

September 14, 2006

Mr. Michael Kansler
President
Entergy Nuclear Operations, Inc.
440 Hamilton Avenue
White Plains, NY 10601

SUBJECT: PILGRIM NUCLEAR POWER STATION - ISSUANCE OF AMENDMENT RE:
RELOCATION OF TECHNICAL SPECIFICATIONS (TAC NO. MC5421)

Dear Mr. Kansler:

The Commission has issued the enclosed Amendment No. 224 to Facility Operating License No. DPR-35 for the Pilgrim Nuclear Power Station. The amendment consists of changes to the Technical Specifications (TSs) in response to your application dated December 14, 2004, which was subsequently revised by letter dated August 30, 2006. Specifically, this amendment relocates TSs structural integrity requirements to the Pilgrim Final Safety Analysis Report.

A copy of the related Safety Evaluation is also enclosed. Notice of Issuance will be included in the Commission's biweekly *Federal Register* Notice.

Sincerely,

/RA/

James J. Shea, Project Manager
Plant Licensing Branch I-1
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket No. 50-293

Enclosures:

1. Amendment No. 224 to License No. DPR-35
2. Safety Evaluation

cc w/encls: See next page

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ENTERGY NUCLEAR GENERATION COMPANY

ENTERGY NUCLEAR OPERATIONS, INC.

DOCKET NO. 50-293

PILGRIM NUCLEAR POWER STATION

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 224
License No. DPR-35

1. The Nuclear Regulatory Commission (the Commission) has found that:
 - A. The application for amendment filed by Entergy Nuclear Operations, Inc. (the licensee) dated December 14, 2004, subsequently revised by letter dated August 30, 2006, 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 1;
 - 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 license and Technical Specifications as indicated in the attachment to this license amendment, and paragraph 3.B of Facility Operating License No. DPR-35 is hereby amended to read as follows:

B. Technical Specifications

The Technical Specifications contained in Appendix A, as revised through Amendment No. 224, are hereby incorporated into 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 issuance and shall be implemented within 60 days.

FOR THE NUCLEAR REGULATORY COMMISSION

/RA/

Richard J. Laufer, Chief
Plant Licensing Branch I-1
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Attachment: Changes to the License
and Technical Specifications

Date of Issuance: September 14, 2006

ATTACHMENT TO LICENSE AMENDMENT NO. 224

FACILITY OPERATING LICENSE NO. DPR-35

DOCKET NO. 50-293

Replace the following page of the Facility Operating License with the attached revised page. The revised page is identified by amendment number and contains a marginal line indicating the area of change.

Remove
3

Insert
3

Replace the following pages of the Appendix A Technical Specifications with the attached revised pages. The revised pages are identified by amendment number and contain marginal lines indicating the areas of change.

Remove
ii
3/4.6-8

Insert
ii
3/4.6-8

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION
RELATED TO AMENDMENT NO. 224 TO FACILITY OPERATING LICENSE NO. DPR-35

ENTERGY NUCLEAR GENERATION COMPANY

ENTERGY NUCLEAR OPERATIONS, INC.

PILGRIM NUCLEAR POWER STATION

DOCKET NO. 50-293

1.0 INTRODUCTION

By letter dated December 14, 2004 (ADAMS Accession No. ML043560152) Entergy Nuclear Operations, Inc. (the licensee) submitted a request for changes to the Pilgrim Nuclear Power Station (Pilgrim) Technical Specifications (TSs) which was subsequently revised by letter dated August 30, 2006 (ADAMS Accession No. ML062490489). The August 30, 2006, letter reduced the scope of the application as originally noticed. Hence, there is no change to the NRC staff's original proposed no significant hazards consideration determination (70 FR 9991; March 1, 2005). This amendment as revised would remove the TSs associated with the Pilgrim structural integrity requirements and relocates these requirements to the Pilgrim updated final safety analysis report (UFSAR).

2.0 REGULATORY EVALUATION

Section 182a of the Atomic Energy Act of 1954, as amended (the "Act"), requires applicants for nuclear plant operating licenses to include TSs as part of the license. The Commission's regulatory requirements related to the content of TS are set forth in Title 10 of the *Code of Federal Regulations* (10 CFR 50.36), "Technical specifications." The regulation requires that TSs include items in five specific categories, including (1) safety limits, limiting safety system settings, and limiting control settings; (2) limiting conditions for operation (LCOs); (3) surveillance requirements (SRs); (4) design features; and (5) administrative controls. However, the regulation does not specify the particular requirements to be included in a plant's TSs. The regulation also specifies four criteria to be used in determining whether a particular item is required to be included in a LCO (10 CFR 50.36(i)(2)(ii)), as follows: Criterion 1 - Installed instrumentation that is used to detect, and indicate in the control room, a significant abnormal degradation of the reactor coolant pressure boundary; Criterion 2 - A process variable, design feature, or operating restriction that is an initial condition of a design-basis accident (DBA) or transient analysis that either assumes the failure of or presents a challenge to the integrity of a fission product barrier; Criterion 3 - A structure, system, or component that is part of the primary success path and which functions or actuates to mitigate a DBA or transient that either assumes the failure of or presents a challenge to the integrity of a fission product barrier, and Criterion 4 - A structure, system, or component which operating experience or probabilistic risk assessment has shown to be significant to public health and safety.

The Nuclear Regulatory Commission (NRC) staff and nuclear steam supply owners groups developed the Standard Technical Specifications (STS) that established models of the Commission's policy for TSs, and improved the format and clarity of the specifications. NUREG-1433, "STS General Electric Plants, BWR/4," Revision 3, was approved and issued for use by the NRC on June 30, 2004. Many Nuclear Power Plants such as Pilgrim have relocated various specifications that are not required explicitly by 10 CFR 50.36 to other licensing basis documents such as a plants Final Safety Analysis Report utilizing the STS as a model.

The NRC staff reviewed the licensee proposed change for compliance with 10 CFR 50.36 and with the precedent as established in the STS.

3.0 TECHNICAL EVALUATION

3.1 Current Pilgrim TS Requirements

TS 3.6.G.1 and the associated surveillance requirements (SR) 4.6.G provide general programmatic elements for inservice inspections (ISI) of the structural integrity of Pilgrims' primary system boundary. The TS requires the primary system boundary to be maintained as required by the American Society of Mechanical Engineers Boiler and Pressure Vessel Code (ASME Code) Section XI, "Rules for ISI of Nuclear Power Plant Components," Articles IWA, IWB, IWC, IWD, IWF, and mandatory appendices as required by 10 CFR50.55a(g), except where specific relief has been granted by the NRC pursuant to 10 CFR 50.55a(g)(6)(i). The SR simply states that the ISI of components shall be performed in accordance with the Pilgrim ISI program. The results of the inspections shall be evaluated and reviewed with the NRC.

3.2 Proposed Changes to the Pilgrim TS Requirements

The structural integrity requirements of TS 3.6.G and the SR 4.6.G, will be relocated to the Pilgrim UFSAR Appendix B.2. Therefore, any changes to these requirements will be strictly controlled by the provisions of 10 CFR 50.59, as well as 10 CFR 50.55a(g).

3.3 Staff Evaluation

The safety basis for establishing programmatic requirements on structural integrity in TSs relates to prevention of component degradation and continued long-term maintenance of acceptable structural conditions. Therefore, structural integrity of safety systems are not operational limits that are an initial assumption of any DBA or transient analysis.

10 CFR 50.55a, "Codes and standards" specify the ASME Code requirements for plant operations, maintenance and testing of ASME Code Class 1, 2, and 3 safety-related components. Each operating license for a boiling or pressurized water-cooled nuclear power facility is subject to the conditions in paragraphs (f) and (g) of 10 CRF 50.55a.

Pilgrim TS 3.13 establishes the programmatic elements for conducting inservice testing (IST) of ASME Code Class 1, 2, and 3 pumps and valves. This TS provides the required frequencies for performing IST activities which is consistent with the STS Section 5.5.7, "Inservice Testing Program." Testing requirements for ASME Code 1, 2, and 3 pumps and valves are defined in 10 CFR 50.55a(f). 10 CFR 50.55(a)(g) provides the regulatory requirements for performing ISI of ASME Code Class 1, 2, and 3 components. These regulations ensure the structural integrity

and continued long term maintenance of ASME Code Class 1, 2, and 3 components, pumps and valves.

The proposed relocated TSs are not required to be in TSs under 10 CFR 50.36 and do not meet any of the four criteria. They are not needed to obviate the possibility that an abnormal situation or event will give rise to an immediate threat to the public health and safety. In addition, the NRC staff finds that sufficient regulatory controls exist under the regulations cited above to maintain the effect of the provisions in these specifications. The NRC staff has also concluded that appropriate controls have been established for the specification, information, and requirements that are being relocated to the Pilgrim UFSAR. This is the subject of a licensing commitment established in the licensee's submittal on December 14, 2004, as supplemented on August 30, 2006. Following implementation, the NRC will audit the removed provisions to ensure that an appropriate level of control has been achieved.

The NRC staff has concluded that, in accordance with 10 CFR 50.36, sufficient regulatory controls exist under the regulations, particularly 10 CFR 50.59. Accordingly, these specifications, information, and requirements, as described in detail in this SE, may be relocated from Pilgrim TSs and placed in the Pilgrim UFSAR.

4.0 STATE CONSULTATION

In accordance with the Commission's regulations, the Massachusetts State official was notified of the proposed issuance of the amendment. The State official had no comments.

5.0 ENVIRONMENTAL CONSIDERATION

The amendment changes a requirement with respect to installation or use of a facility component located within the restricted area as defined in 10 CFR Part 20. The NRC staff has determined that the amendment involves no significant increase in the amounts, and no significant change in the types, of any effluents that may be released offsite, and that there is no significant increase in individual or cumulative occupational radiation exposure. The Commission has previously issued a proposed finding that the amendment involves no significant hazards consideration, and there has been no public comment on such finding (70 FR 9991; March 1, 2005). Accordingly, the amendment meets the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(9). Pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared in connection with the issuance of the amendment.

6.0 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: J. Shea, C. Schulten

Date: September 14, 2006

Pilgrim Nuclear Power Station

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