April 24, 1984

Docket No. 50-333

Mr. J. P. Bayne
Executive Vice President,
Nuclear Generation
Power Authority of the State
of New York
123 Main Street
White Plains, New York 10601

Dear Mr. Bayne:

The Commission has issued the enclosed Amendment No. 78 to Facility Operating License No. DPR-59 for the James A. FitzPatrick Nuclear Power Plant. The amendment authorizes changes to the Technical Specifications in response to your applications for amendment dated June 4, 1982, February 18, 1983 and February 25, 1983.

The amendment revises Appendices A and B of the Technical Specifications to reflect on-site and off-site organizational changes and changes in audit frequencies for emergency preparedness and safeguards contingency plans. Several additional unrelated changes to the Technical Specifications proposed in the February 25, 1983 application are being reviewed as a separate matter and will be addressed in a future action.

A copy of the Safety Evaluation is enclosed.

Sincerely,

Original Signed by /
Harvey I. Abelson, Project Manager
Operating Reactors Branch #2
Division of Licensing

Enclosures:
1. Amendment No. 78 to
License No. DPR-59
2. Safety Evaluation

cc w/enclosures:
See next page

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Mr. J. P. Bayne
Power Authority of the State of New York
James A. FitzPatrick Nuclear Power Plant

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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. 78
License No. DPR-59

1. The Nuclear Regulatory Commission (the Commission) has found that:

   A. The applications for amendment by the Power Authority of the State of New York (the licensee) dated June 4, 1982, February 18 and 25, 1983, comply 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 applications, 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 Specificaitons 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. 78, 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: April 24, 1984

ATTACHMENT TO LICENSE AMENDMENT NO. 78

FACILITY OPERATING LICENSE NO. DPR-59

DOCKET NO. 50-333

1. Revise the Appendix "A" Technical Specifications as follows:

Remove	Replace
247	247
250	250
251	251
252a	252a
253	253
256	256
259	259
260	260

2. Revise the Appendix "B" Technical Specifications by removing page 44 and inserting revised page 44.

Administrative Controls are the means by which plant operations are subject to management control. Measures specified in this section provide for the assignment of responsibilities, plant organization, staffing qualifications and related requirements, review and audit mechanisms, procedural controls and reporting requirements. Each of these measures are necessary to ensure safe and efficient facility operation.

6.1 RESPONSIBILITY

The Resident Manager is responsible for safe operation of the plant. During periods when the Resident Manager is unavailable, the Superintendent of Power will assume his responsibilities. In the event both are unavailable, the Resident Manager may delegate this responsibility to other qualified supervisory personnel. The Resident Manager reports directly to the Executive Vice President-Nuclear Generation, as shown in Fig. 6.1-1.

6.2 PLANT STAFF ORGANIZATION

The plant staff organization is shown graphically in Fig. 6.2-1 and functions as follows:

1. A licensed senior reactor operator shall be onsite at all times when there is fuel in the reactor.

2. In addition to item 1 above, a licensed reactor operator shall be in the control room at all times when there is fuel in the reactor.

3. In addition to items 1 & 2 above, a licensed reactor operator shall be readily available on site whenever the reactor is in other than cold condition.

4. Two licensed reactor operators shall be in the control room during start-ups and scheduled shutdowns.

5. A licensed senior reactor operator shall be responsible for all movement of new and irradiated fuel within the site boundary. A licensed reactor operator will be required to manipulate or directly supervise the manipulation of the controls of all fuel moving equipment, except the reactor building crane. All fuel movements by the reactor building crane, except new fuel movements from receipt through dry storage, shall be under the direct supervision of a licensed reactor operator. All fuel movements within the core shall be directly monitored by a member of the reactor analyst group. (a)

 SEE NEXT PAGE FOR FOOTNOTE

8. Review the Emergency Plan and implementing procedures annually.

9. Perform special review and/or investigations at the request of the Resident Manager.

10. Review of those reportable occurrences requiring 24 hour notification to the NRC, in accordance with Specification 6.9.

(F) Authority

The PORC shall function to advise the Resident Manager on all matters related to nuclear safety and environmental operations. The PORC shall recommend approval or disapproval to the Resident Manager of those items considered in 6.5 1E (1) through (4) and determine if items considered in 6.5 1E (1) through (5) constitute unreviewed safety questions, as defined in 10 CFR 50.59.

In the event of a disagreement between the PORC and the Resident Manager, the Chairman of the SRC and the Executive Vice President - Nuclear Generation, or their designated alternates, shall be notified within 24 hours and written notification provided on the next business day; however, the Resident Manager shall have responsibility for resolution of such disagreement pursuant to Section 6.1.

(G) Records

Minutes of all meetings of the PORC shall be recorded and numbered. Copies will be retained in file. Copies will be forwarded to the Chairman of the SRC and the Executive Vice President-Nuclear Generation.

(H) Procedures

Conduct of the PORC and the mechanism for implementation of its responsibilities and authority are defined in the pertinent Administrative Procedures.

6.5.2 SAFETY REVIEW COMMITTEE (SRC)

FUNCTION

6.5.2.1 The SRC shall collectively have the competence required to review problems in the following areas:

a. Nuclear power plant operations

b. Nuclear engineering

c. Chemistry and radiochemistry

d. Metallurgy

e. Instrumentation and control

f. Radiological safety
g. Mechanical engineering
h. Electrical engineering
i. Administrative controls and quality assurance practices
j. Environment
k. Civil/Structural Engineering
l. Nuclear Licensing
m. Emergency Planning
n. Other appropriate fields associated with the unique characteristics of a nuclear power plant

MEMBERSHIP

6.5.2.2 The SRC shall be composed of the following voting members:

Chairman:	Manager-Nuclear Safety Evaluation
Vice-Chairman:	Vice President-Quality Assurance and Reliability
Member:	Vice President Nuclear Support-BWR
Member:	Vice President Nuclear Support-PWR
Member:	Manager Radiological Health and Chemistry
Member:	Director-Nuclear Design and Analysis
Member:	Director-Electrical Design and Analysis
Member:	Director of Environmental Programs
Member:	Director-Civil/Structural Design and Analysis
Member:	Director-Mechanical Design and Analysis
Member:	Director-Piping and Process-Design and Analysis
Member:	Manager Operational Analysis and Training

ALTERNATES

6.5.2.3 All alternate members shall be appointed in writing by the SRC Chairman; however, no more than two alternates shall participate as voting members in SRC activities at any one time.

CONSULTANTS

6.5.2.4 Consultants shall be utilized as determined by the SRC Chairman to provide expert advice to the SRC.

MEETING FREQUENCY

6.5.2.5 The SRC shall meet at least once per calendar quarter during the initial year of facility operation following initial fuel loading and at least once per six months, thereafter.

c. The results of actions taken to correct deficiencies occurring in facility equipment, structures, systems or method of operation that affect nuclear safety at least once per 6 months.

d. The performance of activities required by the Operational Quality Assurance Program to meet the criteria of Appendix "B", 10 CFR 50, at least once per 24 months.

e. The Facility Emergency Plan and implementing procedures at least once per 12 months.

f. The Facility Security Plan (including the Safeguards Contingency Plan) and implementing procedures at least once per 12 months.

g. Any other area of facility operation considered appropriate by the SRC or the Executive Vice President-Nuclear Generation.

h. The Facility Fire Protection Program and implementing procedures at least once per two years.

i. An independent fire protection and loss of prevention inspection and audit shall be performed annually utilizing either qualified offsite licensee personnel an outside fire protection firm.

j. An inspection and audit of the fire protection and loss prevention program shall be performed by an outside qualified fire consultant at intervals no greater than 3 years.

6.5.2.9 AUTHORITY

The SRC shall report to and advise the Executive Vice President-Nuclear Generation on those areas of responsibility specified in Section 6.5.2.7 and 6.5.2.8.

6.5.2.10 RECORDS

Records will be maintained in accordance with ANSI 18.7-1972. The following whall be prepared, approved and distributed as indicated below:

a. Minutes of each SRC meeting shall be prepared, approved and forwarded to the Executive Vice President-Nuclear Generation within 14 days after the date of the meeting.

b. Reports of review encompassed by Section 6.5.2.7 above shall be prepared, approved and forwarded to the Executive Vice President-Nuclear Generation within 14 days following completion of the review.

c. Audit reports encompassed by Section 6.5.2.8 above, shall be forwarded to the Senior Vice President-Nuclear Generation and to the management positions responsible for the areas audited within 30 days after completion of the audit.

CHARTER

6.5.2.11 Conduct of the committee will be in accordance with a charter approved by the Executive Vice President - Nuclear Generation setting forth the mechanism for implementation of the committee's responsibilities and authority.

6.6 REPORTABLE OCCURRENCE ACTION

(A) In the event of a Reportable Occurrence, the NRC shall be notified and/or a report submitted pursuant to the requirements of Specification 6.9.

(B) Each Reportable Occurrence requiring 24 hours notification to the NRC shall be reviewed timely by the PORC and a report submitted by the Resident Manager to the Executive Vice President - Nuclear Generation and the SRC.

6.7 SAFETY LIMIT VIOLATION

(A) If a safety limit is exceeded, the reactor shall be shut down and reactor operation shall only be resumed in accordance with the provisions of 10 CFR 50.36.(c) (i).

(B) An immediate report of each safety limit violation shall be made to the NRC by the Resident Manager. The Executive Vice President - Nuclear Generation and Chairman of the SRC will be notified within 24 hours.

(C) The PORC shall prepare a complete investigative report of each safety limit violation and include appropriate analysis and evaluation of: (1) applicable circumstances preceding the occurrence, (2) effects of the occurrence upon facility component systems or structures and (3) corrective action required to prevent recurrance. The Resident Manager shall forward this report to the Executive Vice President - Nuclear Generation, Chairman of the SRC and the NRC.

6.8 PROCEDURES

(A) Written procedures and administrative policies shall be established, implemented and maintained that meet or exceed the requirements and recommendations of Section 5 "Facility Administrative Policies and Procedures" of ANSI 18.7-1972 and Appendix A of Regulatory Guide 1.33, November 1972. In addition, procedures shall be established, implemented and maintained for the Fire Protection Program.

(B) Those procedures affecting nuclear safety-shall be reviewed by PORC and approved by the Resident manager prior to implementation.

(C) Temporary changes to nuclear related procedures may be made provided:

1. The intent of the original procedure is not altered.

1. In lieu of e "control device" or "alarm gnal" required by paragraph 20.203(c) (2) of 10 CFR 20, each High Radiation Area (i.e., >100 mrem/hr) in which the intensity of radiation is 1000 mrem/hr or less shall be barricaded and conspicuously posted as a high radiation area and entrance thereto shall be controlled by requiring issuance of a Radiation Work Permit (RWP).* Any individual or group of individuals permitted to enter such areas shall be provided with or accompanied by one or more of the following:

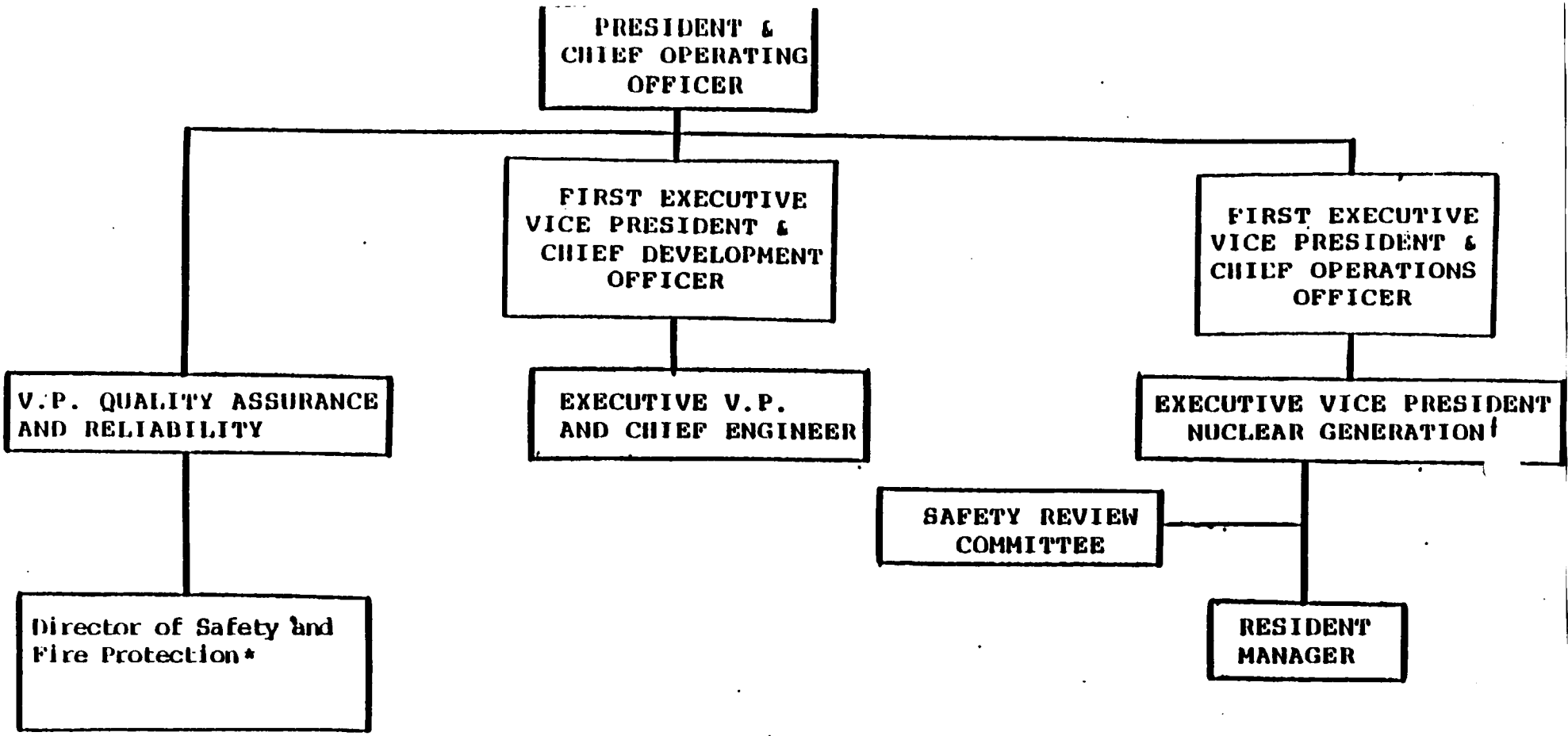
   a. A radiation monitoring device which continuously indicates the radiation dose rate in the area.

   b. A radiation monitoring device which continuously integrates the radiation dose rate in the area and alarms when a preset integrated dose is received. Entry into such areas with this monitoring device may be made after the dose rate level in the area has been established and personnel have been made knowledgeable of them.

   c. An individual qualified in radiation protection procedures who is equipped with a radiation dose rate monitoring device. This individual shall be responsible for providing positive control over the activities within the area and shall perform periodic radiation surveillance at the frequency specified by the facility health physicist in the Radiation Work Permit.

2. The requirements of 6.11.A.1 above, shall also apply to each high radiation area in which the intensity of radiation is greater than 1000 mrem/hr. In addition, locked doors shall be provided to prevent unauthorized entry into such areas and the keys shall be maintained under the administrative control of the Shift Supervisor on duty and/or the Radiological and Environmental Services Superintendent.

*Radiation Protection personnel shall be exempt from the RWP issuance requirement during the performance of their assigned radiation protection duties, provided they comply with approved radiation protection procedures for entry into high radiation areas.



The Executive Vice President Nuclear Generation is responsible for administering the fire protection program.

* The Director of the Safety and Fire Protection Division, which is part of the Quality Assurance and Reliability Department, is the off-site management position responsible for assessing the effectiveness of the fire protection programs by conducting reviews and audits.

FIGURE 6.1-1

MANAGEMENT ORGANIZATION CHART
JAMES A. FITZPATRICK NUCLEAR POWER PLANT

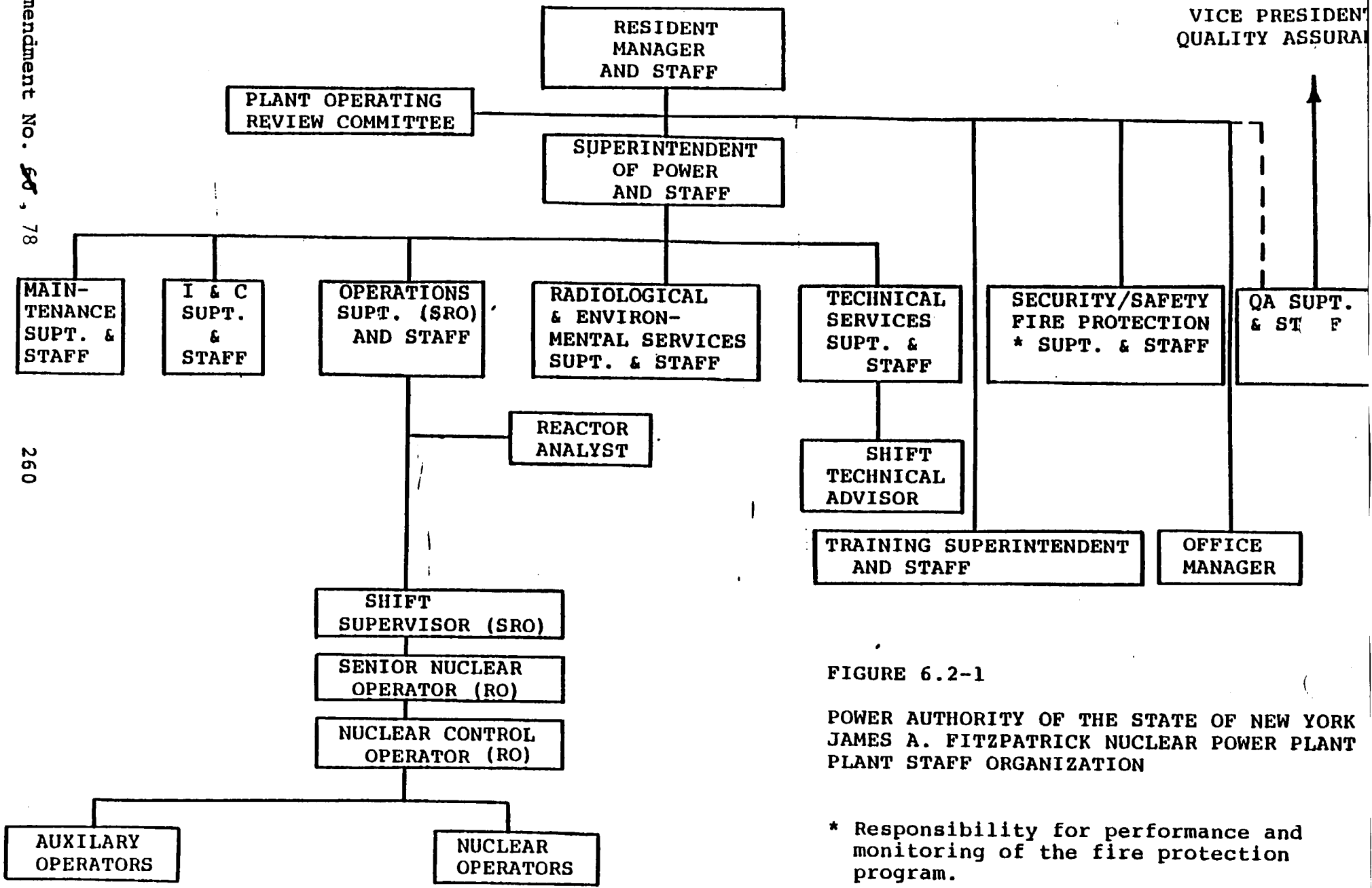


FIGURE 6.2-1

POWER AUTHORITY OF THE STATE OF NEW YORK
JAMES A. FITZPATRICK NUCLEAR POWER PLANT
PLANT STAFF ORGANIZATION

* Responsibility for performance and monitoring of the fire protection program.

SRO - SENIOR REACTOR OPERATOR
RO - REACTOR OPERATOR

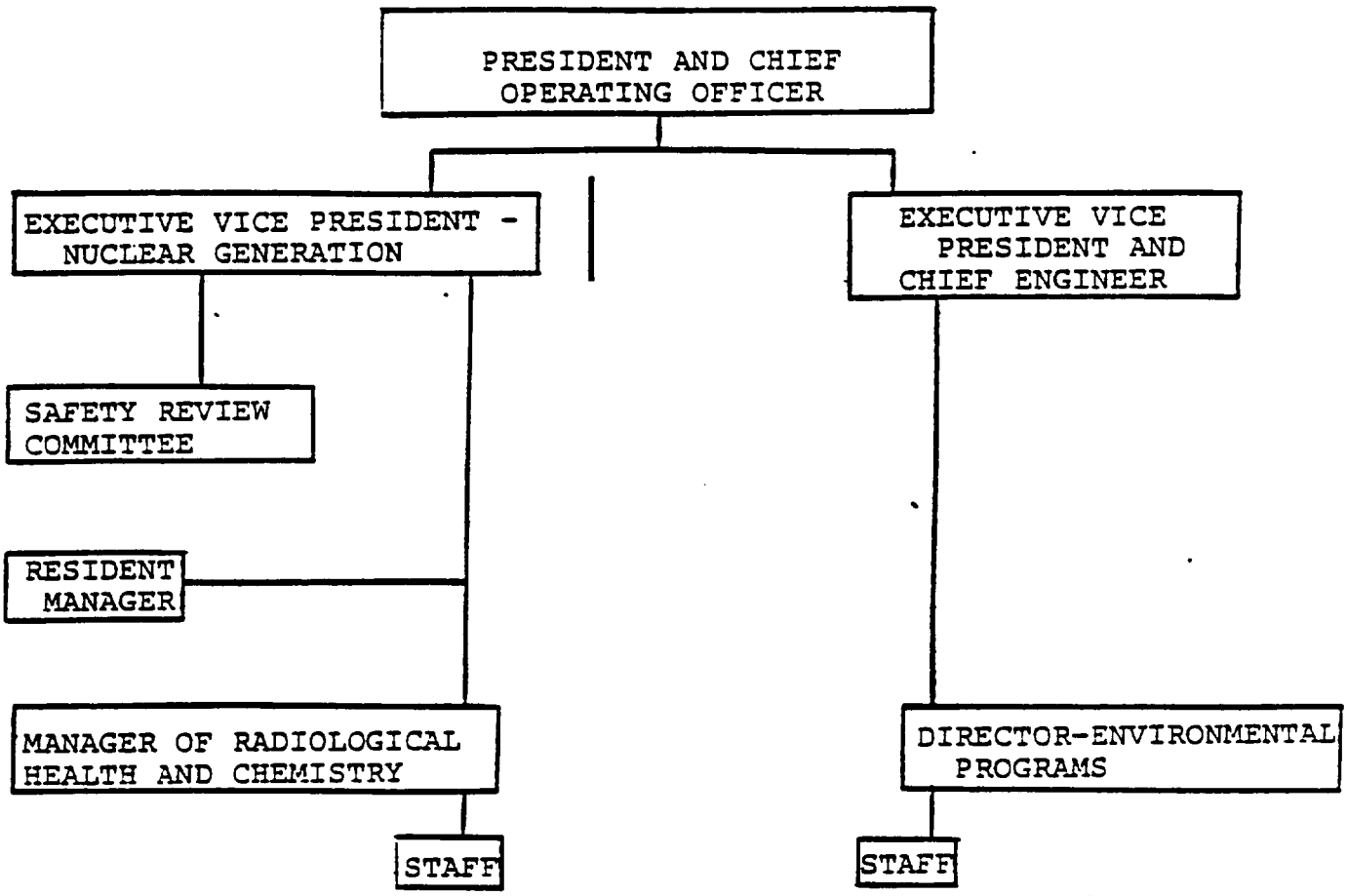


Figure 5.2-2
Management Organization-Offsite Radiological Environmental James A. FitzPatrick Nuclear Power Plant

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

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION

SUPPORTING AMENDMENT NO. 78 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 Introduction

By letters dated June 4, 1982, February 18, 1983, and February 25, 1983, the Power Authority of the State of New York (the licensee) forwarded proposed changes to the Technical Specifications. These changes are described as follows:

1. The off-site management organization has been revised to add the position of First Executive Vice President and Chief Development Officer and the position of First Executive Vice President and Chief Operations Officer. The title of Executive Vice President Procedures and Performance has been changed to Vice President Quality Assurance and Reliability; and he assumes the duties held previously and, in addition, now performs audits and appraisals of the security program. The title of Senior Vice President Nuclear Generation has been changed to Executive Vice President Nuclear Generation without change of function; and the title of Director of Safety and Fire Protection Procedures and Performance has been changed to Director of Safety and Fire Protection.

   Title changes have been made throughout Section 6 of Appendix A and in Figure 5.2-2 of Appendix B to reflect the above reorganization and title changes. The reorganized off-site management organization is shown in revised Figure 6.1-1.

2. The plant staff organization chart has had a footnote added that assigns responsibility for performance and monitoring of the fire protection program. Additionally, the title of Training Coordinator has been changed to reflect the current organization structure. This is shown in Figure 6.2-1.

3. In Section 6.5.2.8, the audit frequencies for emergency preparedness and safeguards contingency plans (Items e and f) have been revised to agree with 10 CFR 50.54(t) and 73.40(d) respectively.

4. The title of the Plant Radiation Protection and Radiochemistry Supervisor has been changed to Radiological and Environmental Services Superintendent in Section 6.11.

Several additional unrelated changes to the Technical Specifications proposed in the February 25, 1983 letter are being reviewed as a separate matter and will be addressed in a future action.

2.0 Evaluation

We have reviewed each of the above items and find them to be acceptable on the following basis. The changes described in Item 1 and 2 above do not delete any functions previously performed by the organizations, and do not appear to decrease the effectiveness of the organizations involved. In addition, the proposed changes meet the guidance of Section 13.1 of the Standard Review Plan, NUREG-0800, and Regulatory Guide 1.33. The changes described in Item 3 above make the Technical Specification congruent with the above cited Regulations. The change described in Item 4 is a correction which was overlooked in a prior Technical Specification change included with Amendment No. 60 of August 31, 1981, in which this title change was approved.

4.0 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.

5. Conclusions

We have concluded, based on the considerations 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, and (2) 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.

Principal Contributor: F.R. Allenspach

Dated: April 24, 1984