

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

September 13, 1999

**SUBJECT: JAMES A. FITZPATRICK NUCLEAR POWER PLANT - ISSUANCE OF
 AMENDMENT RE: ADMINISTRATIVE CHANGES TO TECHNICAL
 SPECIFICATIONS (TAC NO. MA5188)**

Dear Mr. Knubel:

The Commission has issued the enclosed Amendment No. 254 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 5, 1999.

The amendment revises Appendix A (Section 6.1) and Appendix B (Section 7.1) of the James A. FitzPatrick TSs. The changes remove the position title of General Manager from these sections and state that if the Site Executive Officer is unavailable, he will delegate his responsibilities to another staff member, in writing. In addition the position title of Resident Manager, used in Appendix B, Section 7.1, is replaced by Site Executive Officer.

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:

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

Docket No. 50-333

Enclosures: 1. Amendment No. 254 to DPR-59
 2. Safety Evaluation

cc w/encls: See next page

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| NAME | GVissing:lcc | | SLittle | RGallo | Comuco | SBajwa |
| DATE | 08/31/99 | | 08/31/99 | 08/18/99 | 08/23/99 | 09/1/99 |

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UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

September 13, 1999

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

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Sincerely,

A handwritten signature in cursive script, appearing to read "Guy S. Vissing, Sr.".

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

Docket No. 50-333

Enclosures: 1. Amendment No. 254 to DPR-59
2. Safety Evaluation

cc w/encls: See next page

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DATED: September 13, 1999

AMENDMENT NO. 254 TO FACILITY OPERATING LICENSE NO. DPR-59-FITZPATRICK

Docket File

PUBLIC

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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. 254
License No. DPR-59

1. The Nuclear Regulatory Commission (the Commission) has found that:
 - A. The application for amendment by The Power Authority of the State of New York (the licensee) dated April 5, 1999, 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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(2) Technical Specifications

The Technical Specifications contained in Appendices A and B, as revised through Amendment No. 254 , are hereby incorporated in the license. The licensee shall operate the facility in accordance with the Technical Specifications.

3. This license amendment is effective as of the date of its issuance and shall be implemented within 30 days.

FOR THE NUCLEAR REGULATORY COMMISSION



S. Singh Bajwa, Chief, Section 1
Project Directorate I
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Attachment:
Changes to the Technical
Specifications

Date of Issuance: September 13, 1999

ATTACHMENT TO LICENSE AMENDMENT NO. 254

FACILITY OPERATING LICENSE NO. DPR-59

DOCKET NO. 50-333

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

Revise Appendix A as follows:

Remove Page
247

Insert Page
247

Revise Appendix B as follows:

Remove Page
66

Insert Page
66

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 Site Executive Officer is responsible for safe operation of the plant and shall delegate in writing the succession to this responsibility during his absence.

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 department 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 Site Executive Officer 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 Chief Nuclear Officer 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;

7.0 ADMINISTRATIVE CONTROLS

7.1 RESPONSIBILITY

- a. The Site Executive Officer shall have direct responsibility for assuring the operation of the James A. FitzPatrick Plant is conducted in such a manner as to provide continuing protection to the environment and shall delegate in writing the succession to this responsibility during his absence.
- b. Implementation of the Radiological Effluent Technical Specifications is the responsibility of the General Manager - Operations, with the assistance of the plant staff organization.

7.2 PROCEDURES

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 Regulatory Guide 1.33, November 1972, Appendix A. In addition, procedures shall be established, implemented and maintained for the PCP, ODCM, and Quality Control Program for effluent and environmental monitoring using the guidance in Regulatory Guide 4.1, Revision 1.

7.3 REPORTING REQUIREMENTS

a. Planned Liquid and Gaseous Releases

The limits for radioactive materials contained in liquid and gaseous effluents are contained in Specifications 2.3, 3.3 and 3.4.

b. Environmental Samples Exceeding Limits of Table 6.1-2

When the limits of Table 6.1-2 are exceeded, refer to Specification 6.1.b for reporting requirements.

c. Semiannual Radioactive Effluent Release Report

Routine Radioactive Effluent Release Reports covering the operation of the unit during the previous 6 months of operation shall be submitted within 60 days after January 1 and July 1 of each year. The period of the first report shall begin with the date of initial criticality.

1. The Radioactive Effluent Release Report shall include a summary of the quantities of radioactive liquid and gaseous effluents and solid waste released from the unit using as guidance Regulatory Guide 1.21, Revision 1, June 1974, "Measuring, Evaluating, and Reporting Radioactivity in Solid Wastes and Releases of Radioactive Materials in Liquid and Gaseous Effluents from Light-Water-Cooled Nuclear Power Plants", with data summarized on a quarterly basis following the format of Appendix B thereof.



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

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION

RELATED TO AMENDMENT NO254 TO FACILITY 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 5, 1999, 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 Appendix A (Section 6.1) and Appendix B (Section 7.1) of the James A. FitzPatrick TSs. The proposed changes would remove the position title of General Manager from these sections and would state that if the Site Executive Officer (SEO) is unavailable, he will delegate his responsibilities to another staff member, in writing. In addition the position title of Resident Manager, used in Appendix B, Section 7.1, would be replaced by the SEO.

2.0 EVALUATION

This proposed amendment would revise Appendix A (Section 6.1) and Appendix B (Section 7.1) which discuss the delegation of the SEO's responsibilities in his absence. Currently, these specifications state that the SEO will delegate his responsibilities to one of the General Managers if he is unavailable. The proposed TS changes would allow the SEO to delegate in writing the succession of his responsibilities during his absence. In accordance with TS Section 6.3.1, such a person delegated would be required to meet or exceed the minimum qualifications of ANSI N18.1-1971 for this position.

The current wording of the TS does not allow the SEO to delegate his responsibilities to the Plant Manager (a newly created management position) unless all three General Managers are also unavailable. Since the Plant Manager is the second highest level of management at the plant and the General Managers report to him, the Plant Manager should be permitted to undertake the SEO's responsibilities, in his absence, regardless of the availability of the General Managers. Therefore, this amendment request eliminates the specific reference to the General Manager positions in Appendix A (Section 6.1) and Appendix B (Section 7.1) and allows the SEO to delegate, in writing, his responsibilities to another staff member, such as the Plant Manager, in his absence.

This TS change does not change the intent of the current specifications, in that the Plant Manager or other personnel, such as one of the General Managers, will assume the responsibilities of the SEO in his absence. However, it eliminates the need for future TS amendments to these sections based solely on organizational changes such as the creation of

new or revised management positions (such as the Plant Manager), title changes to the position of General Manager, or a change to the number of General Managers. These types of organizational changes can then be evaluated through the use of the 10 CFR 50.59 process, rather than the TS amendment process. This will reduce the unnecessary burden on NRC and licensee resources associated with processing license amendment requests related to these areas. This TS change models the comparable administrative controls section of the General Electric Standard Technical Specifications (NUREG-1433).

The changes to Appendix B (Section 7.1) also include the replacement of the position title of Resident Manager with Site Executive Officer. This position title change was approved by the NRC in Amendment 228 (Reference). However, the reference to Resident Manager in this section was inadvertently missed and is being corrected as part of this amendment application. The proposed changes are administrative in nature as they do not affect the function of plant equipment or the way the equipment operates. The proposed changes do not change the intent of the current TS. Therefore, since the position title changes are administrative and since the delegated person is still required to meet or exceed the minimum qualifications for the SEO position, the staff has determined that the proposed changes are acceptable.

3.0 STATE CONSULTATION

In accordance with the Commission's regulations, the New York State official was notified of the proposed issuance of the amendment. The State official had no comments.

4.0 ENVIRONMENTAL CONSIDERATION

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

5.0 CONCLUSION

The Commission has concluded, based on the considerations discussed above, that: (1) there is reasonable assurance that the health and safety of the public will not be endangered by operation in the proposed manner, (2) such activities will be conducted in compliance with the Commission's regulations, and (3) the issuance of the amendment will not be inimical to the common defense and security or to the health and safety of the public.

Principal Contributor: G. Vissing

Date: September 13, 1999