

January 18, 1995

Mr. William J. Cahill, Jr.
Executive Vice President - Nuclear Generation
Power Authority of the State of New York
123 Main Street
White Plains, NY 10601

SUBJECT: ISSUANCE OF AMENDMENT FOR JAMES A. FITZPATRICK NUCLEAR POWER PLANT
(TAC NO. M89706)

Dear Mr. Cahill:

The Commission has issued the enclosed Amendment No. 222 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 your application transmitted by letter dated June 17, 1994, as supplemented December 2, 1994.

The amendment revises Section 6.5, "Review and Audit," and Section 6.8, "Procedures," of the TSs to establish a new review and approval process for nuclear safety-related procedures. The amendment also revises Section 6.5 to modify membership requirements for the Plant Operating Review Committee and to delete review and audit responsibilities for the Emergency and Security Plans from the TSs consistent with Generic Letter 93-07, "Modification of the Technical Specification Administrative Control Requirements for Emergency and Security Plans."

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,

Original signed by

Nicola F. Conicella, Project Manager
Project Directorate I-1
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation

Docket No. 50-333

- Enclosures: 1. Amendment No. 222 to DPR-59
- 2. Safety Evaluation

cc w/encls: See next page

LA:PDI-1	PM:PDI-1 <i>W</i>	RPEB	PDIV-2 <i>WBR</i>	OGC <i>W</i>	D:PDI-1
CVogon <i>W</i>	NConicella:smm	SBlack <i>R/G</i>	WReckley	<i>W</i>	MCase
12/7/94	12/8/94	12/8/94	12/19/94	12/21/94	1/18/95

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UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

January 18, 1995

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Executive Vice President - Nuclear Generation
Power Authority of the State of New York
123 Main Street
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The amendment revises Section 6.5, "Review and Audit," and Section 6.8, "Procedures," of the TSs to establish a new review and approval process for nuclear safety-related procedures. The amendment also revises Section 6.5 to modify membership requirements for the Plant Operating Review Committee and to delete review and audit responsibilities for the Emergency and Security Plans from the TSs consistent with Generic Letter 93-07, "Modification of the Technical Specification Administrative Control Requirements for Emergency and Security Plans."

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,

A handwritten signature in cursive script, appearing to read "N. F. Conicella".

Nicola F. Conicella, Project Manager
Project Directorate I-1
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation

Docket No. 50-333

Enclosures: 1. Amendment No.222 to DPR-59
2. Safety Evaluation

cc w/encls: See next page

William J. Cahill, Jr.
Power Authority of the State of New York

James A. FitzPatrick Nuclear
Power Plant

cc:

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Regional Administrator, Region I
U.S. Nuclear Regulatory Commission
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King of Prussia, PA 19406

DATED: January 18, 1995

AMENDMENT NO. 222 TO FACILITY OPERATING LICENSE NO. DPR-59-FITZPATRICK

Docket File

NRC & Local PDRs

PDI-1 Reading

S. Varga, 14/E/4

J. Zwolinski, 14/H/3

M. Case

C. Vogan

N. Conicella

OGC

D. Hagan, T-4 A43

G. Hill (2), T-5 C3

C. Grimes, 11/E/22

ACRS (4)

OPA

OC/LFDCB

PD plant-specific file

C. Cowgill, Region I

S. Black, 13/H/15

W. Reckley, 13/H/15

cc: Plant Service list



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

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. 222
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 June 17, 1994, as supplemented December 2, 1994, 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. 222, 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 90 days.

FOR THE NUCLEAR REGULATORY COMMISSION



Michael J. Case, Acting 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: January 18, 1995

ATTACHMENT TO LICENSE AMENDMENT NO.222

FACILITY OPERATING LICENSE NO. DPR-59

DOCKET NO. 50-333

Revise Appendix A as follows:

Remove Pages

248
248a
249
250
252a
253
254-a

Insert Pages

248
248a
249
250
252a
253
254a

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 of ANSI N18.1-1971 for comparable positions; except for the Radiological and Environmental Services Manager who shall meet or exceed the qualifications of 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 Manager 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 55.59.

6.5 REVIEW AND AUDIT

Review requirements are accomplished by using designated technical reviewers/qualified safety reviewer and two separate review committees. The Plant Operating Review Committee (PORC) is an onsite review group; the Safety Review Committee (SRC) is an independent offsite review and audit group.

6.5.0 REVIEW AND APPROVAL OF PROGRAMS AND PROCEDURES

- 6.5.0.1 The procedure review and approval process shall be controlled and implemented by administrative procedure(s).
- 6.5.0.2 Each program and procedure required by Specification 6.8 and other procedures that affect nuclear safety, and changes thereto, shall be reviewed by a minimum of two designated technical reviewers who are knowledgeable in the affected functional area.

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- 6.5.0.3 Designated technical reviewer(s) shall meet or exceed the qualifications described in Section 4 of ANSI N18.1-1971 for applicable positions, with the exclusion of the positions identified in Sections 4.3.2 and 4.5. Individuals whose positions are described in Sections 4.3.2 and 4.5 may qualify as designated technical reviewers provided they meet the qualifications described in other portions of Section 4.
- 6.5.0.4 The designated technical reviewer shall determine the need for cross-disciplinary reviews. Individuals performing cross-disciplinary reviews shall meet or exceed the qualifications described in Section 4 of ANSI N18.1-1971 for applicable positions.
- 6.5.0.5 Each program and procedure required by Specification 6.8 and other procedures that affect nuclear safety, and changes thereto, shall be reviewed from a safety perspective by a qualified safety reviewer. Safety and/or environmental impact evaluations, when required, shall be reviewed by PORC per Specification 6.5.1.6.a.
- 6.5.0.6 Nuclear safety related procedures and procedure changes shall be reviewed and approved, prior to implementation, by the appropriate member(s) of management.

6.5.1 PLANT OPERATING REVIEW COMMITTEE (PORC)

6.5.1.1 Function

PORC shall function to advise the Resident Manager on matters related to nuclear safety and environmental impact.

6.5.1.2 Membership

The Plant Operating Review Committee shall be composed of the:

Chairman:	General Manager - Operations
Vice-Chairman/Member:	General Manager - Support Services
Vice-Chairman/Member:	General Manager - Maintenance
Member:	Operations Manager
Member:	Maintenance Manager
Member:	Technical Services Manager
Member:	Instrument and Controls Manager
Member:	Radiological and Environmental Services Manager
Member:	Site Engineering Manager
Member:	Reactor Analyst Supervisor

Special consultants to provide expert advice may be utilized when the nature of a particular problem dictates.

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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 one of two Vice-Chairmen 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 Resident Manager, who will then forward the report to the Executive Vice President and 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 Resident Manager.
- h. Review of all reportable events.
- i. Review of the Process Control Program and the Offsite Dose Calculation Manual (ODCM) and changes thereto.
- j. Review the FitzPatrick Fire Protection Program and implementing procedures and changes thereto.

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6.5.1.7 Authority

The PORC shall:

- a. Recommend to the Resident Manager, approval or disapproval of those items reviewed under Specifications 6.5.1.6.a through 6.5.1.6.d.
- b. Render determinations with regard to whether or not items considered under Specification 6.5.1.6.a through 6.5.1.6.e constitute an Unreviewed Safety Question as defined in 10 CFR 50.59.
- c. In the event of a disagreement between the PORC and Resident Manager, notify the Executive Vice President and Chief Nuclear Officer and the SRC Chairman, or their designated alternates, within 24 hours and provide written notification by the next business day. The Resident Manager shall have responsibility for resolution of such disagreement pursuant to Section 6.1.

6.5.1.8 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 and Chief Nuclear Officer.

6.5.1.9 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 function to provide independent review and audit of designated activities in the areas of:
- a. Nuclear power plant operations
 - b. Nuclear engineering
 - c. Chemistry and radiochemistry
 - d. Metallurgy
 - e. Instrumentation and control

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- 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. Any other area of facility operation considered appropriate by the SRC or the Executive Vice President and Chief Nuclear Officer.
- f. The Facility Fire Protection Program and implementing procedures at least once per two years.
- g. An independent fire protection and loss of prevention inspection and audit shall be performed annually utilizing either qualified offsite licensee personnel or an outside fire protection firm.
- h. 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.
- i. The Radiological Environmental Monitoring Program and the results thereof at least once per 12 months.
- j. The Offsite Dose Calculation Manual and implementing procedures at least once per 24 months.
- k. The Process Control Program and implementing procedures for processing and packaging of radioactive wastes at least once per 24 months.
- l. The performance of activities required by the Quality Assurance Program to meet the provisions of Regulatory Guide 1.21, Revision 1, June 1974 and Regulatory Guide 4.1, Revision 1, April 1975 at least once per 12 months.

AUTHORITY

- 6.5.2.10 The SRC shall advise the Executive Vice President and Chief Nuclear Officer on those areas of responsibility specified in Section 6.5.2.8 and 6.5.2.9.

6.6 REPORTABLE EVENT ACTION

The following actions shall be taken for Reportable Events:

- (A) The Commission shall be notified and a report submitted pursuant to the requirements of Section 50.73 to 10 CFR Part 50, and
- (B) Each Reportable Event shall be reviewed by the PORC, and the results of this review shall be submitted to the Executive Vice President and Chief Nuclear Officer, the Vice President Regulatory Affairs and Special Projects, and the Chairman of 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 and Chief Nuclear Officer, the Vice President Regulatory Affairs and Special Projects, and the 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 recurrence. The Resident Manager shall forward this report to the Executive Vice President and Chief Nuclear Officer, the Vice President Regulatory Affairs and Special Projects, the Chairman of the SRC, and the NRC.

6.8 PROCEDURES

- (A) Written procedures and administrative policies shall be established, implemented, and maintained that:
 1. meet or exceed the requirements and recommendations of Section 5 of ANSI 18.7-1972 "Facility Administrative Policies and Procedures."
 2. are recommended in Appendix A of Regulatory Guide 1.33, November 1972.
 3. implement the Fire Protection Program.
 4. include programs specified in Appendix B of the Radiological Effluent Technical Specifications, Section 7.2.
- (B) Each procedure of Specification 6.8.(A), and changes thereto, shall be approved prior to implementation by the appropriate responsible member of management as specified in Specification 6.5.0.

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(C) Temporary changes to the procedures required by Specification 6.8.(A) may be made provided:

1. the intent of the original procedure is not altered.
2. the change is approved by two members of the plant management staff, at least one of whom holds a Senior Reactor Operator's license.
3. the change is documented, reviewed and approved by the appropriate member of plant management as required by Specification 6.5.0 within 14 days of implementation.

6.9 REPORTING REQUIREMENTS

(A) ROUTINE REPORTS

The following reports shall be submitted in accordance with 10 CFR 50 unless otherwise noted.

1. STARTUP REPORT

- a. A summary report of plant startup and power escalation testing shall be submitted following (1) amendment to the license involving a planned increase in power level, (2) installation of fuel that has a different design or has been manufactured by a different fuel supplier, and (3) modifications that may have significantly altered the nuclear, thermal, or hydraulic performance of the plant. The Startup Report for the initial fuel cycle shall address each of the tests identified in the FSAR and shall include a description of the measured values of the operating conditions or characteristics obtained during the test program and a comparison of these values with design predictions and specifications. Any corrective actions that were required to obtain satisfactory operation shall also be described. Any additional specific details required in license conditions based on other commitments shall be included in this report. Startup Reports for subsequent fuel cycles shall address startup tests that are necessary to demonstrate the acceptability of changes and modifications.



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION
RELATED TO AMENDMENT NO. 222 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 letter dated June 17, 1994, as supplemented December 2, 1994, the Power Authority of the State of New York (the licensee) submitted a request for changes to the James A. FitzPatrick Nuclear Power Plant Technical Specifications (TSs). The requested changes would revise Section 6.5, "Review and Audit," and Section 6.8, "Procedures," of the TSs to establish a new review and approval process for nuclear safety-related procedures. The requested changes would also revise Section 6.5 to modify membership requirements for the Plant Operating Review Committee (PORC) and to delete review and audit responsibilities for the Emergency and Security Plans from the TSs consistent with Generic Letter (GL) 93-07, "Modification of the Technical Specification Administrative Control Requirements for Emergency and Security Plans." The licensee also proposed several administrative and editorial changes to improve the human factors aspects of the TSs. The December 2, 1994, letter provided clarifying information that did not change the initial proposed no significant hazards consideration determination.

1.1 Procedure Review and Approval Process Changes

The TSs currently require that procedures affecting nuclear safety, and changes thereto, be reviewed by the PORC and approved by the Resident Manager prior to implementation. The licensee has proposed changes to TS Sections 6.5 and 6.8 that would establish a new procedure review and approval process which shifts a portion of the responsibility for the review of nuclear safety-related procedures and procedure changes from the PORC to the line organizations. These changes are intended to reduce the administrative burden on the PORC and alter the scope of the PORC's review function to be more consistent with that of a safety oversight committee.

The proposed procedure review and approval program would be based upon a nuclear safety evaluation process. A new administrative procedure would be implemented to govern the 10 CFR 50.59 reviews of proposed procedure changes. This procedure would meet the intent of the guidance contained in Electric Power Research Institute Report NSAC-125, "Guidelines for 10 CFR 50.59 Safety Evaluations." Safety reviews would be conducted in a two-step process consisting of: (1) a nuclear safety and environmental impact screening and (2) a nuclear safety evaluation (10 CFR 50.59 safety evaluation) and/or an environmental impact evaluation. The screening process would utilize a series of questions the responses to which would determine whether or not a nuclear

safety and/or environmental impact evaluation is required. The results of the screening process and safety and/or environmental impact evaluations would be documented in writing. If a safety or an environmental impact evaluation is not required, the screening process alone would constitute a complete safety review. If the safety review for a new procedure or procedure change concluded that a safety or an environmental evaluation is required, the evaluations would be prepared and subsequently reviewed by the PORC. Personnel performing safety reviews would be appropriately qualified and trained to perform this function. If qualified to do so, the same individual could perform the screening and prepare the evaluations.

The licensee has stated that each completed procedure or procedure change package would be reviewed by two designated technical reviewers. The designated technical reviewers would be knowledgeable in the functional/technical subject matter related to the proposed activity. Designated technical reviewers would be designated by the department managers and responsible for reviewing procedures or procedure changes for adequacy, completeness, and accuracy. The designated technical reviewers would also be responsible for determining whether cross-disciplinary reviews are required. A designated technical reviewer could also perform safety reviews if qualified to perform both functions. The licensee has stated that designated technical reviewers will meet or exceed the qualifications described in Section 4 of American National Standards Institute (ANSI) N18.1-1971, "Selection and Training of Nuclear Power Plant Personnel," for applicable positions.

If required, cross-disciplinary reviews would be performed by other appropriate designated technical reviewer(s) before a procedure or procedure change is forwarded to the approving authority. After all necessary reviews have been completed, a procedure or procedure change would be reviewed by the responsible procedure owner. The responsible procedure owner would be a member of the management staff having approving authority and responsibility for specific procedures. The responsible procedure owner would be responsible for ensuring that the proposed procedure or procedure change has been prepared, documented, and reviewed in accordance with the administrative procedure that will govern the procedure review and approval process.

If a safety and or environmental impact evaluation is not required, a new procedure or procedure change would receive final approval by the responsible procedure owner. PORC review would not be required. If, however, an evaluation is required, PORC would be responsible for reviewing the safety and/or environmental impact evaluation. Responsible procedure owners would be designated by the Resident Manager.

A temporary procedure change could be made under the new procedure review and approval process provided that the intent of the original procedure is not altered, the change is approved by two members of plant management, at least one of whom holds a Senior Reactor Operator's License, and the change is approved by the responsible procedure owner within 14 days.

1.1 PORC Membership Change

The PORC was established to assist the Resident Manager in keeping abreast of general plant operating conditions in accordance with ANSI N18.7-1972, "Administrative Controls for Nuclear Power Plants." The PORC's function is to advise the Resident Manager in matters related to nuclear safety and environmental impact. The licensee has proposed that TS 6.5.1(A) be revised to remove the Resident Manager from the PORC and establish the General Manager-Operations as the PORC Chairman. These changes are intended to strengthen the PORC's independent advisory role. The licensee has stated that the proposed changes would not adversely affect the level and quality of the PORC's reviews since diversity in educational background and work experience would continue to exist. The proposed changes would not diminish the quorum requirement. The quorum would continue to be comprised of a Chairman and five members (a majority) of which no more than two are designated alternatives.

1.2 Removal of Review and Audit Requirements for Emergency and Security Plans

The licensee has proposed changes to TSs 6.5.1(E) and 6.5.2.8, which list the review and audit responsibilities of the PORC and Safety Review Committee (SRC), respectively. The proposed changes would remove requirements to review and audit the Emergency and Security Plans from the TSs since these requirements duplicate the provisions of 10 CFR Part 50 and 10 CFR Part 73. The review and audit requirements in the TSs would be relocated to the respective plans. The NRC issued guidance to all holders of operating licenses for nuclear power reactors on the proposed changes by GL 93-07.

2.0 EVALUATION

2.1 Procedure Review and Approval Process Changes

The licensee has proposed changes to TS Sections 6.5 and 6.8 that would establish a new process for the review and approval of nuclear safety-related procedures. The TSs currently require that procedures affecting nuclear safety and changes to such procedures be reviewed by the PORC and approved by the Resident Manager. As previously discussed, under the proposed review and approval process PORC would only review those procedures or procedure changes requiring a nuclear safety evaluation and/or an environmental impact evaluation. Safety and technical reviews of proposed procedures and procedure changes would be performed by qualified individuals. Procedures and procedure changes would be approved by responsible procedure owners who would be designated by the Resident Manager. The proposed changes are intended to reduce the administrative burden on the PORC and alter the scope of the PORC's review function to be more consistent with that of a safety oversight committee. The specific TS changes that have been proposed to support the new process for the review and approval of nuclear safety-related procedures are discussed below.

TS Section 6.5 would be revised to read as follows:

Review requirements are accomplished by using designated technical reviewers/qualified safety reviewer and two separate review committees. The Plant Operating Review Committee (PORC) is an onsite review group; the Safety Review Committee (SRC) is an independent offsite review and audit group.

A new Section 6.5.0 would be inserted into the TSs that would read as follows:

6.5.0 REVIEW AND APPROVAL OF PROGRAMS AND PROCEDURES

- 6.5.0.1 The procedure review and approval process shall be controlled and implemented by administrative procedure(s).
- 6.5.0.2 Each program and procedure required by Specification 6.8 and other procedures that affect nuclear safety, and changes thereto, shall be reviewed by a minimum of two designated technical reviewers who are knowledgeable in the affected functional area.
- 6.5.0.3 Designated technical reviewers shall meet or exceed the qualifications described in Section 4 of ANSI N18.1-1971 for applicable positions, with the exclusion of the positions identified in Sections 4.3.2 and 4.5. Individuals whose positions are described in Sections 4.3.2 and 4.5 may qualify as designated technical reviewers provided they meet the qualifications described in other portions of Section 4.
- 6.5.0.4 The designated technical reviewer shall determine the need for cross-disciplinary reviews. Individuals performing cross-disciplinary reviews shall meet or exceed the qualifications described in Section 4 of ANSI N18.1-1971 for applicable positions.
- 6.5.0.5 Each program and procedure required by Specification 6.8 and other procedures that affect nuclear safety, and changes thereto, shall be reviewed from a safety perspective by a qualified safety reviewer. Safety and/or environmental impact evaluations, when required, shall be reviewed by PORC per Specification 6.5.1.6.a.
- 6.5.0.6 Nuclear safety related procedures and procedure changes shall be reviewed and approved, prior to implementation, by the appropriate member(s) of management.

A new TS Section 6.5.1.1 would be inserted that would read as follows:

6.5.1.1 Function

PORC shall function to advise the Resident Manager on matters related to nuclear safety and environmental impact.

TS 6.5.1(E)1. would be redesignated 6.5.1.6a and revised to read as follows:

Review of 10 CFR 50.59 safety and environmental impact evaluations associated with procedures and programs required by Specification 6.8, and changes thereto.

TS 6.5.1(E) would be redesignated 6.5.1.6 and the words "The PORC shall be responsible for:" would be inserted at the beginning of this section:

TS 6.5.1(F) would be redesignated 6.5.1.7 and changed to read as follows:

The PORC shall:

- a. Recommend to the Resident Manager approval or disapproval of those items reviewed under Specification 6.5.1.6.a through 6.5.1.6.d.
- b. Render determinations with regard to whether or not items considered under Specification 6.5.1.6.a through 6.5.1.6.e constitute an Unreviewed Safety Question as defined in 10 CFR 50.59.
- c. In the event of a disagreement between the PORC and Resident Manager, notify the Executive Vice President - Nuclear Generation and the SRC Chairman, or their designated alternates, within 24 hours and provide written notification by the next business day. The Resident Manager shall have responsibility for resolution of such disagreement pursuant to Section 6.1.

TS 6.8(B) would be revised to read as follows:

Each procedure of Specification 6.8.(A), and changes thereto, shall be approved prior to implementation by the appropriate responsible member of management as specified in Specification 6.5.0.

TS 6.8(C) would be revised to read as follows:

Temporary changes to the procedures required by Specification 6.8.(A) may be made provided:

1. the intent of the original procedure is not altered.
2. the change is approved by two members of the plant management staff, at least one of whom holds a Senior Reactor Operator's license.
3. the change is documented, reviewed and approved by the appropriate member of plant management as required by Specification 6.5.0 within 14 days of implementation.

Regulatory Guide 1.33, "Quality Assurance Program Requirements (Operation)," references ANSI Standard N18.7-1976 and provides a guide to the types of procedures to be developed for nuclear facilities. Section 3.2 of this ANSI standard states that: plant procedures shall be reviewed by an individual knowledgeable in the area affected by the procedure; procedures shall be approved as designated by the owner organization before use; procedures shall be reviewed by knowledgeable personnel other than the originator; approval and changes shall be performed by authorized individuals; and changes to procedures shall be reviewed and approved by the same organization that originally reviewed and approved the procedure unless otherwise designated.

The NRC staff has determined that the proposed process for the review and approval of nuclear safety-related procedures is consistent with ANSI N18.7-1976. The staff has also determined that the transfer of procedure approval authority from the Resident Manager to the line organizations will permit the Resident Manager to better focus his attention on major safety issues and place approval authority with designated individuals more familiar with the affected procedures. The proposed changes in the procedure review process will provide for technical reviews by designated individuals and provide for PORC involvement in the review of more safety significant procedures and procedure changes. The staff has also determined that the proposed process for the review and approval of nuclear safety-related procedures will relieve the PORC of an administrative burden and thereby allow this committee to better focus on its nuclear safety oversight role. The staff, therefore, finds the proposed related changes to TS Sections 6.5 and 6.8 to be acceptable.

2.2 PORC Membership Change

The licensee has proposed that TS 6.5.1(A) be revised to remove the Resident Manager from the PORC and establish the General Manager-Operations as the PORC Chairman. The proposed change is intended to strengthen the PORC's independent advisory role. The licensee has stated that the General Manager-Operations has the appropriate level of education and experience necessary to ensure that decisions made by the PORC will consider safety as the primary consideration. The licensee has also stated that the proposed changes would not adversely alter the level and quality of the PORC's review function in that diversity in educational background and work experience would continue to exist. The quorum requirement would not be diminished. The quorum would continue to be comprised of a Chairman and five members (a majority) of which no more than two are designated alternates.

The NRC staff has concluded that the proposed change to TS 6.5.1(A) is acceptable since it will enhance the PORC's ability to independently advise the Resident Manager in matters related to nuclear safety and environmental impact and should not adversely affect the level and quality of PORC reviews.

2.3 Removal of Review and Audit Requirements for Emergency and Security Plans

Part 50.36 of Title 10 of the Code of Federal Regulations established the regulatory requirements related to the content of TSs. The rule requires that TSs include items in specific categories, including safety limits, limiting conditions for operation, and surveillance requirements. However, the rule does not specify the particular requirements to be included in a plant's TSs. The NRC developed criteria, as described in the "Final Policy Statement on Technical Specifications Improvements for Nuclear Power Reactors," (58 FR 39132) to determine which of the design conditions and associated surveillances need to be located in the TSs because the requirement is "necessary to obviate the possibility of an abnormal situation or event giving rise to an immediate threat to the public health and safety." Briefly, those criteria are: (1) detection of abnormal degradation of the reactor coolant pressure boundary, (2) boundary conditions for design basis accidents and transients, (3) primary success paths to prevent or mitigate design basis accidents and transients, and (4) functions determined to be important to risk or operating experience. The Commission's final policy statement acknowledged that its implementation may result in the relocation of existing TS requirements to licensee controlled documents and programs.

The licensee has proposed modifying TS 6.5.1(E) by removing items 7 and 8, which reference the Security and Emergency Plans, respectively, and their implementing procedures under the review responsibilities of the PORC. The licensee has also proposed modifying TS 6.5.2.8 by removing items e. and f., which reference the Emergency and Security plans, respectively, and their implementing procedures under the audit responsibilities of the SRC. These reviews and audits are to be performed at least once every 12 months. The removed audit and review requirements would be relocated to the respective Emergency and Security plans. The licensee proposed these changes consistent with the guidance provided in GL 93-07.

The NRC staff has determined that requirements related to the review and audit of the Emergency and Security Plans do not satisfy any of the previously stated final policy statement criteria which would necessitate that they be included in the TSs. On this basis, the staff concludes that these requirements do not need to be controlled by the TSs. In addition, as stated in GL 93-07, 10 CFR Part 50 and 10 CFR Part 73 include provisions that are sufficient to address these requirements. The staff has concluded that the proposed changes to TSs 6.5.1(E) and 6.5.2.8 are, therefore, acceptable.

2.4 Administrative and Editorial Changes

The licensee has proposed various administrative and editorial changes to improve the human factors aspects of the TSs. These proposed changes are discussed below.

TSs 6.5.1(A) through 6.5.1(H) would be redesignated as 6.5.1.2. through 6.5.1.9, respectively.

The PORC responsibilities listed on page 249 that are currently designated "1 through 13" would be redesignated as "a through j". Current responsibilities "11 and 12" would combined to become item "i".

The format of TS 6.8.(A) would be changed from a paragraph to an outline form.

In TS 6.5.1.3 the words "however, no more than two alternates shall participate in PORC activities at any one time" would be removed. In TS 6.5.1.5 a sentence would be added that would read as follows:

A quorum shall contain no more than two alternates.

TS 6.5.1.6.e would be revised to read as follows:

Investigation of violations to the Technical Specifications. The PORC shall prepare and present a report covering the evaluations and recommendations to prevent recurrence to the Resident Manager, who will then forward the report to the Executive Vice President and Chief Nuclear Officer, the Vice President Regulatory Affairs and Special Projects, and to the Chairman of the Safety Review Committee.

The NRC staff has concluded that these proposed changes are administrative in nature and will improve consistency within the TSs. The proposed changes are, therefore, 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 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.

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