

Mr. James Knubel
Chief Nuclear Officer
Power Authority of the State of
New York
123 Main Street
White Plains, NY 10601

October 3, 1997

SUBJECT: ISSUANCE OF AMENDMENT FOR JAMES A. FITZPATRICK NUCLEAR
POWER PLANT (TAC NO. M98895)

Dear Mr. Knubel:

The Commission has issued the enclosed Amendment No. 240 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 April 14, 1997.

The amendment revises Appendix A, Section 6 of the TSs. These changes will enable the Safety Review Committee to review rather than audit plant staff performance by deleting the plant staff performance audit requirement from Section 6.5.2.9.b, and incorporating a plant staff performance review requirement in Section 6.5.2.8. Additionally, this amendment proposes to replace the position title of Vice President Regulatory Affairs and Special Projects with Director Regulatory Affairs and Special Projects.

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:

Karen R. Cotton, Acting 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. 240 to DPR-59
2. Safety Evaluation

cc w/encls: See next page

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

October 3, 1997

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Sincerely,

A handwritten signature in cursive script that reads "Karen R. Cotton".

Karen R. Cotton, Acting Project Manager
Project Directorate I-1
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation

Docket No. 50-333

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cc w/encls: See next page

James Knubel
Power Authority of the State
of New York

James A. FitzPatrick Nuclear
Power Plant

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DATED: October 3, 1997

AMENDMENT NO. 240 TO FACILITY OPERATING LICENSE NO. DPR-59-FITZPATRICK

Docket File

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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. 240
License No. DPR-59

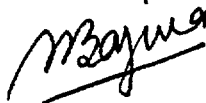
1. The Nuclear Regulatory Commission (the Commission) has found that:
 - A. The application for amendment by Power Authority of the State of New York (the licensee) dated, April 14, 1997, complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act) and the Commission's 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. 240, 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



S. Singh Bajwa, 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: October 3, 1997

ATTACHMENT TO LICENSE AMENDMENT NO. 240

FACILITY OPERATING LICENSE NO. DPR-59

DOCKET NO. 50-333

Revise Appendix A as follows:

Remove Pages

249
251
252
253

Insert Pages

249
251
252
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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 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 Director 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.
- j. Review the FitzPatrick Fire Protection Program and implementing procedures and changes thereto.

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- 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

CHARTER

- 6.5.2.2 The conduct of the SRC will be in accordance with a charter approved by the Chief Nuclear Officer. The charter will define the SRC's authority and establish the mechanism for carrying out its responsibilities.

MEMBERSHIP

- 6.5.2.3 The SRC shall be composed of at least six individuals including a Chairman and a Vice Chairman. Members shall be appointed by the Director Regulatory Affairs and Special Projects and approved by the Chief Nuclear Officer. SRC members and alternates shall have an academic degree in engineering or a physical science, or the equivalent, and shall have a minimum of five years technical experience in one or more areas listed in Section 6.5.2.1.

ALTERNATES

- 6.5.2.4 Alternates for the Chairman, Vice Chairman and members may be appointed in writing by the Director Regulatory Affairs and Special Projects and approved by the Chief Nuclear Officer.

CONSULTANTS

- 6.5.2.5 Consultants may be used as determined by the SRC Chairman and as provided for in the charter.

MEETING FREQUENCY

- 6.5.2.6 The SRC shall meet at least once per six months.

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QUORUM

6.5.2.7 A quorum shall consist of at least a majority of the appointed individuals (or their alternates) and the Chairman (or the designated alternate). No more than two alternates may participate as SRC voting members at any one time. No more than a minority of the quorum shall have direct line responsibility for the operation of the plant.

REVIEW

6.5.2.8 The SRC shall review:

- a. The safety evaluation for 1) changes to procedures, equipment or systems and 2) tests or experiments completed under the provision of Section 50.59, 10 CFR, to verify that such actions did not constitute an unreviewed safety question.
- b. Proposed changes to procedures, equipment or systems which involve an unreviewed safety question as defined in Section 50.59, 10 CFR.
- c. Proposed tests or experiments which involve an unreviewed safety question as defined in Section 50.59, 10 CFR.
- d. Proposed changes to Technical Specifications of this Operating License.
- e. Violations of code, regulations, orders, Technical Specifications, license requirements, or of internal procedures or instructions having nuclear safety significance.
- f. Significant operating abnormalities or deviations from normal and expected performance of plant equipment that affect nuclear safety.
- g. All Reportable Events.
- h. All recognized indications of an unanticipated deficiency in some aspect of design or operation of safety related structures, systems or components.
- i. Reports and meetings minutes of the Plant Operating Review Committee.
- j. Plant staff performance.

AUDIT

6.5.2.9 Audits of facility activities shall be performed under the cognizance of the SRC. These audits shall encompass:

- a. The conformance of facility operation to provisions contained within the Technical Specifications and applicable license conditions at least once per 12 months.
- b. The training and qualifications of the entire facility staff at least once per 12 months.

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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 Chief Nuclear Officer, the Director 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)(1)(i).
- (B) An immediate report of each safety limit violation shall be made to the NRC by the Site Executive Officer. The Chief Nuclear Officer, the Director 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 Site Executive Officer shall forward this report to the Chief Nuclear Officer, the Director 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.



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

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION
RELATED TO AMENDMENT NO. 240 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 April 14, 1997, 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 enable the Safety Review Committee (SRC) to review rather than audit plant staff performance by deleting the plant staff performance audit requirement from Section 6.5.2.9.b, and incorporating a plant staff performance review requirement in Section 6.5.2.8. Additionally, this amendment application proposes to replace the position title of Vice President Regulatory Affairs and Special Projects with Director Regulatory Affairs and Special Projects.

2.0 EVALUATION

Sections 6.5.2.8 and 6.5.2.9 contain a listing of the required SRC reviews and audits. The SRC has delegated the audit requirements in Section 6.5.2.9 to the Appraisal and Compliance Department. Section 6.5.2.9.b requires an audit of the performance, training, and qualification of the entire facility staff at least once per 12 months. FitzPatrick meets this requirement to audit plant staff performance by performing the following activities.

- SRC assesses the plant staff performance on a continual basis as a part of its oversight function conducted at each scheduled meeting.
- Quality Assurance (QA) and the Operations Review Group (ORG) prepare a quarterly trending report which identifies actual quality performance issues through the issuance of a quarterly report. This report is distributed to all SRC members and discussed at SRC meetings.

The above listed activities provide an adequate mechanism to ensure that plant staff performance is monitored. The annual QA evaluation (annual audit) of the faculty staff is a compilation of the quarterly reports trending reports which identifies actual quality performance. The quarterly reports are

distributed and discussed at SRC meetings. Therefore, to issue an annual report of this same information, is a redundant process.

The SRC will monitor plant staff performance through the review of the QA quarterly trend reports and the review of plant performance at each scheduled meeting. This change is consistent with NUREG-1433. Therefore, the NRC finds this change acceptable.

The proposed change from Vice President Regulatory Affairs and Special Projects to Director Regulatory Affairs and Special Projects is an administrative change. The responsibilities and reporting chain for the position remain the same. This change is acceptable to the NRC staff.

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: K. Cotton

Date: October 3, 1997