

April 18, 2001

Mr. Michael Kansler
Sr. Vice President and Chief
Operating Officer
Entergy Nuclear Operations, Inc.
440 Hamilton Avenue
White Plains, NY 10601

SUBJECT: JAMES A. FITZPATRICK NUCLEAR POWER PLANT - AMENDMENT RE: THE REMOVAL OF THE TECHNICAL SPECIFICATION (TS) 3.7 IN APPENDIX B INCLUDING REFERENCE TO THE OFFGAS TREATMENT SYSTEM EXPLOSIVE GAS MONITORING PROGRAM IN THE ADMINISTRATIVE SECTION 6 TO THE TSs IN APPENDIX A AND MAKES ORGANIZATION CHANGES IN ADMINISTRATIVE SECTION 6 OF THE TSs IN APPENDIX A (TAC NO. MA9847)

Dear Mr. Kansler:

The Commission has issued the enclosed Amendment No. 270 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 the application of the Power Authority of the State of New York (PASNY) transmitted by letter dated August 16, 2000. PASNY was the licensee at the time of the submittal. However, on November 21, 2000, PASNY's ownership interest in FitzPatrick was transferred to Entergy Nuclear FitzPatrick, LLC, to possess and use FitzPatrick and to Entergy Nuclear Operations, Inc. to possess, use and operate FitzPatrick. By letter dated January 26, 2001, you requested that the U.S. Nuclear Regulatory Commission continue to review and act on all requests before the Commission which had been submitted by PASNY before the transfer.

The amendment (1) removes the "Offgas Treatment System Explosive Gas Mixing Instrumentation" TS 3.7 from the Radiological Effluent Technical Specifications (RETS) contained in Appendix B and adds reference to the Offgas Treatment System Explosive Gas Monitoring Program to Administrative Section 6 of the TS contained in Appendix A; (2) replaces the position title of Radiological and Environmental Services Manager contained in the Administrative Section 6 of Appendix A with Radiation Protection Manager; and (3) revises Plant Staff organization requirements contained in Administrative Section 6 to require either the Operations Manager or the Assistant Operations Manager to hold a Senior Reactor Operator license.

Mr. Kansler

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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,

/RA/

Guy S. Vissing, Sr. Project Manager, Section 1
Project Directorate I
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket No. 50-333

Enclosures: 1. Amendment No. 270 to DPR-59
2. Safety Evaluation

cc w/encls: See next page

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Sincerely,

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cc w/encls: See next page

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Accession Number: ML010440227

*SE input dated January 30, 2001, was provided and no major changes were made

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ENTERGY NUCLEAR OPERATIONS, INC.

DOCKET NO. 50-333

JAMES A. FITZPATRICK NUCLEAR POWER PLANT

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 270
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 before November 21, 2000) dated August 16, 2000, as adopted by Entergy Nuclear Operation, Inc., by letter dated January 26, 2001, complies with the standards and requirements of the Atomic Energy Act of 1954, as 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. 270 , 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 and shall be implemented within 30 days.

FOR THE NUCLEAR REGULATORY COMMISSION

*/RA/*M. Banerfee for

Marsha Gamberoni, Chief, Section 1
Project Directorate I
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Attachment:
Changes to the Technical
Specifications

Date of Issuance: April 18, 2001

ATTACHMENT TO LICENSE AMENDMENT NO. 270

FACILITY OPERATING LICENSE NO. DPR-59

DOCKET NO. 50-333

Replace the following pages of the Appendix A Technical Specifications with the attached revised pages. The revised pages are identified by amendment number and contain marginal lines indicating the areas of change.

Remove Pages

iv
247a
248
256
258f

Insert Pages

iv
247a
248
256
258f

Replace the following pages of the Appendix B Technical Specifications with the attached revised pages. The revised pages are identified by amendment number and contain marginal lines indicating the areas of change.

Remove Pages

i
32
33
42

Insert Pages

i
32
33
42

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION
RELATED TO AMENDMENT NO. 270 TO FACILITY OPERATING LICENSE NO. DPR-59
ENERGY NUCLEAR OPERATIONS, INC.
JAMES A. FITZPATRICK NUCLEAR POWER PLANT
DOCKET NO. 50-333

1.0 INTRODUCTION

By letter dated August 16, 2000, the Power Authority of the State of New York (PASNY or the licensee) submitted a request for changes to the James A. FitzPatrick Nuclear Power Plant Technical Specifications (TSs). However, on November 21, 2000, PASNY's ownership interest in FitzPatrick was transferred to Entergy Nuclear FitzPatrick, LLC, to possess and use FitzPatrick and to Entergy Nuclear Operations, Inc. (ENO) to possess, use and operate FitzPatrick. By letter dated January 26, 2001, ENO requested that the U.S. Nuclear Regulatory Commission continue to review and act on all requests before the Commission which had been submitted by PASNY before the transfer.

The amendment would (1) remove the "Offgas Treatment System Explosive Gas Mixing Instrumentation" TS 3.7 from the Radiological Effluent Technical Specifications (RETS) contained in Appendix B and add reference to the Offgas Treatment System Explosive Gas Monitoring Program to Administrative Section 6 of the TS contained in Appendix A; (2) replace the position title of Radiological and Environmental Services Manager contained in the Administrative Section 6 of Appendix A with Radiation Protection Manager; and (3) revise Plant Staff organization requirements contained in Administrative Section 6 to require either the Operations Manager or the Assistant Operations Manager to hold a Senior Reactor Operator license.

2.0 EVALUATION

2.1. Appendix B Technical Specification 3.7, Offgas Treatment System Explosive Gas Mixture Instrumentation

The licensee has proposed to delete this specification from the Appendix B TSs and in its place add a new specification 6.22, "OFFGAS TREATMENT SYSTEM EXPLOSIVE GAS MONITORING PROGRAM", in the Administrative Section of Appendix A TSs. This new specification contains the requirements for the Offgas Treatment System Monitoring Program to control potentially explosive gas mixtures in the main condenser offgas treatment system.

The current specifications for the Offgas Treatment System Explosive Gas Mixture Instrumentation In Appendix B do not meet the screening criteria for TS contained in the Code of Federal Regulation 10 CFR 50.36(c)(2)(ii) and do not constitute performance requirements necessary to ensure safe operation of the facility. Therefore they do not warrant being in the TSs.

The proposed changes are administrative in nature and consistent with the guidance of NUREG-1433, "Standard Technical Specifications - General Electric Plants, BWR4."

The staff considers the proposed changes acceptable.

2.2 Technical Specification Section 6.11(a)2, High Radiation Area and Section 6.3.1, Plant Staff Qualifications

Sections 6.11(A)2 and Section 6.3.1 would replace the "Radiological and Environmental Services Manager" with "Radiation Protection Manager." The proposed change is administrative in nature, would not alter the basic regulatory requirements and does not affect any safety analysis. The changes are considered acceptable.

2.3 Technical Specification Section 6.2.2, Plant Staff

Section 6.2.2.5 would replace "Operations Manager, Assistant Operations, Shift Manager, and Control Room Supervisor shall hold an SRO license" with "Operations Manager or Assistant Operations Manager, and Shift Manager, and Control Room Supervisor shall hold an SRO license." The proposed change is administrative in nature, would not alter the basic regulatory requirements and does not affect any safety analysis. The changes are considered 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

This amendment changes recordkeeping, reporting, or administrative procedures or requirements. Accordingly, the amendment meets the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(10). Pursuant to 10 CFR 51.22(b) no environmental impact statement or environmental assessment need be prepared in connection with the issuance of this 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: S. Klementowicz

Date: April 18, 2001