

**Constellation  
Nuclear**

**Nine Mile Point  
Nuclear Station**

*A Member of the  
Constellation Energy Group*

June 24, 2002  
NMP2L 2064

U.S. Nuclear Regulatory Commission  
Attn: Document Control Desk  
Washington, DC 20555

RE: Nine Mile Point Unit 2  
Docket No. 50-410  
NPF-69  
TAC No. MB5271

***Subject: Application for Technical Specification Change Regarding Missed  
Surveillances Using the Consolidated Line Item Improvement Process***

Gentlemen:

In accordance with the provisions of 10 CFR 50.90, Nine Mile Point Nuclear Station, LLC (NMPNS) is submitting a request for an amendment to the Technical Specifications (TSs) for Nine Mile Point Unit 2.

The proposed amendment would modify TS requirements for missed surveillances contained in Surveillance Requirement 3.0.3.

Attachment 1 provides a description of the proposed change, the requested confirmation of applicability, plant-specific verifications, and a summary of regulatory commitments made in this submittal. Attachment 2 provides a revised (clean) TS page. Attachment 3 provides the existing TS page marked up to show the proposed change, along with existing TS Bases pages marked up to show the proposed change (for information only).

NMPNS requests approval of the proposed license amendment by December 31, 2002. Once approved, the amendment will be implemented within 60 days.


A001

Page 2  
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In accordance with 10 CFR 50.91, a copy of this application, with attachments, is being provided to the appropriate state representative.

I declare under penalty of perjury that the foregoing is true and correct. Executed on June 24, 2002.

Very truly yours,

  
John T. Conway  
Site Vice President

JTC/JJD/  
Attachments

cc: Mr. H. J. Miller, NRC Regional Administrator, Region I  
Mr. G. K. Hunegs, NRC Senior Resident Inspector  
Mr. P. S. Tam, Senior Project Manager, NRR (2 copies)  
Mr. John P. Spath  
NYSERDA  
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Albany, NY 12203-6399  
Records Management

## ATTACHMENT 1

### NINE MILE POINT NUCLEAR STATION, LLC

LICENSE NO. NPF-69

DOCKET NO. 50-410

#### Description and Assessment

##### 1.0 DESCRIPTION

The proposed amendment would modify technical specification (TS) requirements for missed surveillances in Surveillance Requirement (SR) 3.0.3.

The changes are consistent with NRC approved Industry/Technical Specification Task Force (TSTF) change TSTF-358, Revision 6. The availability of this TS improvement was published in the *Federal Register* on September 28, 2001 (66 FR 49714), as part of the consolidated line item improvement process (CLIP).

##### 2.0 ASSESSMENT

###### 2.1 Applicability of the Published Safety Evaluation

Nine Mile Point Nuclear Station, LLC (NMPNS) has reviewed the NRC staff's model safety evaluation published in the *Federal Register* on June 14, 2001 (66 FR 32400), as modified by the comments and responses published in the *Federal Register* dated September 28, 2001, as part of the CLIP. This review included a review of the NRC staff's evaluation, as well as the supporting information provided to support TSTF-358. NMPNS has concluded that the justifications presented in the TSTF proposal and the safety evaluation prepared by the NRC staff are applicable to Nine Mile Point Unit 2 (NMP2) and justify this amendment for the incorporation of the changes into the NMP2 TSs.

###### 2.2 Optional Changes and Variations

NMPNS is not proposing any variations or deviations from the TS changes described in TSTF-358, Revision 6 or the NRC staff's model safety evaluation.

##### 3.0 REGULATORY ANALYSIS

###### 3.1 No Significant Hazards Consideration Determination

NMPNS has reviewed the proposed no significant hazards consideration determination (NSHCD) published in the *Federal Register* as part of the CLIP. NMPNS has concluded that the proposed NSHCD presented in the *Federal Register* notice is

applicable to NMP2 and is hereby incorporated by reference to satisfy the requirements of 10 CFR 50.91(a).

### **3.2 Verification**

As discussed in the notice of availability for this TS improvement published in the *Federal Register* on September 28, 2001, plant-specific verifications were performed as follows:

NMPNS has established TS Bases for SR 3.0.3 which state that use of the delay period established by SR 3.0.3 is a flexibility which is not intended to be used as an operational convenience to extend surveillance intervals, but only for the performance of missed surveillances. Additionally, NMPNS has a Bases Control Program consistent with Section 5.5 of the Standard Technical Specifications.

### **3.3 Commitments**

Concurrent with implementation of the proposed TS change, the Bases for SR 3.0.3 will be revised to provide details on how to implement the new requirements. The Bases changes provide guidance for surveillance frequencies that are not based on time intervals, but are based on specified unit conditions, operating situations, or requirements of regulations. In addition, the Bases changes state that NMPNS is expected to perform a missed surveillance test at the first reasonable opportunity, taking into account appropriate considerations, such as the impact on plant risk and accident analysis assumptions, consideration of unit conditions, planning, availability of personnel, and the time required to perform the maintenance. The Bases changes also state that the risk impact should be managed through the program in place to implement 10 CFR 50.65(a)(4) and its implementation guidance, NRC Regulatory Guide (RG) 1.182, "Assessing and Managing Risks Before Maintenance Activities at Nuclear Power Plants," and that the missed surveillance should be treated as an emergent condition, as discussed in RG 1.182. In addition, the Bases changes state that the degree of depth and rigor of the evaluation should be commensurate with the importance of the component and that missed surveillances for important components should be analyzed quantitatively. The Bases changes also state that all missed surveillances will be placed in the NMPNS Corrective Action Program.

The following table identifies those actions committed by NMPNS in this document. Any other statements in this submittal are provided for information purposes and are not considered to be regulatory commitments.

<b>Regulatory Commitment</b>	<b>Due Date</b>
NMPNS will establish the TS Bases for SR 3.0.3 as adopted with the license amendment.	Upon implementation of the amendment.

#### **4.0 ENVIRONMENTAL EVALUATION**

NMPNS has reviewed the environmental evaluation included in the model safety evaluation dated June 14, 2001, as part of the CLIP. NMPNS has concluded that the staff's findings presented in that evaluation are applicable to NMP2 and the evaluation is hereby incorporated by reference for this application.

**ATTACHMENT 2**

**NINE MILE POINT NUCLEAR STATION, LLC**

**LICENSE NO. NPF-69**

**DOCKET NO. 50-410**

**Proposed Changes to the Current Technical Specifications**

Replace existing Technical Specifications page listed below with the attached revised page. The revised page has marginal markings (revision bars) to indicate changes to the text.

Note: Due to a change in word processing software, the format of the revised page has been modified slightly from the currently approved page. The modifications do not affect the content of the page.

Remove

3.0-4

Insert

3.0-4

### 3.0 SURVEILLANCE REQUIREMENT (SR) APPLICABILITY

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SR 3.0.1 SRs shall be met during the MODES or other specified conditions in the Applicability for individual LCOs, unless otherwise stated in the SR. Failure to meet a Surveillance, whether such failure is experienced during the performance of the Surveillance or between performances of the Surveillance, shall be failure to meet the LCO. Failure to perform a Surveillance within the specified Frequency shall be failure to meet the LCO except as provided in SR 3.0.3. Surveillances do not have to be performed on inoperable equipment or variables outside specified limits.

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SR 3.0.2 The specified Frequency for each SR is met if the Surveillance is performed within 1.25 times the interval specified in the Frequency, as measured from the previous performance or as measured from the time a specified condition of the Frequency is met.

For Frequencies specified as "once," the above interval extension does not apply.

If a Completion Time requires periodic performance on a "once per . . ." basis, the above Frequency extension applies to each performance after the initial performance.

Exceptions to this Specification are stated in the individual Specifications.

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SR 3.0.3 If it is discovered that a Surveillance was not performed within its specified Frequency, then compliance with the requirement to declare the LCO not met may be delayed, from the time of discovery, up to 24 hours or up to the limit of the specified Frequency, whichever is greater. This delay period is permitted to allow performance of the Surveillance. A risk evaluation shall be performed for any Surveillance delayed greater than 24 hours and the risk impact shall be managed.

If the Surveillance is not performed within the delay period, the LCO must immediately be declared not met, and the applicable Condition(s) must be entered.

When the Surveillance is performed within the delay period and the Surveillance is not met, the LCO must immediately be declared not met, and the applicable Condition(s) must be entered.

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(continued)

**ATTACHMENT 3**

**NINE MILE POINT NUCLEAR STATION, LLC**

**LICENSE NO. NPF-69**

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**“Marked-Up” Copy of the Current Technical Specifications (TS) and Bases**

The current versions of TS page 3.0-4 and Bases pages B 3.0-13 and B 3.0-14 have been marked-up to reflect the proposed change.



### 3.0 SURVEILLANCE REQUIREMENT (SR) APPLICABILITY

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SR 3.0.1 SRs shall be met during the MODES or other specified conditions in the Applicability for individual LCOs, unless otherwise stated in the SR. Failure to meet a Surveillance, whether such failure is experienced during the performance of the Surveillance or between performances of the Surveillance, shall be failure to meet the LCO. Failure to perform a Surveillance within the specified Frequency shall be failure to meet the LCO except as provided in SR 3.0.3. Surveillances do not have to be performed on inoperable equipment or variables outside specified limits.

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SR 3.0.2 The specified Frequency for each SR is met if the Surveillance is performed within 1.25 times the interval specified in the Frequency, as measured from the previous performance or as measured from the time a specified condition of the Frequency is met.

For Frequencies specified as "once," the above interval extension does not apply.

If a Completion Time requires periodic performance on a "once per . . ." basis, the above Frequency extension applies to each performance after the initial performance.

Exceptions to this Specification are stated in the individual Specifications.

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SR 3.0.3 If it is discovered that a Surveillance was not performed within its specified Frequency, then compliance with the requirement to declare the LCO not met may be delayed, from the time of discovery, up to 24 hours or up to the limit of the specified Frequency, whichever is ~~less~~. This delay period is permitted to allow performance of the Surveillance. greater

Insert 1

If the Surveillance is not performed within the delay period, the LCO must immediately be declared not met, and the applicable Condition(s) must be entered.

When the Surveillance is performed within the delay period and the Surveillance is not met, the LCO must immediately be declared not met, and the applicable Condition(s) must be entered.

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(continued)

BASES

SR 3.0.2  
(continued)

The 25% extension does not significantly degrade the reliability that results from performing the Surveillance at its specified Frequency. This is based on the recognition that the most probable result of any particular Surveillance being performed is the verification of conformance with the SRs. The exceptions to SR 3.0.2 are those Surveillances for which the 25% extension of the interval specified in the Frequency does not apply. These exceptions are stated in the individual Specifications. The requirements of regulations take precedence over the TS. Therefore, when a test interval is specified in the regulations, the test interval cannot be extended by the TS, and the SR includes a Note in the Frequency stating "SR 3.0.2 is not applicable."

As stated in SR 3.0.2, the 25% extension also does not apply to the initial portion of a periodic Completion Time that requires performance on a "once per..." basis. The 25% extension applies to each performance after the initial performance. The initial performance of the Required Action, whether it is a particular Surveillance or some other remedial action, is considered a single action with a single Completion Time. One reason for not allowing the 25% extension to this Completion Time is that such an action usually verifies that no loss of function has occurred by checking the status of redundant or diverse components or accomplishes the function of the inoperable equipment in an alternative manner.

The provisions of SR 3.0.2 are not intended to be used repeatedly merely as an operational convenience to extend Surveillance intervals (other than those consistent with refueling intervals) or periodic Completion Time intervals beyond those specified.

SR 3.0.3

SR 3.0.3 establishes the flexibility to defer declaring affected equipment inoperable or an affected variable outside the specified limits when a Surveillance has not been completed within the specified Frequency. A delay period of up to 24 hours or up to the limit of the specified Frequency, whichever is ~~less~~ <sup>greater</sup>, applies from the point in time it is discovered that the Surveillance has not been performed in accordance with SR 3.0.2, and not at the time that the specified Frequency was not met. This delay period provides adequate time to complete Surveillances that have

(continued)

BASES

SR 3.0.3  
(continued)

been missed. This delay period permits the completion of a Surveillance before complying with Required Actions or other remedial measures that might preclude completion of the Surveillance.

The basis for this delay period includes consideration of unit conditions, adequate planning, availability of personnel, the time required to perform the Surveillance, the safety significance of the delay in completing the required Surveillance, and the recognition that the most probable result of any particular Surveillance being performed is the verification of conformance with the requirements.

Insert 2

When a Surveillance with a Frequency based not on time intervals, but upon specified unit conditions or operational situations, is discovered not to have been performed when specified, SR 3.0.3 allows the full delay period of 24 hours to perform the Surveillance.

SR 3.0.3 also provides a time limit for completion of Surveillances that become applicable as a consequence of MODE changes imposed by Required Actions.

Failure to comply with specified Frequencies for SRs is expected to be an infrequent occurrence. Use of the delay period established by SR 3.0.3 is a flexibility which is not intended to be used as an operational convenience to extend Surveillance intervals.

Insert 3

If a Surveillance is not completed within the allowed delay period, then the equipment is considered inoperable or the variable then is considered outside the specified limits and the Completion Times of the Required Actions for the applicable LCO Conditions begin immediately upon expiration of the delay period. If a Surveillance is failed within the delay period, then the equipment is inoperable, or the variable is outside the specified limits and the Completion Times of the Required Actions for the applicable LCO Conditions begin immediately upon the failure of the Surveillance.

Completion of the Surveillance within the delay period allowed by this Specification, or within the Completion Time of the ACTIONS, restores compliance with SR 3.0.1.

(continued)

### Insert 1

A risk evaluation shall be performed for any Surveillance delayed greater than 24 hours and the risk impact shall be managed.

### Insert 2

When a Surveillance with a Frequency based not on time intervals, but upon specified unit conditions, operating situations, or requirements of regulations (e.g., prior to entering MODE 1 after each fuel loading, or in accordance with 10 CFR 50, Appendix J, as modified by approved exemptions, etc.) is discovered to not have been performed when specified, SR 3.0.3 allows for the full delay period of up to the specified Frequency to perform the Surveillance. However, since there is not a time interval specified, the missed Surveillance should be performed at the first reasonable opportunity.

SR 3.0.3 provides a time limit for, and allowances for the performance of, Surveillances that become applicable as a consequence of MODE changes imposed by Required Actions.

### Insert 3

While up to 24 hours or the limit of the specified Frequency is provided to perform the missed Surveillance, it is expected that the missed Surveillance will be performed at the first reasonable opportunity. The determination of the first reasonable opportunity should include consideration of the impact on plant risk (from delaying the Surveillance as well as any plant configuration changes required or shutting the plant down to perform the Surveillance) and impact on any analysis assumptions, in addition to unit conditions, planning, availability of personnel, and the time required to perform the Surveillance. The risk impact should be managed through the program in place to implement 10 CFR 50.65(a)(4) and its implementation guidance, NRC Regulatory Guide 1.182, "Assessing and Managing Risk Before Maintenance Activities at Nuclear Power Plants." This Regulatory Guide addresses consideration of temporary and aggregate risk impacts, determination of risk management action thresholds, and risk management action up to and including plant shutdown. The missed Surveillance should be treated as an emergent condition as discussed in the Regulatory Guide. The risk evaluation may use quantitative, qualitative, or blended methods. The degree of depth and rigor of the evaluation should be commensurate with the importance of the component. Missed Surveillances for important components should be analyzed quantitatively. If the results of the risk evaluation determine the risk increase is significant, this evaluation should be used to determine the safest course of action. All missed Surveillances will be placed in the Corrective Action Program.