

March 12, 1991

Docket No. 50-410

Mr. B. Ralph Sylvia
Executive Vice President, Nuclear
Niagara Mohawk Power Corporation
301 Plainfield Road
Syracuse, New York 13212

Dear Mr. Sylvia:

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SUBJECT: ISSUANCE OF AMENDMENT FOR NINE MILE POINT NUCLEAR STATION UNIT NO. 2 ON THE REMOVAL OF THE 3.25 LIMIT (TAC NO. 79137)

The Commission has issued the enclosed Amendment No. 28 to Facility Operating License No. NPF-69 for the Nine Mile Point Nuclear Station Unit No. 2 (NMP-2). The amendment consists of changes to the Technical Specifications in response to your application transmitted by letter dated November 20, 1990.

This amendment removes a restriction that limits the combined time interval for three consecutive surveillances to less than 3.25 times the specified interval. These changes are consistent with the guidance provided in Generic Letter 89-14, "Line Item Improvements in Technical Specifications - Removal of the 3.25 Limit on Extending Surveillance Intervals." Additionally, this amendment deletes Specification 4.0.2c which contains a one-time exemption from the provisions of Specifications 4.0.2a and 4.0.2b and is no longer applicable.

A copy of the related Safety Evaluation is enclosed. A Notice of Issuance will be included in the Commission's next regular bi-weekly Federal Register notice.

Sincerely,

ORIGINAL SIGNED BY: D. Oudinot for

Donald S. Brinkman, Senior Project Manager
Project Directorate I-1
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation

Enclosures:

1. Amendment No. 28 to NPF-69
2. Safety Evaluation

cc: w/enclosures
See next page

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DOCUMENT NAME: NMP2 AMENDMENT 79137

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UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555

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Mr. B. Ralph Sylvia
Executive Vice President, Nuclear
Niagara Mohawk Power Corporation
301 Plainfield Road
Syracuse, New York 13212

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Sincerely,

A handwritten signature in cursive script, appearing to read "for Donald S. Brinkman".

Donald S. Brinkman, Senior Project Manager
Project Directorate I-1
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation

Enclosures:

1. Amendment No. 28 to NPF-69
2. Safety Evaluation

cc: w/enclosures
See next page

Mr. B. Ralph Sylvia
Niagara Mohawk Power Corporation

Nine Mile Point Nuclear Station
Unit 2

cc:

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

NIAGARA MOHAWK POWER CORPORATION

DOCKET NO. 50-410

NINE-MILE POINT NUCLEAR STATION, UNIT 2

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 28
License No. NPF-69

1. The Nuclear Regulatory Commission (the Commission) has found that:
 - A. The application for amendment by Niagara Mohawk Power Corporation (the licensee) dated November 20, 1990, 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 Technical Specifications as indicated in the attachment to this license amendment, and paragraph 2.C.(2) of Facility Operating License No. NPF-69 is hereby amended to read as follows:

(2) Technical Specifications and Environmental Protection Plan

The Technical Specifications contained in Appendix A and the Environmental Protection Plan contained in Appendix B, both of which are attached hereto, as revised through Amendment No. are hereby incorporated into this license. Niagara Mohawk Power Corporation shall operate the facility in accordance with the Technical Specifications and the Environmental Protection Plan.

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

FOR THE NUCLEAR REGULATORY COMMISSION



Robert A. Capra, 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: March 12, 1991

ATTACHMENT TO LICENSE AMENDMENT

AMENDMENT NO. 28 TO FACILITY OPERATING LICENSE NO. NPF-69

DOCKET NO. 50-410

Revise Appendix A as follows:

Remove Page

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3/4 0-4
B 3/4 0-4

Insert Page

iv
3/4 0-2

B 3/4 0-4

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SURVEILLANCE REQUIREMENTS

4.0.1 Surveillance Requirements shall be met during the OPERATIONAL CONDITIONS or other conditions specified for individual Limiting Conditions for Operation unless otherwise stated in an individual Surveillance Requirement.

4.0.2 Each Surveillance Requirement shall be performed within the specified time interval with a maximum allowable extension not to exceed 25% of the surveillance interval.

4.0.3 Failure to perform a Surveillance Requirement within the allowed surveillance interval, defined by Specification 4.0.2, shall constitute noncompliance with the OPERABILITY requirements for a Limiting Condition for Operation. The time limits of the ACTION requirements are applicable at the time it is identified 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.

4.0.4 Entry into an OPERATIONAL CONDITION or other specified applicable condition 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 CONDITIONS as required to comply with ACTION requirements.

4.0.5 Surveillance Requirements for inservice inspection and testing of ASME Code Class 1, 2, and 3 components shall be applicable as follows:

- a. Inservice inspection of ASME Code Class 1, 2, and 3 components and inservice testing of ASME Code Class 1, 2, and 3 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 50.55a(g), except where specific written relief has been granted by the Commission pursuant to 10 CFR 50.55a(g)(6)(i).
- b. Surveillance intervals specified in Section XI of the ASME Boiler and Pressure Vessel Code and applicable addenda for the inservice inspection and testing activities required by the ASME Boiler and Pressure Vessel Code and applicable addenda shall be applicable as follows in these Technical Specifications:

APPLICABILITY

BASES

"Surveillance requirements are requirements relating to test, calibration, or inspection to ensure that the necessary quality of systems and components is maintained, that facility operation will be within safety limits, and that the limiting conditions of operation will be met."

Specification 4.0.1 establishes the requirement that surveillances must be performed during the OPERATIONAL CONDITIONS or other conditions for which the requirements of the Limiting Conditions for Operation apply unless otherwise stated in an individual Surveillance Requirement. The purpose of this specification is to ensure that surveillances are performed to verify the operational status of systems and components and that parameters are within specified limits to ensure safe operation of the facility when the plant is in an OPERATIONAL CONDITION or other specified condition for which the individual Limiting Conditions for Operation are applicable. Surveillance Requirements do not have to be performed when the facility is in an OPERATIONAL CONDITION for which the requirements of the associated Limiting Condition for Operation do not apply unless otherwise specified. The Surveillance Requirements associated with a Special Test Exception are only applicable when the Special Test Exception is used as an allowable exception to the requirements of a specification.

4.0.2 Specification 4.0.2 establishes the limit for which the specified time interval for Surveillance Requirements may be extended. It permits an allowable extension of the normal surveillance interval to facilitate surveillance scheduling and consideration of plant operating conditions that may not be suitable for conducting the surveillance; e.g., transient conditions or other ongoing surveillance or maintenance activities. It also provides flexibility to accommodate the length of a fuel cycle for surveillances that are performed at each refueling outage and are specified with an 18 month surveillance interval. It is not intended that this provision be used repeatedly as a convenience to extend surveillance intervals beyond that specified for surveillances that are not performed during refueling outages. The limitation of Specification 4.0.2 is based on engineering judgement and the recognition that the most probable result of any particular surveillance being performed is the verification of conformance with the Surveillance Requirements. This provision is sufficient to ensure that the reliability ensured through surveillance activities is not significantly degraded beyond that obtained from the specified surveillance interval.

Specification 4.0.3 establishes the failure to perform a Surveillance Requirement within the allowed surveillance interval, defined by the provisions of Specification 4.0.2, as a condition that constitutes a failure to meet the OPERABILITY requirements for a Limiting Condition for Operation. Under the provisions of this specification, systems and components are assumed to be OPERABLE when Surveillance Requirements have been satisfactorily performed within the specified time interval. However, nothing in this provision is to be construed as implying that systems or components are OPERABLE when they are found or known to be inoperable although still meeting the Surveillance Requirements. This specification also clarifies that the ACTION requirements are applicable when Surveillance Requirements have not been completed within the allowed surveillance interval and that the time limits of the ACTION requirements apply from the point in time it is identified that a surveillance has not been performed and not at the time that the allowed surveillance interval was exceeded. Completion of the Surveillance Requirement within the allowable outage time limits of the ACTION requirements restores compliance with



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

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION
RELATED TO AMENDMENT NO. 28 TO FACILITY OPERATING LICENSE NO. NPF-69
NIAGARA MOHAWK POWER CORPORATION
NINE MILE POINT NUCLEAR STATION, UNIT NO. 2
DOCKET NO. 50-410

1.0 INTRODUCTION

By letter dated November 20, 1990, Niagara Mohawk Power Corporation, the licensee, proposed changes to the Technical Specifications (TS) for Nine Mile Point Nuclear Station, Unit No. 2 (NMP-2). The proposed change removes the provision of Specification 4.0.2 that limits the combined time interval for three consecutive surveillances to less than 3.25 times the specified interval. Guidance on this proposed change to TS was provided to all power reactor licensees and applicants by Generic Letter 89-14, dated August 21, 1989. The proposed amendment would also delete Specifications 4.0.2c which contains a one-time exemption from the requirements of Specifications 4.0.2a and 4.0.2b and is no longer applicable.

2.0 EVALUATION

Specification 4.0.2 includes the provision that allows a surveillance interval to be extended by 25 percent of the specified time interval. This extension provides flexibility for scheduling the performance of surveillances and to permit consideration of plant operating conditions that may not be suitable for conducting a surveillance at the specified time intervals. Such operating conditions include transient plant operation or ongoing surveillance or maintenance activities. Specification 4.0.2 further limits the allowance for extending surveillance intervals by requiring that the combined time interval for any three consecutive surveillances not exceed 3.25 times the specified time interval. The purpose of this provision is to assure that surveillances are not extended repeatedly as an operational convenience to provide an overall increase in the surveillance interval.

Experience has shown that the 18-month surveillance interval, with the provision to extend it by 25 percent, is usually sufficient to accommodate normal variations in the length of a fuel cycle. However, the NRC staff has routinely granted requests for one-time exceptions to the 3.25 limit on extending refueling surveillances because the risk to safety is low in contrast to the alternative of a forced shutdown to perform these surveillances. Therefore, the 3.25 limitation on extending surveillances has not been a practical limit on the use of the 25-percent allowance for extending surveillances that are performed on a refueling outage basis.

Extending surveillance intervals during plant operation can also result in a benefit to safety when a scheduled surveillance is due at a time that is not suitable for conducting the surveillance. This may occur when transient plant operating conditions exist or when safety systems are out of service for maintenance or other surveillance activities. In such cases, the benefit to safety of extending a surveillance interval would exceed any safety benefit derived by limiting the use of the 25-percent allowance to extend a surveillance. Furthermore, there is the administrative burden associated with tracking the use of the 25-percent allowance to ensure compliance with the 3.25 limit.

In view of these findings, the staff concluded that Specification 4.0.2 should be changed to remove the 3.25 limit for all surveillances because its removal will have an overall positive effect on safety. Consistent with the guidance provided in Generic Letter 89-14 Specification 4.0.2 is changed to state:

"Each Surveillance Requirement shall be performed within the specified time interval with a maximum allowable extension not to exceed 25 percent of the surveillance interval."

In addition, the Bases applicable to Specification 4.0.2 were updated to reflect this change and noted that it is not the intent of the allowance for extending surveillance intervals that it be used repeatedly merely as an operational convenience to extend surveillance intervals beyond that specified.

The license has proposed changes to Specification 4.0.2 that are consistent with the guidance provided in Generic Letter 89-14, as noted above. On the basis of its review of this matter, the staff finds that the above change to the TS for Nine Mile Point Unit 2 is acceptable.

Also, this amendment deletes Specification 4.0.2c which states that for the purposes of the first refueling outage, those Surveillance Requirements listed on Tables 4.0.2-1 and 4.0.2-2 were exempted from the provisions of 4.0.2a and 4.0.2b and their surveillance intervals were extended to the date specified in Tables 4.0.2-1 and 4.0.2-2. Specification 4.0.2c was added per amendment No. 18 on July 10, 1990, and was applicable to the first refueling outage which was completed on January 22, 1991. Specification 4.0.2c no longer applies.

The staff finds the deletion of Specification 4.0.2c, Table 4.0.2-1, and Table 4.0.2-2 acceptable.

ENVIRONMENTAL CONSIDERATION

This amendment involves a change in a requirement with respect to the installation or use of the facility components located within the restricted areas as defined in 10 CFR Part 20. The staff has determined that this 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 this amendment involves no significant hazards consideration and there has been no public comment on such finding. Accordingly, this 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 this amendment.

CONCLUSION

We have 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, and (2) such activities will be conducted in compliance with the Commission's regulations and (3) the issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public.

Dated: March 12, 1991

PRINCIPAL CONTRIBUTOR:

T. Dunning