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Michael J. Colomb
Site Executive Officer

August 28, 2000
JAFP-00-0198

United States Nuclear Regulatory Commission
Attn: Document Control Desk
Mail Station P1-137
Washington, D.C. 20555

Subject: Request for Notice of Enforcement Discretion (NOED) Regarding Departure from
Technical Specification 3.0.D/4.0.D

References:

1. JPN-99-008, Proposed Technical Specification Change (License Amendment) Conversion to Improved Standard Technical Specifications, March 31, 1999
2. NUREG-1433, Standard Technical Specifications - General Electric Plants BWR/4 Revision 1, April 1995
3. NRC Administrative Letter 95-05, Revision 2: Revisions to Staff Guidance for Implementing NRC Policy on Notices of Enforcement Discretion

On August 27, 2000 the plant was operating at approximately 50% power with the "B" Reactor Feed Pump (RFP) out of service. At approximately 0930 a leak on a hydraulic control oil fitting on the Electro-Hydraulic Control (EHC) system for the main turbine was identified. Concurrent with this hydraulic oil leak, but apparently unrelated, a steam leak had developed at the weld joint on the instrument line for the A RFP suction flow meter. A controlled plant shut down was initiated due to these plant conditions.

At the time the controlled shutdown, because functional testing is not required or performed in the Run mode, the following Reactor Protection System (RPS) trip functions were considered inoperable:

- Intermediate Range Monitor (IRM) High Flux
- IRM Inoperative
- Average Power Range Monitor (APRM) Neutron Flux-Startup

Technical Specification (TS) 3.1.A and TS Table 3.1-1 require these RPS trip functions to be operable in the Refuel and Startup modes. As stated above, these trip functions were considered inoperable because the surveillance requirements for these trip functions specified in TS Table 4.1-1 had not been satisfied. Specifically, each of these trip functions requires a functional test prior to startup and on a weekly frequency thereafter during the Refuel and Startup modes. The functional test surveillance requirement had not been satisfied because it is not required to be satisfied in the Run mode.

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During the controlled shutdown, consideration was given to conducting the required surveillance testing to satisfy these surveillance requirements. An implicit part of functionally testing these instrument channels is to calibrate the effected equipment. During the shutdown, it was determined that the test equipment required to calibrate these instrument channels and therefore satisfy these surveillance requirements was off site for calibration and the borrowed, replacement test equipment had not been calibrated either. This condition was identified in Deviation Event Report (DER) 00-03926. With the proper, calibrated test equipment available, it was believed the testing would require approximately 6 hours to complete. It was estimated that obtaining the proper calibrated test equipment and conducting the required surveillance testing would require approximately 18 hours. Subsequent to preparing this letter, the subject surveillance testing is projected to complete approximately 1900 on 8/28/00.

Given the degraded condition of the EHC system, it was desirable to transition from the Run mode to the Startup mode as expeditiously as possible because the time to complete failure of the EHC hydraulic control oil pressure boundary was unknown. Additionally, it was believed that the transition from the Run mode to the Startup mode should be made without imparting any significant thermo-hydraulic transient on the Reactor Pressure Vessel (RPV). The basis for this operational decision was recognition that it is desirable from a risk perspective to maintain the main condenser available as a heat sink for the controlled shutdown. Engineering judgement determined that a significant thermo-hydraulic transient such as a manual scram would require a transient response from the turbine bypass valves and therefore the EHC system. It was believed that such a transient demand would adversely effect the degraded EHC system and therefore pose a significant challenge to the main condenser as a heat sink. Recognizing that a manual turbine trip also imparts a transient response from the EHC System, the manual scram imparts an additional transient component to the EHC System, as well as other plant systems.

JAF TS 3.0.D states:

"Entry into an OPERATIONAL CONDITION (mode) or other specified condition shall not be made when the conditions for the Limiting Condition for Operation are not met and the associated ACTION requires a shutdown if they are not met within a specified time interval. Entry into an OPERATIONAL CONDITION (mode) or specified condition may be made in accordance with ACTION requirements when conformance to them permits continued operation of the facility for an unlimited period of time. This provision shall not prevent passage through OPERATIONAL CONDITIONS (modes) required to comply with ACTION requirements. Exceptions to these requirements are stated in the individual specifications."

JAF TS 4.0.D is the surveillance requirement corresponding to TS 3.0.D and states:

"Entry into an OPERATIONAL CONDITION (mode) shall not be made unless the Surveillance Requirement(s) associated with the Limiting Condition for Operation have been performed within the applicable surveillance interval or as otherwise specified. This provision shall not prevent passage through or to Operational Modes as required to comply with ACTION Requirements."

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It was believed that compliance with TS 3.0.D/4.0.D would have resulted in either:

- Maintaining the plant in the run mode for an additional 18 hour period to complete the surveillance testing required to satisfy the surveillance requirements in TS Table 4.1-1.

Or

- Manually scrambling the reactor and imparting a transient demand on the EHC system.

Accordingly, a verbal request for a NOED to depart from the requirements of TS 3.0.D and transition from the Run mode to the Startup mode with the RPS trip functions for the Intermediate IRM High Flux, IRM Inoperative, and APRM Neutron Flux-Startup inoperative was transmitted via telephone from JAF plant staff to the NRC at 2110 on August 27, 2000. Individuals identified below attended this teleconference:

NRC NRR	NRC Region I	NYPA JAF
E. Adensam	G. Meyer	D. Poulin
S. Strosnider	R. Crlenjak	J. Hoddy
T. Tjader	R. Skokowski	M. Abramski
B. Marcus		

This teleconference did not explicitly address TS 4.0.D by number however the scope of the discussion did explicitly address the substance of TS 4.0.D because the request for the NOED was motivated by recognition that the RPS trip functions for the Intermediate IRM High Flux, IRM Inoperative, and APRM Neutron Flux-Startup were inoperative due to surveillance requirements not satisfied.

The verbal request to depart from the requirements of TS 3.0.D and transition from the Run mode to the Startup mode with the RPS trip functions for the Intermediate IRM High Flux, IRM Inoperative, and APRM Neutron Flux-Startup inoperative was granted via teleconference at approximately 2200 on August 27, 2000.

During that teleconference, JAF plant staff agreed to submit a written request for NOED within 24 hours and an amendment to the Technical Specifications within 48 hours in accordance with the guidance in Attachment 1 of Reference 3.

This letter constitutes the written request for NOED. Attachment 1 to this letter explicitly addresses attributes 1-11 for a request for NOED set forth in Section 4 of Attachment 1 to Reference 3. Attachment II includes marked-up TS pages showing the proposed TS changes identified as a consequence of this request for NOED.

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The Authority will submit an amendment of the Technical Specifications via a separate submittal by the close of business on August 29, 2000.

Very truly yours,

A handwritten signature in black ink, appearing to read "Michael J. Colomb", with a long horizontal flourish extending to the right.

Michael J. Colomb
Site Executive Officer

MJC:MA:las

Cc: next page

cc: U.S. Nuclear Regulatory Commission
Regional Administrator
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King of Prussia, PA 19406

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Attachment I to JAFP-00-0198

Basis for Request for NOED

The paragraphs below explicitly address the attributes for a Request for NOED delineated in Section C.4 of PART 9900: Technical Guidance for Notices of Enforcement Discretion in the NRC Inspection Manual (Reference 3, Attachment 1).

1. *The TS or other license conditions that will be violated.*

JAF is requesting a NOED granting permission to depart from the requirements of TS 3.0.D/4.0.D and transition from the Run mode to the Startup mode with the RPS trip functions for the Intermediate IRM High Flux, IRM Inoperative, and APRM Neutron Flux-Startup inoperable as discussed in the cover letter to this attachment.

2. *The circumstances surrounding the situation, including apparent root causes, the need for prompt action and identification of any relevant historical events.*

The circumstances surrounding this request for NOED are discussed in the cover letter to this attachment. The apparent root cause(s) for the equipment failures and for the lack of calibrated test equipment on site to support required surveillance testing is under investigation

3. *The safety basis for the request, including an evaluation of the safety significance and potential consequences of the proposed course of action. This evaluation should include at least a qualitative risk assessment derived from the licensee's PRA.*

The safety basis for the request for NOED is twofold:

- LCO 3.0.4 of the Improved Standard Technical Specifications (ITS) (Reference 2) is analogous to TS 3.0.D of the JAF Custom Technical Specifications (CTS) and states:

"When an LCO is not met, entry into a MODE or other specified condition in the Applicability shall not be made except when the associated ACTIONS to be entered permit continued operation in the MODE or other specified condition in the Applicability for an unlimited period of time.

This Specification shall not prevent changes in MODES or other specified conditions in the Applicability that are required to comply with ACTIONS **or that are part of a shutdown of the unit.** (bold added for emphasis by NYPA)

Exceptions to this Specification are stated in the individual Specifications. These exceptions allow entry into MODES or other specified conditions in the Applicability when the associated ACTIONS to be entered allow plant operation in the MODE or other specified condition in the Applicability only for a limited period of time.

LCO 3.0.4 is only applicable for entry into a MODE or other specified condition in the Applicability in MODES 1, 2, and 3."

JAF's proposed change to the Technical Specification to convert to Improved Standard Technical Specifications (JAF ITS) was submitted in March 1999 (Reference 1). JAF ITS section 3.0.4 is essentially identical to that of ITS (Reference 2).

Based on the above discussion, this request for NOED is consistent with Reference 2.

- A quantitative assessment of risk was conducted for these plant conditions. The conditional core damage probability (CCDP) for the two cases identified below were quantified:
 1. Turbine Trip with Power Conversion System (turbine bypass valves/main condenser) available and a Loss of Feedwater (Sequence T3A in the Probabilistic Risk Assessment).
CCDP = 4.48 E-7
 2. Turbine Trip with **Loss** of Power Conversion System (turbine bypass valves/main condenser) and a Loss of Feedwater.
CCDP = 1.01 E-6

The reduction in CCDP due to this requested NOED is therefore:

$$(1.01 \text{ E-6}) - (4.48 \text{ E-7}) = 5.62 \text{ E-7}$$

The increase in risk associated with transitioning from the Run mode to the Startup mode with the RPS trip functions for the Intermediate IRM High Flux, IRM Inoperative, and APRM Neutron Flux-Startup inoperable is judged to be acceptable based on the latitude to take this action in ITS (Reference 2) LCO 3.0.4.

4. *The basis for the licensee's conclusion that the noncompliance will not be of potential detriment to the public health and safety and that no significant hazard consideration is involved.*

As stated in attribute 3 above, The proposed JAF ITS (Reference 1) is essentially identical to that of ITS (Reference 2) with regard to LCO 3.0.4 and is therefore functionally equivalent to this request for NOED with regard to CTS 3.0.D/4.0.D. This change was considered an administrative change in the JAF ITS (Reference 1) and therefore, the generic no significant hazards evaluation for the ITS (Reference 2) applies.

5. *The basis for the licensee's conclusion that the noncompliance will not involve adverse consequences to the environment.*

The nature of the non-compliance is such that none of the affected plant equipment physically interfaces with the environment, therefore there will be no environmental impact.

6. *Any proposed compensatory measure(s).*

No other compensatory measures are required.

7. *The justification for the duration of the noncompliance.*

The request for the NOED is to allow transitioning from the Run mode to the Startup mode with the RPS trip functions for the Intermediate IRM High Flux, IRM Inoperative, and APRM Neutron Flux-Startup inoperable. The duration of the NOED is therefore from the time the mode switch is moved from Run to Startup to the time all control rods were inserted. The basis for this requested duration was to allow controlled shutdown of the reactor by manually inserting control rods rather than manually scrambling the reactor.

Attachment I to JAFP-00-0198

Basis for Request for NOED

As discussed in the cover letter to this attachment, engineering judgement determined that a significant thermo-hydraulic transient such as a manual scram would require a transient response from the turbine bypass valves and therefore the EHC system. It was believed that such a transient demand would adversely effect the degraded EHC system and therefore pose a significant challenge to the main condenser as a heat sink.

8. *A statement that the request has been approved by the facility organization that normally reviews safety issues (Plant On-site Review Committee, or its equivalent).*

The Plant Operating Review Committee (PORC) has reviewed and recommended to the Site Executive Officer, approval of this request for NOED.

9. *The request must specifically address which of the NOED criteria for appropriate plant conditions specified in Section B is satisfied and how it is satisfied.*

This request for NOED applies to Criteria B.2.1.a of Reference 3.

"For an operating plant, the NOED is intended to (a) avoid undesirable transients as a result of forcing compliance with the license condition and, thus, minimizing potential safety consequences and operational risks..."

10. *If a follow-up license amendment is required, the NOED request must include marked-up TS pages showing the proposed TS changes and a commitment to submit the actual license amendment request within 48 hours.*

Attachment II includes marked-up TS pages showing the proposed TS changes identified as a consequence of this request for NOED.

The Authority will commit to submitting a request for amendment of the Technical Specifications via a separate submittal by the close of business on August 29, 2000.

11. *For NOEDs involving severe weather or other natural events, the licensee's request must be sufficiently detailed for the staff to evaluate the likelihood that the event could affect the plant, the capability of the ultimate heat sink, on-site and off-site emergency preparedness status, access to and from the plant, acceptability of any increased radiological risk to the public and the overall public benefit.*

This request for NOED does not involve severe weather or other natural events, therefore this attribute is not applicable.

Attachment II to JAFP-00-0198

MARKUP OF TECHNICAL SPECIFICATION PAGES

New York Power Authority
JAMES A. FITZPATRICK NUCLEAR POWER PLANT
Docket No. 50-333
DPR-59

Attachment II to JAFP-00-0198

MARKUP OF TECHNICAL SPECIFICATION PAGES

New York Power Authority
JAMES A. FITZPATRICK NUCLEAR POWER PLANT
Docket No. 50-333
DPR-59

JAFNPP

3.0 Continued

- D. Entry into an OPERATIONAL CONDITION (mode) or other specified condition shall not be made when the conditions for the Limiting Condition for Operation are not met and the associated ACTION requires a shutdown if they are not met within a specified time interval. Entry into an OPERATIONAL CONDITION (mode) or specified condition may be made in accordance with ACTION requirements when conformance to them permits continued operation of the facility for an unlimited period of time. This provision shall not prevent passage through OPERATIONAL CONDITIONS (modes) required to comply with ACTION requirements. Exceptions to these requirements are stated in the individual specifications.
- E. When a system, subsystem, train, component or device is determined to be inoperable solely because its emergency power source is inoperable, or solely because its normal power source is inoperable, it may be considered OPERABLE for the purpose of satisfying the requirements of its applicable Limiting Condition for Operation, provided: (1) its corresponding normal or emergency power source is OPERABLE; and (2) all of its redundant system(s), subsystem(s), train(s), component(s) and device(s) are OPERABLE, or likewise satisfy the requirements of this specification. Unless both conditions (1) and (2) are satisfied, the unit shall be placed in COLD SHUTDOWN within the following 24 hours. This specification is not applicable when in Cold Shutdown or Refuel Mode.
- F. Equipment removed from service or declared inoperable to comply with required actions may be returned to service under administrative control solely to perform testing required to demonstrate its operability or the operability of other equipment. This is an exception to LCO 3.0.B.

4.0 Continued

that a Surveillance Requirement has not been performed. The ACTION requirements may be delayed for up to 24 hours to permit the completion of the surveillance when the allowable outage time limits of the ACTION requirements are less than 24 hours. Surveillance requirements do not have to be performed on inoperable equipment.

- D. Entry into an OPERATIONAL CONDITION (mode) shall not be made unless the Surveillance Requirement(s) associated with the Limiting Condition for Operation have been performed within the applicable surveillance interval or as otherwise specified. This provision shall not prevent passage through or to Operational Modes as required to comply with ACTION Requirements.
- E. Surveillance Requirements for inservice testing of components shall be applicable as follows:
 - 1. Inservice testing of pumps and valves shall be performed in accordance with Section XI of the ASME Boiler and Pressure Vessel Code and applicable Addenda as required by 10 CFR 50, Section 50.55a(f), except where specific written relief has been granted by the NRC pursuant to 10 CFR 50, Section 50.55a(f)(6)(i). The inservice testing and inspection program is based on an NRC approved edition of, and addenda to, Section XI of the ASME Boiler and Pressure Vessel Code which is in effect 12 months prior to the beginning of the inspection interval.

or that are part of a shutdown of the plant.

3.0 BASES

- A. This specification states the applicability of each specification in terms of defined OPERATIONAL CONDITION (mode) and is provided to delineate specifically when each specification is applicable.**
- B. This specification defines those conditions necessary to constitute compliance with the terms of an individual Limiting Condition for Operation and associated ACTION requirement.**
- C. This specification delineates the ACTION to be taken for circumstances not directly provided for in the ACTION statements and whose occurrence would violate the intent of the specification. Under the terms of Specification 3.0, the facility is to be placed in COLD SHUTDOWN within the following 24 hours. It is assumed that the unit is brought to the required OPERATIONAL CONDITION (mode) within the required times by promptly initiating and carrying out the appropriate ACTION statement.**
- D. This specification provides that entry into an OPERABLE CONDITION (mode) must be made with (a) the full complement of required systems, equipment or components OPERABLE and (b) all other parameters as specified in the Limiting Conditions for Operation being met without regard for allowable deviations and out of service provisions contained in the ACTION statements.**

The intent of this provision is to insure that facility operation is not initiated with either required equipment or systems inoperable or other limits being exceeded. Compliance with ACTION requirements that permit continued operation of the facility for an unlimited period of time provides an acceptable level of safety for continued operation without the regard to

D. Continued

the status of the plant before or after an OPERATIONAL CONDITION (mode) change. Therefore in this case, entry into an OPERATIONAL CONDITION (mode) or other specified condition may be made in accordance with the provisions of the ACTION requirements. The provisions of this specification should not, however, be interpreted as endorsing the failure to exercise good practice in restoring systems or components to OPERABLE status before startup.

{insert}

Exceptions to this provision may be made for a limited number of specifications when startup with inoperable equipment would not affect plant safety. These exceptions are stated in the ACTION statements of the appropriate specifications.

- E. This specification delineates what additional conditions must be satisfied to permit operation to continue, consistent with the ACTION statements for power sources, when a normal or emergency power source is not OPERABLE. It specifically prohibits operation when one division is inoperable because its normal or emergency power source is inoperable and a system, subsystem, train, component or device in another division is inoperable for another reason.**

The provisions of this specification permit the ACTION statements associated with individual systems, subsystems, trains, components or devices to be consistent with the ACTION statement of the associated electrical power source. It allows operation to be governed by the time

In addition, the provisions of this specification shall not prevent changes in OPERATIONAL CONDITIONS (modes) or other specified conditions that result from any plant shutdown.

4.0 BASES - Continued

C. Continued

perform a surveillance within the provisions of Specification 4.0.B is a violation of a Technical Specification requirement and is, therefore, a reportable event under the requirements of 10 CFR 50.73(a)(2)(i)(B) because it is a condition prohibited by the plant Technical Specifications.

If the allowable outage time limits of the ACTION requirements are less than 24 hours or a shutdown is required to comply with ACTION requirements, a 24-hour allowance is provided to permit a delay in implementing the ACTION requirements. This provides an adequate time limit to complete Surveillance Requirements that have not been performed. The purpose of this allowance is to permit the completion of a surveillance before a shutdown is required to comply with ACTION requirements or before other remedial measures would be required that may preclude completion of a surveillance. The basis for this allowance includes consideration for plant conditions, adequate planning, availability of personnel, the time required to perform the surveillance and the safety significance of the delay in completing the required surveillance. This provision also provides a time limit for the completion of Surveillance Requirements that become applicable as a consequence of OPERATIONAL CONDITION (mode) changes imposed by ACTION requirements and for completing Surveillance Requirements that are applicable when an exception to the requirements of Specification 4.0.C is allowed. If a surveillance is not completed within the 24-hour allowance, the time limits of the ACTION requirements are applicable at that time. When a surveillance is performed within the 24-hour allowance and the Surveillance Requirements are not met, the time limits of the ACTION requirements are applicable at the time the surveillance is terminated.

C. Continued

Surveillance Requirements do not have to be performed on inoperable equipment because the ACTION requirements define the remedial measures that apply. However, the Surveillance Requirements have to be met to demonstrate that inoperable equipment has been restored to OPERABLE status.

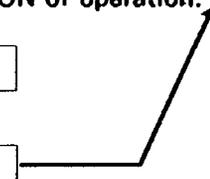
D. This specification establishes the requirement that all applicable surveillances must be met before entry into an OPERATIONAL CONDITION or other condition of operation specified in the Applicability statement. The purpose of this specification is to ensure that system and component OPERABILITY requirements or parameter limits are met before entry into an OPERATIONAL CONDITION or other specified condition associated with plant shutdown as well as startup.

Under the provisions of this specification, the applicable Surveillance Requirements must be performed within the specified surveillance interval to ensure that the Limiting Conditions for Operation are met during initial plant startup or following a plant outage.

~~When a shutdown is required to comply with ACTION requirements, the provisions of this specification do not apply because this would delay placing the facility in a lower CONDITION of operation.~~

Insert A

Insert B



Insert A

The provisions of this specification shall not prevent changes in OPERATIONAL CONDITIONS (modes) or other specified conditions that are required to comply with ACTION requirements. In addition, the provisions of this specification shall not prevent changes in OPERATIONAL CONDITIONS (modes) or other specified conditions that result from any plant shutdown,

Insert B

The provisions of this Specification should not be interpreted as endorsing the failure to exercise the good practice of restoring systems or components to OPERABLE status before entering an associated OPERATIONAL CONDITION (mode) or other specified condition.

Attachment III to JAFP-00-0198

Request for Notice of Enforcement Discretion (NOED) Regarding Departure
from Technical Specification 3.0.D

LIST OF COMMITMENTS

COMMITMENT NO.	DESCRIPTION	DUE DATE
JAFP-00-0198-01	Submit a request for amendment of the T.S. via a separate submittal.	August 29, 2000