

February 8, 1999

Mr. James Knubel  
Chief Nuclear Officer  
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. MA2131)

Dear Mr. Knubel:

The Commission has issued the enclosed Amendment No. 251 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 16, 1998.

The amendment revises TS Section 6 of Appendix A to relocate the Safety Review Committee Reviews, Audits and Records from TS to the Quality Assurance Program Section of the Final Safety Analysis Report.

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:

Joseph F. Williams, 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. 251 DPR-59  
2. Safety Evaluation

cc w/encs: See next page

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NAME	JWilliams/lc		JCushing		SLittle		SBajwa		R Weisman		SBlack	
DATE	08/1/98	1/20/99	08/24/98		08/24/98		08/1/98		08/1/98	2/2/99	06/1/98	

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\*TS Amendment to be effective after license relocates SRC review & audit requirements into Chapter 17 of the FSAR.  
AMENDMENT REQUIRES RELOCATION OF SRC REQUIREMENTS TO PSAR FOR IMPLEMENTATION. 1/20/99

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NAME	JWilliams/ld	<input checked="" type="checkbox"/>	JCushing	<input checked="" type="checkbox"/>	SLittle	<input checked="" type="checkbox"/>	SBajwa	R Weisman	SBlack	
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AMENDMENT REQUIRES RELOCATION OF SRC REQUIREMENTS TO FSAR FOR IMPLEMENTATION. JFW 1/20/99



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NUCLEAR REGULATORY COMMISSION**

WASHINGTON, D.C. 20555-0001

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

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DATED: February 8, 1999

AMENDMENT NO. 251 TO FACILITY OPERATING LICENSE NO. DPR-59-FITZPATRICK

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S. Bajwa

S. Little

J. Williams

J. Cushing

OGC

G. Hill (2), T-5 C3

W. Beckner, 013/H15

ACRS

J. Rogge, Region I

T. Harris (e-mail SE only, RCN)

cc: Plant Service list

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cc: Plant Service list

James Knubel  
Power Authority of the State  
of New York

James A. FitzPatrick Nuclear  
Power Plant

cc:

Mr. Gerald C. Goldstein  
Assistant General Counsel  
Power Authority of the State  
of New York  
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New York, NY 10019

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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. 251  
License No. DPR-59

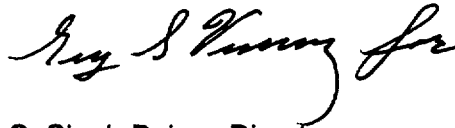
1. The Nuclear Regulatory Commission (the Commission) has found that:
  - A. The application for amendment by Power Authority of the State of New York (the licensee) dated June 16, 1998, complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act) and the Commission's 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. This license is amended to approve the relocation of certain Technical Specification requirements to licensee-controlled documents, as described in the licensee's application dated June 16, 1998, and reviewed in the staff's Safety Evaluation Report dated February 8, 1999. This license is also hereby 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 Appendix A, as revised through Amendment No. 251, and the Environmental Protection Plan contained in Appendix B are incorporated into Facility License No. DPR-59. PASNY shall operate the facility in accordance with the Technical Specifications and the Environmental Protection Plan.

2. This license amendment is effective as of the date of its issuance, to be implemented within 30 days of issuance. Implementation shall include relocation of Safety Review Committee Reviews, Audits and Records from the Technical Specifications to the Quality Assurance Program Section of the Final Safety Analysis Report.

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: February 8, 1999



ATTACHMENT TO LICENSE AMENDMENT NO. 251

FACILITY OPERATING LICENSE NO. DPR-59

DOCKET NO. 50-333

Revise Appendix A as follows:

Remove Pages

252  
252a  
252b

Insert Pages

252  
252a  
252b

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 facility activities in accordance with the Quality Assurance Program, as described in Chapter 17 of the JAF FSAR.

AUDIT

6.5.2.9 Audits of facility activities shall be performed under the cognizance of the SRC and in accordance with the Quality Assurance Program, as described in Chapter 17 of the JAF FSAR.

**AUTHORITY**

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

## **JAFNPP**

### **RECORDS**

**6.5.2.11** Records will be maintained in accordance with ANSI 18.7-1972. The following shall be prepared and distributed as indicated below:

- a.** Minutes of each SRC meeting shall be prepared and forwarded to the Chief Nuclear Officer within 30 days after the date of the meeting.
- b.** Reports of reviews encompassed by Section 6.5.2.8 above shall be processed in accordance with the Quality Assurance Program, as described in Chapter 17 of the JAF FSAR.
- c.** Audit reports encompassed by Section 6.5.2.9 above, shall be processed in accordance with the Quality Assurance Program, as described in Chapter 17 of the JAF FSAR.



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

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION  
RELATED TO AMENDMENT NO. 251 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 16, 1998, The Power Authority of the State of New York (PASNY or the licensee) proposed changing the James A. FitzPatrick Nuclear Power Plant Technical Specifications (TSs) by modifying the Administrative Controls specifications, removing requirements that are adequately controlled by existing regulations and relocating other details which are not otherwise needed to satisfy 10 CFR 50.36. Guidance on the proposed changes was developed by NRC and provided in the Standard Technical Specifications for General Electric Plants, BWR/4, NUREG-1433. The specific changes involves relocating the requirements of TS 6.5.2.8 Safety Review Committee (SRC) reviews, TS 6.5.2.9 SRC audits, TS 6.5.2.11 SRC records requirements from TSs to Chapter 17, of the Quality Assurance Program (QAP) of the Final Safety Analysis Report (FSAR).

2.0 BACKGROUND

PASNY stated that relocating the specific requirements of the SRC review, audit and related recordkeeping from the TSs to the QAP chapter of the Final Safety Analysis Report (FSAR) allows these requirements to be controlled by the 10 CFR 50.54(a) change process rather than the TS amendment process. The licensee stated that this can reduce the resources spent by licensee and the NRC staff in preparing and reviewing license amendment requests.

Section 182.a of the Atomic Energy Act of 1954, as amended, (the 'Act') requires applicants for nuclear power plant operating licenses to state technical specifications (TS) to be included as part of the license. The Commission's regulatory requirements related to the content of technical specifications are set forth in 10 CFR 50.36. That regulation requires that the TS include items in five specific categories, including (1) safety limits, limiting safety system settings and limiting control settings; (2) limiting conditions for operation (LCOs); (3) surveillance requirements; (4) design features; and (5) administrative controls. However, the regulation does not specify the particular requirements to be included in a plant's TS.

The Commission has provided guidance for the contents of TS in its "Final Policy Statement on Technical Specifications Improvements for Nuclear Power Reactors" ("Final Policy Statement"), 58 Fed. Reg. 39132 (July 22, 1993), in which the Commission indicated that compliance with

Enclosure

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the Final Policy Statement satisfies §182.a of the Act. In particular, the Commission indicated that certain items could be relocated from the TS to licensee-controlled documents, consistent with the standard enunciated in *Portland General Electric Co. (Trojan Nuclear Plant)*, ALAB-531, 9 NRC 263, 273 (1979). In that case, the Atomic Safety and Licensing Appeal Board indicated that "technical specifications are to be reserved for those matters as to which the imposition of rigid conditions or limitations upon reactor operation is deemed necessary to obviate the possibility of an abnormal situation or event giving rise to an immediate threat to the public health and safety."

Consistent with this approach, the Final Policy Statement identified four criteria to be used in determining whether particular safety functions are required to be included in the TS, as follows: (1) Installed instrumentation that is used to detect, and indicate in the control room, a significant abnormal degradation of the reactor coolant pressure boundary; (2) a process variable, design feature, or operating restriction that is an initial condition of a Design Basis Accident or Transient analysis that either assumes the failure of or presents a challenge to the integrity of a fission product barrier; (3) a structure, system, or component that is part of the primary success path and which functions or actuates to mitigate a Design Basis Accident or Transient that either assumes the failure of or presents a challenge to the integrity of a fission product barrier; (4) a structure, system, or component which operating experience or probabilistic safety assessment has shown to be significant to public health and safety. The Commission adopted amendments to 10 CFR 50.36, pursuant to which the rule was revised to codify and incorporate these criteria. See Final Rule, "Technical Specifications," 60 FR 36593 (July 19, 1995). As a result, TS requirements which fall within or satisfy any of the criteria in the Final Policy statement must be retained in the TS, while those TS requirements which do not fall within or satisfy these criteria may be relocated to other, licensee-controlled documents.

The Commission's policy statement provides that those existing TS LCOs which do not satisfy these four specificized criteria may be relocated to the Updated Final Safety Analysis Report (UFSAR), such that future changes could be made to these provisions pursuant to 10 CFR 50.59. Other requirements may be relocated to more appropriate documents (e.g. Security Plan, QAP, and Emergency Plan) and controlled by the applicable regulatory requirement. Similarly, while the required content of TS administrative controls is specified in 10 CFR 50.36(c)(5), particular details of administrative controls may be relocated to licensee-controlled documents where §50.54, §50.59, or other regulations provide adequate regulatory control.

While the criteria specifically apply to LCOs, in adopting the revision to the rule the Commission indicated that the intent of these criteria can be utilized to identify the optimum set of administrative controls in the TS, (60 FR 36958). Addressing administrative controls 10 CFR 50.36 states that they are "the provisions relating to organization and management, procedures recordkeeping, review and audit, and reporting necessary to assure safe operation of the facility in a safe manner." The specific content of the administrative controls section of the TS is therefore that information that the Commission deems essential for the safe operation of the facility that is not already adequately covered by other regulations. Accordingly, the staff has determined that requirements that are not specifically required under §50.36(c)(5) and which are not otherwise necessary to obviate the possibility of an abnormal situation or event giving rise to an immediate threat to the public health and safety, can be removed from administrative controls.

### 3.0 EVALUATION

The following discussion sets forth detail the staff's conclusions regarding the removal or relocation of selected Administrative Controls from the TS for the James A. FitzPatrick Nuclear Power Plant. The changes were reviewed in accordance with the guidance provided in, or planned for, the applicable standard technical specifications, NUREG-1433. In addition, these changes were reviewed in accordance with the guidance provided in Administrative Letter 95-06, "Relocation of Technical Specification Administrative Controls Related to Quality Assurance" issued on December 12, 1995.

The proposed amendment to TS 6.5.2.8 SRC Reviews and TS 6.5.2.9 Audits, still retains the requirements for SRC reviews, audits and records in TSs. However, the specific requirements for these functions, such as the areas to be reviewed/audited and the frequency of audits, are relocated to the QAP chapter of the FSAR.

Given that the requirements in the QAP implement the Commission's regulations pertaining to the review and audit functions, inclusion of these particular provisions in TS is not necessary to assure safe operation of the facility. The review and audit functions define an administrative framework to confirm that plant activities have been properly conducted in a safe manner. The reviews and audits serve also to provide a cohesive program that provides senior level utility management with assessments of facility operation and recommends actions to improve nuclear safety and reliability. However, the staff has determined that the review and audit functions are adequately addressed by existing regulations and the related QAP commitments. Based upon the relocation of the review and audit provisions to the QAP, it is not necessary to include redundant or additional requirements in the TS administrative controls.

The licensee will continue to implement a QAP in accordance with the requirements of 10 CFR Part 50, Appendix B, and commitments to ANSI N18.7, which provides appropriate controls for the approval of changes to the audit functions and frequencies. Changes to the QAP are controlled in accordance with 10 CFR 50.54(a) and include requirements for prior NRC review and approval if a change constitutes a reduction in a QAP commitment. The staff concludes that this regulatory requirement provides sufficient control for the audit functions and frequencies, so that removing these requirements from the TS is acceptable.

Audit requirements are specified in the QAP to satisfy 10 CFR Part 50, Appendix B, Criterion XVIII. Audits are also covered by ANSI N18.7, ANSI N45.2, 10 CFR 50.54(t), 10 CFR 50.54(p), and 10 CFR Part 73.

The licensee has proposed to relocate the specific requirements of TS 6.5.2.8 SRC review and TS 6.5.2.9 SRC audit intact to the QAP. The requirements have not been changed or reduced.

The staff concludes that sufficient regulatory controls exist under 10 CFR Part 50, Appendix B for the implementation of the functions specified in the QAP, and sufficient controls exist under 10 CFR 50.54(a) for subsequent changes to the QAP such that moving these review and audit requirements to the QAP is acceptable.

The proposed amendment to TS 6.5.2.11 Records, maintains the requirements that records will be kept in accordance with ANSI 18.7-1972 and that the minutes of each SRC meeting shall be

forwarded to the Chief Nuclear Officer within 30 days of the meeting. The specific requirements for review and audit reports are proposed to be relocated to QAP chapter of the FSAR. The provisions in the QAP implement the Commission's regulations pertaining to the maintenance of records related to activities affecting quality. The required controls related to record retention specified in various regulations and the provision incorporated into the QAP are considered to be redundant to the requirements currently in TS. The staff has determined that record retention requirements are adequately addressed by existing regulations and the related QAP. Based upon the relocation of the record retention provisions to the QAP, it is not necessary to include redundant or additional requirements in the TS administrative controls.

The staff concludes that the regulatory requirements under 10 CFR Part 50, Appendix B provide sufficient control of the plant records, and sufficient regulatory controls exist for future changes to the program pursuant to 10 CFR 50.54(a), such that removing these provisions from the TS is acceptable.

In conclusion, the above relocated requirements relating to administrative controls are not required to be in the TS under 10 CFR §50.36 or §182.a of the Atomic Energy Act, and are not required to obviate the possibility of an abnormal situation or event giving rise to an immediate threat to the public health and safety. In addition, the staff finds that the resulting new administrative controls provide all of the requirements needed to satisfy 10 CFR 50.36(c)(5), and sufficient regulatory controls exist under 10 CFR 50.59 and 50.54(a), or other applicable regulation to assure continued protection of the public health and safety. Accordingly, the staff has concluded that these requirements may be relocated from the TS to the above specified document.

#### 4.0 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 the 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: John S. Cushing

Date: February 8, 1999



DATED: February 8, 1999

AMENDMENT NO. 251 TO FACILITY OPERATING LICENSE NO. DPR-59-FITZPATRICK

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NAME	JWilliams/lcc		JCushing		SLittle		SBajwa		R. Williams		SBlack	
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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. 251  
License No. DPR-59

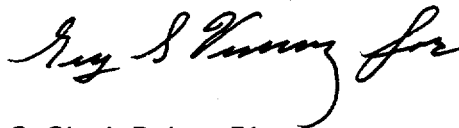
1. The Nuclear Regulatory Commission (the Commission) has found that:
  - A. The application for amendment by Power Authority of the State of New York (the licensee) dated June 16, 1998, complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act) and the Commission's 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. This license is amended to approve the relocation of certain Technical Specification requirements to licensee-controlled documents, as described in the licensee's application dated June 16, 1998, and reviewed in the staff's Safety Evaluation Report dated February 8, 1999. This license is also hereby 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 Appendix A, as revised through Amendment No. 251, and the Environmental Protection Plan contained in Appendix B are incorporated into Facility License No. DPR-59. PASNY shall operate the facility in accordance with the Technical Specifications and the Environmental Protection Plan.

2. This license amendment is effective as of the date of its issuance, to be implemented within 30 days of issuance. Implementation shall include relocation of Safety Review Committee Reviews, Audits and Records from the Technical Specifications to the Quality Assurance Program Section of the Final Safety Analysis Report.

FOR THE NUCLEAR REGULATORY COMMISSION

A handwritten signature in black ink, appearing to read "S. Singh Bajwa", written in a cursive style.

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: February 8, 1999

ATTACHMENT TO LICENSE AMENDMENT NO. 251

FACILITY OPERATING LICENSE NO. DPR-59

DOCKET NO. 50-333

Revise Appendix A as follows:

Remove Pages

252  
252a  
252b

Insert Pages

252  
252a  
252b

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 facility activities in accordance with the Quality Assurance Program, as described in Chapter 17 of the JAF FSAR.

AUDIT

6.5.2.9 Audits of facility activities shall be performed under the cognizance of the SRC and in accordance with the Quality Assurance Program, as described in Chapter 17 of the JAF FSAR.



**AUTHORITY**

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

**RECORDS**

**6.5.2.11** Records will be maintained in accordance with ANSI 18.7-1972. The following shall be prepared and distributed as indicated below:

- a.** Minutes of each SRC meeting shall be prepared and forwarded to the Chief Nuclear Officer within 30 days after the date of the meeting.
- b.** Reports of reviews encompassed by Section 6.5.2.8 above shall be processed in accordance with the Quality Assurance Program, as described in Chapter 17 of the JAF FSAR.
- c.** Audit reports encompassed by Section 6.5.2.9 above, shall be processed in accordance with the Quality Assurance Program, as described in Chapter 17 of the JAF FSAR.



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

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION  
RELATED TO AMENDMENT NO. 251 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 16, 1998, The Power Authority of the State of New York (PASNY or the licensee) proposed changing the James A. FitzPatrick Nuclear Power Plant Technical Specifications (TSs) by modifying the Administrative Controls specifications, removing requirements that are adequately controlled by existing regulations and relocating other details which are not otherwise needed to satisfy 10 CFR 50.36. Guidance on the proposed changes was developed by NRC and provided in the Standard Technical Specifications for General Electric Plants, BWR/4, NUREG-1433. The specific changes involves relocating the requirements of TS 6.5.2.8 Safety Review Committee (SRC) reviews, TS 6.5.2.9 SRC audits, TS 6.5.2.11 SRC records requirements from TSs to Chapter 17, of the Quality Assurance Program (QAP) of the Final Safety Analysis Report (FSAR).

2.0 BACKGROUND

PASNY stated that relocating the specific requirements of the SRC review, audit and related recordkeeping from the TSs to the QAP chapter of the Final Safety Analysis Report (FSAR) allows these requirements to be controlled by the 10 CFR 50.54(a) change process rather than the TS amendment process. The licensee stated that this can reduce the resources spent by licensee and the NRC staff in preparing and reviewing license amendment requests.

Section 182.a of the Atomic Energy Act of 1954, as amended, (the 'Act') requires applicants for nuclear power plant operating licenses to state technical specifications (TS) to be included as part of the license. The Commission's regulatory requirements related to the content of technical specifications are set forth in 10 CFR 50.36. That regulation requires that the TS include items in five specific categories, including (1) safety limits, limiting safety system settings and limiting control settings; (2) limiting conditions for operation (LCOs); (3) surveillance requirements; (4) design features; and (5) administrative controls. However, the regulation does not specify the particular requirements to be included in a plant's TS.

The Commission has provided guidance for the contents of TS in its "Final Policy Statement on Technical Specifications Improvements for Nuclear Power Reactors" ("Final Policy Statement"), 58 Fed. Reg. 39132 (July 22, 1993), in which the Commission indicated that compliance with

Enclosure

the Final Policy Statement satisfies §182.a of the Act. In particular, the Commission indicated that certain items could be relocated from the TS to licensee-controlled documents, consistent with the standard enunciated in *Portland General Electric Co. (Trojan Nuclear Plant)*, ALAB-531, 9 NRC 263, 273 (1979). In that case, the Atomic Safety and Licensing Appeal Board indicated that "technical specifications are to be reserved for those matters as to which the imposition of rigid conditions or limitations upon reactor operation is deemed necessary to obviate the possibility of an abnormal situation or event giving rise to an immediate threat to the public health and safety."

Consistent with this approach, the Final Policy Statement identified four criteria to be used in determining whether particular safety functions are required to be included in the TS, as follows: (1) Installed instrumentation that is used to detect, and indicate in the control room, a significant abnormal degradation of the reactor coolant pressure boundary; (2) a process variable, design feature, or operating restriction that is an initial condition of a Design Basis Accident or Transient analysis that either assumes the failure of or presents a challenge to the integrity of a fission product barrier; (3) a structure, system, or component that is part of the primary success path and which functions or actuates to mitigate a Design Basis Accident or Transient that either assumes the failure of or presents a challenge to the integrity of a fission product barrier; (4) a structure, system, or component which operating experience or probabilistic safety assessment has shown to be significant to public health and safety. The Commission adopted amendments to 10 CFR 50.36, pursuant to which the rule was revised to codify and incorporate these criteria. See Final Rule, "Technical Specifications," 60 FR 36593 (July 19, 1995). As a result, TS requirements which fall within or satisfy any of the criteria in the Final Policy statement must be retained in the TS, while those TS requirements which do not fall within or satisfy these criteria may be relocated to other, licensee-controlled documents.

The Commission's policy statement provides that those existing TS LCOs which do not satisfy these four specified criteria may be relocated to the Updated Final Safety Analysis Report (UFSAR), such that future changes could be made to these provisions pursuant to 10 CFR 50.59. Other requirements may be relocated to more appropriate documents (e.g. Security Plan, QAP, and Emergency Plan) and controlled by the applicable regulatory requirement. Similarly, while the required content of TS administrative controls is specified in 10 CFR 50.36(c)(5), particular details of administrative controls may be relocated to licensee-controlled documents where §50.54, §50.59, or other regulations provide adequate regulatory control.

While the criteria specifically apply to LCOs, in adopting the revision to the rule the Commission indicated that the intent of these criteria can be utilized to identify the optimum set of administrative controls in the TS, (60 FR 36958). Addressing administrative controls 10 CFR 50.36 states that they are "the provisions relating to organization and management, procedures recordkeeping, review and audit, and reporting necessary to assure safe operation of the facility in a safe manner." The specific content of the administrative controls section of the TS is therefore that information that the Commission deems essential for the safe operation of the facility that is not already adequately covered by other regulations. Accordingly, the staff has determined that requirements that are not specifically required under §50.36(c)(5) and which are not otherwise necessary to obviate the possibility of an abnormal situation or event giving rise to an immediate threat to the public health and safety, can be removed from administrative controls.

### 3.0 EVALUATION

The following discussion sets forth detail the staff's conclusions regarding the removal or relocation of selected Administrative Controls from the TS for the James A. FitzPatrick Nuclear Power Plant. The changes were reviewed in accordance with the guidance provided in, or planned for, the applicable standard technical specifications, NUREG-1433. In addition, these changes were reviewed in accordance with the guidance provided in Administrative Letter 95-06, "Relocation of Technical Specification Administrative Controls Related to Quality Assurance" issued on December 12, 1995.

The proposed amendment to TS 6.5.2.8 SRC Reviews and TS 6.5.2.9 Audits, still retains the requirements for SRC reviews, audits and records in TSs. However, the specific requirements for these functions, such as the areas to be reviewed/audited and the frequency of audits, are relocated to the QAP chapter of the FSAR.

Given that the requirements in the QAP implement the Commission's regulations pertaining to the review and audit functions, inclusion of these particular provisions in TS is not necessary to assure safe operation of the facility. The review and audit functions define an administrative framework to confirm that plant activities have been properly conducted in a safe manner. The reviews and audits serve also to provide a cohesive program that provides senior level utility management with assessments of facility operation and recommends actions to improve nuclear safety and reliability. However, the staff has determined that the review and audit functions are adequately addressed by existing regulations and the related QAP commitments. Based upon the relocation of the review and audit provisions to the QAP, it is not necessary to include redundant or additional requirements in the TS administrative controls.

The licensee will continue to implement a QAP in accordance with the requirements of 10 CFR Part 50, Appendix B, and commitments to ANSI N18.7, which provides appropriate controls for the approval of changes to the audit functions and frequencies. Changes to the QAP are controlled in accordance with 10 CFR 50.54(a) and include requirements for prior NRC review and approval if a change constitutes a reduction in a QAP commitment. The staff concludes that this regulatory requirement provides sufficient control for the audit functions and frequencies, so that removing these requirements from the TS is acceptable.

Audit requirements are specified in the QAP to satisfy 10 CFR Part 50, Appendix B, Criterion XVIII. Audits are also covered by ANSI N18.7, ANSI N45.2, 10 CFR 50.54(t), 10 CFR 50.54(p), and 10 CFR Part 73.

The licensee has proposed to relocate the specific requirements of TS 6.5.2.8 SRC review and TS 6.5.2.9 SRC audit intact to the QAP. The requirements have not been changed or reduced.

The staff concludes that sufficient regulatory controls exist under 10 CFR Part 50, Appendix B for the implementation of the functions specified in the QAP, and sufficient controls exist under 10 CFR 50.54(a) for subsequent changes to the QAP such that moving these review and audit requirements to the QAP is acceptable.

The proposed amendment to TS 6.5.2.11 Records, maintains the requirements that records will be kept in accordance with ANSI 18.7-1972 and that the minutes of each SRC meeting shall be

forwarded to the Chief Nuclear Officer within 30 days of the meeting. The specific requirements for review and audit reports are proposed to be relocated to QAP chapter of the FSAR. The provisions in the QAP implement the Commission's regulations pertaining to the maintenance of records related to activities affecting quality. The required controls related to record retention specified in various regulations and the provision incorporated into the QAP are considered to be redundant to the requirements currently in TS. The staff has determined that record retention requirements are adequately addressed by existing regulations and the related QAP. Based upon the relocation of the record retention provisions to the QAP, it is not necessary to include redundant or additional requirements in the TS administrative controls.

The staff concludes that the regulatory requirements under 10 CFR Part 50, Appendix B provide sufficient control of the plant records, and sufficient regulatory controls exist for future changes to the program pursuant to 10 CFR 50.54(a), such that removing these provisions from the TS is acceptable.

In conclusion, the above relocated requirements relating to administrative controls are not required to be in the TS under 10 CFR §50.36 or §182.a of the Atomic Energy Act, and are not required to obviate the possibility of an abnormal situation or event giving rise to an immediate threat to the public health and safety. In addition, the staff finds that the resulting new administrative controls provide all of the requirements needed to satisfy 10 CFR 50.36(c)(5), and sufficient regulatory controls exist under 10 CFR 50.59 and 50.54(a), or other applicable regulation to assure continued protection of the public health and safety. Accordingly, the staff has concluded that these requirements may be relocated from the TS to the above specified document.

#### 4.0 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 the 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: John S. Cushing

Date: February 8, 1999