

December 22, 1994

Mr. William J. Cahill, Jr.  
Executive Vice President - Nuclear Generation  
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. M90430)

Dear Mr. Cahill:

The Commission has issued the enclosed Amendment No. 220 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 September 16, 1994, as supplemented November 29, 1994.

The amendment revises TS Section 6.0 (Administrative Controls) to reflect, in part, management changes in your corporate organization. In addition, the list of Safety Review Committee (SRC) members, which had been by position title, has been replaced with a description of SRC membership requirements and the minimum number of SRC members has been reduced from 8 to 6.

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

Nicola F. Conicella, 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. 220 to DPR-59  
2. Safety Evaluation

cc w/encs: See next page

DOCUMENT NAME: G:\FITZ\FIT90430.AMD \*See previous concurrence

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DATED: December 22, 1994

AMENDMENT NO. 220 TO FACILITY OPERATING LICENSE NO. DPR-59-FITZPATRICK

Docket File

PUBLIC

PDI-1 Reading

S. Varga, 14/E/4

J. Zwolinski, 14/H/3

M. Case

C. Vogan

N. Conicella

OGC

D. Hagan, T-4 A43

G. Hill (2), T-5 C3

C. Grimes, 11/E/22

ACRS (4)

OPA

OC/LFDCB

PD plant-specific file

C. Cowgill, Region I

S. Black

cc: Plant Service list

290091



UNITED STATES  
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

December 22, 1994

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Executive Vice President - Nuclear Generation  
Power Authority of the State of New York  
123 Main Street  
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The amendment revises TS Section 6.0 (Administrative Controls) to reflect, in part, management changes in your corporate organization. In addition, the list of Safety Review Committee (SRC) members, which had been by position title, has been replaced with a description of SRC membership requirements and the minimum number of SRC members has been reduced from 8 to 6.

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,

A handwritten signature in cursive script, appearing to read "N. F. Conicella", is written above the typed name.

Nicola F. Conicella, 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. 220 to DPR-59  
2. Safety Evaluation

cc w/encls: See next page

William J. Cahill, Jr.  
Power Authority of the State of New York

James A. FitzPatrick Nuclear  
Power Plant

cc:

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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. 220  
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 September 16, 1994, as supplemented November 29, 1994, complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act) and the Commission's rules and regulations set forth in 10 CFR Chapter I;
  - B. The facility will operate in conformity with the application, the provisions of the Act, and the rules and regulations of the Commission;
  - C. There is reasonable assurance (i) that the activities authorized by this amendment can be conducted without endangering the health and safety of the public, and (ii) that such activities will be conducted in compliance with the Commission's regulations;
  - D. The issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public; and
  - E. The issuance of this amendment is in accordance with 10 CFR Part 51 of the Commission's regulations and all applicable requirements have been satisfied.
2. Accordingly, the license is amended by changes to the Technical Specifications as indicated in the attachment to this license amendment, and paragraph 2.C.(2) of Facility Operating License No. DPR-59 is hereby amended to read as follows:

(2) Technical Specifications

The Technical Specifications contained in Appendices A and B, as revised through Amendment No. 220, are hereby incorporated in the license. The licensee shall operate the facility in accordance with the Technical Specifications.

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

FOR THE NUCLEAR REGULATORY COMMISSION



Michael J. Case, Acting 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: December 22, 1994

ATTACHMENT TO LICENSE AMENDMENT NO. 220

FACILITY OPERATING LICENSE NO. DPR-59

DOCKET NO. 50-333

Revise Appendix A as follows:

Remove Pages

247  
249  
250  
251  
252  
252a  
252b  
253

Insert Pages

247  
249  
250  
251  
252  
252a  
252b  
253

## 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 Resident Manager is responsible for safe operation of the plant. During periods when the Resident Manager is unavailable, one of the three General Managers will assume this responsibility. In the event all four are unavailable, the Resident Manager may delegate this responsibility to other qualified supervisory personnel.

### 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 Resident Manager 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 Executive Vice President and 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;

(B) Alternates

Alternative members shall be appointed in writing by the PORC Chairman to serve on a temporary basis; however, no more than two alternates shall participate in PORC activities at any one time.

(C) Meeting Frequency

Meetings will be called by the Chairman as the occasions for review or investigation arise. Meetings will be no less frequent than once a month.

(D) Quorum

A quorum of the PORC shall consist of the Chairman or one of three Vice-Chairmen and five members including designated alternates. Vice-Chairmen may act as members when not acting as Chairman.

(E) Responsibilities

1. Review plant procedures, and changes thereto, required by Specification 6.8.
2. Review proposed tests and experiments that affect nuclear safety.
3. Review proposed changes to the Operating License and Technical Specifications.
4. Review proposed changes or modifications to plant systems or equipment that affect nuclear safety.
5. Investigate violations of the Technical Specifications and prepare and forward a report covering evaluation and recommendations to prevent recurrence to the Resident Manager, who will forward the report to the Executive Vice President and Chief Nuclear Officer, the Vice President Regulatory Affairs and Special Projects, and to the Chairman of the Safety Review Committee.
6. Review plant operations to detect potential safety hazards.
7. Review the Security Plan (including the Safeguards Contingency Plan) and implementing procedures annually.
8. Review the Emergency Plan and implementing procedures annually.
9. Perform special review and/or investigations at the request of the Resident Manager.
10. Review of all reportable events.
11. Review the Offsite Dose Calculation Manual (ODCM) and implementing procedures at least once per 24 months.
12. Review the Process Control Program (PCP) at least once per 24 months.
13. Review the FitzPatrick Fire Protection Program and implementing procedures and changes thereto.

## (F) Authority

The PORC shall function to advise the Resident Manager on all matters related to nuclear safety and environmental operations. The PORC shall recommend approval or disapproval to the Resident Manager of those items considered in 6.5 1E (1) through (4) and determine if items considered in 6.5 1E (1) through (5) constitute unreviewed safety questions, as defined in 10 CFR 50.59.

In the event of a disagreement between the PORC and the Resident Manager, the Chairman of the SRC and the Executive Vice President and Chief Nuclear Officer, or their designated alternates, shall be notified within 24 hours and written notification provided on the next business day; however, the Resident Manager shall have responsibility for resolution of such disagreement pursuant to Section 6.1.

## (G) Records

Minutes of all meetings of the PORC shall be recorded and numbered. Copies will be retained in file. Copies will be forwarded to the Chairman of the SRC and the Executive Vice President and Chief Nuclear Officer.

## (H) Procedures

Conduct of the PORC and the mechanism for implementation of its responsibilities and authority are defined in the pertinent Administrative Procedures.

6.5.2 SAFETY REVIEW COMMITTEE (SRC)FUNCTION

6.5.2.1 The SRC shall function to provide independent review and audit of designated activities in the areas of:

- a. Nuclear power plant operations
- b. Nuclear engineering
- c. Chemistry and radiochemistry
- d. Metallurgy
- e. Instrumentation and control

- f. Radiological safety
- g. Mechanical engineering
- h. Electrical engineering
- i. Administrative controls and quality assurance practices
- j. Environment
- k. Civil/Structural Engineering
- l. Nuclear Licensing
- m. Emergency Planning
- n. Other appropriate fields associated with the unique characteristics of a nuclear power plant

#### CHARTER

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

#### MEMBERSHIP

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

#### ALTERNATES

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

#### CONSULTANTS

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

#### MEETING FREQUENCY

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

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### QUORUM

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

### REVIEW

6.5.2.8 The SRC shall review:

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

### AUDIT

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

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

## JAFNPP

- c. The results of actions taken to correct deficiencies occurring in facility equipment, structures, systems or method of operation that affect nuclear safety at least once per 6 months.
- d. The performance of activities required by the Operational Quality Assurance Program to meet the criteria of Appendix "B", 10 CFR 50, at least once per 24 months.
- e. The Facility Emergency Plan and implementing procedures at least once per 12 months.
- f. The Facility Security Plan (including the Safeguards Contingency Plan) and implementing procedures at least once per 12 months.
- g. Any other area of facility operation considered appropriate by the SRC or the Executive Vice President and Chief Nuclear Officer.
- h. The Facility Fire Protection Program and implementing procedures at least once per two years.
- i. An independent fire protection and loss of prevention inspection and audit shall be performed annually utilizing either qualified offsite licensee personnel or an outside fire protection firm.
- j. An inspection and audit of the fire protection and loss prevention program shall be performed by an outside qualified fire consultant at intervals no greater than 3 years.
- k. The Radiological Environmental Monitoring Program and the results thereof at least once per 12 months.
- l. The Offsite Dose Calculation Manual and implementing procedures at least once per 24 months.
- m. The Process Control Program and implementing procedures for processing and packaging of radioactive wastes at least once per 24 months.
- n. The performance of activities required by the Quality Assurance Program to meet the provisions of Regulatory Guide 1.21, Revision 1, June 1974 and Regulatory Guide 4.1, Revision 1, April 1975 at least once per 12 months.

### AUTHORITY

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

## JAFNPP

### 6.5.2.11 RECORDS

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 Executive Vice President and 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 prepared and forwarded to the Executive Vice President and Chief Nuclear Officer within 30 days following completion of the review.
- c. Audit reports encompassed by Section 6.5.2.9 above, shall be forwarded to the Executive Vice President and Chief Nuclear Officer and to the management positions responsible for the areas audited within 30 days after completion of the audit.

6.6 REPORTABLE EVENT ACTION

The following actions shall be taken for Reportable Events:

- (A) The Commission shall be notified and a report submitted pursuant to the requirements of Section 50.73 to 10 CFR Part 50, and
- (B) Each Reportable Event shall be reviewed by the PORC, and the results of this review shall be submitted to the Executive Vice President and Chief Nuclear Officer, the Vice President Regulatory Affairs and Special Projects, and the Chairman of the SRC.

6.7 SAFETY LIMIT VIOLATION

- (A) If a safety limit is exceeded, the reactor shall be shut down and
- (B) An immediate report of each safety limit violation shall be made to the NRC by the Resident Manager. The Executive Vice President and Chief Nuclear Officer, the Vice President Regulatory Affairs and Special Projects, and the Chairman of the SRC will be notified within 24 hours.
- (C) The PORC shall prepare a complete investigative report of each safety limit violation and include appropriate analysis and evaluation of: (1) applicable circumstances preceding the occurrence, (2) effects of the occurrence upon facility component systems or structures and (3) corrective action required to prevent recurrence. The Resident Manager shall forward this report to the Executive Vice President and Chief Nuclear Officer, the Vice President Regulatory Affairs and Special Projects, the Chairman of the SRC, and the NRC.

6.8 PROCEDURES

- (A) Written procedures and administrative policies shall be established, implemented and maintained that meet or exceed the requirements and recommendations of Section 5 "Facility Administrative Policies and Procedures" of ANSI 18.7-1972 and Appendix A of Regulatory Guide 1.33, November 1972. In addition, procedures shall be established, implemented and maintained for the Fire Protection Program and other programs, as specified in Appendix B of the Radiological Effluent Technical Specifications, Section 7.2.
- (B) Those procedures affecting nuclear safety shall be reviewed by PORC and approved by the Resident Manager prior to implementation.
- (C) Temporary changes to nuclear related procedures may be made provided:
  1. The intent of the original procedure is not altered.



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

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION  
RELATED TO AMENDMENT NO. 220 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 September 16, 1994, as supplemented November 29, 1994, 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 TS Section 6.0 (Administrative Controls) to reflect, in part, licensee management changes in the corporate organization which occurred on September 1, 1994. Specifically, the title of Executive Vice President - Nuclear Generation was changed to Executive Vice President and Chief Nuclear Officer and a new position, Vice President Regulatory Affairs and Special Projects, which reports to the Executive Vice President and Chief Nuclear Officer, was established. In addition, the list of Safety Review Committee (SRC) members, which is currently by job title, would be deleted and replaced with a description of SRC membership requirements which includes individual qualifications and the minimum number of SRC members would be reduced from 8 to 6. The November 29, 1994, letter provided clarifying information that did not change the initial proposed no significant hazards consideration determination.

2.0 EVALUATION

2.1 Title Changes:

The title of the position "Executive Vice President - Nuclear Generation" was changed to "Executive Vice President and Chief Nuclear Officer" on September 1, 1994. The licensee has indicated that this is a change in title only and that the responsibilities and authority of the position remain unchanged. The Executive Vice President and Chief Nuclear Officer continues to be responsible for all licensee nuclear related issues and for overall management and monitoring of the licensee's nuclear power plants as well as the organizational and financial authority to assure safe operation of the plants. As a result, each prior reference to "Executive Vice President - Nuclear Generation" in TS Section 6.0 is being revised to reflect this title change. The NRC staff has reviewed the proposed changes to TS Section 6.0 resulting from this title change and has concluded they are acceptable since they are administrative in nature and do not involve any changes that would reduce plant safety.

## 2.2 Management Reporting Relationships:

TS Section 6.0 currently states that the plant Resident Manager reports directly to the Executive Vice President - Nuclear Generation. As part of the management reorganization, the Resident Manager will now report administratively to the corporate Vice President Nuclear Operations and will continue to be responsible to the Executive Vice President and Chief Nuclear Officer (previously the Executive Vice President - Nuclear Generation as described above) for overall nuclear safety. The licensee has indicated that the responsibilities and authority of the Resident Manager with respect to the safe operation and maintenance of the plant will remain as currently described in the TSs and the details of the reporting relationship will be documented and maintained in the Updated Final Safety Analysis Report. As a result, the previous reporting relationship is being deleted from TS Section 6.0. The NRC staff has reviewed the proposed change to TS Section 6.0 resulting from this reporting relationship change and has concluded it is acceptable since it is administrative in nature and does not involve any changes that would reduce plant safety. This change is also consistent with the NUREG 1431 (Standard Technical Specifications - Westinghouse Plants) and Generic Letter 88-06 (Removal of Organization Charts from Technical Specification Administrative Control Requirements).

## 2.3 Vice President Regulatory Affairs and Special Projects:

The management reorganization which became effective on September 1, 1994, added a new corporate management position of "Vice President Regulatory Affairs and Special Projects." The responsibilities for this new position include management of all licensing activities for the licensee. The Vice President Regulatory Affairs and Special Projects is being added to the distribution of reportable event reviews performed by the Plant Operating review Committee (PORC) and is being included in the notification of safety limit violations. In addition, the Vice President Regulatory Affairs and Special Projects will appoint the SRC members; however, these appointments must be approved by the Executive Vice President and Chief Nuclear Officer. As a result, TS Section 6.0 is being revised to include the Vice President Regulatory Affairs and Special Projects, as appropriate. The NRC staff has reviewed the proposed changes to TS Section 6.0 resulting from the addition of a new corporate Vice President and has concluded they are acceptable since they are administrative in nature and do not involve any changes that would reduce plant safety.

## 2.4 SRC Membership:

The licensee has proposed replacing the SRC membership list in TS Section 6.0 with a description of SRC membership requirements rather than the current list of specific SRC member positions by title. The membership requirements include the minimum number of members, membership approval, and the minimum qualifications. The identification of specific members will be made in a written charter which delineates SRC activities. This charter, and any revisions made to it, must be approved by the Executive Vice President and

Chief Nuclear Officer. The licensee has indicated that the SRC will continue to advise the Executive Vice President and Chief Nuclear Officer on matters concerning nuclear safety and that this change to the SRC membership requirement will not reduce the effectiveness of the SRC as an oversight committee.

In addition, the licensee has proposed reducing the minimum number of SRC members from 8 to 6 with a majority needed for a quorum. This change would allow the licensee to treat the SRC consultant positions as optional rather than required. American National Standard (ANSI) N18.7 - 1972 (Administrative Controls and Quality assurance for the Operational Phase of Nuclear Power Plants) requires a minimum SRC membership of 5 members with a majority needed for a quorum. Thus, the licensee's proposed membership change still exceeds the requirements of ANSI N18.7. The NRC staff has reviewed the proposed changes to TS Section 6.0 resulting from the new SRC membership criteria and has concluded they are acceptable since they are administrative in nature and do not involve any changes that would reduce plant safety.

### 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: N. Conicella

Date: December 22, 1994