

May 20, 2004

Dr. Eva J. Pell
Vice President for Research
and Dean of the Graduate School
Pennsylvania State University
304 Old Main
University Park, PA 16802-1504

SUBJECT: ISSUANCE OF AMENDMENT NO. 36 TO FACILITY OPERATING LICENSE
NO. R-2 — PENNSYLVANIA STATE UNIVERSITY (PENN STATE) BREAZEALE
REACTOR (TAC NO. MC2493)

Dear Dr. Pell:

The Commission has issued the enclosed Amendment No. 36 to Facility Operating License No. R-2 for the Penn State Breazeale Reactor. The amendment consists of a change to the organizational structure replace the position of Manager of Operations and Training with Associate Director for Operations. A copy of the related safety evaluation supporting Amendment No. 36 is also included.

Should you have any questions on this amendment or our ongoing review, I would be pleased to hear from you. My telephone number is (301) 415-1128.

Sincerely,

/RA/

Marvin M. Mendonca, Senior Project Manager
Research and Test Reactors Section
New, Research and Test Reactors Program
Division of Regulatory Improvement Programs
Office of Nuclear Reactor Regulation

Docket No. 50-5

Enclosures: 1. Amendment No. 36
2. Safety Evaluation

cc w/enclosures: Please see next page

Pennsylvania State University

Docket No. 50-5

cc:

Mr. Eric J. Boeldt, Manager
of Radiation Protection
The Pennsylvania State University
304 Old Main
University Park, PA 16802-1504

Dr. C. Frederick Sears, Director
Pennsylvania State University
Breazeale Nuclear Reactor
University Park, PA 16802-1504

Mr. William P. Dornsife, Director
Bureau of Radiation Protection
Department of Environmental Protection
13th Floor, Rachel Carson State Office Building
P.O. Box 8469
Harrisburg, PA 17105-8469

Test, Research, and Training
Reactor Newsletter
University of Florida
202 Nuclear Sciences Center
Gainesville, FL 32611

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OFFICE	RTRS:PM	RTRS:LA	OGC	RTRS:C
NAME	MMendonca:vxj	EHylton		PMadden
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PENNSYLVANIA STATE UNIVERSITY

DOCKET NO. 50-5

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 36
Licensee No. R-2

1. The U.S. Nuclear Regulatory Commission (the Commission) has found that:
 - A. The application filed by the Pennsylvania State University (the licensee), dated March 24, 2004, complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the regulations of the Commission as stated 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 rules and regulations of the Commission;
 - 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;
 - E. This amendment is issued in accordance with 10 CFR Part 51 of the regulations of the Commission and all applicable requirements have been satisfied; and
 - F. Prior notice of this amendment was not required by 10 CFR 2.105 and publication of notice for this amendment is not required by 10 CFR 2.106.

2. Accordingly, the license is amended by changes to the Technical Specifications as indicated in the enclosure to this license amendment, and paragraph 2.C(2) of License No. R-2 is hereby amended to read as follows:

(2) Technical Specifications

The Technical Specifications contained in Appendix A, as revised through Amendment No. 36, are hereby incorporated in the license. The licensee shall operate the facility in accordance with the Technical Specifications.

3. This license amendment is effective on the date of issuance.

FOR THE NUCLEAR REGULATORY COMMISSION

/RA/

Patrick Madden, Chief
Research and Test Reactors Section
New, Research and Test Reactors Program
Division of Regulatory Improvement Programs
Office of Nuclear Reactor Regulation

Enclosure: Appendix A Technical
Specifications Changes

Date of Issuance: May 20, 2004

ENCLOSURE TO LICENSE AMENDMENT NO. 36

FACILITY LICENSE NO. R-2

DOCKET NO. 50-5

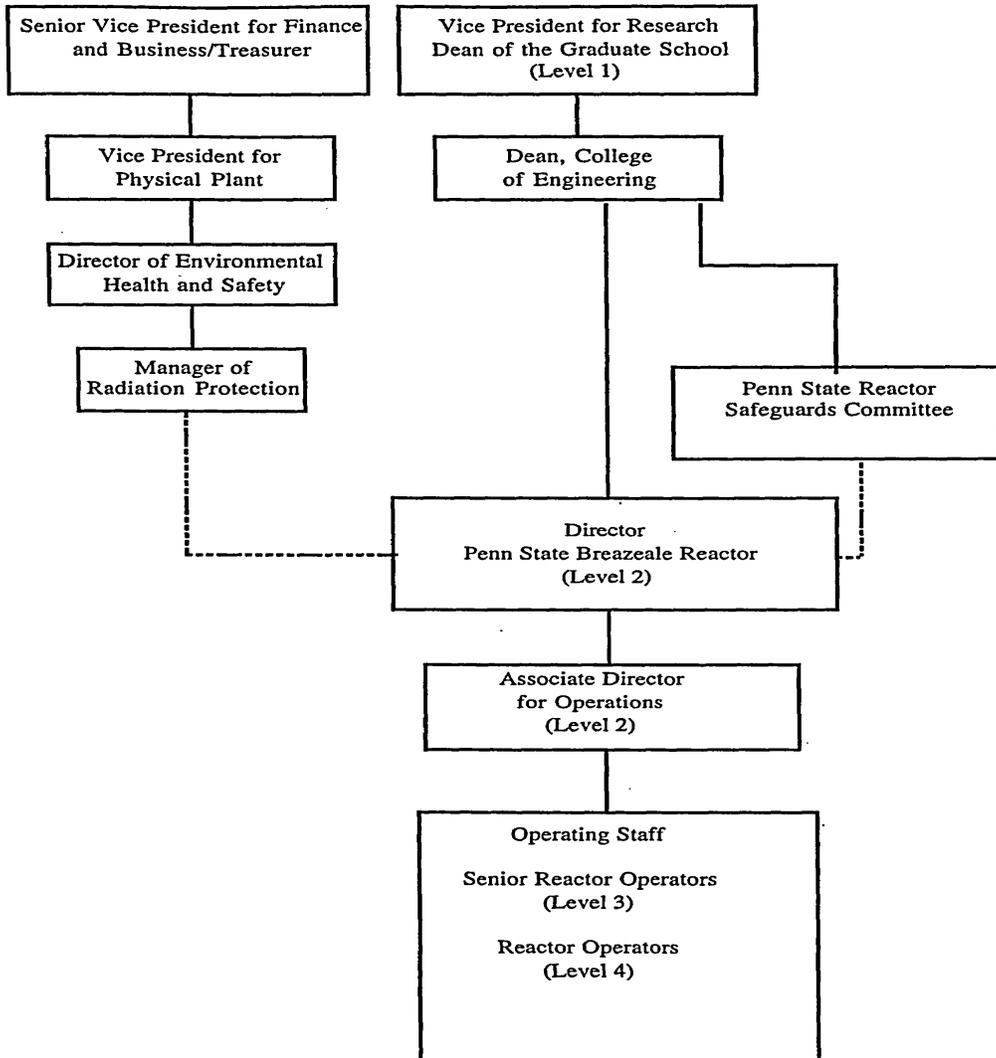
Replace the following page of the Appendix A Technical Specifications with the enclosed page. The revised page is identified by amendment number and contain vertical lines indicating the areas of changes.

Remove

39

Insert

39



SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION

SUPPORTING AMENDMENT NO. 36 TO

FACILITY OPERATING LICENSE NO. R-2

PENNSYLVANIA STATE UNIVERSITY

DOCKET NO. 50-5

1.0 INTRODUCTION

By letter dated March 24, 2004, the Pennsylvania State University (the licensee or Penn State) submitted request for amendment to the technical specifications (TSs) in Appendix A to Amended Facility Operating License No. R-2 for the Penn State Breazeale Reactor (PSBR).

2.0 BACKGROUND

The PSBR is a 1 MW(t) research reactor located on the licensee's campus in University Park, Pennsylvania. The requested amendment to the Technical Specification 6.1.1 organizational chart for the facility is to replace the position of Manager of Operations and Training with the position of Associate Director for Operations. Code of Federal Regulations (CFR) Title 10, Part 50, Section 36, "Technical specifications," subsection (5), requires "Administrative controls," "relating to organization and management ... necessary to assure operation of the facility in a safe manner."

3.0 EVALUATION

The proposed change is to the administrative controls section of the Technical Specifications. It changes the position title of Manager of Operations and Training to Associate Director for Operations. The licensee indicated that this change strengthen the responsibilities and authorities of that position. The licensee further stated that the Associate Director for Operations will be function as a Level 2 as defined in American National Standards Institute/American Nuclear Society Standard 15.4, 1988, "American National Standard for the Selection and Training of Personnel for Research Reactors." The Manager of Operations and Training was at a Level 3 in the Technical Specifications. Further, the licensee stated that Senior Reactor Operators function as a Level 3 in accordance with ANSI/ANS 15.4-1988. The previous organizational chart had Senior Reactor Operators function at a Level 4 position.

The staff determined that the proposed organization structure, functional levels qualifications and assignment of responsibilities is consistent with the provisions of ANSI/ANS 15.4-1988 and ANSI/ANS 15.1-1990, "The Development of Technical Specifications for Research Reactors." NRC's NUREG-1537, "Guidelines for Preparing and Reviewing Applications for the Licensing of Non-Power Reactors, Standard Review Plan and Acceptance Criteria" February 1996, states that ANSI/ANS 15.1 and 15.4 are acceptable for structure, functional levels qualifications and assignment of responsibilities.

Based on the above, these changes are acceptable.

4.0 ENVIRONMENTAL CONSIDERATION

This amendment involves changes in 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 staff has concluded, on the basis of the considerations discussed above, that (1) the amendment does not involve a significant hazards consideration because the amendment does not involve a significant increase in the probability or consequences of accidents previously evaluated, create the possibility of a new kind of accident or a different kind of accident from any accident previously evaluated, or involve a significant reduction in a margin of safety; (2) there is reasonable assurance that the health and safety of the public will not be endangered by the proposed activities; and (3) such activities will be conducted in compliance with the Commission's regulations and the issuance of this amendment will not be inimical to the common defense and security or the health and safety of the public.

Principal Contributor: Marvin M. Mendonca

Date: May 20, 2004