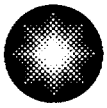
P.O. Box 63
Lycoming, New York 13093



Constellation
Nuclear

Nine Mile Point
Nuclear Station

A Member of the
Constellation Energy Group

June 28, 2002
NMP1L 1671

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

RE: Nine Mile Point Unit 1
Docket No. 50-220
DPR-63

Subject: ***Application for Technical Specification Improvement to Eliminate the Requirements for the Post Accident Sampling System Using the Consolidated Line Item Improvement Process (TAC No. MB5272)***

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 1 (NMP1) as set forth in Appendix A of Operating License DPR-63.

The proposed license amendment would revise TS 6.14, "Systems Integrity," to eliminate the Post Accident Sampling System (PASS) as a potential leakage path outside the primary containment. In addition, the proposed amendment would also serve to supersede (by elimination) the previous requirements for installing and maintaining the PASS at NMP1 as imposed by NRC confirmatory orders dated March 14, 1983 and June 12, 1984. The changes are consistent with the NRC approved Industry/Technical Specification Task Force (TSTF) Standard Technical Specification Change Traveler, TSTF-413, "Elimination of Requirements for a Post Accident Sampling System [or Station] (PASS)." The availability of this TS improvement was announced in the Federal Register on March 20, 2002 as part of the Consolidated Line Item Improvement Process (CLIIP).

Attachment A provides a description of the proposed change, the requested confirmation of applicability, and plant-specific verifications. Attachment B provides the existing TS page marked-up to show the proposed change. Attachment C provides the clean TS page.

A001

NMPNS requests approval of the proposed license amendment by August 30, 2002, with the amendment being fully implemented within 180 days after approval.

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 28, 2002.

Very truly yours,

John T. Conway
Site Vice President

JTC/CDM/jm
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
286 Washington Avenue Ext.
Albany, NY 12203-6399
Records Management

ATTACHMENT A

NINE MILE POINT NUCLEAR STATION, LLC

LICENSE NO. DPR-63

DOCKET NO. 50-220

Description and Assessment

1.0 DESCRIPTION

The proposed license amendment revises Technical Specification (TS) 6.14, "Systems Integrity," to eliminate the Post Accident Sampling System (PASS) as a potential leakage path outside the primary containment. In addition, the proposed amendment would also serve to supersede (by elimination) the previous requirements for installing and maintaining the PASS at Nine Mile Point Unit 1 (NMP1) pursuant to NUREG-0737, "Clarification of TMI Action Plan Requirements," Item II.B.3, and Regulatory Guide 1.97, Revision 2, "Instrumentation for Light-Water-Cooled Nuclear Power Plants to Assess Plant and Environs Conditions During and Following an Accident." These requirements were imposed by NRC confirmatory orders dated March 14, 1983 and June 12, 1984. The NMP1 TSs do not include administrative controls program requirements for the PASS (i.e., no program requirements similar to Standard TS 5.5.3, "Post Accident Sampling") as commitments relative to the NRC confirmatory orders constitute the current regulatory requirements.

The changes are consistent with NRC approved Industry/Technical Specification Task Force (TSTF) Standard Technical Specification Traveler, TSTF-413, "Elimination of Requirements for a Post Accident Sampling System [or Station] (PASS)." The availability of this TS improvement was announced in the Federal Register, Vol. 67, p. 13027 (67 FR 13027), on March 20, 2002, as part of the Consolidated Line Item Improvement Process (CLIIP).

2.0 ASSESSMENT

2.1 Background

The results of BWR Owners' Group (BWROG) Topical Report, NEDO-32991-A, "Regulatory Relaxation for BWR Post-Accident Sampling Stations (PASS)," dated August 2001, confirmed that the BWR PASS does not provide the benefits expected by the NRC when the requirements were promulgated following the Three Mile Island Unit 2 accident. All BWR emergency and severe accident response strategies can be implemented using in-plant instrumentation, without reliance on the PASS. Moreover, operating experience has demonstrated that in-plant instrumentation and the associated analysis methods will provide the timely information required to assess core damage and

mitigate severe accidents. This information is available from in-plant instrumentation early in the accident scenario and the derived information is as good as or better than information currently provided by the PASS several hours after initiation of the event. The BWROG has, therefore, concluded that the PASS can be removed without significantly affecting plant safety and recommended that all PASS regulatory requirements be eliminated. The Westinghouse and Combustion Engineering (Pressurized Water Reactor) Owners Groups have documented similar findings and conclusions.

2.2 Applicability of Published Safety Evaluation

Nine Mile Point Nuclear Station, LLC, (NMPNS) has reviewed the safety evaluation published by the NRC on December 27, 2001 (66 FR 66949) as part of the CLIIP. This verification included a review of the NRC staff's evaluation (as modified slightly by the notice of availability) as well as the supporting information provided to support TSTF-413 (i.e., NEDO-32991, submitted November 30, 2000, and the associated NRC safety evaluation, dated June 12, 2001). NMPNS has concluded that the justifications presented in the TSTF proposal and the safety evaluation prepared by the NRC staff are applicable to NMP1 and justify this amendment for the incorporation of the change to the NMP1 TSs.

2.3 Optional Changes and Variations

NMPNS is not proposing any variations or deviations from the applicable TS changes described in TSTF-413 or the NRC staff's model safety evaluation published on December 27, 2001. However, additional optional changes are necessary as discussed below:

1. Requirements for installing and maintaining the PASS were included in confirmatory orders for NMP1 issued on March 14, 1983 and June 12, 1984. The proposed license amendment would supersede the requirements imposed by these confirmatory orders.

2. NMP1 TS 6.14 establishes an administrative requirement for a program to minimize leakage from those portions of systems outside the primary containment that contain highly radioactive fluids during a serious transient or accident. Although the PASS is not currently specifically identified in TS 6.14, it falls under the scope of this administrative requirement and the associated programmatic controls pursuant to NUREG-0578, "TMI-2 Lessons Learned Task Force Status Report and Short-Term Recommendations," Section 2.1.6.a. Furthermore, a TS amendment request was submitted on October 26, 2001 (Letter No. NMP1L 1620/TAC No. MB2441) which includes a revision to TS 6.14 (renumbered to TS 6.5.2) to specifically identify the PASS as a system included in the "Primary Coolant Sources Outside Containment Program" (program title changed from "Systems Integrity" to "Primary Coolant Sources Outside Containment").

As described in the staff's model safety evaluation published on December 27, 2001, a modification might be implemented such that the PASS would not be a potential leakage path outside containment. Since the modification, if implemented, may not be completed during the implementation period for this amendment, TS 6.14 is being revised to add a statement that "The requirements shall apply to the Post Accident Sampling System (PASS) until such time as administrative controls provide for continuous isolation of the associated penetration(s) or a modification eliminates the potential leakage path(s)." This change provides clarification of the intent that the programmatic requirements of TS 6.14 will remain applicable to the PASS as long as it is a possible leakage path. Furthermore, the change reflects the fact that the programmatic controls will no longer be applicable if: (1) appropriate administrative controls are put in place to provide for continuous isolation of the associated primary containment penetration(s) or (2) a modification of the piping system eliminates the associated leakage path(s). In addition, the change accommodates the scheduling of the actual modification such that it may extend beyond the implementation period for this amendment.

Note that the proposed revision to TS 6.14 included in the October 26, 2001 TS amendment request has not been approved by the NRC. Consequently, submittal of an update to TS 6.14 will be necessary following approval of either this amendment request or the October 26, 2001 amendment request. The format and content of the update will depend on which amendment request is approved first. NMPNS will coordinate with the NRC project manager to provide the updated TS page(s).

3.0 REGULATORY ANALYSIS

3.1 No Significant Hazards Determination

NMPNS has reviewed the proposed no significant hazards consideration determination published on December 27, 2001 (66 FR 66949) as part of the CLIIP. Based on the review, NMPNS has concluded that the proposed determination presented in the notice is applicable to NMP1 and the determination is hereby incorporated by reference to satisfy the requirements of 10 CFR 50.91(a).

3.2 Verification

As discussed in the model safety evaluation published in the Federal Register on December 27, 2001 for this TS improvement, plant-specific verifications were performed and the results are as follows:

1. NMPNS will develop contingency plans for obtaining and analyzing highly radioactive samples from the reactor coolant system, suppression pool, and containment atmosphere. The contingency plans will be contained in plant

procedures and implementation will be completed within 180 days after implementation of the license amendment. Establishment and maintenance of the contingency plans are considered a regulatory commitment.

2. The capability for classifying fuel damage events at the Alert level threshold will be established for NMP1 at radioactivity levels of 300 μCi/gm dose equivalent I-131. This capability will be described in plant procedures and implementation will be completed within 180 days after implementation of the license amendment. The capability for classifying fuel damage events is considered a regulatory commitment.

3. NMPNS has established an I-131 site survey detection capability, including an ability to assess radioactive iodines released to offsite environs, by using effluent monitoring systems or portable sampling equipment. The capability for monitoring iodines is maintained within plant procedures. The capability to monitor radioactive iodines is considered a regulatory commitment.

3.3 Commitments

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

REGULATORY COMMITMENTS	Due Date/Event
NMPNS will develop contingency plans for obtaining and analyzing highly radioactive samples from the reactor coolant system, suppression pool, and containment atmosphere. The contingency plans will be contained in plant procedures and implementation will be completed within 180 days after the implementation of the license amendment. Establishment and maintenance of the contingency plans are considered a regulatory commitment.	To be implemented within 180 days of implementation of amendment
The capability for classifying fuel damage events at the Alert level threshold will be developed for NMP1 at radioactivity levels of 300 μCi/gm dose equivalent I-131. This capability will be described in plant procedures and implementation will be completed within 180 days after the implementation of the license amendment. The capability for classifying fuel damage events is considered a regulatory commitment.	To be implemented within 180 days of implementation of amendment
NMPNS has established an I-131 site survey detection capability, including an ability to assess radioactive iodines released to offsite environs, by using effluent monitoring systems or portable sampling equipment. The capability for monitoring iodines is maintained within plant procedures. The capability to monitor radioactive iodines is considered a regulatory commitment.	Complete

4.0 ENVIRONMENTAL EVALUATION

NMPNS has reviewed the environmental evaluation included in the model safety evaluation published on December 27, 2001 as part of the CLIIP. Based on the review, NMPNS has concluded that the staff's findings presented in that evaluation are applicable to NMP1 and the evaluation is hereby incorporated by reference to satisfy the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(9).

ATTACHMENT B

NINE MILE POINT NUCLEAR STATION, LLC

LICENSE NO. DPR-63

DOCKET NO. 50-220

"Marked-Up" Copy of Proposed Changes to Current Technical Specifications

The current version of Technical Specification page 373 has been marked-up by hand to reflect the proposed change.

6.13 Fire Protection Inspection

6.13.1 An independent fire protection and loss prevention inspection and audit shall be performed annually utilizing either qualified off-site licensee personnel or an outside fire protection firm.

6.13.2 An inspection and audit by an outside qualified fire consultant shall be performed at intervals no greater than 3 years.

6.14 Systems Integrity

Procedure shall be established, implemented and maintained to meet or exceed the requirements and recommendations of Section 2.1.6.a of NUREG 0578. The requirements shall apply to the Post Accident Sampling System (PASS) until such time as administrative controls provide for continuous isolation of the associated penetration(s) or a modification eliminates the potential leakage path(s).

6.15 Iodine Monitoring

Procedures shall be established, implemented and maintained to meet or exceed the requirements and recommendations of Section 2.1.8.c of NUREG 0578.

6.16 10 CFR 50 Appendix J Testing Program Plan

A program shall be established to implement the leakage rate testing of the containment as required by 10 CFR 50.54(o) and 10 CFR 50, Appendix J, Option B. This program shall be in accordance with the guidelines contained in Regulatory Guide 1.163, entitled "Performance-Based Containment Leak-Test Program," dated September 1995 with the following exceptions:

1. Type A tests will be conducted in accordance with ANSI/ANS 56.8-1994 and/or Bechtel Topic BN-TOP-1, and
2. The first Type A test following approval of this Specification will be a full pressure test conducted approximately 70, rather than 48, months since the last low pressure Type A test.

The peak calculated containment internal pressure (Pac) for the design basis loss of coolant accident is 35 psig.

The maximum allowable primary containment leakage rate (La) at Pac shall be 1.5% of primary containment air weight per day.

Leakage Rate Surveillance Test acceptance criteria are:

1. The as-found Primary Containment Integrated Leak Rate Test (Type A Test) acceptance criteria is less than 1.0 L_a.
2. The as-left Primary Containment Integrated Leak Rate Test (Type A Test) acceptance criteria is less than or equal to 0.75 L_a prior to entering a mode of operation where containment integrity is required.
3. The combined Local Leak Rate Test (Type B & C Tests including airlocks) acceptance criteria is less than 0.6 L_a, calculated on a maximum pathway basis, prior to entering a mode of operation where containment integrity is required.

ATTACHMENT C

NINE MILE POINT NUCLEAR STATION, LLC

LICENSE NO. DPR-63

DOCKET NO. 50-220

Proposed Changes to Technical Specifications

Replace existing Technical Specification (TS) page listed below with the attached revised page. This retyped page has a marginal marking (revision bar) to indicate the change 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	Insert
373	373

6.13 Fire Protection Inspection

6.13.1 An independent fire protection and loss prevention inspection and audit shall be performed annually utilizing either qualified off-site licensee personnel or an outside fire protection firm.

6.13.2 An inspection and audit by an outside qualified fire consultant shall be performed at intervals no greater than 3 years.

6.14 Systems Integrity

Procedure shall be established, implemented and maintained to meet or exceed the requirements and recommendations of Section 2.1.6.a of NUREG 0578. The requirements shall apply to the Post Accident Sampling System (PASS) until such time as administrative controls provide for continuous isolation of the associated penetration(s) or a modification eliminates the potential leakage path(s).

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A program shall be established to implement the leakage rate testing of the containment as required by 10 CFR 50.54(o) and 10 CFR 50, Appendix J, Option B. This program shall be in accordance with the guidelines contained in Regulatory Guide 1.163, entitled "Performance-Based Containment Leak-Test Program," dated September 1995 with the following exceptions:

1. Type A tests will be conducted in accordance with ANSI/ANS 56.8-1994 and/or Bechtel Topic BN-TOP-1, and

2. The first Type A test following approval of this Specification will be a full pressure test conducted approximately 70, rather than 48, months since the last low pressure Type A test.

The peak calculated containment internal pressure (Pac) for the design basis loss of coolant accident is 35 psig.

The maximum allowable primary containment leakage rate (La) at Pac shall be 1.5% of primary containment air weight per day.

Leakage Rate Surveillance Test acceptance criteria are:

1. The as-found Primary Containment Integrated Leak Rate Test (Type A Test) acceptance criteria is less than 1.0 L_a.

2. The as-left Primary Containment Integrated Leak Rate Test (Type A Test) acceptance criteria is less than or equal to 0.75 L_a, prior to entering a mode of operation where containment integrity is required.

3. The combined Local Leak Rate Test (Type B & C Tests including airlocks) acceptance criteria is less than 0.6 L_a, calculated on a maximum pathway basis, prior to entering a mode of operation where containment integrity is required.