. The associated logic is arranged in a one-out-of-two taken twice logic. The STS provide a 24-hour repair AOT for these trip functions, regardless of the number of inoperable instrument channels, provided that system initiation capability is maintained. The staff finds that the proposed AOT

ensures affected instrumentation will be promptly repaired, that appropriate initiation capability is maintained, or proper corrective actions are required. Therefore, the staff considers these changes acceptable.

Similarly, with one or more channels inoperable for core spray, low pressure coolant injection (LPCI), automatic depressurization system (ADS), or containment spray initiation instrumentation, the revised actions permit full use of the AOT for repair when multiple instrument channels are inoperable, provided that system initiation capability is maintained. The staff finds that the proposed AOT ensures affected instrumentation will be promptly repaired, that appropriate initiation capability is maintained, or proper corrective actions are required. Therefore, the staff finds these changes acceptable.

The licensee's October 30, 1998, letter provides a discussion of the application of notes associated with TS Tables 3.2-2 and 4.2-2. The licensee provided a detailed discussion of the application of Table 3.2-2 Note 1, which applies to the HPCI, RCIC, and standby gas treatment system functions. The discussion describes various scenarios where one or more instrumentation channel is inoperable, and how the notes are applied for these scenarios. The notes are applied in a different manner, dependent on whether or not system initiation capability is lost. This capability is lost when two instrument channels are inoperable in one trip system, but not when two channels are inoperable in separate trip systems. The NRC staff has reviewed this discussion, and concludes that the licensee intends to interpret these notes appropriately. Therefore, these proposed changes are acceptable.

The licensee also deleted the LPCI, core spray, ADS, HPCI, and RCIC trip system bus power monitors; core-spray-sparger-to-reactor-vessel d/p; and LPCI cross-connect valve position indication from TS Table 3.2-2 because these functions do not satisfy the criteria of 10 CFR 50.36 for inclusion in the TS. Section 182a of the Atomic Energy Act (the "Act") requires applicants for nuclear power plant operating licenses to state the TSs to be included as part of the license. The Commission's regulatory requirements related to the content of the TSs are set forth in 10 CFR 50.36. That regulation requires that the TS include items in five specific categories, including (1) safety limits, limiting safety system settings and limiting control settings; (2) limiting conditions for operation; (3) surveillance requirements, (4) design features; and (5) administrative controls. However, the regulation does not specify the particular requirements to be included in a plant's TSs.

The criteria for inclusion of a requirement as a limiting condition for operation in the TSs 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; and

- (4) a structure, system, or component which operating experience or probabilistic safety assessment has shown to be significant to public health and safety.

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

The functions to be relocated only produce control room alarms, which are not relied upon for the detection of any transient or degradation of the reactor coolant pressure boundary. The operability requirements for these functions will be relocated to a licensee-controlled document. The revised actions for inoperable instrument channels require the associated parameter to be monitored at least every 12 hours. The licensee committed that any future change to the design, surveillance or operability requirements of these trip functions will be controlled under the requirements of 10 CFR 50.59. The NRC staff finds that these proposed changes to be acceptable, since they are consistent with the standard established by NUREG-1433 and are not otherwise required by 10 CFR 50.36. The licensee's commitment to control these functions under 10 CFR 50.59 will be reflected by a license condition.

In addition, the licensee deleted surveillance of the trip system bus power monitors, core spray sparger d/p sensor, and LPCI cross-connect valve position indication. This deletion of surveillance requirements reflects the removal of the associated trip functions from Table 3.2-2, and are, therefore, acceptable.

In the original TS amendment submittal dated March 22, 1996, the limiting condition for operation (LCO) for core spray and residual heat removal (RHR) pumps required racking out the breaker of the affected pumps. The licensee, in a later submittal dated February 6, 1998, stated that an engineering evaluation and review of past performance records have determined that the simultaneous start of two of the emergency core cooling system (ECCS) pumps on the same emergency bus would not affect the availability of the emergency buses. Therefore, the required actions were revised to remove the requirement to rack out the affected ECCS pump breakers. The staff finds this later change consistent with the plant design and, therefore, acceptable.

In addition, the March 22, 1996, submittal requested that the containment high pressure trip function that prevents inadvertent operation of containment spray during accident conditions be moved from the TS to a licensee-controlled procedure. The basis for removing the trip function was that it did not meet the criteria stated in 10 CFR 50.36. for items to be included in TS. The licensee, in a later submittal, dated February 6, 1998, chose to retain the trip function in the TS on the basis of information in GE topical report, NEDO-31466, Supplement 1, "Technical Specification Screening Criteria Application and Risk Assessment," dated February 1990. The staff finds this acceptable.

With regard to the 4-kV emergency bus undervoltage trip function, the proposed TS amendment states that with one or more channels inoperable for the 4-kV emergency bus undervoltage trip functions, place the channel in trip within 1 hour. If the required action and associated completion time are not met, immediately declare the affected emergency diesel generator system inoperable. This is consistent with STS Section 3.3.8.1; therefore, the staff finds this acceptable.

### 3.0 CONCLUSION

Based on the above, the staff concludes that the proposed Fitzpatrick TS changes for core and containment cooling system initiation instrumentation are consistent with the requirements of 10 CFR 50.36 for items to be included in TS, the provisions of the STS, NUREG-1433, Revision 1, and the plant design, and are, therefore, acceptable.

### 4.0 STATE CONSULTATION

In accordance with the Commission's regulations, the New York State official was notified of the proposed issuance of the amendments. The State official had no comments.

### 5.0 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 amendments involve 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 amendments involve no significant hazards consideration, and there has been no public comment on such finding (61 FR 20855). 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 amendments.

### 6.0 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 amendments will not be inimical to the common defense and security or to the health and safety of the public.

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Date: January 12, 1999