

September 29, 2001

MEMORANDUM TO: William D. Beckner, Chief  
Technical Specification Branch  
Division of Regulatory Improvement Programs  
Office of Nuclear Reactor Regulation

FROM: Guy S. Vissing, Senior Project Manager, Section 1        */RA/*  
Project Directorate I  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

SUBJECT: CLOSURE OF FITZPATRICK BEYOND SCOPE ISSUE (BSI), BSI-F6,  
ITS SURVEILLANCE REQUIREMENTS (SR) 3.6.2.3.2, BY ADDING THE  
WORD "REQUIRED" TO MAKE IT CLEARER THAT THE SR IS ONLY  
APPLICABLE TO THE SINGLE RESIDUAL HEAT REMOVAL (RHR)  
PUMP (TAC NO. MB2519)

By letter dated May 31, 2001, Entergy Nuclear Operations (the licensee) submitted a change to FitzPatrick ITS SR 3.6.2.3.2 by adding the work "required" to make it clearer that the SR is only applicable to the single RHR pump in a subsystem rather than both pumps in a subsystem that are provided by design. This would be a BSI since it changes the requirements of NUREG-1433, Revision I, "Standard Technical Specifications, General Electric Plants BWR/4" dated April 1995. The attachment provides the necessary safety evaluation to close out the subject BSI.

Docket No. 50-333

Attachment: As stated

cc w/att: See next page

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\*Safety evaluation provided 8/15/01

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SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION  
IMPROVED TECHNICAL SPECIFICATION CONVERSION LICENSE AMENDMENT  
BEYOND SCOPE ISSUE (BSI)  
ENTERGY NUCLEAR OPERATIONS  
JAMES A. FITZPATRICK NUCLEAR POWER PLANT  
DOCKET NO. 50-333

## 1.0 INTRODUCTION AND BACKGROUND

By letter dated May 20, 1999, and subsequent letters, the Power Authority of the State of New York (PASNY), the then licensee, requested an amendment to convert the current Technical Specifications (CTS) to the Improved Standard Technical Specifications (ISTS) format in the Improved Technical Specifications (ITS) for the James A. FitzPatrick Nuclear Power Plant (FitzPatrick). On November 21, 2000, ownership of FitzPatrick was transferred to Entergy Nuclear FitzPatrick, LLC, to possess and use and to Entergy Nuclear Operations, Inc, to possess, use and operate FitzPatrick. By letter dated January 26, 2001, Entergy Nuclear Operations requested that the NRC continue to review and act on all requests before the Commission which had been submitted by PASNY before the transfer. Accordingly, the staff continued its review of PASNY's request and response concerning the issue of the subject amendment.

By letter dated May 31, 2001, Entergy Nuclear Operations proposed a new change to FitzPatrick Surveillance Requirement (SR) 3.6.2.3.2 by adding the word "required" to make it clearer that the SR is applicable to only the single required residual heat removal (RHR) pump in the subsystem rather than both pumps that are provided by design. Entergy provided additional information in response to the staff's request for additional information in letter dated December 1, 2000 (JPN-00-044) and an e-mail dated August 15, 2001, from Jerry Jones of Entergy. Licensees may change their CTS to the ISTS using the NRC-approved generic methodology. They may also use a combination of the previously approved CTS and the new ISTS as long as CTS are more restrictive than the ISTS. However, if a licensee proposes changes to their CTS that are less restrictive than the ISTS, they must have NRC review and approval. This proposed change to the CTS is less restrictive than the ISTS and thus would be a BSI since it changes the requirements of NUREG-1433, Revision I, "Standard Technical Specifications, General Electric Plants BWR/4" dated April 1995.

## 2.0 EVALUATION

### BSI-F6 3.6.2.3 RHR Suppression Pool Cooling

The licensee has proposed to revise ITS SR 3.6.2.3.2 by adding the word "required" to make it clearer that the SR is applicable to only the single required RHR pump in a subsystem rather

than both pumps in a subsystem that are provided by design. The licensee also added "required" to the Bases of SR 3.6.2.3.2 to clarify that all RHR pumps need not be tested under this SR. In response to the staff's RAI, the licensee replied that only one RHR pump is needed to satisfy the operability requirements of an RHR subsystem and that one RHR subsystem is capable of maintaining the primary containment peak pressure and temperature below design limits. This is consistent with the FitzPatrick licensing basis as described in the Updated Final Safety Analysis Report. Hence the licensee's proposal to test only one RHR pump for suppression pool cooling required by SR 3.6.2.3 is acceptable.

RHR pumps used for suppression pool cooling are also used for the emergency core cooling systems (ECCS) function in the low pressure coolant injection (LPCI) mode of operation. SR 3.5.1.7, ECCS-Operating SRs require that the licensee verify the RHR pump functional capability every 92 days in accordance with the Inservice Testing (IST) Program. Even though all the RHR pumps are not tested under SR 3.6.2.3.2, RHR suppression pool cooling SR requirements, all RHR pumps are tested under SR 3.5.1.7, ECCS-Operating. Also, SR 3.5.1.7 is not modified by the use of the word "required". According to the licensee, "The RHR pumps are required to be tested by the IST program every 92 days." There is no change in the RHR pump testing frequency or testing requirements under TS SR 3.5.1.7. Hence, the proposed TS changes to add "required" to indicate that testing of only one RHR pump is required under TS SR 3.6.2.3.2, RHR Suppression Pool Cooling, are acceptable.

### 3.0 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: G. Thomas

Date: September 29, 2001