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JAFP-16-0077  
June 3, 2016

U.S. Nuclear Regulatory Commission  
ATTN: Document Control Desk  
Washington, DC 20555-0001

**Subject:** Response to Request for Additional Information (RAI) Regarding Revision to Technical Specification (TS) Administrative Controls for Staffing and Training Upon Permanent Cessation of Operation (CAC No. MF7280) – Supplement 1  
James A. FitzPatrick Nuclear Power Plant  
Docket No. 50-333  
License No. DPR-59

- References:**
1. Entergy letter, "Notification of Permanent Cessation of Power Operations," JAFP-15-0133, dated November 18, 2015 (ML15322A273)
  2. Entergy letter, "Certification of Permanent Cessation of Power Operations," JAFP-16-0045, dated March 16, 2016 (ML16076A391)
  3. Entergy letter, "License Amendment Request – Revision to Technical Specification Administrative Controls for Permanently Defueled Condition," JAFP-15-0143, dated January 15, 2016 (ML16015A456)
  4. NRC correspondence, "Draft Request for Additional Information Regarding Proposed Changes to the Technical Specification Administrative Controls for Staffing and Training Upon Permanent Cessation of Power Operation," dated April 14, 2016 (ML16109A256; CAC No. MF7280)
  5. NRC correspondence, "Supplemental Draft Request for Additional Information Regarding Proposed Changes to Technical Specification Administrative Controls for Staffing and Training Upon Permanent Cessation of Operation," dated May 6, 2016 (CAC No. MF7280)
  6. Entergy Letter, "Request for Approval of a Certified Fuel Handler Training and Retraining Program," JAFP-15-0142, dated January 15, 2016 (ML16015A455)
  7. Entergy letter, "Response to Request for Additional Information (RAI) Regarding Request for Approval of a Certified Fuel Handler Training and Retraining Program," JAFP-16-0078, dated June 3, 2016 (CAC No. MF7282)

On November 18, 2015, Entergy Nuclear Operations, Inc. (ENOI) provided formal notification to the Nuclear Regulatory Commission (NRC) of its intention to permanently cease power operations of James A. FitzPatrick Nuclear Power Plant (JAF) at the end of the current operating cycle [Reference 1]. On March 16, 2016, ENOI certified, pursuant to 10 CFR 50.82(a)(1)(i), that JAF would be permanently shut down on January 27, 2017 [Reference 2].

By letter dated January 15, 2016 [Reference 3], ENOI submitted a proposed amendment to renewed facility operating license DPR-059 to revise the Technical Specification (TS) administrative controls for staffing and training upon permanent removal of fuel from the reactor vessel at JAF. In processing the submittal, the NRC determined that additional information was required to complete the review [References 4 & 5]. The specific questions provided to JAF in the NRC RAI are addressed in the attachments to this letter.

Note that the ENOI letter requesting approval of a Certified Fuel Handler Training and Retraining Program for JAF [Reference 6], and the respective RAI response [Reference 7], are topical to this transmittal.

The attached response does not affect the conclusions of the No Significant Hazards Consideration Determination and the Environmental Considerations submitted with the proposed TS change dated January 15, 2016 [Reference 3].

There are no new regulatory commitments in this submittal. Should you have any questions please contact Mr. William C. Drews at 315-349-6562.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on the 3<sup>rd</sup> day of June 2016.

Sincerely,



Brian R. Sullivan  
Site Vice President – JAF  
BRS/WCD/ds

Attachments: 1. Response to Request for Additional Information  
2. Mark-up of Current James A. FitzPatrick Technical Specification Pages  
3. Re-typed James A. FitzPatrick Technical Specification Pages

cc: NRC Region 1 Administrator  
NRC NRR Project Manager  
NRC Resident Inspector  
NYSPSC  
NYSERDA

**JAFP-16-0077**

**ATTACHMENT 1**

**RESPONSE TO REQUEST FOR ADDITIONAL INFORMATION  
(12 Pages)**

**Response to Request for Additional Information**

**REGARDING PROPOSED CHANGES TO TECHNICAL SPECIFICATION  
ADMINISTRATIVE CONTROLS FOR STAFFING AND TRAINING UPON  
PERMANENT CESSATION OF OPERATION**

**JAMES A. FITZPATRICK NUCLEAR POWER PLANT  
ENTERGY NUCLEAR OPERATIONS, INC  
DOCKET NO. 50-333  
RENEWED FACILITY OPERATING LICENSE NO. DPR-59**

By letter dated January 15, 2016 (ADAMS Accession Number ML16015A456; CAC MF7280), Entergy Nuclear Operations (ENOI) submitted a License Amendment Request (LAR) for the James A. FitzPatrick Nuclear Power Plant (JAF) Technical Specifications (TS). On November 18, 2015, ENOI provided a formal notification to the Nuclear Regulatory Commission (NRC) of its intention to permanently cease power operations of JAF at the end of the current operating cycle (ADAMS Accession Number ML15322A273). On March 16, 2016, ENOI certified, pursuant to 10 CFR 50.82(a)(1)(i), that JAF would be permanently shut down on January 27, 2017 (ADAMS Accession Number ML16076A391). Once certifications for permanent cessation of operation and permanent removal of fuel from the reactor are submitted to the NRC, certain TS administrative controls may no longer be applicable. Therefore, ENOI is requesting approval of changes to the staffing and training requirements in Section 5.0, Administrative Controls, of the JAF TSs that ENOI considers appropriate for a permanently shutdown reactor and consistent with the defueled TSs of other decommissioning power reactors. The proposed amendment would not be effective until NRC receipt of the certification of permanent cessation of operation and certification of permanent removal of fuel from the reactor vessel for JAF and NRC approval of the ENOI certified fuel handler training program for JAF.

The NRC staff has determined that additional information is needed to continue the review as discussed below.

**RAI-1**

The following questions apply to Attachment 1 to the License Amendment Request (LAR), Section 2, “Detailed Description and Basis for the Changes”:

- a. In Technical Specification (TS) Section 5.1, Responsibility, the current Section 5.1.1 states, in part: “The plant manager shall be responsible for overall plant operation...” The proposed TS 5.1.1 states, in part: “The plant manager shall be responsible for overall facility operation...”

Provide additional information explaining the basis for the change in terminology from “plant” to “facility,” as it appears in TS 5.1.1 and throughout TS Section 5.0, Administrative Controls, as described in the LAR. Further, clarify why the position title of “plant manager” remains unchanged, as it appears in TS 5.1.1 and TS 5.2.1, Onsite and Offsite Organizations.

**Response**

The change in terminology from “plant” to “facility” is administrative and reflects that JAF will be permanently shut down and defueled and is appropriate for activities associated with a decommissioning reactor.

**Response to Request for Additional Information**

The decision to retain the position title of “plant manager” is an editorial preference. Overall management and staff responsibilities and the description of the plant are unchanged. In cases where the term “plant” remains unchanged, it will now also refer to the systems, structures and components (SSCs) required to support spent fuel storage and fuel handling operations at JAF.

These changes, including the continued use of the “plant manager” position title, are consistent with those approved for Vermont Yankee Nuclear Power Station (VY) (Reference 1) and Crystal River Unit 3 (Reference 2).

- b. The current TS 5.2.1, Onsite and Offsite Organizations, states, in part: “Onsite and offsite organizations shall be established for plant operation and corporate management, respectively.” The proposed TS 5.2.1 states, in part: “Onsite and offsite organizations shall be established for facility staff and corporate management, respectively.” Further, the current TS 5.2.1.a states, in part: “These requirements, including the plant-specific titles of those personnel...” There are no changes proposed for TS 5.2.1.a.**

**Clarify why the reference to “plant-specific titles” in the proposed TS 5.2.1.a remains unchanged, whereas the first paragraph in the proposed TS 5.2.1 refers to “facility staff.”**

Response

As discussed in the response to RAI-1.a, the difference in terminology between “plant” and “facility” is administrative. The decision to retain the reference to “plant-specific titles” is an editorial preference and does not change the overall responsibilities of JAF management and staff.

- c. The text of the current and proposed TS 5.1.2, as shown in Attachment 1, Section 2 (pages 1 and 2), does not match the current and proposed JAF TS, as shown in the markup of TS pages provided in Attachment 2 to the LAR.**

**Verify that the text of TS 5.1.2 provided in either Attachment 1 or 2 is correct as shown, or otherwise provide clarification regarding the apparent inconsistencies.**

Response

The text of TS 5.1.2 provided in Attachment 2 to the LAR is correct. The current and proposed TS 5.1.2 and basis for the change shown below replaces that provided in Attachment 1 of the LAR in its entirety.

<b>5.1 Responsibility</b>	
<p><u>Current TS 5.1.2</u></p> <p>The shift supervisor (SS) shall be responsible for the control room command function. During any absence of the SS from the control room while the plant is in MODE 1, 2, or 3, an individual with an active Senior Reactor Operator</p>	<p><u>Proposed TS 5.1.2</u></p> <p>The shift supervisor (SS) shall be responsible for the shift command function.</p>

**Response to Request for Additional Information**

<p>(SRO) license shall be designated to assume the control room command function. During any absence of the SS from the control room while the plant is in MODE 4 or 5, an individual with an active SRO license or Reactor Operator license shall be designated to assume the control room command function.</p>	
<p><b>Basis</b></p>	
<p>This section identifies the responsibilities for the control room command function associated with Modes of plant operation, and is based on personnel positions and qualifications for an operating plant. It identifies the need for a delegation of authority for command in an operating plant when the principal assignee leaves the control room.</p> <p>This section is being changed to eliminate the Mode dependency for this function and personnel qualifications associated with an operating plant. The proposed change establishes the shift supervisor as having command of the shift. Delegation of command is unnecessary once JAF is in the permanently defueled condition with fuel in the spent fuel pool. Any event involving loss of pool cooling would evolve slowly enough that no immediate response would be required to protect the health and safety of the public or station personnel.</p>	

- d. **The current TS 5.2.1.c states, in part: “The chief nuclear officer shall have corporate responsibility...” The basis for proposed changes to TS 5.2.1.c states, in part: “The assignment of this responsibility is changed from the JAF site vice president to a specified corporate officer.”**

**Clarify the apparent discrepancy between the current TS 5.2.1.c, which makes a reference to the “chief nuclear officer” position, and the verbiage of the basis for the proposed change, which makes a reference to the “JAF site vice president.”**

- e. **The proposed TS 5.2.1.c states, in part: “The corporate officer shall have overall responsibility...” The basis for proposed changes to TS 5.2.1.c states, in part: “The assignment of this responsibility is changed from the JAF site vice president to a specified corporate officer.” It further states: “The revised specification is consistent with TS 5.2.1.c of NUREG-1433, “Standard Technical Specifications General Electric BWR/4 Plants,” Revision 4 (Reference 3).” NUREG-1433, Volume 1, Revision 4 (ADAMS Accession Number ML12104A192), Section 5.2.1.c states, in part: “A specified corporate officer shall have corporate responsibility...”**

**Clarify the apparent inconsistency between the use of terminology “the corporate officer” in the proposed TS 5.2.1.c, and the terminology used in NUREG-1433, which refers to “a specified corporate officer.”**

**Response to Request for Additional Information**

Response to 1.d and 1.e

ENOI agrees with the identified discrepancies. The current and proposed TS 5.2.1.c and basis for the change shown below and a new markup and clean page for TS 5.2.1 is provided in Attachments 2 and 3, respectively. This replaces those provided by the LAR in its entirety.

<b>5.2 Organization</b>	
<p><u>Current TS 5.2.1.c</u></p> <p>c. The chief nuclear officer shall have corporate responsibility for overall plant nuclear safety and 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; and</p>	<p><u>Proposed TS 5.2.1.c</u></p> <p>c. A specified corporate officer shall have corporate responsibility for the safe storage and handling of nuclear fuel and shall take any measures needed to ensure acceptable performance of the staff in operating, maintaining, and providing technical support to the facility to ensure safe management of nuclear fuel; and</p>
<b>Basis</b>	
<p><u>TS 5.2.1.c</u> - This section identifies the organizational position responsible for overall nuclear plant safety.</p> <p>To reflect the change in safety concerns from an operating plant to a permanently defueled plant, the responsibility for ensuring nuclear safety is changed to the responsibility for ensuring safe management of nuclear fuel. The assignment of this responsibility is changed from the chief nuclear officer to a specified corporate officer. This change provides ENO the flexibility to assign overall responsibility to a corporate officer position other than the chief nuclear officer. The chief nuclear officer is considered a corporate officer position. This position has no qualification requirements beyond the applicable requirements established in ANSI/ANS 3.1-1978. The revised specification is consistent with TS 5.2.1.c of NUREG-1433, "Standard Technical Specifications General Electric BWR/4 Plants," Revision 4 and that approved for VY in Reference 1 and San Onofre Nuclear Generating Station (SONGS) in Reference 3.</p> <p>The terms "safe storage and handling of nuclear fuel" and "safe management of nuclear fuel" are considered analogous to "nuclear safety" for a plant that will be in the permanently defueled condition. Proposed changes to replace "nuclear safety" with one of these analogues serves to narrow the focus of nuclear safety concerns to the nuclear fuel.</p>	

## Response to Request for Additional Information

- f. The proposed TS 5.2.2.a states, in part: “Each duty shift shall be composed of at least one shift supervisor and one Non-certified Operator.” The proposed TS 5.2.2.f states: “At least one person qualified to stand watch in the control room (Non-certified Operator or Certified Fuel Handler) shall be present in the control room when nuclear fuel is stored in the spent fuel pool.” Further, the basis for changes to TS 5.2.2.f states, in part: “The training and qualification for the Non-certified Operator will be determined in accordance with the systems approach to training (SAT) as defined in 10 CFR 55.4.”

Provide additional information regarding the minimum qualifications for the Non-certified Operator position and identify the relevant program documents or procedures which establish such requirements. In your response, explain how the Non-certified Operator position qualification is covered by the proposed TS 5.3.1, which states, in part: “Each member of the facility staff shall meet or exceed the minimum qualifications of ANSI [American National Standards Institute] /ANS [American Nuclear Society] 3.1-1978 for comparable positions with exceptions specified in the Quality Assurance Program Manual (QAPM).”

### Response

Non-certified Operators (NCO) will support the facility through performance of tasks not requiring qualification as a Certified Fuel Handler. Although the program documents have not been finalized, the role and responsibilities of a non-certified operator will be similar to those outlined in Entergy procedure EN-TQ-112, Non-licensed Operator Training Program Description, Attachment 9.3, Non-licensed Operator’s Role in Operator Fundamentals, such as conducting rounds to detect actual or potential problems that could hamper the facility.

JAF TS 5.2.2 defines the Facility Staff, and establishes the shift complement requirements for each duty shift. Proposed TS 5.2.2 states that the facility staff organization shall include at least one shift supervisor and one NCO operator. The proposed TS 5.3.1 qualification requirements are applicable to all members of the facility staff, and therefore extend to NCO.

ANSI/ANS 3.1-1978 Section 4.5.1, Operators-Technicians-Maintenance Personnel, establishes the qualification requirements for Operators. For JAF, these requirements are as follows:

1. High school diploma or equivalent
2. Two (2) years of power plant experience
3. One year of nuclear power plant experience; at least six (6) months of which shall be at JAF
4. Possess a high degree of manual dexterity and mature judgment

Entergy fleet procedure EN-HR-137, Complying with the Standards for Selecting Nuclear Power Plant Personnel, ensures that all ANSI/ANS 3.1-1978 qualification requirements are met for applicable personnel.

The process for implementing a systems approach to training during the decommissioning period is outlined in a training department directive. The directive was developed to ensure the SAT process per 10 CFR 55.4 is used to develop a job analysis and task analysis for each decommissioning position, including the Non-

## Response to Request for Additional Information

certified Operator position. This training will include the appropriate level of rigor (classroom, plant walkdowns, On the Job Training / Task Performance Evaluators, etc.) based on the analysis.

A gap analysis will be conducted to ensure current operators staying on for the decommissioning period will have the required knowledge and skill to perform the decommissioning job duties. Any gaps identified will receive the appropriate training to close the gap prior to standing any watch station.

- g. The proposed TS 5.2.2.b states: "Shift crew composition may be less than the minimum requirements of 5.2.2.a for a period of time not to exceed 2 hours in order to accommodate unexpected absence of on-duty shift crew members provided immediate action is taken to restore the shift crew composition within the minimum requirements." The basis for proposed changes to TS 5.2.2.b states, in part: "Additional provisions are added to ensure that the shift crew composition is not below the minimum requirements when fuel movements are in progress, movements of loads over fuel are in progress or shift turnover is in progress."**

**Provide additional information regarding why additional provisions to ensure that the shift crew composition is not below the minimum requirements when fuel movements are in progress, movements of loads over fuel are in progress, or shift turnover is in progress, are not included in the proposed TS 5.2.2.b.**

### Response

The statement regarding additional provisions in the basis for proposed TS 5.2.2.b is in error. The administrative controls discussed below ensure that these activities do not adversely impact the health and safety of the public or plant personnel. ENOI has concluded that the procedural guidelines discussed in this RAI response are below the level of detail included in similar industry precedent; therefore, inclusion in the JAF TS is not warranted. The current JAF TS do not include any shift staffing requirements specific to fuel / load handling operations or shift turnover. Upon permanent removal of fuel from the reactor vessel at JAF, the probability and severity of credible accidents are greatly reduced. Due to the reduced risk, the current administrative controls will provide an appropriate level of governance of all fuel / load handling operations and shift turnover. The two (2) hour grace period to establish minimum shift staffing is existent in the current TS, and is consistent with NUREG-1433, "Standard Technical Specifications - General Electric BWR/4 Plants." This allowance exists now and no change is being requested.

ENOI has established administrative controls for refueling operations at JAF, which are outlined in procedure OSP-66.001, Management of Refueling Activities. This procedure include requirements for staffing and supervision during fuel movement, including directions to suspend fuel movement if certain staffing / supervisory requirements are not met. All fuel handling activities will be conducted in accordance with the applicable procedural requirements. The administrative controls included in the JAF/ENOI fuel handling procedure are unaffected by the proposed TS 5.2.2.b.

The administrative controls associated with load handling are included in (a) procedure MP-088.01, Load Handling, (b) procedure EN-MA-119, Material Handling Program, and (c) various MP-019 series procedures for Independent Spent Fuel Storage activities. Procedural guidelines state that loads shall not be transferred over

## Response to Request for Additional Information

the fuel pool unless absolutely necessary. The risk associated with handling heavy loads is maintained low by meeting the load handling requirements of NUREG-0612 Section 5.1.1 and use of a single failure proof Reactor Building Crane. The existing administrative controls for load handling are adequate to ensure the health and safety of the public per prior NRC acceptance of the JAF response to NUREG-0612 and NRC Bulletin 96-02 (ML010920072). The potential for a load drop at JAF is considered not credible based on the defense-in-depth approach to the control of heavy loads. The JAF Control of Heavy Loads Program includes the following provisions:

1. Safe Load Paths
2. Load Handling Procedures
3. Crane Operator Training
4. Special Lifting Devices
5. Lifting Devices not specially designed
6. Periodic testing and inspection of cranes
7. Crane Design

Shift turnover is considered a critical function of plant operation and must be performed thoroughly and consistently to ensure the safe and efficient operation of the plant. Operations shift staff are not to leave the work area until all shift turnover expectations are met, and the relief is fully aware of existing facility conditions. The Operations Department shift turnover and log keeping practices are in accordance with procedure ODSO-4, Shift Turnover and Log Keeping, and Entergy fleet procedure EN-OP-115, Conduct of Operations. All operations department personnel are responsible for personally verifying the status of important operating parameters, facility status, and ongoing evolutions prior to assuming the shift. Shift turnover checklists are utilized to document and ensure comprehensive communication between the on-coming and off-going shift staff. Per ODSO-4, the shift turnover may be delayed at the discretion of the shift supervisor, and shall not be conducted during important evolutions that require full operator attention. Personnel that are part of the shift complement as defined in TS 5.2.2 are required to notify and receive permission from the Shift Manager prior to leaving site. The procedural controls in ODSO-4 and EN-OP-115 are adequate to ensure the health and safety of the public, and continued compliance with TS shift staffing requirements.

Proposed TS 5.2.2.b appropriately reflects the status of a decommissioning plant. The proposed changes, in combination with the changes to TS 5.2.2.a and TS 5.2.2.c-f, are sufficient to assure the safe handling and storage of nuclear fuel and are consistent with shift manning requirements for permanently shutdown sites such as Crystal River Unit 3 (Reference 2), SONGS (Reference 3) and Kewaunee Power Station (KPS) (Reference 4).

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- h. **The proposed TS 5.2.2.d states: “Oversight of fuel handling operations shall be provided by a Certified Fuel Handler.” The basis for proposed changes to TS 5.2.2.d states, in part: “Fuel moves and heavy load moves that could affect the safe handling and storage of nuclear fuel would be approved by the shift supervisor.”**

**Provide additional information regarding why direct supervision of fuel handling operations by a Certified Fuel Handler (instead of “oversight of fuel handling operations,” as stated in the proposed TS 5.2.2.d verbiage), is not required.**

### Response

The terms “oversight” and “direct supervision” are interchangeable and both indicate that the responsible Certified Fuel Handler will authorize commencement of fuel handling activities, monitor the progress of fuel movements, and take appropriate actions in response to plant emergencies, including issuance of stop-work orders. No additional changes are proposed to TS 5.2.2.d.

The new TSs proposed by TS 5.2.2.d and 5.2.2.e (the shift supervisor shall be a Certified Fuel Handler) establish the qualification requirements for staff having oversight of fuel handling operations and shift management responsibilities. Staff qualified as Certified Fuel Handlers will have completed training in the safe conduct of decommissioning activities, safe handling and storage of spent fuel, and the appropriate response to plant emergencies. The proposed TS 5.2.2.d-e establish appropriate minimum qualification requirements for the shift supervisor, and for the staff position that is responsible for overseeing fuel handling operations.

Proposed TS 5.2.2.d-e are consistent with those approved for permanently defueled facilities Crystal River Unit 3 (Reference 2) and SONGS (Reference 3).

- i. **The current TS 5.3.1 states: “Each member of the unit staff shall meet or exceed the minimum qualifications of ANSI/ANS 3.1-1978 for comparable positions with exceptions specified in the Entergy Quality Assurance Program Manual (QAPM).” The proposed TS 5.3.1 states: “Each member of the facility staff shall meet or exceed the minimum qualifications of ANSI/ANS 3.1-1978 for comparable positions with exceptions specified in the Quality Assurance Program Manual (QAPM).” The basis for proposed changes to TS 5.3.1 states: “This paragraph is being changed for consistency with other changes in this Amendment.”**

**Provide additional information regarding the proposed change that revises the title of the QAPM, by removing specific reference to the Entergy corporate QAPM. In your response, clarify if such change is intended to allow JAF to transition from the Entergy corporate QAPM to a site-specific QAPM during the decommissioning process. Further, provide additional information regarding any changes to the exceptions from the qualification standards in ANSI/ANS 3.1-1978 that are proposed in the site-specific QAPM.**

### Response

TS 5.3.1 specifies the minimum qualifications for the JAF staff. The proposed change to this TS revises the title of the QAPM by removing specific reference to the Entergy corporate QAPM. This change will allow JAF to transition from the Entergy corporate

## Response to Request for Additional Information

QAPM to a site-specific QAPM during the decommissioning process. No change to the qualification standards or exceptions to the standards are proposed. Accordingly, this change is administrative only. This change is consistent with that approved for VY (Reference 1).

### **RAI-2**

**The last paragraph of Attachment 1, Section 3.1, “Applicable Regulatory Requirement/Criteria” states: “10 CFR 50.54(hh) establishes the requirements for developing, implementing, and maintaining procedures and strategies for addressing potential aircraft threats and large area fires or explosions. 10 CFR 50.54(hh)(3) states that this section of the regulation does not apply to nuclear power plants that have submitted the certifications required by 10 CFR 50.82(a).”**

**Provide additional information regarding the applicability of the above mentioned paragraph to the scope of changes proposed in this LAR.**

#### Response

Reference to 10 CFR 50.54(hh) was included in the Section 3.1 in error and is not applicable to this LAR.

### **RAI-3**

**In Attachment 1, Section 3.2, “No Significant Hazards Consideration Determination,” in the response to Question 3 states, in part: “The proposed changes are limited to those portions of the OL [Operating License] and TS that are not related to the safe storage of irradiated fuel. The requirements that are proposed to be revised or deleted from the JAF OL and TS are not credited in the existing accident analysis for the remaining applicable postulated accident; and as such, do not contribute to the margin of safety associated with the accident analysis.”**

**Provide additional information regarding what changes to the OL, other than the proposed revisions to TS 5.0, Administrative Controls, as described in Attachment 1, Section 2, “Detailed Description and Basis for the Changes,” are being referred to in the above mentioned paragraph.**

#### Response

Reference to OL changes in Section 3.2 was included in error. No changes other than the proposed revisions to TS 5.0 are proposed in the LAR.

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**RAI-4**

The current TS 5.4, Procedures, states, in part: “5.4.1 Written procedures shall be established, implemented, and maintained covering the following activities: a. The applicable procedures recommended in Regulatory Guide 1.33, Appendix A, November 1972.” There are no changes proposed to TS 5.4 in this LAR.

Provide clarification regarding why a revision to TS 5.4.1 is not necessary, as it relates to permanent cessation of operations and permanent defueled condition of JAF. In your response, provide additional information regarding how TS 5.4.1.a addresses the requirements for the establishment, implementation, and maintenance of written procedures covering the following activities: (a) Normal startup, operation, and shutdown of systems and components needed for the safe storage of nuclear fuel; (b) Fuel handling operations; (c) Actions to be taken to correct specific and foreseen potential malfunctions of systems and components needed for the safe storage of nuclear fuel; and (d) Preventive and corrective maintenance operations which could have an effect on the safety of the nuclear fuel.

Response

ENOI believes the term “applicable” in TS 5.4.1.a provides sufficient flexibility such that, in the permanently defueled condition, the procedures considered to be within the scope of TS 5.4.1.a are those necessary to assure the safe storage of nuclear fuel. Leaving TS 5.4.1.a unchanged would be consistent with the permanently defueled Technical Specifications for Kewaunee Power Station (Reference 4). However, to address the staff’s comment and to provide clarification, ENOI is proposing a change to TS 5.4.1.a to reflect the reduced requirements associated with the protection of stored nuclear fuel as opposed to the operating of the nuclear power plant. Additionally, ENOI is also proposing a change to TS 5.4.1.b, which, in summary, requires emergency operating procedures required by NUREG-0737 and NUREG-0737, Supplement 1. The current and proposed TS 5.4.1.a and 5.4.1.b and basis are below. A markup of the proposed changes to TS 5.4.1.a and 5.4.1.b is included in Attachment 2 of this letter.

<b>5.4 Procedures</b>	
<p><u>Current TS 5.4.1</u></p> <p>Written procedures shall be established, implemented, and maintained covering the following activities:</p> <ul style="list-style-type: none"> <li>a. The applicable procedures recommended in Regulatory Guide 1.33, Appendix A, November 1972;</li> <li>b. The emergency operating procedures required to implement the requirements of NUREG-0737 and NUREG-0737, Supplement 1, as stated in Generic Letter 82-33;</li> </ul>	<p><u>Proposed TS 5.4.1</u></p> <p>Written procedures shall be established, implemented, and maintained covering the following activities:</p> <ul style="list-style-type: none"> <li>a. The procedures applicable to the safe storage of nuclear fuel recommended in Regulatory Guide 1.33, Appendix A, November 1972;</li> <li>b. Deleted</li> </ul>

## Response to Request for Additional Information

### Basis

This paragraph provides a description of the requirements regarding administration of written procedures. TS 5.4 will remain applicable with the reactor permanently defueled. As such, it is being retained and revised to reflect a permanently defueled condition. Relevant procedures, drawings and instructions will continue to be controlled per 10 CFR 50, Appendix B, Criterion VI, "Document Control." Activities involving security and emergency planning and preparedness will continue to be controlled by procedure.

TS 5.4.1.a - The applicability of this TS is being revised to: procedures applicable to the safe storage of nuclear fuel recommended in Regulatory Guide 1.33, Appendix A, November 1972. The proposed change reduces the scope of the TS to requiring only the establishment, implementation, and maintenance of written procedures applicable to the safe storage of nuclear fuel. This change recognizes the reduced requirements associated with the protection of stored nuclear fuel as opposed to the operating of the nuclear power plant. This change is consistent with that approved for Crystal River Unit 3 (Reference 2).

TS 5.4.1.b - This TS requires emergency operating procedures that implement the requirements of NUREG-0737 and NUREG-0737, Supplement 1, as stated in Generic Letter 82-33.

NUREG-0737, "Clarification of TMI Action Plan Requirements," November 1980 (ADAMS Accession No. ML051400209), and NUREG-0737, Supplement 1, "Clarification of TMI Action Plan Requirements: Requirements for Emergency Response Capability," January 1983 (ADAMS Accession No. ML 102560009), as stated in Generic Letter 82-33, "Supplement 1 to NUREG-0737 - Emergency Response Capabilities," dated December 17, 1982 (ADAMS Accession No. ML031080548), incorporated into one document all Three Mile Island (TMI) related items approved for implementation by the Commission at that time. This included the use of human factored, function oriented, emergency operating procedures to improve human reliability and the ability to mitigate the consequences of a broad range of initiating events for operating reactors, and subsequent multiple failures or operator errors, without the need to diagnose specific events.

TS 5.4.1.b is proposed for deletion because the emergency operating procedures discussed therein only pertain to accidents and events resulting from reactor operation. The referenced procedures will no longer be required for a permanently shutdown and defueled reactor. This change is consistent with that approved for Kewaunee Power Station (Reference 4).

There are no changes proposed to TS 5.4.1.c through e.

## Response to Request for Additional Information

### RAI-5

**Please review TS Section 1.1, Definitions, for inclusion of the term “CERTIFIED FUEL HANDLER.”**

### Response

ENOI has reviewed TS Section 1.1, Definitions, for inclusion of the term “CERTIFIED FUEL HANDLER.” Certified fuel handler is defined in 10 CFR 50.2 as, “a non-licensed operator who has qualified in accordance with a fuel handler training program approved by the commission.” ENOI has elected not to include “CERTIFIED FUEL HANDLER” in JAF TS Section 1.1 at this time on the basis that the 10 CFR 50.2 definition is adequate, and no additional clarification of the term is warranted.

### **REFERENCES**

1. Letter, USNRC to Entergy Nuclear Operations, Inc., “Vermont Yankee Nuclear Power Station - Issuance of Amendment to Renewed Facility Operating License RE: Changes to the Administrative Controls Section of the Technical Specifications (TAC No. MF2991),” dated December 22, 2014 (ML14217A072)
2. Letter, USNRC to Crystal River Nuclear Plant, “Crystal River Unit 3- Issuance of Amendment to the Facility Operating License Regarding Changes to the Administrative Controls Section of the Technical Specifications (TAC No. MF1504),” dated July 11, 2014 (ML14097A145)
3. Letter, USNRC to San Onofre Nuclear Generating Station, “San Onofre Nuclear Generating Station, Units 2 and 3 - Issuance of Amendments Regarding Changes to the Administrative Controls Section of the Technical Specifications (TAC Nos. MF2954 and MF2955),” dated September 30, 2014 (ML14183B240)
4. Letter, USNRC to Dominion Energy Kewaunee, Inc., “Kewaunee Power Station - Issuance of Amendment for Permanently Shutdown and Defueled Technical Specifications and Certain License Conditions (TAC No. MF1952),” dated February 13, 2015 (ML14237A045)

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**ATTACHMENT 2**

**MARK-UP OF CURRENT JAMES A. FITZPATRICK TECHNICAL  
SPECIFICATION PAGES**

**TS 5.2-1**

**TS 5.4-1**

5.0 ADMINISTRATIVE CONTROLS

5.2 Organization

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5.2.1 Onsite and Offsite Organizations

Onsite and offsite organizations shall be established for ~~plant-operation~~ **facility staff** and corporate management, respectively. The onsite and offsite organizations shall include the positions for activities affecting safety of the nuclear ~~power-plant~~ **fuel**.

- a. Lines of authority, responsibility, and communication shall be defined and established throughout highest management levels, intermediate levels, and all operating organization positions. These relationships shall be documented and updated, as appropriate, in organization charts, functional descriptions of departmental responsibilities and relationships, and job descriptions for key personnel positions, or in equivalent forms of documentation. These requirements, including the plant-specific titles of those personnel fulfilling the responsibilities of the positions delineated in these Technical Specifications, shall be documented in the UFSAR;
- b. The plant manager shall be responsible for overall safe operation of the ~~plant~~ **facility** and shall have control over those onsite activities necessary for safe ~~operation-storage~~ and maintenance of the ~~plant~~ **nuclear fuel**;
- c. ~~The chief nuclear~~ **A specified corporate** officer shall have corporate responsibility for ~~the safe storage and handling of nuclear fuel~~ **overall plant nuclear safety** and shall take any measures needed to ensure acceptable performance of the staff in operating, maintaining, and providing technical support to the ~~plant-facility~~ to ensure ~~nuclear safety~~ **safe management of nuclear fuel**; and
- d. The individuals who train the ~~operating staff~~ **Certified Fuel Handlers**, carry out radiation protection, or perform quality assurance functions may report to the appropriate onsite manager; however, these individuals shall have sufficient organizational freedom to ensure their ~~independence from operating pressures~~ **ability to perform their assigned functions**.

5.2.2 Plant Facility Staff

The ~~facility plant~~ staff organization shall include the following:

- a. ~~At least one non-licensed operator shall be on site when the plant is in MODE 4 or 5. At least two non-licensed operators shall be on site~~

(continued)

5.0 ADMINISTRATIVE CONTROLS

5.4 Procedures

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5.4.1 Written procedures shall be established, implemented, and maintained covering the following activities:

- a. The ~~applicable~~ procedures applicable to the safe storage of nuclear fuel recommended in Regulatory Guide 1.33, Appendix A, November 1972;
  - b. ~~The emergency operating procedures required to implement the requirements of NUREG-0737 and NUREG-0737, Supplement 1, as stated in Generic Letter 82-33; Deleted~~
  - c. Quality assurance program for radioactive effluent and radiological environmental monitoring;
  - d. Fire Protection Program implementation; and
  - e. All programs specified in Specification 5.5.
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**ATTACHMENT 3**

**RE-TYPED JAMES A. FITZPATRICK TECHNICAL SPECIFICATION  
PAGES**

**TS 5.2-1**

**TS 5.4-1**

5.0 ADMINISTRATIVE CONTROLS

5.2 Organization

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5.2.1 Onsite and Offsite Organizations

Onsite and offsite organizations shall be established for facility staff and corporate management, respectively. The onsite and offsite organizations shall include the positions for activities affecting safety of the nuclear fuel.

- a. Lines of authority, responsibility, and communication shall be defined and established throughout highest management levels, intermediate levels, and all operating organization positions. These relationships shall be documented and updated, as appropriate, in organization charts, functional descriptions of departmental responsibilities and relationships, and job descriptions for key personnel positions, or in equivalent forms of documentation. These requirements, including the plant-specific titles of those personnel fulfilling the responsibilities of the positions delineated in these Technical Specifications, shall be documented in the UFSAR;
- b. The plant manager shall be responsible for overall safe operation of the facility and shall have control over those onsite activities necessary for safe storage and maintenance of the nuclear fuel;
- c. A specified corporate officer shall have corporate responsibility for the safe storage and handling of nuclear fuel and shall take any measures needed to ensure acceptable performance of the staff in operating, maintaining, and providing technical support to the facility to ensure safe management of nuclear fuel; and
- d. The individuals who train the Certified Fuel Handlers, carry out radiation protection, or perform quality assurance functions may report to the appropriate onsite manager; however, these individuals shall have sufficient organizational freedom to ensure their ability to perform their assigned functions.

5.2.2 Facility Staff

The facility staff organization shall include the following:

- a. Each duty shift shall be composed of at least one shift supervisor and one Non-certified Operator. The Non-certified Operator position may be filled by a Certified Fuel Handler.

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5.0 ADMINISTRATIVE CONTROLS

5.4 Procedures

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- 5.4.1 Written procedures shall be established, implemented, and maintained covering the following activities:
- a. The procedures applicable to the safe storage of nuclear fuel recommended in Regulatory Guide 1.33, Appendix A, November 1972;
  - b. Deleted
  - c. Quality assurance program for radioactive effluent and radiological environmental monitoring;
  - d. Fire Protection Program implementation; and
  - e. All programs specified in Specification 5.5.
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