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

April 12, 2010

Vice President, Operations
Entergy Nuclear Operations, Inc.
James A. FitzPatrick Nuclear Power Plant
P.O. Box 110
Lycoming, NY 13093

SUBJECT: JAMES A. FITZPATRICK NUCLEAR POWER PLANT - ISSUANCE OF AMENDMENT RE: REFERENCE TO CURRENT CODE OF RECORD IN TECHNICAL SPECIFICATION 5.5.7 INSERVICE TESTING PROGRAM (TAC NO. ME2809)

Dear Sir or Madam:

The Commission has issued the enclosed Amendment No 296 to Renewed 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 dated November 23, 2009, as supplemented by letter dated February 5, 2010.

The amendment modified the TS 5.5.7, "Inservice Testing Program," by replacing the references from the American Society Of Mechanical Engineers Boiler and Pressure Vessel Code to the current Code of Record, ASME Operation and Maintenance Nuclear Power Plants Code (ASME OM Code), the Code of Record for the James A. FitzPatrick Nuclear Power Plant (JAFNPP). This is an administrative amendment to maintain the TS current with the NRC accepted Code of Record for JAFNPP Inservice Testing Program.

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,

B.K. Vaidya

Bhalchandra K. Vaidya, Project Manager
Plant Licensing Branch I-1
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket No. 50-333

Enclosures:
1. Amendment No. 296 to DPR-59
2. Safety Evaluation

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

ENTERGY NUCLEAR FITZPATRICK, LLC

AND ENTERGY NUCLEAR OPERATIONS, INC.

DOCKET NO. 50-333

JAMES A. FITZPATRICK NUCLEAR POWER PLANT

AMENDMENT TO RENEWED FACILITY OPERATING LICENSE

Amendment No. 296
Renewed Facility Operating License No. DPR-59

1. The Nuclear Regulatory Commission (the Commission) has found that:

   A. The application for amendment by Entergy Nuclear Operations, Inc. (the licensee) dated November 23, 2009, as supplemented by letter dated February 5, 2010, 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 Renewed Facility Operating License No. DPR-59 is hereby amended to read as follows:

(2) Technical Specifications

The Technical Specifications contained in Appendix A, as revised through Amendment No. 296 , 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 and shall be implemented within 30 days.

FOR THE NUCLEAR REGULATORY COMMISSION

Nancy L. Salgado

Nancy L. Salgado, Chief
Plant Licensing Branch I-1
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Attachment:
Changes to the Renewed Facility Operating
License and Technical Specifications

Date of Issuance: April 12, 2010

ATTACHMENT TO LICENSE AMENDMENT NO. 296

RENEWED FACILITY OPERATING LICENSE NO. DPR-59

DOCKET NO. 50-333

Replace the following page of the License with the attached revised page. The revised page is identified by amendment number and contains marginal lines indicating the areas of change.

Remove Page	Insert Page
Page 3	Page 3

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

Remove Page	Insert Page
5.5-6	5.5-6

(4) ENO pursuant to the Act and 10 CFR Parts 30, 40, and 70 to receive, possess, and use, at any time, any byproduct, source and special nuclear material without restriction to chemical or physical form, for sample analysis or instrument calibration; or associated with radioactive apparatus, components or tools..

(5) Pursuant to the Act and 10 CFR Parts 30 and 70, to possess, but not separate, such byproduct and special nuclear materials as may be produced by the operation of the facility.

C. This renewed operating license shall be deemed to contain and is subject to the conditions specified in the following Commission regulations in 10 CFR Chapter I: Part 20, Section 30.34 of Part 30, Section 40.41 of Part 40, Sections 50.54 and 50.59 of Part 50, and Section 70.32 of Part 70; and is subject to all applicable provisions of the Act and to the rules, regulations, and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified or incorporated below:

(1) Maximum Power Level

ENO is authorized to operate the facility at steady state reactor core power levels not in excess of 2536 megawatts (thermal).

(2) Technical Specifications

The Technical Specifications contained in Appendix A , as revised through Amendment No296, are hereby incorporated in the renewed operating license. The licensee shall operate the facility in accordance with the Technical Specifications.

(3) Fire Protection

ENO shall implement and maintain in effect all provisions of the approved fire protections program as described in the Final Safety Analysis Report for the facility and as approved in the SER dated November 20, 1972; the SER Supplement No. 1 dated February 1, 1973; the SER Supplement No. 2 dated October 4, 1974; the SER dated August 1, 1979; the SER Supplement dated October 3, 1980; the SER Supplement dated February 13, 1981; the NRC Letter dated February 24, 1981; Technical Specification Amendments 34 (dated January 31, 1978), 80 (dated May 22, 1984), 134 (dated July 19, 1989), 135 (dated September 5, 1989), 142 (dated October 23, 1989), 164 (dated August 10, 1990), 176 (dated January 16, 1992), 177 (dated February 10, 1992), 186 (dated February 19, 1993), 190 (dated June 29, 1993), 191 (dated July 7, 1993), 206 (dated February 28, 1994) and 214 (dated June 27, 1994); and NRC Exemptions and associated safety evaluations dated April 26, 1983, July 1, 1983, January 11, 1985, April 30, 1986, September 15, 1986 and September 10, 1992 subject to the following provision:

5.5 Programs and Manuals

5.5.6 Primary Containment Leakage Rate Testing Program (continued)

d. The provisions of SR 3.0.3 are applicable to the Primary Containment Leakage Rate Testing Program.

e. Nothing in these Technical Specifications shall be construed to modify the testing Frequencies required by 10 CFR 50, Appendix J.

5.5.7 Inservice Testing Program

This program provides controls for inservice testing of certain ASME Code Class 1, 2, and 3 pumps and valves. The program shall include the following:

a. Testing Frequencies specified in the ASME OM Code and applicable Addenda are as follows:

ASME OM Code and applicable Addenda terminology for inservice testing activities	Required Frequencies for performing inservice testing activities
Quarterly or every 3 months	At least once per 92 days
Biennially or every 2 years	At least once per 731 days

b. The provisions of SR 3.0.2 are applicable to the above required Frequencies for performing inservice testing activities;

c. The provisions of SR 3.0.3 are applicable to inservice testing activities; and

(continued)

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

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION

RELATED TO AMENDMENT NO.296 TO RENEWED FACILITY OPERATING

LICENSE NO. DPR-59 ENTERGY NUCLEAR OPERATIONS, INC.

JAMES A. FITZPATRICK NUCLEAR POWER PLANT

DOCKET NO. 50-333

1.0 INTRODUCTION

By letter dated November 23, 2009, (Agencywide Documents Access and Management System (ADAMS) Accession No. ML093310429), as supplemented by letter dated February 5, 2010 (ADAMS Accession No. ML100480039), Entergy Nuclear Operations, Inc. (the licensee) submitted a request for changes to the James A. FitzPatrick Nuclear Power Plant (JAFNPP) Technical Specifications (TS). The supplement dated February 5, 2010, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination as published in the *Federal Register* on January 26, 2010 (75 FR 4117).

The proposed amendment would modify the TS 5.5.7, Inservice Testing Program, by replacing the references from the American Society of Mechanical Engineers Boiler and Pressure Vessel Code (ASME Code) Section XI, to the ASME Operation and Maintenance Nuclear Power Plants Code (ASME OM Code), the current Code of Record for the JAFNPP Inservice Testing Program (IST). The proposed amendment would also remove certain testing frequencies in TS 5.5.7a that are not applicable to JAFNPP TSs and be consistent with the requirements of Title 10 of the *Code of Federal Regulations* (10 CFR) 50.55a(f)(4) for IST of pumps and valves. This is an administrative amendment to maintain the TS current with the NRC accepted Code of Record for JAFNPP IST Program.

2.0 REGULATORY EVALUATION

In 1990, the ASME published the initial edition of the ASME OM Code, which provides requirements for IST of pumps and valves. The ASME OM Code was developed and is maintained by the ASME Committee on Operation and Maintenance of Nuclear Power Plants. The ASME OM Code was developed in response to the ASME Board on Nuclear Codes and Standards directive that transferred responsibility for development and maintenance of requirements for the IST of pumps and valves from the Section XI Subcommittee on Nuclear Inservice Inspection to the ASME OM Committee. The ASME intended the ASME OM Code to replace Section XI rules for IST of pumps and valves. Section XI requirements for IST of pumps and valves were deleted from Section XI in the 2000 Addenda. The JAFNPP fourth 10-year interval IST program was developed to meet the requirements of the 2001 Edition with the 2002

and 2003 Addenda of the ASME OM Code pursuant to 10 CFR 50.55a(f)(4)(ii) as required by 10 CFR 50.55a(f)(4).

The regulatory requirements related to the content of TS are contained in 10 CFR 50.36. That regulation requires that the TS include items in the following specific categories: (1) safety limits, limiting safety systems settings, and limiting control settings, (2) limiting conditions for operation, (3) surveillance requirements, (4) design features, and (5) administrative controls.

The changes were reviewed for compliance with the requirements for IST as contained in 10 CFR 50.55a(f)(4) for ASME Code Class 1, 2, and 3 pumps and valves. Guidance on the acceptability of the ASME OM Code is provided in Regulatory Guide 1.192, "Operations and Maintenance Code Case Acceptability, ASME OM Code," June 2003.

3.0 TECHNICAL EVALUATION

3.1 Specific Changes Requested

The licensee has proposed the following changes to the JAFNPP TS:

For TS Section 5.5.7.a, the reference to Section XI of the ASME Code for IST requirements would be replaced with ASME OM Code.

The weekly, monthly, semiannually or every 6 months, every 9 months, and yearly or annually IST frequencies in TS Section 5.5.7.a would be deleted.

3.2 Basis for Changes

TS 5.5.7.a establishes controls for IST of ASME Class 1, 2, and 3 pumps and valves required to satisfy the requirements in 10 CFR 50.36. TS Section 5.5.7.a currently references Section XI of the ASME Code as the source of requirements for the IST of ASME Code Class 1, 2, and 3 pumps and valves.

The regulations in 10 CFR 50.55a(f)(4) establish the effective Code edition and addenda to be used by licensees for performing IST of pumps and valves. The regulations in 10 CFR 50.55a(f)(4)(ii) require licensees to update their IST program to the latest approved edition and addenda of the ASME OM Code incorporated by reference into 10 CFR 50.55a(b). The licensee states that the IST Program for the JAFNPP fourth interval was updated to comply with the appropriate revisions of the ASME OM Code and included the 2001 Edition with the 2002 and 2003 Addenda as the new Code of Record for performing IST at JAFNPP. As a consequence, the TS 5.5.7.a reference to Section XI of the ASME Code results in a reference to a deleted portion of the Code.

The weekly, monthly, semiannually or every 6 months, every 9 months, and yearly or annually IST frequencies currently in TS Section 5.5.7.a are not applicable to the pumps and valves included in the JAFNPP TS and, therefore, can be deleted.

3.3 Evaluation

In 1990, the ASME published the initial edition of the ASME OM Code, which provides requirements for IST of pumps and valves. The OM Code was developed and is maintained by the ASME Committee on Operation and Maintenance of Nuclear Power Plants. The ASME OM Code was developed in response to the ASME Board on Nuclear Codes and Standards directive that transferred responsibility for development and maintenance of rules for the IST of pumps and valves from the ASME Section XI Subcommittee on Nuclear Inservice Inspection to the ASME OM Committee. The ASME intended the ASME OM Code to replace Section XI rules for IST of pumps and valves, and the Section XI rules for IST of pumps and valves were deleted from Section XI in the 2000 Addenda. The JAFNPP fourth 10-year interval IST program was updated to comply with the 2001 Edition with the 2002 and 2003 Addenda of the ASME OM Code as required by 10 CFR 50.55a(f)(4)(ii).

As a consequence, the TS 5.5.7.a reference to Section XI of the ASME Code for IST requirements results in a reference to a deleted portion of the ASME Code. The TS changes do not eliminate any tests and do not relinquish the licensee of its responsibility to seek NRC authorization of alternatives to the Code or grant relief from Code test requirements when they are impractical. The proposed change will eliminate the ASME Code inconsistency between the IST program and the TSs; therefore, the NRC staff finds these proposed changes to be acceptable.

The NRC staff also finds that deletion of the weekly, monthly, semiannually or every 6 months, every 9 months, and yearly or annually IST frequencies currently in TS Section 5.5.7.a acceptable. This TS change is administrative in nature and only deletes IST frequencies that are not applicable to the Class 1, 2, and 3 pumps and valves included in the JAFNPP TSs.

4.0 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.

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 and changes surveillance requirements. 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 (75 FR 4117). 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

Based on the above discussion, the Commission has concluded 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: S. Tingen, NRR
V Cusumano, NRR

Date: April 12, 2010

April 12, 2010

Vice President, Operations
Entergy Nuclear Operations, Inc.
James A. FitzPatrick Nuclear Power Plant
P.O. Box 110
Lycoming, NY 13093

SUBJECT: JAMES A. FITZPATRICK NUCLEAR POWER PLANT - ISSUANCE OF AMENDMENT RE: REFERENCE TO CURRENT CODE OF RECORD IN TECHNICAL SPECIFICATION 5.5.7 INSERVICE TESTING PROGRAM (TAC NO. ME2809)

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Sincerely,
/ra/
Bhalchandra K. Vaidya, Project Manager
Plant Licensing Branch I-1
Division of Operating Reactor Licensing
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