

ATTACHMENT I  
TO  
JPN-87-060

PROPOSED CHANGES TO  
FACILITY OPERATING LICENSE No. DPR-59  
REGARDING BYPRODUCT, SOURCE AND  
SPECIAL NUCLEAR MATERIALS  
(JPTS-87-016)

NEW YORK POWER AUTHORITY  
JAMES A. FITZPATRICK NUCLEAR POWER PLANT  
DOCKET NO. 50-333  
DPR-59

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- (3) Pursuant to the Act and 10 CFR Parts 30, 40, and 70, to receive, possess, and use, at any time, any byproduct, source, and special nuclear material as sealed neutron sources for reactor startup, sealed sources for reactor instrumentation and radiation monitoring equipment calibration, and as fission detectors in amounts as required;
- (4) Pursuant to the Act and 10 CFR Parts 30, 40, and 70, to receive, possess, and use, at any time, any byproduct, source and special nuclear material without restriction to chemical or physical form, for sample analysis or instrument calibration; or associated with radioactive apparatus, components or tools.
- (5) Pursuant to the Act and 10 CFR Parts 30 and 70, to possess, but not separate, such byproduct and special nuclear materials as may be produced by the operation of the facility.
- C. The license shall be deemed to contain and is subject to the conditions specified in the following Commission regulations in 10 CFR Chapter I: Part 20, Section 30.34 of Part 30, Section 40.41 of Part 40, Sections 50.54 and 50.59 of Part 50, and Sections 70.32 of Part 70; and is subject to all applicable provisions of the Act and to the rules, regulations, and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified or incorporated below:

(1) Maximum Power Level

The licensee is authorized to operate the facility at steady state reactor power levels not in excess of 2436 megawatts (thermal).

(2) Technical Specifications

The Technical Specifications contained in Appendices A and B, as revised through Amendment No. 113 are hereby incorporated in the license. The licensee shall operate the facility in accordance with the Technical Specifications.

(3) Fire Protection

The licensee may proceed with and is required to complete the modifications identified in Tables 3.1 and 3.2 of the NRC's James A. FitzPatrick Safety Evaluation Report (SER), Fire Protection Review, dated August 1, 1979. These modifications shall be completed in accordance with the schedule in Table 3.1 and 3.2 of the SER or supplements thereto.

Further, the Power Authority of the State of New York shall, prior to implementation, provide for Commission review and obtain Commission approval of the final design of modifications as indicated in section 3.1 of the Safety Evaluation Report.

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ATTACHMENT II  
TO  
JPN-87-060

SAFETY EVALUATION  
FOR PROPOSED CHANGES TO  
FACILITY OPERATING LICENSE No. DPR-59  
REGARDING BYPRODUCT, SOURCE  
AND SPECIAL NUCLEAR MATERIALS  
(JPTS-87-016)

NEW YORK POWER AUTHORITY  
JAMES A. FITZPATRICK NUCLEAR POWER PLANT  
DOCKET NO. 50-333  
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Section I DESCRIPTION OF PROPOSED CHANGES

The proposed changes to the FitzPatrick Operating License (Reference 3) involve Sections 2.B.(4) and 2.B.(5) on page 3. These sections govern the receipt, possession, and use of radioactive materials for sample analysis or instrument calibration. The sections are nearly identical; 2.B.(4) pertains to byproduct material and 2.B.(5) pertains to source and special nuclear material. The proposed changes combine the existing Sections 2.B.(4) and 2.B.(5) and add the phrase "...or associated with radioactive apparatus, components or tools."

[a] The new section, numbered 2.B.(4), read as follows:

"(4) Pursuant to the Act and 10 CFR Parts 30, 40, and 70, to receive, possess, and use, at any time, any byproduct, source and special nuclear material without restriction to chemical or physical form, for sample analysis or instrument calibration; or associated with radioactive apparatus, components or tools."

[b] A new section will be added and numbered 2.B.(5), and will read;

"(5) Pursuant to the Act and 10 CFR Parts 30 and 70, to possess, but not separate, such byproduct and special nuclear materials as may be produced by the operation of the facility."

Section II PURPOSE OF THE PROPOSED CHANGES

The purpose of the proposed changes (item [a] in Section I above) is to clarify the license conditions governing receipt and possession of radioactive materials. The current Sections 2.B.(4) and 2.B.(5) do not explicitly address the receipt, possession and use of radioactive equipment such as apparatus, components, and tools. Permission to receive, possess and use radioactive equipment is implicitly granted by the operating license, since operation of the plant would be impossible without it. Clarifying this point will eliminate the operability of difficulties which have been encountered in the past during transfer of radioactive tools from other utilities to the Authority.

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The proposed change to Section 2.B.(5) (item [b] in Section I above) adds a new condition to explicitly permit the possession of radioactive material produced by the operation of the plant. This permission is also implicitly granted by the operating license.

These proposed changes are also identical to conditions contained in recent operating licenses granted by the NRC.

**Section III IMPACT OF THE PROPOSED CHANGES**

The proposed changes to the FitzPatrick Operating License do not impact the safe operation of the plant. These changes are administrative in nature and clarify the conditions for the receipt and possession of radioactive materials used for and produced during normal operation of the plant.

The proposed changes in Sections 2.B.(4) and 2.B.(5) (item [a] in Section I above) have no impact on the types or quantities of radioactive materials on hand at the plant. Therefore, there can be no negative impact on plant safety.

The proposed change in Section 2.B.(5) (item [b] in Section I above) clarifies the conditions for the possession of radioactive materials, which is not clearly stated in the operating license.

These proposed changes do not change any system or subsystem and will not alter the conclusions of either the FSAR or SER accident analysis.

**Section IV EVALUATION OF SIGNIFICANT HAZARDS CONSIDERATIONS**

The proposed changes to the FitzPatrick Operating License do not involve hardware or procedural changes to the plant. Operation of the FitzPatrick plant in accordance with the proposed amendment would not involve significant hazards considerations as defined in 10 CFR 50.92, since it would not:

- (1) involve a significant increase in the probability or consequences of an accident previously evaluated, because the change only clarify the conditions of the operating license which governs the receipt and possession of radioactive materials at the FitzPatrick plant. There are no changes in the types or quantities of radioactive materials on hand at the plant.

- (2) create the possibility of a new or different kind of accident previously evaluated. As stated above, the proposed amendment does not involve physical changes to the facility. These proposed changes only clarify the conditions for the receipt and possession of radioactive materials at the FitzPatrick plant, and cannot create a new or different kind of accident.
- (3) involve a significant reduction in the margin of safety. As stated above, the proposed changes will explicitly address the conditions for receipt and possession of radioactive materials and the handling and use of associated radioactive apparatus, components and tools used at the plant. These changes will not reduce any margin of safety at the FitzPatrick plant.

#### Section V      IMPLEMENTATION OF THE PROPOSED CHANGES

Implementation of these changes, as proposed, will not impact the ALARA or Fire Protection Programs at FitzPatrick, nor will the changes impact the environment.

#### Section VI      CONCLUSION

The change as proposed does not constitute an unreviewed safety question as defined in 10 CFR 50.59, that is, it:

- a. will not change the probability or the consequences of an accident or malfunction of equipment important to safety as previously evaluated in the Safety Analysis Report;
- b. will not increase the possibility of an accident or malfunction of a type different from any previously evaluated in the Safety Analysis Report;
- c. will not reduce the margin of safety as defined in the basis for any technical specification;
- d. does not constitute an unreviewed safety question; and
- e. involves no significant hazards considerations, as defined in 10 CFR 50.92.



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**Section VII REFERENCES**

1. James A. FitzPatrick Nuclear Power Plant Final Safety Analysis Report (FSAR).
2. James A. FitzPatrick Nuclear Power Plant Safety Evaluation Report (SER).
3. NRC letter, V. A. Moore to G. T. Berry, dated October 17, 1974, regarding issuance of Facility Operating License No. DPR-59.