

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of

THE POWER AUTHORITY OF THE STATE
OF NEW YORK

(James A. FitzPatrick Nuclear
Power Plant)

Docket No. 50-333

ORDER CONFIRMING LICENSEE COMMITMENTS
ON POST-TMI RELATED ISSUES

I.

The Power Authority of the State of New York (the licensee) is the holder of Facility Operating License No. DPR-59 which authorizes the operation of the James A. FitzPatrick Nuclear Power Plant (the facility) at steady-state power levels not in excess of 2536 megawatts thermal. The facility is a boiling water reactor (BWR) located at the licensee's site in Oswego County, New York.

II.

Following the accident at Three Mile Island Unit No. 2 (TMI-2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial

additional protection in the operation of nuclear facilities based on the experience from the accident at TMI-2 and the official studies and investigations of the accident. The staff's proposed requirements and schedule for implementation are set forth in NUREG-0737, "Clarification of TMI Action Plan Requirements." Among these requirements are a number of items, consisting of hardware modifications, administrative procedure implementation and specific information to be submitted by the licensee, scheduled to be completed on or after July 1, 1981. On March 17, 1982, a letter (Generic Letter 82-05) was sent to all licensees of operating power reactors for those items that were scheduled to be implemented from July 1, 1981 through March 1, 1982. Subsequently, on May 5, 1982, a letter (Generic Letter 82-10) was also sent to all licensees of operating power reactors for those items that were scheduled for implementation after March 1, 1982. These letters are hereby incorporated by reference. In these letters each licensee was requested to furnish within 30 days pursuant to 10 CFR 50.54(f) the following information for items which the staff had proposed for completion on or after July 1, 1981:

- (1) For applicable items that have been completed, confirmation of completion and the date of completion,
- (2) For items that have not been completed, a specific schedule for implementation, which the licensee committed to meet, and
- (3) Justification for delay, demonstration of need for the proposed schedule, and a description of the interim compensatory measures being taken.

III.

The Power Authority of the State of New York responded to Generic Letter 82-05 by letters dated April 21, August 9, August 23, and December 23, 1982; the licensee responded to Generic Letter 82-10 by letter dated June 9, August 25, and December 23, 1982. In these submittals, the licensee confirmed that some of the items identified in the Generic Letters had been completed and made firm commitments to complete the remainder. The attached Tables summarizing the licensee's schedular commitments or status were developed by the staff from the Generic Letters and the licensee-provided information.

Generic Letters 82-05 and 82-10 applied to 16 and 10 items, respectively for BWRs with jet-pumps. Of the ten items listed in Generic Letter 82-10, six items are not included in this Order. Item I.A.1.3.2 is part of a separate rulemaking; Items I.C.1, III.A.1.2 (2 items), and III.A.2.2 will be handled separately following Commission actions that would proceed as a result of its consideration of SECY 82-111, as amended; and Item II.K.3.30 and II.K.3.31 (one item) is not required until one year after staff approval of the generic model and staff review of these models has not been completed.

Fifteen of the 20 items addressed in this Order are considered by the licensee to be completed or to require no modifications. The staff's evaluation of the licensee's delays for the remaining five items is provided herein:

II.B.3 Post-Accident Sampling

The licensee has stated that modification work is in progress. However, delays have occurred due to difficulties in obtaining environmentally

qualified equipment, the additional engineering and procurement actions necessary to provide an alternate power supply, and the magnitude of the installation effort. The licensee has identified compensatory measures utilizing existing installed hardware, instrumentation, and approved procedures that it believes is adequate to assure the capability to assess core damage until the modifications are completed. All actions pertaining to this item will be completed prior to the start of Cycle 6 (7/83).

II.F.1(1-6) Additional Accident-Monitoring Instrumentation (6 Items)

The licensee has completed three items: II.F.1(1), (4) and (5). The licensee will delay three items: II.F.1(2), (3) and (6). For item II.F.1.(2), Post-Accident Effluent Sampling for Iodine and Particulates, the licensee intends to install a flow dilution sampling system which will permit the sampling and analysis of radioiodines and particulates using NUREG-0737 source terms as a design basis. The licensee has encountered a delay in installation. The delay is based on the time necessary for the licensee to resolve certain apparent discrepancies identified by its consultant as a result of the consultant's reevaluation of this item. All actions pertaining to this item will be completed by October 31, 1983. For Item II.F.1(3), Containment

High-Range Radiation Monitor, the licensee has installed two monitors during the 1981 refueling outage. One monitor is operable; however, the second monitor was not declared operable because it generated spurious containment isolation signals. A containment entry is necessary to correct the deficiency. All actions pertaining to this item will be completed prior to the start of Cycle 6 (7/83). For Item II.F.1(6), Containment Hydrogen Concentration Monitor, the licensee has experienced delays in completing this item due to difficulties in equipment procurement and in obtaining environmentally qualified equipment. In the interim, the licensee has alternate equipment previously installed which provides a hydrogen monitoring capability, as well as other safety-related systems designed to mitigate hydrogen buildup in containment. All actions pertaining to this item will be completed prior to the start of Cycle 6 (7/83).

III.D.3.4 Control Room Habitability

The licensee has experienced delays in completing this item due to difficulties associated with minimizing the impact of design modifications on control room activities, i.e., work area conflicts, manpower availability, and limiting the maximum number of craft, labor, and support personnel. Impact on Control Room activities can thus be minimized by conducting the modifications during planned outages. All actions pertaining to this item will be completed prior to the start of Cycle 6 (7/83).

We have evaluated the delays associated with the above items and find that: 1) the licensee has taken corrective actions regarding the delays and has made a responsible effort to implement the NUREG-0737 requirements noted; 2) there is good cause for the several delays (unexpected design complexity, interface problems, scheduling difficulties and equipment procurement delays); and 3) as noted above, interim compensatory measures have been provided.

In view of the foregoing, I have determined that these modifications and actions are required in the interest of public health and safety and, therefore, the licensee's commitment should be confirmed by Order.

IV.

Accordingly, pursuant to Sections 103, 161i, and 161o of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, IT IS HEREBY ORDERED EFFECTIVE IMMEDIATELY THAT THE LICENSEE SHALL:

Implement and maintain the specific items described in the Attachments to this Order in the manner described in the licensee's submittals noted in Section III herein no later than the dates in the Attachments.

V.

The licensee may request a hearing on this Order within 20 days of the date of publication of this Order in the Federal Register. A request for a hearing shall be addressed to the Director, Office of Nuclear Reactor

Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.
A copy shall also be sent to the Executive Legal Director at the same
address. A REQUEST FOR HEARING SHALL NOT STAY THE IMMEDIATE EFFECTIVENESS
OF THIS ORDER.

If a hearing is requested by the licensee, the Commission will issue
an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered
at the hearing shall be whether the licensee should comply with the
requirements set forth in Section IV of this Order. This Order is effective
upon issuance.

FOR THE NUCLEAR REGULATORY COMMISSION



Robert A. Purple, Deputy Director
Division of Licensing
Office of Nuclear Reactor Regulation

Dated at Bethesda, Maryland,
this 14th day of March 1983.

Attachments:

1. Licensee's Commitments on Applicable
NUREG-0737 Requirements from Generic
Letter 82-05
2. Licensee's Commitments on Applicable
NUREG-0737 Requirements from Generic
Letter 82-10

LICENSEE'S COMMITMENTS ON APPLICABLE NUREG-0737 ITEMS FROM GENERIC LETTER 82-05

Item	Title	NUREG-0737 Schedule	Requirement	Licensee's Completion Schedule (or status)
I.A.3.1	Simulator Exams	10/1/81	Include simulator exams in licensing examinations	Complete
II.B.2	Plant Shielding	1/1/82	Modify facility to provide access to vital areas under accident conditions	Complete
II.B.3	Post-Accident Sampling	1/1/82	Install upgraded post-accident sampling capability	Prior to start of Cycle 6 (7/83)
II.B.4	Training for Mitigating Core Damage	10/1/81	Complete training program	Complete
II.E.4.2	Containment Isolation Dependability	7/1/81	Part 5-lower containment pressure setpoint to level compatible w/normal operation	Complete
		7/1/81	Part 7-isolate purge & vent valves on radiation signal	Complete
II.F.1	Accident Monitoring	1/1/82	(1) Install noble gas effluent monitors	Complete
		1/1/82	(2) Provide capability for effluent monitoring of iodine	10/31/83
		1/1/82	(3) Install in-containment radiation-level monitors	Prior to start of Cycle 6 (7/83)

LICENSEE'S COMMITMENTS ON APPLICABLE NUREG-0737 ITEMS FROM GENERIC LETTER 82-05

Item	Title	NUREG-0737	Requirement	Licensee's Completion Schedule
II.F.1		1/1/82	(4) Provide continuous indication of containment pressure	Complete
		1/1/82	(5) Provide continuous indication of containment water level	Complete
		1/1/82	(6) Provide continuous indication of hydrogen concentration in containment	Prior to start of Cycle 6 (7/83)
II.K.3.15	Isolation of HPCI & RCIC Modification	7/1/81	Modify pipe break detection logic to prevent inadvertent isolation	Complete
II.K.3.22	RCIC Suction	1/1/82	Modify design of RCIC suction to provide automatic transfer to torus	Complete
II.K.3.24	Space Cooling for HPCI/RCIC	1/1/82	Confirm the adequacy of space cooling for HPCI/RCIC	Complete
II.K.3.27	Common reference level	7/1/81	Provide common reference level for vessel level instrumentation	Complete

LICENSEE'S COMMITMENTS ON APPLICABLE NUREG-0737 ITEMS FROM GENERIC LETTER 82-10

Item	Title	NUREG-0737	Requirement	Licensee's Completion Schedule
1.A.1.3.1	Limit Overtime	10/1/82 per Gen. Ltr. 82-12 dtd 6/15/82	Revise administrative procedures to limit overtime in accordance w/NRC Policy Statement issued by Generic Ltr. No. 82-12, dtd 6/15/82	Complete
1.A.1.3.2	Minimum Shift* Crew	To be superseded by Proposed Rule	To be addressed in the Final Rule on Licensed Operator Staffing at Nuclear Power Units	To be addressed when Final Rule is issued
I.C.1	Revise Emergency* Procedures	Superseded by SECY 82-111	Reference SECY 82-111, Requirements for Emergency Response Capability	To be determined
II.D.1.2	RV and SV Test Programs	7/1/82	Submit plant specific reports on relief and safety valve program	Complete
II.K.3.18	ADS Actuation	9/30/82	Submit revised position on need for modifications	Complete
II.K.3.30 & 31	SBLOCA Analysis*	1 yr. after staff approval of model	Submit plant specific analyses	To be determined following staff approval of model
III.A.1.2	Staffing Levels* for Emergency Situations	Superseded by SECY 82-111	Reference SECY 82-111, Requirements for Emergency Response Capability	To be determined

*Not Part of Confirmatory Order

LICENSEE'S COMMITMENTS ON APPLICABLE NUREG-0737 ITEMS FROM GENERIC LETTER 82-10

Item	Title	NUREG-0737	Requirement	Licensee's Completion Schedule (or status)
III.A.1.2	Upgrade Emer* gency Support Facilities	Superseded by SECY 82-111	Reference SECY 82- 111, Requirements for Emergency Response Capability	To be determined
III.A.2.2	Meteorological* Data	Superseded by SECY 82-111	Reference SECY 82- 111, Requirements for Emergency Response Capability	To be determined
III.D.3.4	Control Room Habitability	To be Determined by licensee	Modify facility as identified by licensee study	Prior to the start of Cycle 6 (7/83)

*Not Part of Confirmatory Order