

September 7, 1989

Docket No. 50-333

Mr. John C. Brons
Executive Vice President - Nuclear Generation
Power Authority of the State of New York
123 Main Street
White Plains, New York 10601

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Dear Mr. Brons:

SUBJECT: ISSUANCE OF AMENDMENT (TAC NO. 73296)

The Commission has issued the enclosed Amendment No. 137 to Facility Operating License No. DPR-59 for the James A. FitzPatrick Nuclear Power Plant. The amendment consists of changes to the Technical Specifications in response to your application transmitted by letter dated May 19, 1989.

The amendment replaces organization charts in Section 6 with more general organizational requirements in accordance with Generic Letter 88-06 dated March 22, 1988.

A copy of the related Safety Evaluation is enclosed. A Notice of Issuance will be included in the Commission's next regular bi-weekly Federal Register notice.

Sincerely,

Original signed by:

David E. LaBarge, Project Manager
Project Directorate I-1
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation

Enclosures:

1. Amendment No. 137 to DPR-59
2. Safety Evaluation

cc: w/enclosures
See next page

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

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Executive Vice President - Nuclear Generation
Power Authority of the State of New York
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Sincerely,

A handwritten signature in cursive script, appearing to read "D. LaBarge".

David E. LaBarge, Project Manager
Project Directorate I-1
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation

Enclosures:

1. Amendment No. 137 to DPR-59
2. Safety Evaluation

cc: w/enclosures
See next page

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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. 137
License No. DPR-59

1. The Nuclear Regulatory Commission (the Commission) has found that:
 - A. The application for amendment by Power Authority of the State of New York (the licensee) dated May 19, 1989, 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:

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PDC

(2) Technical Specifications

The Technical Specifications contained in Appendices A and B, as revised through Amendment No.137, 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 to be implemented within 30 days.

FOR THE NUCLEAR REGULATORY COMMISSION



Robert A. Capra, Director
Project Directorate I-1
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation

Attachment:
Changes to the Technical
Specifications

Date of Issuance: September 7, 1989

ATTACHMENT TO LICENSE AMENDMENT NO. 137

FACILITY OPERATING LICENSE NO. DPR-59

DOCKET NO. 50-333

Revise Appendix A as follows:

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JAFNPP
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6.0 ADMINISTRATIVE CONTROLS

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.

6.2 Organization

6.2.1 Facility Management and Technical Support

Onsite and offsite organizations shall be established for plant operation and corporate management, respectively. The onsite and offsite organizations shall include the positions for activities that affect the safety of the nuclear power plant.

1. Lines of authority, responsibility, and communication shall be established and defined for the highest management levels through intermediate levels to and including all operating organization positions. These relationships shall be documented and updated, as appropriate, in the form of organization charts, functional descriptions of departmental responsibilities and relationships, and job descriptions for key personnel positions, or in equivalent forms of documentation. These requirements shall be documented in the Updated FSAR.
2. The Resident Manager shall be responsible for overall plant operation, and shall have control over those onsite activities that are necessary for safe operation and maintenance of the plant.
3. The Executive Vice President - Nuclear Generation shall take any measures needed to ensure acceptable performance of the staff in operating, maintaining, and providing technical support to the plant to ensure nuclear safety.

4. The individuals who train the operating staff and those who carry out health physics and quality assurance functions may report to the appropriate onsite manager; however, they shall have sufficient organizational freedom to ensure their independence from operating pressures.

6.2.2

Plant Staff

The plant staff organization shall be as follows:

1. Each shift crew shall be composed of at least the minimum shift crew composition shown in Table 6.2-1;
2. An SRO or an SRO with a license limited to fuel handling shall directly supervise all Core Alterations. This person shall have no other duties during this time;
3. A fire brigade of five (5) or more members shall be maintained on site at all times. This excludes two (2) members of the minimum shift crew necessary for safe shutdown and any personnel required for other essential functions during a fire emergency;
4. In the event of illness or unexpected absence, up to two (2) hours is allowed to restore the shift crew or fire brigade to the minimum compliment;
5. The Operations Superintendent, Assistant Operations Superintendent, Shift Supervisor and Assistant Shift Supervisor shall hold a SRO license and the Senior Nuclear Operator and the Nuclear Control Operator shall hold a RO license.

6.3 PLANT STAFF QUALIFICATIONS

- 6.3.1 The minimum qualifications with regard to educational background and experience for plant staff positions shown in FSAR Figure 13.2-7 shall meet or exceed the minimum qualifications specified in ANSI N18.1-1971 for comparable positions except for the Radiological and Environmental Services Superintendent, who shall meet or exceed the qualifications specified in Regulatory Guide 1.8, September, 1975.
- 6.3.2 The Shift Technical Advisor (STA) shall meet or exceed the minimum requirements of either Option 1 (Combined SRO/STA Position) or Option 2 (Continued use of STA Position), as defined in the Commission Policy Statement on Engineering Expertise on Shift, published in the October 28, 1985 Federal Register (50 FR 43621). When invoking Option 1, the STA role may be filled by the Shift Supervisor or Assistant Shift Supervisor.
(1)
- 6.3.3 Any deviations will be justified to the NRC prior to an individual's filling of one of these positions.

NOTE:

- (1) The 13 individuals who hold SRO licenses, and have completed the FitzPatrick Advanced Technical Training Program prior to the issuance of License Amendment 111, shall be considered qualified as dual-role SRO/STAs.

6.4 RETRAINING AND REPLACEMENT TRAINING

A training program shall be maintained under the direction of the Training Superintendent to assure overall proficiency of the plant staff organization. It shall consist of both retraining and replacement training and shall meet or exceed the minimum requirements of Section 5.5 of ANSI N18.1-1971.

The retraining program shall not exceed periods two years in length with a curriculum designed to meet or exceed the requalification requirements of 10 CFR 55, Appendix A. In addition fire brigade training shall meet or exceed the requirements of NFPA 21-1975, except for fire brigade training sessions which shall be held at least quarterly. The effective date for implementation of fire brigade training is March 17, 1978.

6.5 REVIEW AND AUDIT

Two separate review groups for plant operations have been constituted. One of these, the Plant Operating Review Committee (PORC), is an onsite review group. The other is an independent review and audit group, The offsite Safety Review Committee (SRC).

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AMENDMENT NO. 137



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

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION
RELATED TO AMENDMENT NO. 137 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

INTRODUCTION

By letter dated May 19, 1989, the Power Authority of the State of New York (PASNY or the licensee) proposed changes to the Technical Specifications (TS) for the James A. FitzPatrick Nuclear Power Plant which would replace the organization charts in Section 6 with more general organizational requirements. Guidance for the proposed changes was provided to the licensee by Generic Letter 88-06, dated March 22, 1988.

BACKGROUND

Consistent with the guidance provided in the Standard Technical Specifications, Specifications 6.2.1 and 6.2.2 of the administrative control requirements have referenced offsite and unit (onsite) organization charts that are provided as figures to these sections. On a plant specific basis, these organization charts have been provided by applicants and included in the TS issued with the operating license. Subsequent restructuring of either the offsite or unit organizations following the issuance of an operating license, has required licensees to submit a license amendment for NRC approval to reflect the desired changes in these organizations. As a consequence, organizational changes have necessitated the need to request an amendment of the operating license.

Because of these limitations on organizational structure, the nuclear industry has highlighted this as an area for improvement in the TS. The Shearon Harris licensee proposed changes to remove organization charts from its TS under the lead-plant concept that included the endorsement of the proposed changes by the Westinghouse Owners Group. In its review of the Shearon Harris proposal, the staff concluded that most of the essential elements of offsite and onsite organization charts are captured by other regulatory requirements, notably, Appendix B to 10 CFR 50. However, there were aspects of the organizational structure which are important to ensure that the administrative control requirements of 10 CFR 50.36 would be met and which would not be retained with the removal of the organizational charts. The applicable regulatory requirements are those administrative controls that are necessary to ensure safe operation of the facility. Therefore, those aspects of organization

charts for Shearon Harris which were essential for conformance with regulatory requirements were added (1) to Specification 6.2.1 to define functional requirements for the offsite and onsite organizations and (2) to Specification 6.2.2 to define qualification requirements of the unit staff.

By letter dated January 27, 1988, the staff issued Amendment No. 3 to Facility Operating License NFP-63 for the Shearon Harris Nuclear Power Plant that incorporated these changes to their TS. Subsequently the staff developed guidance on an acceptable format for license amendment requests to remove the organization charts from TS. Generic Letter 88-06 provided this guidance to all power reactors.

EVALUATION

The licensee's proposed changes to its TS are in accordance with the guidance provided by Generic Letter 88-06 and address the items listed below.

- (1) Specifications 6.2.1, 6.2.2, and 6.3.1, page iii, "Table of Contents," and page vii, "List of Figures," were revised to delete the references to Figures 6.2-1 and 6.2-2 that were removed from the TS.
- (2) Functional requirements of the offsite and onsite organizations were defined and added to Specification 6.2.1, and they are consistent with the guidance provided in Generic Letter 88-06. The specification notes that implementation of these requirements is documented in the Updated Final Safety Analysis Report (FSAR).
- (3) The senior reactor operator and reactor operator license qualified positions of the plant staff were added to Specification 6.2.2. Therefore, this requirement that was identified on the organization chart for the plant staff will be retained.
- (4) Consistent with requirements to document the offsite and onsite organization relationships in the form of organization charts, the licensee has confirmed that this documentation currently exists in the FSAR.
- (5) The licensee has confirmed that no specifications, other than those noted in item (1) above, include references to the figures of the organization charts that are being removed from TS for their plant. Hence, this is not an applicable consideration, with regard to the need to redefine referenced requirements as a result of the removal of these figures.

On the basis of its review of the above items, the staff concludes that the licensee has provided an acceptable response to these items as addressed in the NRC guidance on removing organization charts from the administrative control requirements of the TS. Furthermore, the staff finds that these changes are consistent with the staff's generic finding on the acceptability of such changes as noted in Generic Letter 88-06. Accordingly, the staff finds the proposed changes to be acceptable.

In addition to the changes made in accordance with Generic Letter 88-06, the licensee proposed two other changes which are related to this section of the TS. The first change would clarify Note 1 of Section 6.3.2 by replacing the words "this licensee amendment" with the words "License Amendment No. 111" to clarify that the note was addressed by Amendment No. 111 and not by subsequent amendments. The second proposed change would change "Training Coordinator" to "Training Superintendent" in Specification 6.4 to correctly reflect the existing position title. Based on an analysis of the proposed change, the staff concludes that the changes are editorial in nature and would not affect the conclusions reached in the FSAR or Safety Evaluation Report. They are, therefore, acceptable.

ENVIRONMENTAL CONSIDERATION

This amendment relates to changes in recordkeeping, or administrative procedures or requirements. Accordingly, this 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 to be prepared in connection with the issuance of this amendment.

CONCLUSION

We have 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, 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.

Dated: September 7, 1989

PRINCIPAL CONTRIBUTORS:

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