



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

October 4, 1993

Docket No. 50-333

Mr. Ralph E. Beedle
Executive Vice President - Nuclear Generation
Power Authority of the State of New York
123 Main Street
White Plains, New York 10601

Dear Mr. Beedle:

SUBJECT: ISSUANCE OF AMENDMENT FOR JAMES A. FITZPATRICK NUCLEAR POWER PLANT
(TAC NO. M86991)

The Commission has issued the enclosed Amendment No. 198 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 July 7, 1993.

The amendment revises TSs 4.0.C and 4.0.D and associated Bases to be consistent with the guidance provided in NRC Generic Letter 87-09, "Sections 3.0 and 4.0 of the Standard Technical Specifications (STS) on the Applicability of Limiting Conditions for Operation and Surveillance Requirements." The changes to TS 4.0.C incorporate a 24-hour delay in implementing the Action requirements due to a missed surveillance requirement when the Action requirements provide a restoration time that is less than 24 hours. The change to TS 4.0.D allows mode changes to be made as required to comply with Action requirements even if the surveillance requirements to enter a mode are not complete.

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. 198 to DPR-59
2. Safety Evaluation

cc w/enclosures:
See next page

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

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1. Amendment No. 198 to DPR-59
2. Safety Evaluation

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See next page

OFFICE	PDI-1:LA	PDI-1:PM <i>DB</i>	PDI-1:PM	OGC	PDI-1:D
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DATE	9/2/93	9/2/93	9/3/93	9/8/93	10/4/93

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FILENAME: G:\FITZ\FIT86991.AMD

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Power Authority of the State of New York

James A. FitzPatrick Nuclear
Power Plant

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DATED: October 4, 1993

AMENDMENT NO. 198 TO FACILITY OPERATING LICENSE NO. DPR-59-FITZPATRICK

Docket File

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cc: Plant Service list

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

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. 198
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 7, 1993, 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. 198, 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



Robert A. Capra, 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: October 4, 1993

ATTACHMENT TO LICENSE AMENDMENT NO. 198

FACILITY OPERATING LICENSE NO. DPR-59

DOCKET NO. 50-333

Revise Appendix A as follows:

Remove Pages

30
30a
30c
30d
30e

Insert Pages

30
30a
30c
30d
30e

JAFNPP

3. Limiting Conditions for Operation

3.0 General

Applicability:

Applies to the general LCO requirements of Section 3.

Objective:

To specify the general requirements applicable to each Limiting Condition for Operation listed in Section 3.

Specification:

- A. Limiting Conditions for Operation and ACTION requirements shall be applicable during the OPERATIONAL CONDITIONS (modes) specified for each specification.
- B. Adherence to the requirements of the Limiting Condition for Operation and associated ACTION within the specified time interval shall constitute compliance with the specification. In the event the Limiting Condition for Operation is restored prior to expiration of the specified time interval, completion of the ACTION statement is not required.
- C. In the event a Limiting Condition for Operation and/or associated ACTION requirements cannot be satisfied because of circumstances in excess of those addressed in the specification, the unit shall be placed in COLD SHUTDOWN within the following 24 hours unless corrective measures are completed that permit operation under the permissible ACTION or until the reactor is placed in an OPERATIONAL CONDITION (mode) in which the specification is not applicable. Exceptions to these requirements shall be stated in the individual specifications.

4. Surveillance Requirements

4.0 General

Applicability:

Applies to the general surveillance requirements of Section 4.

Objective:

To specify the general requirements applicable to each surveillance requirement in Section 4.

Specification:

- A. Surveillance Requirements shall be applicable during the OPERATIONAL CONDITIONS (modes) specified for individual Limiting Condition for Operation unless otherwise stated in the individual Surveillance Requirements.
- B. Each Surveillance Requirement shall be performed within the specified surveillance interval with a maximum allowable extension not to exceed 25 percent of the specified surveillance interval.
- C. Performance of a Surveillance Requirement within the specified time interval shall constitute compliance with OPERABILITY requirements for a Limiting Condition for Operation and associated ACTION statements unless otherwise required by the specification. Failure to perform a Surveillance Requirement within the allowed surveillance interval, defined by Specification 4.0.B, shall constitute noncompliance with the OPERABILITY requirements for a Limiting Condition for Operation. The time limits of the ACTION requirements are applicable at the time it is identified

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3.0 Continued

- D. Entry into an OPERATIONAL CONDITION (mode) or other specified condition shall not be made when the conditions for the Limiting Condition for Operation are not met and the associated ACTION requires a shutdown if they are not met within a specified time interval. Entry into an OPERATIONAL CONDITION (mode) or specified condition may be made in accordance with ACTION requirements when conformance to them permits continued operation of the facility for an unlimited period of time. This provision shall not prevent passage through OPERATIONAL CONDITIONS (modes) required to comply with ACTION requirements. Exceptions to these requirements are stated in the individual specifications.
- E. When a system, subsystem, train, component or device is determined to be inoperable solely because its emergency power source is inoperable, or solely because its normal power source is inoperable, it may be considered OPERABLE for the purpose of satisfying the requirements of its applicable Limiting Condition for Operation, provided: (1) its corresponding normal or emergency power source is OPERABLE; and (2) all of its redundant system(s), subsystem(s), train(s), component(s) and device(s) are OPERABLE, or likewise satisfy the requirements of this specification. Unless both conditions (1) and (2) are satisfied, the unit shall be placed in COLD SHUTDOWN within the following 24 hours. This specification is not applicable when in Cold Shutdown or Refuel Mode.

4.0 Continued

- that a Surveillance Requirement has not been performed. The ACTION requirements may be delayed for up to 24 hours to permit the completion of the surveillance when the allowable outage time limits of the ACTION requirements are less than 24 hours. Surveillance requirements do not have to be performed on inoperable equipment.
- D. Entry into an OPERATIONAL CONDITION (mode) shall not be made unless the Surveillance Requirement(s) associated with the Limiting Condition for Operation have been performed within the applicable surveillance interval or as otherwise specified. This provision shall not prevent passage through or to Operational Modes as required to comply with ACTION Requirements.

3.0 BASES - Continued

E. Continued

limits of the ACTION statement associated with the Limiting Condition for Operation for the normal or emergency power source, and not by the individual ACTION statements for each system, subsystem, train, component or device that is determined to be inoperable solely because of the inoperability of its normal or emergency power source.

For example, Specification 3.9.A. requires in part that both emergency diesel generator systems be OPERABLE. The ACTION statement provides for a 7 day out-of-service time when emergency diesel generator system A or B is not OPERABLE. If the definition of OPERABLE were applied without consideration of Specification 3.0.E., all systems, subsystems, trains, components and devices supplied by the inoperable emergency power source, diesel generator system A or B, would also be inoperable. This would dictate invoking the applicable ACTION statements for each of the applicable Limiting Conditions for Operation. However, the provisions of Specification 3.0.E. permit the time limits for continued operation to be consistent with the ACTION statement for the inoperable emergency diesel generator system instead, provided the other specified conditions are satisfied. If they are not satisfied, shutdown is required in accordance with this specification.

E. Continued

As a further example, Specification 3.9.A. requires in part that two 115KV lines and reserve station transformers be available. The ACTION statement provides a 7 day out-of-service time when both required offsite circuits are not OPERABLE. If the definition of OPERABLE were applied without consideration of Specification 3.0.E., all systems, subsystems, trains, components and devices supplied by the inoperable normal power sources, both of the offsite circuits, would also be inoperable. This would dictate invoking the applicable ACTION statements for each of the applicable LCOs. However, the provisions of Specification 3.0.E. permit the time limits for continued operation to be consistent with the ACTION statement for the inoperable normal power sources instead, provided the other specified conditions are satisfied. In this case, this would mean that for one division the emergency power source must be OPERABLE (as must be the components supplied by the emergency power source) and all redundant systems, subsystems, trains, components and devices in the other division must be OPERABLE, or likewise satisfy Specification 3.0.E. (i.e., be capable of performing their design functions and have an emergency power source OPERABLE). In other words, both emergency power sources A and B must be OPERABLE and all redundant systems, subsystems, trains, components and devices in both divisions must also be OPERABLE. If these conditions are not satisfied, shutdown is required in accordance with this specification.

In Cold Shutdown and Refuel Modes, Specification 3.0.E. is not applicable, and thus the individual ACTION statement for each applicable Limiting Condition for Operation in these OPERATIONAL CONDITIONS (modes) must be adhered to.

4.0 BASES

- A. This specification provides that surveillance activities necessary to insure the Limiting Conditions for Operation are met and will be performed during the OPERATIONAL CONDITIONS (modes) for which the Limiting Conditions for Operation are applicable. Provisions for additional surveillance activities to be performed without regard to the applicable OPERATIONAL CONDITIONS (modes) are provided in the individual Surveillance Requirements.
- B. Specification 4.0.B establishes the limit for which the specified time interval for Surveillance Requirements may be extended. It permits an allowable extension of the normal surveillance interval to facilitate surveillance scheduling and consideration of plant operating conditions that may not be suitable for conducting the surveillance (e.g., transient conditions or other ongoing surveillance or maintenance activities). It also provides flexibility to accommodate the length of a fuel cycle for surveillances that are performed at each refueling outage and are specified with an 18 month surveillance interval. It is not intended that this provision be used repeatedly as a convenience to extend surveillance intervals beyond that specified for surveillances that are not performed during refueling outages. The limitation of this specification is based on engineering judgement and the recognition that the most probable result of any particular surveillance being performed is the verification of conformance with the Surveillance Requirements. The limit on extension of the normal surveillance interval ensures that the reliability confirmed by surveillance activities is not significantly reduced below that obtained from the specified surveillance interval.
- C. This specification establishes the failure to perform a Surveillance Requirement within the allowed surveillance interval, defined by the provisions of Specification 4.0.B, as a condition that constitutes a failure to meet the OPERABILITY requirements for a Limiting Condition for Operation. Under the provisions of this specification, systems and components are assumed to be OPERABLE when Surveillance Requirements have been satisfactorily performed within the specified time interval. However, nothing in this provision is to be construed as implying that systems or components are OPERABLE when they are found or known to be inoperable although still meeting the Surveillance Requirements. This specification also clarifies that the ACTION requirements are applicable when Surveillance Requirements have not been completed within the allowed surveillance interval and that the time limits of the ACTION requirements apply from the point in time it is identified that a surveillance has not been performed and not at the time that the allowed surveillance was exceeded. Completion of the Surveillance Requirement within the allowable outage time limits of the ACTION requirements restores compliance with the requirements of Specification 4.0.C. However, this does not negate the fact that the failure to have performed the surveillance within the allowed surveillance interval, defined by the provisions of Specification 4.0.B, was a violation of the OPERABILITY requirements of a Limiting Condition for Operation that is subject to enforcement action. Further, the failure to perform a surveillance within the provisions of Specification 4.0.B is a violation of a Technical Specification requirement and is, therefore, a reportable event under the requirements of 10 CFR 50.73(a)(2)(i)(B) because it is a condition prohibited by the plant Technical Specifications.

4.0 BASES - Continued

C. Continued

If the allowable outage time limits of the ACTION requirements are less than 24 hours or a shutdown is required to comply with ACTION requirements, a 24-hour allowance is provided to permit a delay in implementing the ACTION requirements. This provides an adequate time limit to complete Surveillance Requirements that have not been performed. The purpose of this allowance is to permit the completion of a surveillance before a shutdown is required to comply with ACTION requirements or before other remedial measures would be required that may preclude completion of a surveillance. The basis for this allowance includes consideration for plant conditions, adequate planning, availability of personnel, the time required to perform the surveillance and the safety significance of the delay in completing the required surveillance. This provision also provides a time limit for the completion of Surveillance Requirements that become applicable as a consequence of OPERATIONAL CONDITION (mode) changes imposed by ACTION requirements and for completing Surveillance Requirements that are applicable when an exception to the requirements of Specification 4.0.C is allowed. If a surveillance is not completed within the 24-hour allowance, the time limits of the ACTION requirements are applicable at that time. When a surveillance is performed within the 24-hour allowance and the Surveillance Requirements are not met, the time limits of the ACTION requirements are applicable at the time the surveillance is terminated.

C. Continued

Surveillance Requirements do not have to be performed on inoperable equipment because the ACTION requirements define the remedial measures that apply. However, the Surveillance Requirements have to be met to demonstrate that inoperable equipment has been restored to OPERABLE status.

- D. This specification establishes the requirement that all applicable surveillances must be met before entry into an OPERATIONAL CONDITION or other condition of operation specified in the Applicability statement. The purpose of this specification is to ensure that system and component OPERABILITY requirements or parameter limits are met before entry into an OPERATIONAL CONDITION or other specified condition associated with plant shutdown as well as startup.

Under the provisions of this specification, the applicable Surveillance Requirements must be performed within the specified surveillance interval to ensure that the Limiting Conditions for Operation are met during initial plant startup or following a plant outage.

When a shutdown is required to comply with ACTION requirements, the provisions of this specification do not apply because this would delay placing the facility in a lower CONDITION of operation.



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WASHINGTON, D. C. 20555

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION
RELATED TO AMENDMENT NO. 198 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 7, 1993, 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 (TS). The requested changes would revise TS 4.0.C and 4.0.D and associated Bases to be consistent with the guidance provided in NRC Generic Letter (GL) 87-09, "Sections 3.0 and 4.0 of the Standard Technical Specifications (STS) on the Applicability of Limiting Conditions for Operation and Surveillance Requirements." The proposed changes to TS 4.0.C would incorporate a 24-hour delay in implementing the Action requirements due to a missed surveillance requirement when the Action requirements provide a restoration time that is less than 24 hours. The proposed change to TS 4.0.D would allow mode changes to be made as required to comply with Action requirements even if the surveillance requirements to enter a mode are not complete.

2.0 EVALUATION

The changes proposed by the licensee have been reviewed considering the limitations set forth in GL 87-09 for TS 4.0.C and 4.0.D as follows:

Specifications 4.0.C

In GL 87-09, the NRC staff stated that it is overly conservative to assume that systems or components are inoperable when a surveillance requirement has not been performed, because the vast majority of surveillances demonstrate that systems or components in fact are operable. Because the allowable outage time limits of some Action requirements do not provide an appropriate time limit for performing a missed surveillance before shutdown requirements apply, the TS should include a time limit that would allow a delay of the required actions to permit the performance of the missed surveillance.

This time limit should be based on considerations of plant conditions, adequate planning, availability of personnel, the time required to perform the surveillance requirement, as well as the safety significance of the delay in

completion of the surveillance requirement. After reviewing possible limits, the NRC staff concluded that, based on these considerations, 24 hours would be an acceptable time limit for completing a missed surveillance requirement when the allowable outage times of the Action requirements are less than this time limit or when shutdown Action requirements apply. The 24-hour time limit would balance the risks associated with an allowance of completing the surveillance requirement within this period against the risks associated with the potential for a plant upset and challenge to safety systems when the alternative is a shutdown to comply with Action requirements before the surveillance requirement can be completed.

This limit does not waive compliance with Specification 4.0.C. Under Specification 4.0.C, the failure to perform a surveillance requirement will continue to constitute noncompliance with the operability requirements of a Limiting Condition for Operation and to bring into play the applicable Action requirements.

Based on the above, the following change to TS 4.0.C is acceptable:

"Failure to perform a Surveillance Requirement within the allowed surveillance interval, defined by Specification 4.0.B, shall constitute noncompliance with the OPERABILITY requirements for a Limiting Condition for Operation. The time limits of the Action requirements are applicable at the time it is identified that a Surveillance Requirement has not been performed. The Action requirements may be delayed for up to 24 hours to permit the completion of the surveillance when the allowable outage time limits of the Action requirements are less than 24 hours. Surveillance requirements do not have to be performed on inoperable equipment."

Specification 4.0.D

TS 4.0.D prohibits entry into an OPERATIONAL CONDITION or other specified condition until all required surveillance requirements have been performed. This could cause an interpretation problem when OPERATIONAL CONDITION changes are required in order to comply with Action statements. Specifically, two possible conflicts between TSs 4.0.C and 4.0.D could exist. The first conflict arises because TS 4.0.D prohibits entry into an operational mode or other specified condition when surveillance requirements have not been performed within the specified surveillance interval. The proposed modification to resolve this conflict involves the revision to TS 4.0.C to permit a delay of up to 24 hours in the application of the Action requirements, as explained above, and a clarification of TS 4.0.D to allow passage through or to operational modes as required to comply with Action requirements. The second potential conflict between TSs 4.0.C and 4.0.D arises because an exception to the requirements of TS 4.0.D is allowed when surveillance requirements can only be completed after entry into a mode or condition. However, after entry into this mode or condition, the requirements of TS 4.0.C may not be met because the surveillance requirements may not have been performed within the allowable surveillance interval.

The licensee proposes to resolve these conflicts by providing the following clarifying statement to TS 4.0.D:

"This provision shall not prevent passage through or to Operational Modes as required to comply with ACTION Requirements."

The NRC staff has provided in GL 87-09 a clarification that: (a) it is not the intent of 4.0.C that the Action requirements preclude the performance of surveillances allowed under any exception to TS 4.0.D; and (b) that the delay of up to 24 hours in TS 4.0.C for the applicability of Action requirements provides an appropriate time limit for the completion of surveillance requirements that become applicable as a consequence of any exception to TS 4.0.D.

Consequently, the NRC staff finds the proposed changes to TS 4.0.D 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 (58 FR 46239). 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:
T. Dunning

Date: October 4, 1993