

August 26, 2002

Mr. John T. Conway
Site Vice President
Nine Mile Point Nuclear Station, LLC
P. O. Box 63
Lycoming, NY 13093

SUBJECT: NINE MILE POINT NUCLEAR STATION, UNIT NO. 1 - ISSUANCE OF
AMENDMENT RE: ELIMINATION OF REQUIREMENTS FOR POST
ACCIDENT SAMPLING SYSTEM (TAC NO. MB5272)

Dear Mr. Conway:

The Commission has issued the enclosed Amendment No. 174 to Facility Operating License No. DPR-63 for the Nine Mile Point Nuclear Station, Unit No. 1. The amendment consists of changes to the Technical Specifications (TSs) in response to your application transmitted by letter dated June 28, 2002.

The amendment revises 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 amendment supercedes (by elimination) the previous requirements for installing and maintaining the PASS, which were imposed by Nuclear Regulatory Commission confirmatory orders dated March 14, 1983, and June 12, 1984.

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,

/RA/

Peter S. Tam, Senior Project Manager, Section 1
Project Directorate I
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket No. 50-220

Enclosures: 1. Amendment No. 174 to DPR-63
2. Safety Evaluation

cc w/encls: See next page

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Package: ML022550473

TSs: ML022390065

Accession Number: **ML022400075**

OFFICE	CLIIP LPM	PDI-1\PM	PDI-1\LA	PDI-1\SC	OGC
NAME	WReckley	PTam	TClark for SLittle	RLaufer	NOT REQ'D*
DATE	7/3/02	8/2/02	8/2/02	8/2/02	----

*Not required per NRR Office Instruction LIC-101, Rev. 1, Section 8.1

OFFICIAL RECORD COPY

DATED: August 26, 2002

AMENDMENT NO.174 TO FACILITY OPERATING LICENSE NO. DPR-63 NINE MILE POINT,
UNIT NO. 1

PUBLIC
PDI R/F
RLaifer
SLittle
PTam
OGC
GHill (2)
WBeckner
WReckley
ACRS
BPlatchek, RI

cc: Plant Service list

NINE MILE POINT NUCLEAR STATION, LLC (NMPNS)

DOCKET NO. 50-220

NINE MILE POINT NUCLEAR STATION UNIT NO. 1

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 174
License No. DPR-63

1. The Nuclear Regulatory Commission (the Commission) has found that:
 - A. The application for amendment by Nine Mile Point Nuclear Station, LLC (the licensee) dated June 28, 2002, 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 Facility Operating License No. DPR-63 is hereby amended to read as follows:

(2) Technical Specifications

The Technical Specifications contained in Appendices A and B, as revised through Amendment No. 174, are hereby incorporated in the license. AmerGen Energy Company, LLC 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 180 days. The requirements regarding the Post Accident Sampling System imposed by confirmatory orders dated March 14, 1983, and June 2, 1984, are superseded by this amendment.

FOR THE NUCLEAR REGULATORY COMMISSION

\RA

Richard J. Laufer, Chief, Section I
Project Directorate I
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Attachment:
Changes to the Technical
Specifications

Date of Issuance: August 26, 2002

ATTACHMENT TO LICENSE AMENDMENT NO. 174

TO FACILITY OPERATING LICENSE NO. DPR-63

DOCKET NO. 50-220

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

Remove Page

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Insert Page

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SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION
RELATED TO AMENDMENT NO. 174 TO FACILITY OPERATING LICENSE NO. DPR-63
NINE MILE POINT NUCLEAR STATION, LLC
NINE MILE POINT NUCLEAR STATION, UNIT NO. 1
DOCKET NO. 50-220

1.0 INTRODUCTION

By letter dated June 28, 2002, Nine Mile Point Nuclear Station, LLC (NMPNS or the licensee) proposed an amendment to the Nine Mile Point Nuclear Station, Unit No. 1, Technical Specifications (TS). The requested changes would revise Section 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 supercede (by elimination) the previous requirements for installing and maintaining the PASS, which were imposed by Nuclear Regulatory Commission (NRC) confirmatory orders dated March 14, 1983, and June 12, 1984.

In the aftermath of the accident at Three Mile Island (TMI), Unit 2, the NRC imposed requirements on licensees for commercial nuclear power plants to install and maintain the capability to obtain and analyze post-accident samples of the reactor coolant and containment atmosphere. The desired capabilities of the PASS were described in NUREG-0737, "Clarification of TMI Action Plan Requirements." The NRC issued orders to licensees with plants operating at the time of the TMI accident to confirm the installation of PASS capabilities (generally as they had been described in NUREG-0737). A requirement for PASS and related administrative controls was added to the TSs of the operating plants and was included in the initial TSs for plants licensed during the 1980s and 90s. Additional expectations regarding PASS capabilities were included in Regulatory Guide 1.97, "Instrumentation for Light-Water-Cooled Nuclear Power Plants to Assess Plant and Environs Conditions During and Following an Accident."

Significant improvements have been achieved since the TMI accident in the areas of understanding risks associated with nuclear plant operations and developing better strategies for managing the response to potentially severe accidents at nuclear plants. Recent insights about plant risks and alternate severe accident assessment tools have led the NRC staff to conclude that some TMI Action Plan items can be revised without reducing the ability of licensees to respond to severe accidents. The NRC's efforts to oversee the risks associated with nuclear technology more effectively and to eliminate undue regulatory costs to licensees and the public have prompted the NRC to consider eliminating the requirements for PASS in plant TSs and other parts of the licensing bases of operating reactors.

The NRC staff has completed its review of the topical report submitted by the Boiling Water Reactor (BWR) Owners Group (BWROG) that proposed the elimination of PASS. The justifications for the proposed elimination of PASS requirements center on evaluations of the various radiological and chemical sampling and their potential usefulness in responding to a severe reactor accident or making decisions regarding actions to protect the public from possible releases of radioactive materials. As explained in more detail in the NRC staff's safety evaluations (SEs) for the topical report, the NRC staff has reviewed the available sources of information for use by decision-makers in developing protective action recommendations and assessing core damage. Based on this review, the NRC staff found that the information provided by PASS is either unnecessary or is effectively provided by other indications of process parameters or measurement of radiation levels. The NRC staff agrees, therefore, with the owners group that licensees can remove the requirements for PASS, revise (as necessary) other elements of the licensing bases, and pursue possible design changes to alter or remove existing PASS equipment.

2.0 BACKGROUND

In its letter dated November 30, 2000, the BWROG submitted for the NRC staff's review Topical Report NEDO-32991, "Regulatory Relaxation for BWR Post Accident Sampling Stations (PASS)," for eliminating PASS requirements from BWRs. The NRC staff's SE for the BWROG topical report is dated June 12, 2001 (ADAMS Accession Number ML011630016). The BWROG proposed that relaxation of the PASS requirements be incorporated into the standard technical specifications by submitting a change numbered as TSTF-413.

The NRC staff prepared this SE relating to the elimination of requirements on post accident sampling for BWRs and solicited public comment (66 FR 66949, dated December 27, 2001) in accordance with the Consolidated Line Item Improvement Process (CLIIP). The use of the CLIIP in this matter is intended to help the NRC to efficiently process amendments that propose to remove the PASS requirements from TSs. Licensees of nuclear power reactors to which this SE apply were informed (67 FR 13027, dated March 20, 2002) that they could request amendments conforming to the SE, and, in such requests, should confirm the applicability of the SE to their reactors and provide the requested plant-specific verifications and commitments.

3.0 EVALUATION

The ways in which the requirements and recommendations for PASS were incorporated into the licensing bases of commercial nuclear power plants varied as a function of when plants were licensed. Plants that were operating at the time of the TMI accident are likely to have been the subject of confirmatory orders that imposed the PASS functions described in NUREG-0737 as obligations. The issuance of plant-specific amendments to adopt this change, which would remove PASS and related administrative controls from the TSs, would also supercede the PASS specific requirements imposed by post-TMI confirmatory orders.

The technical evaluations for the elimination of PASS sampling requirements are provided in the SE dated June 12, 2001, for BWROG Topical Report NEDO-32991. As described in its SE for the topical report, the staff finds that the post-accident sampling requirements for the following may be eliminated for BWR plants:

1. Reactor coolant dissolved gases.
2. Reactor coolant hydrogen.
3. Reactor coolant oxygen.
4. Reactor coolant chlorides.
5. Reactor coolant pH.
6. Reactor coolant boron.
7. Reactor coolant conductivity.
8. Radioisotopes in the reactor coolant.
9. Containment hydrogen.
10. Containment oxygen.
11. Radioisotopes in the containment atmosphere.
12. Suppression pool pH.
13. Chlorides in the suppression pool.
14. Boron in the suppression pool.
15. Radioisotopes in the suppression pool.

The NRC staff agrees that sampling of radioisotopes is not required to support emergency response decision making during the initial phases of an accident because the information provided by PASS is either unnecessary or is effectively provided by other indications of process parameters or measurement of radiation levels. Therefore, it is not necessary to have dedicated equipment to obtain this sample in a prompt manner.

The NRC staff does, however, believe that there could be significant benefits to having information about the radioisotopes existing post-accident in order to address public concerns and plan for long-term recovery operations. As stated in the SE for the topical report, the NRC staff has found that licensees could satisfy this function by developing contingency plans to describe existing sampling capabilities and what actions (e.g., assembling temporary shielding) may be necessary to obtain and analyze highly radioactive samples from the reactor coolant system (RCS), suppression pool, and containment atmosphere. (See item 4.1 under Verifications and Commitments.) The contingency plans for obtaining samples from the RCS, suppression pool, and containment atmosphere may also enable a licensee to derive information on parameters such as hydrogen concentrations in containment and the pH of water in the suppression pool. The NRC staff considers the sampling of the suppression pool to be potentially useful in confirming calculations of pH and confirming that potentially unaccounted for acid sources have been sufficiently neutralized. The use of the contingency plans for obtaining samples would depend on the plant conditions and the need for information by the decision makers responsible for responding to the accident.

In addition, the NRC staff considers radioisotope sampling information to be useful in classifying certain types of events (such as a reactivity excursion or mechanical damage) that could cause fuel damage without having an indication of a loss of reactor coolant inventory. However, the NRC staff agrees with the topical report's contentions that other indicators of failed fuel, such as radiation monitors, can be correlated to the degree of failed fuel (see item 4.2 under Verifications and Commitments).

In lieu of the information that would have been obtained from PASS, the NRC staff believes that licensees should maintain or develop the capability to monitor radioactive iodine species that have been released to offsite environs. This information would be useful for decision makers

trying to assess a release of and limit the public's exposure to radioactive materials (see item 4.3 under Verifications and Commitments).

The NRC staff believes that the changes related to the elimination of PASS that are described in the topical report, the related SE, and this proposed amendment to the TSs are unlikely to result in a decrease in the effectiveness of a licensee's emergency plan. Each licensee, however, must evaluate possible changes to its emergency plan in accordance with 10 CFR 50.54(q) to determine if the change decreases the effectiveness of its site-specific plan. Evaluations and reporting of changes to emergency plans should be performed in accordance with applicable regulations and procedures.

The NRC staff notes that containment hydrogen concentration monitors are required by 10 CFR 50.44 and are relied upon to meet the data reporting requirements of 10 CFR Part 50, Appendix E, Section VI.2.a.(ii)(3). The NRC staff concludes that these hydrogen monitors provide an adequate capability for monitoring containment hydrogen concentration during the early phases of an accident. The NRC staff sees value in maintaining the capability to obtain grab samples for complementing the information from the hydrogen monitors in the long-term (i.e., by confirming the indications from the monitors and providing hydrogen measurements for concentrations outside the range of the monitors). As previously mentioned, the licensee's contingency plan (see item 4.1) for obtaining highly radioactive samples will include sampling of the containment atmosphere and may, if deemed necessary and practical by the appropriate decision makers, be used to supplement the safety-related hydrogen monitors.

The TSs include an administrative requirement for a program to minimize to levels as low as practicable the leakage from those portions of systems outside containment that could contain highly radioactive fluids during a serious transient or accident. The program includes preventive maintenance, periodic inspections, and leak tests for the identified systems. The applicability of this specification for PASS depends on whether or not the system is maintained such that it is a potential leakage path. The licensee has stated that a plant change might be implemented such that the PASS would not be a potential leakage path outside containment for highly radioactive fluids (e.g., the PASS piping that penetrates the containment might be cut and capped). The modification may not be completed during the implementation period for this amendment. The licensee has proposed to add the following phrase to the reference to process sampling in TS 5.5.2:

(the program requirements shall apply to the Post Accident Sampling System until such time as administrative controls provide for continuous isolation of the associated penetration(s) or a modification eliminates the potential leakage path).

The above phrase makes clear that TS 5.5.2 remains applicable to the PASS as long as it is a possible leakage path and reflects that the actual modification of the piping system may be scheduled beyond the implementation period for this amendment. Requirements in NRC regulations (e.g., 10 CFR Part 50, Appendix J) and other TS provide adequate regulatory control over the licensee's modification to eliminate PASS as a potential leakage path. Following the modification to eliminate PASS as a potential leakage path, the licensee may propose (in order to maintain clarity and simplicity of the requirement) to revise TS 5.5.2 to remove the reference to PASS added by this amendment.

4.0 VERIFICATIONS AND COMMITMENTS

As requested by the staff in the notice of availability for this TS improvement, the licensee has addressed the following plant-specific verifications and commitments.

- 4.1 Each licensee should verify that it has, and make a regulatory commitment to maintain (or make a regulatory commitment to develop and maintain), contingency plans for obtaining and analyzing highly radioactive samples of reactor coolant, suppression pool, and containment atmosphere.

The licensee made a commitment to develop contingency plans for obtaining and analyzing highly radioactive samples from the RCS, suppression pool, and containment atmosphere. The licensee stated that it will maintain the contingency plans in plant procedures, and will implement this commitment within 180 days after the implementation of this license amendment.

- 4.2 Each licensee should verify that it has, and make a regulatory commitment to maintain (or make a regulatory commitment to develop and maintain), a capability for classifying fuel damage events at the Alert level threshold (typically this is 300 $\mu\text{Ci/ml}$ dose equivalent iodine). This capability may utilize the normal sampling system and/or correlations of radiation readings to radioisotope concentrations in the reactor coolant.

The licensee made a commitment to develop a capability for classifying fuel damage events at the Alert level threshold. The licensee stated that the capability will be described in plant procedures and implementation will be completed within 180 days after the implementation of this license amendment.

- 4.3 Each licensee should verify that it has, and make a regulatory commitment to maintain (or make a regulatory commitment to develop and maintain), 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 licensee has developed 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 licensee has implemented this commitment.

The NRC staff finds that the licensee has provided, through its administrative processes, reasonable controls for the implementation and for subsequent evaluation of proposed changes pertaining to the above regulatory commitments, including its commitment management program. Should the licensee choose to incorporate a regulatory commitment into the emergency plan, final safety analysis report, or other document with established regulatory controls, the associated regulations would define the appropriate change-control and reporting requirements. The NRC staff has determined that the commitments do not warrant the creation of regulatory requirements, which would require prior NRC approval of subsequent changes. The NRC staff has agreed that Nuclear Energy Institute (NEI) 99-04, Revision 0, "Guidelines for Managing NRC Commitment Changes," provides reasonable guidance for the control of regulatory commitments made to the NRC staff. (See Regulatory Issue Summary 2000-17, Managing Regulatory Commitments Made by Power Reactor Licensees to the NRC Staff, dated

September 21, 2000 [ADAMS Accession Number ML003741774].) The commitments should be controlled in accordance with the industry guidance or comparable criteria employed by a specific licensee. The NRC staff may choose to verify the implementation and maintenance of these commitments in a future inspection or audit.

5.0 STATE CONSULTATION

In accordance with the Commission's regulations, New York State official Ms. Alyse Peterson was notified of the proposed issuance of the amendment. The State official had no comments.

6.0 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 change 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 (67 FR 48219). 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.

5.0 CONCLUSION

The staff 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: W. Reckley

Date: August 26, 2002

Nine Mile Point Nuclear Station
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