

**BEFORE THE UNITED STATES  
NUCLEAR REGULATORY COMMISSION**

In the Matter of )  
NEW YORK POWER AUTHORITY ) Docket No. 50-333  
James A. FitzPatrick Nuclear Power Plant )

**APPLICATION FOR AMENDMENT TO OPERATING LICENSE**

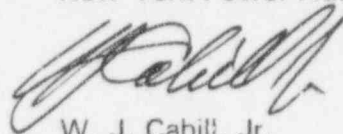
The New York Power Authority requests an amendment to the Technical Specifications contained in Appendix A to Facility Operating License DPR-59 for the James A. FitzPatrick Nuclear Power Plant. This application is filed in accordance with Section 10 CFR 50.90 of the Nuclear Regulatory Commission's regulations.

This application for an amendment to the James A. FitzPatrick Technical Specifications (TS) proposes to delete the requirement for the Plant Operating Review Committee (PORC) to review the fire protection program and implementing procedures. This proposal will reduce the administrative burden on the committee while making PORC's responsibilities more consistent with the other responsibilities described in Section 6.1.5.6 of the TS. PORC will continued to oversee changes to the FitzPatrick fire protection program through its review of nuclear safety evaluations.

An additional change is proposed to delete redundant fire protection program inspection and audit requirements from Specification 6.14.A and 6.14.B. Similar inspections and audits are performed under the cognizance of the Safety Review Committee (SRC), as required by Specification 6.5.2.9.

Attachment I contains the proposed new TS pages and Attachment II is the Safety Evaluation for the proposed changes. A markup of the affected TS pages is included as Attachment III.

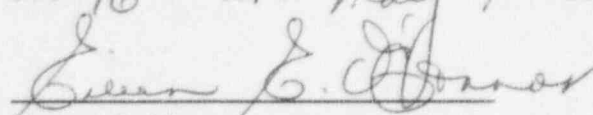
New York Power Authority



W. J. Cahill, Jr.  
Chief Nuclear Officer

**STATE OF NEW YORK  
COUNTY OF WESTCHESTER**

Subscribed and sworn to before me  
this 16<sup>th</sup> day of May, 1996.

  
Notary Public

**EILEEN E. O'CONNOR**  
Notary Public, State of New York  
No. 4991062  
Qualified in Westchester County  
Commission Expires January 21, 1998

Attachment I to JPN-96-023

**REVISED TECHNICAL SPECIFICATION PAGES  
PORC REVIEW OF FIRE PROTECTION PROGRAM  
(JPTS-95-005)**

**New York Power Authority**

**JAMES A. FITZPATRICK NUCLEAR POWER PLANT  
Docket No. 50-333  
DPR-59**

## LIST OF PAGE CHANGES

### PORC REVIEW OF FIRE PROTECTION PROGRAM (JPTS-95-005)

Revise Appendix A as follows:

#### Remove Page

249

258

#### Insert Page

249

258

6.5.1.3 Alternates

Alternative members shall be appointed in writing by the PORC Chairman to serve on a temporary basis.

6.5.1.4 Meeting Frequency

Meetings will be called by the Chairman as the occasions for review or investigation arise. Meetings will be no less frequent than once a month.

6.5.1.5 Quorum

A quorum of the PORC shall consist of the Chairman or a Vice-Chairman and five members including designated alternates. Vice-Chairmen may act as members when not acting as Chairman. A quorum shall contain no more than two alternates.

6.5.1.6 Responsibilities

The PORC shall be responsible for the:

- a. Review of 10 CFR 50.59 safety and environmental impact evaluations associated with procedures and programs required by Specification 6.8, and changes thereto.
- b. Review of proposed tests and experiments that affect nuclear safety.
- c. Review of proposed changes to the Operating License and Technical Specifications.
- d. Review of proposed changes or modifications to plant systems or equipment that affect nuclear safety.
- e. Investigation of violations of the Technical Specifications. The PORC shall prepare and present a report covering the evaluations and recommendations to prevent recurrence to the Site Executive Officer, who will then forward the report to the Chief Nuclear Officer, the Vice President Regulatory Affairs and Special Projects, and to the Chairman of the Safety Review Committee.
- f. Review of plant operations to detect potential safety hazards.
- g. Performance of special reviews and/or investigations at the request of the Site Executive Officer.
- h. Review of all reportable events.
- i. Review of the Process Control Program and the Offsite Dose Calculation Manual (ODCM) and changes thereto.

6.12 INDUSTRIAL SECURITY PROGRAM

An industrial security program shall be maintained throughout the life of the plant in accordance with the provisions of the Plant Security Plan.

6.13 EMERGENCY PLAN

THIS SECTION PURPOSELY BLANK

6.14 FIRE PROTECTION PROGRAM

THIS SECTION PURPOSELY BLANK

Attachment II to JPN-96-023

**SAFETY EVALUATION**

**PORC REVIEW OF FIRE PROTECTION PROGRAM**

**(JPTS-95-005)**

**New York Power Authority**

**JAMES A. FITZPATRICK NUCLEAR POWER PLANT**

**Docket No. 50-333**

**DPR-59**

**SAFETY EVALUATION**

Page 1 of 5

**I. DESCRIPTION**

The proposed change to the James A. FitzPatrick Technical Specifications (TS) deletes the requirement for the Plant Operating Review Committee (PORC) to review the fire protection program and implementing procedures. This proposal will reduce the administrative burden on the committee while making PORC's responsibilities more consistent with the other responsibilities described in Section 6.5.1.6 of the TS. PORC will continue to oversee changes to the FitzPatrick fire protection program through its review of nuclear safety evaluations.

An additional change is proposed to delete redundant fire protection program inspection and audit requirements from Specification 6.14.A and 6.14.B. Similar inspections and audits are performed under the cognizance of the Safety Review Committee (SRC), as required by Specification 6.5.2.9.

**1. PORC Responsibilities**

Page 249

Delete Specification 6.5.1.6.j, which states:

"j. Review the FitzPatrick Fire Protection Program and implementing procedures and changes thereto."

**2. Fire Protection Program Inspection and Audit Requirements**

Page 258

Delete Specification 6.14.A and 6.14.B, which state:

"A. An independent fire protection and loss prevention inspection and audit shall be performed annually utilizing either qualified licensee personnel or an outside fire protection firm.

B. An inspection and audit by an outside qualified fire consultant shall be performed at intervals no greater than 3 years."

Replace with the phrase "THIS SECTION PURPOSELY BLANK." Revised Specification 6.14 to read:

"6.14 FIRE PROTECTION PROGRAM

THIS SECTION PURPOSELY BLANK"

**SAFETY EVALUATION****II. PURPOSE OF THE PROPOSED CHANGE****1. PORC Responsibilities**

The changes will reduce the administrative burden on the PORC by eliminating review requirements which provide a limited safety benefit. Deleting PORC's responsibility for review of the fire protection program and implementing procedures does not increase the probability or consequences of a fire at FitzPatrick nor will it decrease the effectiveness of the program. Other review and oversight responsibilities will provide a high degree of confidence in the overall quality of the fire protection program and implementing procedures.

**Removal of Fire Protection Requirements from the Technical Specifications**

This PORC responsibility was added by Amendment 218 (References 1, 2 and 3). The amendment revised the TS to relocate fire protection requirements to the fire protection program in accordance with the guidance provided in NRC Generic Letter (GL) 88-12, "Removal of Fire Protection Requirements from the Technical Specifications," (Reference 4). GL 88-12 recommended that licensees propose two changes to the administrative controls section of the TS. These changes were (1) the PORC shall be given responsibility for the review of the fire protection program and implementing procedures, and (2) fire protection program implementation shall be added to the list of elements for which written procedures are required. GL 88-12 states that the emergency plan and security plan were used as models to determine the appropriate administrative controls for fire protection.

**New Review and Approval Process for Procedures**

Subsequent to the relocation of fire protection requirements, the NRC issued Amendment 222 (References 5, 6 and 7) to the FitzPatrick TS. This amendment established a new review and approval process for procedures required by TS Section 6.8. This process relies upon qualified individuals to perform technical and safety reviews of procedures and eliminates the requirement for PORC review of procedures. Amendment 222 also removed the review and audit requirements for emergency and security plans based on recommendations of Generic Letter 93-07, "Modification of the Technical Specification Administrative Control Requirements for Emergency and Security Plans," (Reference 8). With the issuance of Amendment 222, the basis for PORC review of the fire protection program and implementing procedures was superseded.

PORC review of the fire protection program and implementing procedures does not provide a significant safety benefit because adequacy of the program and procedures is assured by the procedure review and approval process implemented by Amendment 222. The procedure review and approval process requires that safety and technical reviews of procedures be performed by qualified individuals, that required safety and/or environmental impact evaluations be reviewed by PORC, and that procedures be approved by appropriate members of plant management. The procedure review and approval process is applicable to procedures that implement and define the fire protection program.



**SAFETY EVALUATION**

Page 3 of 5

**Operating License Condition**

Amendment 218 also revised the FitzPatrick Facility Operating License to include the NRC's standard fire protection license condition. This condition requires that any changes to the fire protection program be approved by the NRC, unless the changes would not adversely affect the ability to achieve and maintain safe shutdown in the event of a fire.

**10 CFR 50.59 and UFSAR**

The NRC-approved fire protection program is included in FSAR Section 9.8.5, "Fire Protection Program," and thus, any changes to the program as described in the FSAR are controlled under the provisions of 10 CFR 50.59.

**Safety Review Committee Inspection and Audit**

Inspection and audit of the fire protection program is performed under the cognizance of the SRC as required by Specification 6.5.2.9.

**2. Fire Protection Program Inspection and Audit Requirements**

Deleting Specification 6.14.A and 6.14.B will remove inspection and audit requirements that are redundant to those performed under the cognizance of the SRC. Specification 6.5.2.9 establishes these audits, and includes the following: (1) an independent fire protection inspection and audit shall be performed annually utilizing either qualified offsite licensee personnel or an outside fire protection firm, and (2) an inspection and audit of the fire protection program shall be performed by an outside qualified fire consultant at intervals no greater than 3 years. Therefore, the inspection and audit requirements of Specification 6.14.A and 6.14.B are redundant to the requirements of Specification 6.5.2.9. In addition, the audits required by Specification 6.14.A and 6.14.B are performed concurrent with the redundant audits listed in Specification 6.5.2.9. Consequently, deleting Specification 6.14.A and 6.14.B will not reduce periodic audits and inspections of the fire protection program.

**III. SAFETY IMPLICATIONS OF THE PROPOSED CHANGE**

PORC review of the fire protection program and implementing procedures does not enhance safety because adequacy of the program is assured by the fire protection license condition, the procedure review and approval process implemented by Amendment 222, the provisions of 10 CFR 50.59, and inspections and audits performed under the cognizance of the SRC. The inspection and audit requirements contained in Specification 6.14.A and 6.14.B are redundant to the SRC audit requirements contained in Specification 6.5.2.9.

Consequently, deleting PORC's responsibility for review of the fire protection program and implementing procedures, and deleting the inspection and audit requirements contained in Specification 6.14.A and 6.14.B will not degrade the fire protection program. Therefore, there is no safety implication with the proposed change.

**SAFETY EVALUATION**

Page 4 of 5

**IV. EVALUATION OF SIGNIFICANT HAZARDS CONSIDERATION**

Operation of the FitzPatrick plant in accordance with the proposed amendment would not involve a significant hazards consideration 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.

The proposed changes delete the Plant Operating Review Committee (PORC) review of the fire protection program and implementing procedures, and deleted fire protection inspection and audit requirements that are redundant to those performed under the cognizance of the Safety Review Committee (SRC). The changes do not introduce any new modes of plant operation, make any physical changes, or alter any operational setpoints. Therefore, the changes do not degrade the performance of any safety system assumed to function in the accident analysis. Consequently, there is no effect on the probability or consequences of an accident.

2. create the possibility of a new or different kind of accident from those previously evaluated.

No physical changes to the plant or changes to equipment operating procedures are proposed. The changes are administrative and will not have any direct effect on equipment important to safety. Therefore the changes cannot create the possibility of a new or different kind of accident.

3. involve a significant reduction in the margin of safety.

Adequacy of the fire protection program and implementing procedures is assured by the fire protection license condition, the procedure review and approval process implemented by Amendment 222, the provisions of 10 CFR 50.59, and inspections and audits performed under the cognizance of the SRC.

Consequently, deleting PORC's responsibility for review of the fire protection program and implementing procedures, and deleting the inspection and audit requirements contained in Specification 6.14.A and 6.14.B will not degrade the fire protection program. Therefore, the proposed changes do not involve a significant reduction in the margin of safety.

**V. IMPLEMENTATION OF THE PROPOSED CHANGE**

Implementation of the proposed change will not adversely affect the ALARA or fire protection programs at the FitzPatrick plant, nor will the change impact the environment.

**SAFETY EVALUATION**

Page 5 of 5

**VI. CONCLUSION**

Based on the discussion at ove, the requirement for the PORC to review the fire protection program and implementing procedures, and the inspection and audit requirements of Specification 6.14.A and 6.14.B, can be removed from the Technical Specifications without adversely affecting the fire protection program.

The Plant Operating Review Committee (PORC) and Safety Review Committee (SRC) have reviewed this proposed change to the Technical Specifications and have concluded that it does not involve an unreviewed safety question or a significant hazards consideration and will not endanger the health and safety of the public.

**VII. REFERENCES**

1. NRC letter, J. E. Menning (USNRC) to W. J. Cahill, Jr. (NYPA) dated November 3, 1994, regarding issuance of amendment for James A. FitzPatrick Nuclear Power Plant (TAC NO. M89987). Transmits amendment 218 and associated safety evaluation.
2. NYPA letter, W. A. Josiger to USNRC (JPN-94-033) dated July 21, 1994, regarding proposed changes to the Technical Specifications and to the Operating License to relocate Technical Specification requirements for fire protection to an administrative procedure.
3. NYPA letter, W. J. Cahill, Jr. to USNRC (JPN-94-049) dated September 26, 1994, regarding revision to proposed changes to the Technical Specifications and to the Operating License to relocate Technical Specification requirements for fire protection to an administrative procedure.
4. NRC Generic Letter 88-12, "Removal of Fire Protection Requirements from Technical Specifications," dated August 2, 1988.
5. NRC letter, N. F. Conicella (USNRC) to W. J. Cahill, Jr. (NYPA) dated January 18, 1995, regarding issuance of amendment for James A. FitzPatrick Nuclear Power Plant (TAC NO. M89706). Transmits amendment 222 and associated safety evaluation.
6. NYPA letter, W. A. Josiger to USNRC (JPN-94-029) dated June 17, 1994, regarding proposed changes to Technical Specifications regarding Plant Operating Review Committee (PORC) membership and review responsibilities.
7. NYPA letter, W. J. Cahill, Jr. to USNRC (JPN-94-065) dated December 2, 1994, regarding supplement to proposed changes to Technical Specifications regarding Plant Operating Review Committee (PORC) membership and review responsibilities.
8. NRC Generic Letter 93-07, "Modification of the Technical Specification Administrative Control Requirements for Emergency and Security Plans," dated December 28, 1993.