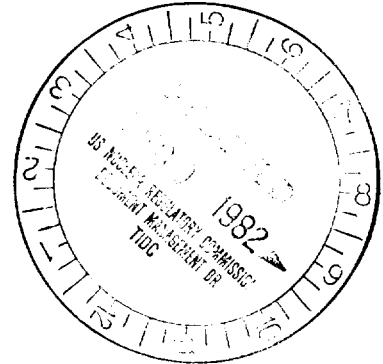


JAN 29 1982

Docket No. 50-333

Mr. George T. Berry  
President and Chief Operating Officer  
Power Authority of the State of New York  
10 Columbus Circle  
New York, New York 10019



Dear Mr. Berry:

Re: James A. FitzPatrick Nuclear Power Plant

The Commission has issued the enclosed Amendment No. 63 to Facility Operating License No. DPR-59 for the James A. FitzPatrick Nuclear Power Plant. This amendment consists of changes to the Technical Specifications in response to your request dated September 28, 1981.

The amendment revises the units used in the Technical Specifications to define the maximum allowable enrichment of fuel kept in the spent fuel racks.

Copies of the Safety Evaluation and Notice of Issuance are also enclosed.

Sincerely,

ORIGINAL SIGNED BY

Philip J. Polk, Project Manager  
Operating Reactors Branch #2  
Division of Licensing

Enclosures:

1. Amendment No. 63 to DPR-59
2. Safety Evaluation
3. Notice

cc: See next page

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Mr. George T. Berry  
Power Authority of the State  
of New York

cc:

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U.S. Nuclear Regulatory Commission  
631 Park Avenue  
King of Prussia, PA 19406



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. 63  
License No. DPR-59

1. The Nuclear Regulatory Commission (the Commission) has found that:
  - A. The application for amendment by the Power Authority of the State of New York (the licensee) dated September 28, 1981, 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. 63, 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.

FOR THE NUCLEAR REGULATORY COMMISSION



Domenic B. Vassallo, Chief  
Operating Reactors Branch #2  
Division of Licensing

Attachment:  
Changes to the Technical  
Specifications

Date of Issuance: January 29, 1982

ATTACHMENT TO LICENSE AMENDMENT NO. 63

FACILITY OPERATING LICENSE NO. DPR-59

DOCKET NO. 50-333

Revise Appendix A by removing page 246 and inserting revised page 246.

## 5.5 (cont'd)

JAFNNP

- B. The spent fuel storage pool is designed to maintain  $K_{eff}$  less than .95 under all conditions as described in the Authority's application for spent fuel storage modification transmitted to NRC July 26, 1978. In order to assure that the criteria is met, new fuel will be limited to an axial loading of 16.28 gm. U-235/axial cm, or equivalent. The number of fuel assemblies stored in the spent fuel pool shall not exceed 2244.

## 5.6 SEISMIC DESIGN

The reactor building and all engineered safeguards are designed on a basis of dynamic analysis using acceleration response spectrum curves which are normalized to a ground motion of 0.08 g for the Operating Basis Earthquake, and 0.15 g, from the Design Basis Earthquake.



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

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION

SUPPORTING AMENDMENT NO. 63 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 Evaluation

By letter dated September 28, 1981 the Power Authority of the State of New York (PASNY) requested a change in the Technical Specifications for the James A. FitzPatrick Nuclear Power Plant which would change the units on maximum permitted enrichment of fuel stored in the spent fuel racks at the plant. The Technical Specifications currently limit storage in the racks to assemblies having maximum enrichment of 3.3 weight percent U-235. The safety evaluation for the revised storage racks permitted loading with assemblies having up to 16.28 grams of U-235 per centimeter of assembly length. These are equivalent fuel loadings; i.e. only the units are different. PASNY requested a Technical Specification modification to include the 16.28 grams/cm value. Since the two values are equivalent the staff concludes that the change is acceptable.

2.0 Environmental Consideration

We have determined that the amendment does not authorize a change in effluent types or total amounts nor an increase in power level and will not result in any significant environmental impact. Having made this determination, we have further concluded that the amendment involves an action which is insignificant from the standpoint of environmental impact and, pursuant to 10 CFR §51.5(d)(4), that an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of this amendment.

3.0 Conclusion

We have concluded, based on the considerations discussed above, that: (1) because the amendment does not involve a significant increase in the probability or consequences of accidents previously considered and does not involve a significant decrease in a safety margin, the amendment does not involve a significant hazards consideration, (2) there is reasonable assurance that the health and safety of the public will not be endangered by operation in the proposed manner, and (3) such activities will be conducted in compliance with the Commission's regulations and the issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public.

Dated: January 29, 1982

Author: Phillip J. Polk

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UNITED STATES NUCLEAR REGULATORY COMMISSION

DOCKET NO. 50-333

POWER AUTHORITY OF THE STATE OF NEW YORK

NOTICE OF ISSUANCE OF AMENDMENT TO FACILITY  
OPERATING LICENSE

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 63 to Operating License No. DPR-59 issued to the Power Authority of the State of New York which revises the Technical Specifications for operation of the James A. FitzPatrick Nuclear Plant (the facility) located in Oswego County, New York. The amendment is effective as of the date of its issuance.

The amendment revises the units used in the Technical Specifications to define the maximum allowable enrichment of fuel kept in the spent fuel racks.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of the amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of the amendment will not result in any significant environmental impact and that pursuant to 10 CFR §51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of the amendment.



For further details with respect to this action, see (1) the application for amendment dated September 28, 1981, (2) Amendment No. 63 to License No. DPR-59, and (4) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Penfield Library, State University College at Oswego, Oswego, New York 13126. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 29th day of January 1982.

FOR THE NUCLEAR REGULATORY COMMISSION

A handwritten signature in black ink, appearing to read "D. Vassallo", written in a cursive style.

Domenic B. Vassallo, Chief  
Operating Reactors Branch #2  
Division of Licensing