

September 11, 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: RADIOLOGICAL TECHNICAL SPECIFICATIONS AND
ASSOCIATED REQUIREMENTS (TAC NO. MB2442)

Dear Mr. Conway:

The Commission has issued the enclosed Amendment No. 176 to Facility Operating License No. DPR-63 for the Nine Mile Point Nuclear Station, Unit No. 1 (NMP1). The amendment consists of changes to the Technical Specifications (TSs) in response to an application from Niagara Mohawk Power Corporation (NMPC) dated October 19, 2001, as supplemented by Nine Mile Point Nuclear Station, LLC (NMPNS), on June 17, 2002.

On November 7, 2001, NMPC's ownership interest and operating license in NMP1 were transferred to NMPNS, thus allowing NMPNS to possess, use and operate NMP1. By letter dated November 20, 2001, NMPNS requested that the Nuclear Regulatory Commission (NRC) continue to review and act on all requests previously submitted by NMPC before the transfer, and to consider such requests as if they had been originally submitted by NMPNS. Accordingly, the NRC staff continued its review of the subject submittals.

The amendment revises the TSs to implement programmatic controls for radiological effluent technical specifications in the Administrative Controls section, to relocate certain procedural details to licensee-controlled documents, and to add new programs to accommodate existing NRC requirements and guidance.

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. 176 to DPR-63
2. Safety Evaluation

cc w/encls: See next page

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cc w/encls: See next page

Accession Number: **ML022480301**

OFFICE	PDI-1\PM	PDI-1\LA	IEHB/SC	OGC	PDI-1/SC
NAME	PTam	SLittle	KGibson*	AFernandez	RLaufer
DATE	8/15/02	8/15/02	7/26/02	9/4/02	9/5/02

*SE transmitted by memo of 7/26/02.

OFFICIAL RECORD COPY

DATED: September 11, 2002

AMENDMENT NO. 176 TO FACILITY OPERATING LICENSE NO. DPR-63 NINE MILE POINT
UNIT NO. 1

PUBLIC
PDI R/F
RLaifer
SLittle
PTam
OGC
GHill (2)
WBeckner
AHayes
SKlementowicz
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. 176
License No. DPR-63

1. The Nuclear Regulatory Commission (the Commission) has found that:
 - A. The application for amendment by Niagara Mohawk Power Corporation (the former licensee) dated October 19, 2001, as supplemented on June 17, 2002, and adopted by NMPNS (the licensee) pursuant to a letter dated November 20, 2001, 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 Appendix A, which is attached hereto, as revised through Amendment No. 176, is hereby incorporated into this license. Nine Mile Point Nuclear Station, 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 60 days.

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: September 11, 2002

ATTACHMENT TO LICENSE AMENDMENT NO. 176

TO FACILITY OPERATING LICENSE NO. DPR-63

DOCKET NO. 50-220

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

Remove Pages

iii
iv
vi
6
7
8
191
192
196
252
282
283 through 294
295
296
297
298 through 338
362
363
364
365
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Insert Pages

iii
iv
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371a
371b
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372a
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376

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION
RELATED TO AMENDMENT NO. 176 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 October 19, 2001, Niagara Mohawk Power Corporation (NMPC, the former licensee) submitted an application to amend the Technical Specifications (TSs) of Nine Mile Point Nuclear Station, Unit No. 1 (NMP1). On November 7, 2001, NMPC's ownership interest and operating license in NMP1 were transferred to Nine Mile Point Nuclear Station, LLC (NMPNS), thus allowing NMPNS to possess, use and operate NMP1. By letter dated November 20, 2001, NMPNS requested that the Nuclear Regulatory Commission (NRC) continue to review and act on all requests previously submitted by NMPC before the transfer, and to consider such requests as if they had been originally submitted by NMPNS. Accordingly, the NRC staff continued its review of the subject submittal.

On June 17, 2002, NMPNS submitted additional information. This letter provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the original proposed no significant hazards consideration determination.

The licensee requested NRC approval to (1) implement programmatic controls for radiological effluent technical specifications (RETS) in the Administrative Controls section; (2) relocate existing procedural details to licensee-controlled documents or add new programs to accommodate existing NRC requirements and guidance (see Section 2.0 below).

2.0 REGULATORY EVALUATION

Title 10 of the *Code of Federal Regulations* (10 CFR), Section 50.36, "Technical Specifications," specifies the categories of items to be included in the plant TSs. These include safety limits, limiting safety system settings, limiting control settings, limiting conditions for operation, surveillance requirements, design features, and administrative controls. In addition, a number of regulations provide requirements for radiological control: 10 CFR Part 20 and Appendix I of 10 CFR Part 50.

Over the years, the NRC staff published a number of guidance documents regarding TSs requirements related to radiological control. Among these are Generic Letter (GL) 89-01, "Implementation of Programmatic Controls for Radiological Effluent Technical Specifications in the Administrative Controls Section of the Technical Specifications and the Relocation of Procedural Details of RETS to the Offsite Dose Calculation Manual (ODCM) or to the Process

Control Program,” and NUREG-1302, “Offsite Dose Calculation Manual Guidance: Standard Radiological Effluent Controls for Boiling Water Reactors (GL 89-01, Supplement No. 1),” and GL 95-01, “Relocation of Selected Technical Specifications Requirements Related to Instrumentation.” In addition to these, the NRC staff issued guidance to improve TSs in the form of NUREG-1433, “Standard Technical Specifications, General Electric Plants, BWR/4.”

3.0 TECHNICAL EVALUATION

The licensee’s proposed changes to the TSs are described in detail in the application. The NRC staff summarizes the detailed description and evaluates the changes below.

3.1 Table of Contents

The licensee proposed to revise the Table of Contents pages iii, iv, and vi to reflect the proposed changes to relocate applicable requirements to licensee-controlled documents.

The proposed changes are conforming changes that result from other changes (see following sections). The changes to the Table of Contents are administrative, with no impact of its own on plant design or operation. The proposed changes are acceptable.

3.2 Section 1.0, “Definitions”

The licensee proposed to delete definition 1.21, “Offsite Dose Calculation Manual.” The definition is no longer needed since proposed Section 6.11 “Offsite Dose Calculation Manual (ODCM),” will contain wording which will adequately define the ODCM. The deletion of this definition is administrative, with no impact of its own on plant design or operation. The deletion of this definition is consistent with the guidance in NUREG-1433. The proposed change is acceptable.

The licensee proposed to delete and relocate the following definitions to the ODCM: 1.18, “Gaseous Radwaste Treatment System;” 1.19, “Member(s) of the Public;” 1.20, “Milk Sampling Location;” 1.22, “Process Control Program;” 1.23, “Purge-Purging;” 1.24, “Site Boundary;” 1.25, “Solidification;” 1.26, “Source Check;” 1.27, “Unrestricted Area;” 1.28, “Ventilation Exhaust Treatment System;” and 1.29, “Venting.” The licensee also proposed to change definition 1.27 to reflect the updated 10 CFR Part 20 requirements.

These definitions will be relocated to the ODCM, Updated Final Safety Analysis Report (UFSAR) or Process Control Program (PCP), as appropriate. The definitions are not required pursuant to 10 CFR 50.36, “Technical Specifications.” The deletion of these definitions from the TSs is administrative, consistent with the guidance in NUREG-1433, and is acceptable.

3.3 Section 3.6, “General Reactor Plant”

The licensee proposed to change paragraph A) from “Applies to Station process effluents, reactor protection system and emergency power sources” to “Applies to mechanical vacuum pump isolation, reactor protection system and emergency power sources.” This is a conforming change resulting from another change to the TSs (see Section 2.4 below). The proposed

change is administrative, with no impact of its own on plant design or operation, and is acceptable.

3.4 Section 3/4.6.1, "Station Process Effluents"

The licensee proposed to rename this section from "Station Process Effluents" to "Mechanical Vacuum Pump Isolation." This is a conforming change resulting from another change (see paragraph below). The proposed change is administrative, with no impact of its own on plant design or operation, and is acceptable.

The licensee proposed to delete paragraph a. of this section, with the exception of the main condenser offgas requirements, which will be relocated to proposed Section 6.18. This specification serves to direct the reader to refer to Section 3/4.6.15, "Radioactive Effluents," for the appropriate effluent release limits and monitoring requirements. Paragraph 3/4.6.1.a will no longer be applicable with the relocation of the effluent release limits and monitoring requirements of Section 3/4.6.15 to the ODCM. These are administrative changes resulting from other changes to the TSs. They have no impact of their own on plant design or operation, and are acceptable.

3.5 Section 3/4.6.2, "Protective Instrumentation"

For entry a.(8), the licensee proposed to replace the words "Off-gas and" with "Mechanical" and to change "respective system" to "mechanical vacuum pump." This specification requires isolation of the respective system if offgas or mechanical vacuum pump isolation instrumentation requirements are not met. The proposed changes will (1) delete the reference to the offgas isolation instrumentation, and (2) update the nomenclature to more accurately reflect the retained requirements. These are conforming changes resulting from other changes to the TSs. The proposed changes are administrative, with no impact of their own on plant design or operation, and are acceptable.

3.6 Section 3/4.6.2, "Bases for 3.6.2 and 4.6.2 Protective Instrumentation"

The licensee proposed to delete, and relocate to the ODCM, the listed allowable set point deviations (tolerances) for the "High Radiation-Emergency Cooling System Vent" and "High Radiation Offgas Line," including the UFSAR reference. These set points are contained in Section 3/4.6.14, "Radioactive Effluent Instrumentation," which is being relocated, along with associated tables, to the ODCM (see discussion in Section 2.7 below). These are conforming changes resulting from changes to Section 3/4.6/14, and are acceptable.

3.7 Section 3/4.6.14, "Radioactive Effluent Instrumentation"

The licensee proposed to delete this specification, with the exception of the explosive gas monitoring instrumentation requirements, and to relocate the detailed procedural requirements, including Tables 3.6.14-1, 4.6.14-1, 3.6.14-2, and 4.6.14-2 and the applicable Bases to the ODCM. Programmatic controls will be implemented in new TSs Sections 6.11 (for the ODCM) and 6.17 (for the Radioactive Effluent Controls Program).

The licensee proposed to delete, and relocate Section 3/4.6.17, "Explosive Gas Mixture," Section 3/4.6.14.b requirements applicable to the hydrogen monitor (Instrument 2.a of Tables

3.6.14-2 and 4.6.14-2) including the applicable Bases and requirements in the Tables, to the UFSAR.

In accordance with the criteria in 10 CFR 50.36(c)(2)(ii), and the guidance contained in GL 89-01 and NUREG-1433, the detailed procedural requirements contained in this section do not warrant inclusion in the TSs. Accordingly, the NRC staff finds the proposed deletions and relocations acceptable.

The licensee proposed to update Note (b) to Tables 4.6.14-1 and 4.6.14-2 to specify the "National Institute of Standards and Technology (NIST)" as the current reference standard certifying organization. These changes are administrative, have no impact of their own on plant design and operation, and are thus acceptable.

3.8 Section 3/4.6.15, "Radioactive Effluents"

The licensee proposed to delete Subsection 3/4.6.15.a.(1), "Liquid Concentration," including Table 4.6.15-1 and the applicable Bases, and relocate its requirements to the ODCM. Subsection 3.6.15.a.(1) limits the concentration of radioactive materials in liquid effluents released to unrestricted areas to the limits specified in 10 CFR Part 20. It does not identify a parameter that is an initiating condition or assumption for a design-basis accident (DBA) or transient, is not related to degradation of the reactor coolant pressure boundary, and is not involved with mitigation of a design-basis event. In short, the requirements in this subsection do not satisfy the criteria of 10 CFR 50.36(c)(2)(ii) for inclusion in the TSs. Accordingly, relocation of this subsection to the ODCM is consistent with the guidance contained in GL 89-01 and NUREG-1433, and is acceptable.

The licensee proposed to delete Subsection 3/4.6.15.a.(2) "Radioactive Effluents, Liquid Dose," and relocate its requirements, including applicable Bases, to the ODCM. Subsection 3.6.15.a.(2) limits the dose or dose commitment to a member of the public from radioactive materials in liquid effluents released to unrestricted areas to specified limits in 10 CFR Part 50, Appendix I. It does not identify a parameter that is an initiating condition or assumption for a DBA or transient, is not related to degradation of the reactor coolant pressure boundary, and is not involved with mitigation of a design-basis event. In short, the requirements in this subsection do not satisfy the criteria of 10 CFR 50.36(c)(2)(ii) for inclusion in the TSs. Accordingly, relocation of this subsection to the ODCM is consistent with the guidance contained in GL 89-01 and NUREG-1433, and is acceptable.

The licensee proposed to delete Subsection 3/4.6.15.b.(1) "Radioactive Effluents, Gaseous Dose Rate," and relocate its requirements, including Table 4.6.15-2 and the applicable Bases, to the ODCM. Subsection 3.6.15.b.(1) limits the dose rate due to gaseous effluents in unrestricted areas to assure the dose at any time will be less than the annual dose limits of 10 CFR Part 20. It does not identify a parameter that is an initiating condition or assumption for a DBA or transient, is not related to degradation of the reactor coolant pressure boundary, and is not involved with mitigation of a design-basis event. In short, the requirements in this subsection do not satisfy the criteria of 10 CFR 50.36(c)(2)(ii) for inclusion in the TSs. Accordingly, relocation of this subsection to the ODCM is consistent with the guidance contained in GL 89-01 and NUREG-1433, and is acceptable.

The licensee proposed to delete Subsection 3/4.6.15.b.(2) "Radioactive Effluents, Gaseous Air Dose," and relocate its requirements, including the applicable Bases, to the ODCM. Subsection 3.6.15.b.(2) limits the quarterly and annual limits on the air dose due to noble gases released in gaseous effluents to 10 CFR Part 50, Appendix I, limits. It does not identify a parameter that is an initiating condition or assumption for a DBA or transient, is not related to degradation of the reactor coolant pressure boundary, and is not involved with mitigation of a design-basis event. In short, the requirements in this subsection do not satisfy the criteria of 10 CFR 50.36(c)(2)(ii) for inclusion in the TSs. Accordingly, relocation of this subsection to the ODCM is consistent with the guidance contained in GL 89-01 and NUREG-1433, and is acceptable.

The licensee proposed to delete Subsection 3/4.6.15.b.(3) "Radioactive Effluents, Gaseous Tritium, Iodines, and Particulates," and relocate its requirements, including the applicable Bases, to the ODCM. Subsection 3.6.15.b.(3) limits the quarterly and annual limits on the dose to a member of the public from iodine-131, iodine-133, tritium, and all radionuclides in particulate form with half lives greater than 8 days in gaseous effluents. It does not identify a parameter that is an initiating condition or assumption for a DBA or transient, is not related to degradation of the reactor coolant pressure boundary, and is not involved with mitigation of a design-basis event. In short, the requirements in this subsection do not satisfy the criteria of 10 CFR 50.36(c)(2)(ii) for inclusion in the TSs. Accordingly, relocation of this subsection to the ODCM is consistent with the guidance contained in GL 89-01 and NUREG-1433, and is acceptable.

The licensee proposed to revise the title of Section 3/4.6.15 to "Main Condenser Offgas." Main condenser offgas is the only topic left in this section after all the deletion described in the above paragraphs. The licensee also proposed to make associated editorial changes. These conforming changes are purely administrative with no impact of their own on plant design and operation, and are acceptable.

The licensee proposed to delete, and relocate to the ODCM, the first paragraph of Subsection 4.6.15.c, which requires the radioactivity rate of noble gases at the offgas recombiner discharge to be continuously monitored in accordance with Table 3.6.14-2, which is being relocated to the ODCM. Additionally, the revised Section 4.6.15, "Main Condenser Offgas," provides adequate assurance that the main condenser offgas radioactivity release rates will remain within the specified limits. In accordance with the criteria in 10 CFR 50.36(c)(2)(ii) and the guidance contained in GL 89-01 and NUREG-1433, the detailed procedural requirements contained in this subsection do not warrant inclusion in the TSs. The proposed change is acceptable.

The licensee proposed to delete and relocate Subsection 3/4.6.15.d, "Uranium Fuel Cycle," including the applicable Bases, to the ODCM. Subsection 3/4.6.15.d limits the annual dose or dose commitment to any member of the public due to release of radioactivity and to radiation from uranium fuel cycle sources. This assures that normal operation of the plant is in compliance with 40 CFR Part 190. It does not identify a parameter that is an initiating condition or assumption for a DBA or transient, is not related to degradation of the reactor coolant pressure boundary, and is not involved with mitigation of a design-basis event. In short, the requirements in this subsection do not satisfy the criteria of 10 CFR 50.36(c)(2)(ii) for inclusion in the TSs. Accordingly, relocation of this subsection to the ODCM is consistent with the guidance contained in GL 89-01 and NUREG-1433, and is acceptable.

3.9 Section 3/4.6.16, "Radioactive Effluents, Treatment Systems"

The licensee proposed to delete and relocate Subsection 3/4.6.16.a and b, "Liquids" and "Gaseous," respectively, and applicable Bases, to the ODCM. These subsections require the liquid and gaseous radwaste treatment systems to be operable and to be used to reduce the radioactive materials in liquid and gaseous wastes prior to their discharge. The specifications are intended to implement 10 CFR Part 50, Appendix A, General Design Criterion 60. These subsections do not identify a parameter that is an initiating condition or assumption for a DBA or transient, is not related to degradation of the reactor coolant pressure boundary, and is not involved with mitigation of a design-basis event. In short, the requirements in this subsection do not satisfy the criteria of 10 CFR 50.36(c)(2)(ii) for inclusion in the TSs. Accordingly, relocation of this subsection to the ODCM is consistent with the guidance contained in GL 89-01 and NUREG-1433, and is acceptable.

The licensee proposed to delete and relocate Subsection 3/4.6.16.c, "Solid," including the applicable Bases, to the PCP. Subsection 3/4.6.16.c requires the solid radwaste system to be operable and to be used in accordance with the PCP to process wet radioactive wastes to meet shipping and burial ground. It does not identify a parameter that is an initiating condition or assumption for a DBA or transient, is not related to degradation of the reactor coolant pressure boundary, and is not involved with mitigation of a design-basis event. In short, the requirements in this subsection do not satisfy the criteria of 10 CFR 50.36(c)(2)(ii) for inclusion in the TSs. Accordingly, relocation of this subsection to the PCP is consistent with the guidance contained in GL 89-01 and NUREG-1433, and is acceptable.

3.10 Section 3/4.6.18, "Mark I Containment"

The licensee proposed to relocate this section, including the applicable Bases, to the ODCM. This section requires the Mark I primary containment drywell to be vented and purged through the emergency ventilation system. This specification is intended to provide reasonable assurance that releases from normal drywell purging operations will not exceed the annual dose limits of 10 CFR Part 20 for unrestricted areas. It does not identify a parameter that is an initiating condition or assumption for a DBA or transient, is not related to degradation of the reactor coolant pressure boundary, and is not involved with mitigation of a design-basis event. In short, the requirements in this subsection do not satisfy the criteria of 10 CFR 50.36(c)(2)(ii) for inclusion in the TSs. Accordingly, relocation of this section to the ODCM is consistent with the guidance contained in GL 89-01 and NUREG-1433, and is acceptable.

3.11 Section 3/4.6.19, "Liquid Waste Holdup Tanks"

The licensee proposed to delete this section, including the applicable Bases, and relocate it to the ODCM. This section provides limitations on the quantity of radioactive material contained in an outdoor liquid waste tank. This specification is intended to provide reasonable assurance that an uncontrolled release of a tank's contents would not exceed the limits of 10 CFR Part 20 for unrestricted areas. It does not identify a parameter that is an initiating condition or assumption for a DBA or transient, is not related to degradation of the reactor coolant pressure boundary, and is not involved with mitigation of a design-basis event. In short, the requirements in this subsection do not satisfy the criteria of 10 CFR 50.36(c)(2)(ii) for inclusion in the TSs. Accordingly, relocation of this section to the ODCM is consistent with the guidance contained in GL 89-01 and NUREG-1433, and is acceptable.

3.12 Section 3.6.20, "Radiological Environmental Monitoring Program"

The licensee has proposed to delete this section and to relocate the detailed procedural requirements, including Tables 3.6.20-1, 4.6.20-1 and the applicable Bases to the ODCM. This section imposes requirements on the radiological environmental monitoring program. This program monitors long-term impact of normal plant operations and is not related to protection of the public from the consequences of any DBA or transient. It does not identify a parameter that is an initiating condition or assumption for a DBA or transient, is not related to degradation of reactor coolant pressure boundary, and is not involved with mitigation of a design-basis event. In short, the requirements in this subsection do not satisfy the criteria of 10 CFR 50.36(c)(2)(ii) for inclusion in the TSs. Accordingly, relocation of this section to the ODCM is consistent with the guidance contained in GL 89-01 and NUREG-1433, and is acceptable.

3.13 Section 3/4.6.21, "Interlaboratory Comparison Program"

The licensee has proposed to delete this specification and to relocate the detailed procedural requirements, including the applicable Bases to the ODCM. This section provides requirements for participation in an approved interlaboratory comparison program to assure independent checks of the precision and accuracy of the measurements obtained for the radiological environmental monitoring program. It does not identify a parameter that is an initiating condition or assumption for a DBA or transient, is not related to degradation of the reactor coolant pressure boundary, and is not involved with mitigation of a design-basis event. In short, the requirements in this subsection do not satisfy the criteria of 10 CFR 50.36(c)(2)(ii) for inclusion in the TSs. Accordingly, relocation of this section to the ODCM is consistent with the guidance contained in GL 89-01 and NUREG-1433, and is acceptable.

3.14 Section 3/4.6.22, "Land Use Census"

The licensee proposed to delete this specification and to relocate the detailed procedural requirements, including the applicable Bases to the ODCM. This section imposes requirements on the performance of the land use census, which supports the measurement of radiation and radioactive materials in those exposure pathways and for those radionuclides which lead to the highest potential radiation exposures for members of the public resulting from normal station operation. It does not identify a parameter that is an initiating condition or assumption for a DBA or transient, is not related to degradation of the reactor coolant pressure boundary, and is not involved with mitigation of a design-basis event. In short, the requirements in this subsection do not satisfy the criteria of 10 CFR 50.36(c)(2)(ii) for inclusion in the TSs. Accordingly, relocation of this section to the ODCM is consistent with the guidance contained in GL 89-01 and NUREG-1433, and is acceptable.

The licensee also proposed to correct typographical errors in the Bases title to correctly identify the applicable specifications and surveillance requirement for "Land Use Census" as "3.6.22" and "4.6.22," respectively. This change is purely editorial and is acceptable.

3.15 Section 6.9, "Reporting Requirements"

The licensee proposed to change the report title in Subsection 6.9.1.b, from "Annual Occupational Exposure Report" to "Occupational Radiation Exposure Report." This proposed

change is administrative, with no impact of its own on plant design or operation, and is acceptable.

The licensee proposed to revise the text of Subsection 6.9.1.b to reflect requirements in 10 CFR Part 20 (dated June 20, 1991) and to add a required April 30 report submission date. These proposed changes do not eliminate any existing requirements and serve only to provide consistency with 10 CFR Part 20.2206. The proposed changes are conforming changes, are in accordance with the guidance contained in GL 89-01 and NUREG-1433, and are acceptable.

The licensee proposed to revise Subsection 6.9.1.d, "Annual Radiological Environmental Operating Report," to (1) delete and relocate the reporting details, including the footnote text, to the ODCM, and specify that the report should combine sections common to all units at the station; (2) change the annual radiological operating report submission date from "prior to May 1 of each year" to "by May 15 of each year; and (3) make minor editorial changes to the specification, including deletion of the footnote designator "***," and to revise the third paragraph to incorporate minor editorial changes. In accordance with the criteria in 10 CFR 50.36(c)(2)(ii) and the guidance contained in GL 89-01 and NUREG-1433, the detailed procedural requirements contained in this subsection do not warrant inclusion in the TSs. The proposed changes are acceptable.

The licensee proposed to revise the title of Subsection 6.9.1.e, from "Semi-annual Radioactive Effluent Release Report" to "Radioactive Effluent Release Report," and to replace the semi-annual reporting requirement to an annual reporting requirement. The licensee proposed to delete and relocate the reporting details located on pages 364, 365, and 366 to the ODCM. The ODCM reporting requirements will be retained in proposed Section 6.11, "ODCM Program." In addition, the licensee proposed to make minor editorial revisions. The change would allow the report to be submitted on an annual basis, consistent with 10 CFR 50.36a(a)(2). In accordance with the guidance contained in GL 89-01 and NUREG-1433, the detailed procedural requirements contained in this subsection do not warrant inclusion in the TSs. The proposed changes are acceptable.

The licensee proposed to revise Subsection 6.9.3, "Special Reports," relocating requirements concerning 6 special reports, identified as 6.9.3.h, i, j, k, l, and m, to the ODCM. In accordance with the criteria in 10 CFR 50.36(c)(2)(ii) and the guidance contained in GL 89-01 and NUREG-1433, the detailed procedural requirements contained in this subsection do not warrant inclusion in the TSs. The proposed changes are acceptable.

The licensee proposed to make a minor editorial correction in the first sentence of Subsection 6.9.3 (i.e., adding the missing phrase "to the") and to annotate Page 369 to indicate that it has been intentionally left blank. The proposed changes are administrative, with no impact of their own on plant design or operation, and are acceptable.

3.16 Section 6.10, "Record Retention"

The licensee proposed to revise Subsection 6.10.2.1, "Record Retention," to delete and relocate the record retention requirements regarding the radiological environmental monitoring program to the UFSAR, Appendix B (Quality Assurance Program Topical Report). As described above, the RETS-related requirements are being relocated to the ODCM; the associated relocation of the record retention requirements is consistent with NRC

Administrative Letter 95-06, "Relocation of Technical Specification Administrative Controls Related to Quality Assurance," dated December 12, 1995. The records themselves do not assure safe plant operation. Relocation of the record retention requirements to the Quality Assurance Topical Report will provide adequate regulatory controls. The proposed change is acceptable.

3.17 Section 6.11, "Radiation Protection Program"

The licensee proposed to delete and relocate the procedural details of this specification to the UFSAR. This specification requires procedures for personnel radiation exposure to be prepared consistent with the requirements of 10 CFR Part 20. Requirements to have procedures to implement 10 CFR Part 20 are contained in 10 CFR 20.1101(b). Periodic review of these procedures is addressed in 10 CFR 20.1101(c). This specification is thus redundant to existing regulations. Its relocation from the TSs to the UFSAR is acceptable.

The licensee has proposed to change the title of proposed TS 6.11 from "Radiation Protection Program" to "Offsite Dose Calculation Manual (ODCM)." The new requirements in this specification regarding the ODCM have already been addressed in sections above. This title change is only a conforming change, and is acceptable.

3.17 Section 6.12, "High Radiation Area"

In its letter dated June 17, 2002, the licensee proposed to adopt the wording provided in NUREG-1433, Revision 2. As such, the proposed change is in accordance with the criteria in 10 CFR 20.1601(c) and the guidance contained in Regulatory Guide 8.38, "Control of Access to High and Very High Radiation Areas in Nuclear Power Plants." The proposed change is, therefore, acceptable.

3.18 Section 6.17, "Radioactive Effluent Controls Program"

The licensee proposed to add this as a new section to consolidate the programmatic regulatory requirements for the Radioactive Effluent Controls Program previously found in the deleted and relocated Sections 3/4.6.15, 3/4.6.16, 3/4.6.18, 3/4.6.19, 3/4.6.20, 3/4.6.21, and 3/4.6.22. This new section is consistent with the guidance contained in GL 89-01 and NUREG-1433. The proposed change is administrative (i.e., consolidation of requirements previously residing in the listed sections), and is acceptable.

3.19 Section 6.18, "Explosive Gas Storage Tank Radioactivity Monitoring Program"

The licensee proposed to add this as a new section to consolidate and relocate the programmatic regulatory requirements for the Explosive Gas Storage Tank Radioactivity Monitoring Program, previously found in the deleted and relocated Sections 3/4.6.14 and 3/2.6.19. This new section is consistent with the guidance contained in GL 89-01 and NUREG-1433. The proposed change is administrative (i.e., consolidation of requirements previously residing in the listed sections), and is acceptable.

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

Portions of the amendment change requirements with respect to use of facility components located within the restricted area as defined in 10 CFR Part 20. 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 928). Accordingly, these portions meet 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 these portions of the amendment.

The balance of the amendment relates to changes in recordkeeping, reporting, or administrative procedures or requirements. Accordingly, the balance of the amendment meets the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(10). Pursuant to 10 CFR 51.22(b), no environmental impacts statement or environmental assessment need be prepared in connection with the issuance of the balance of the amendment.

6.0 CONCLUSION

The NRC 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 Contributors: A. Hayes and P. Tam

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Nine Mile Point Nuclear Station
Unit No. 1

Regional Administrator, Region I
U.S. Nuclear Regulatory Commission
475 Allendale Road
King of Prussia, PA 19406

Resident Inspector
U.S. Nuclear Regulatory Commission
P.O. Box 126
Lycoming, NY 13093

Charles Donaldson, Esquire
Assistant Attorney General
New York Department of Law
120 Broadway
New York, NY 10271

Mr. Paul D. Eddy
Electric Division
NYS Department of Public Service
Agency Building 3
Empire State Plaza
Albany, NY 12223

Mr. William M. Flynn, President
New York State Energy, Research,
and Development Authority
17 Columbia Circle
Albany, NY 12203-6399

Mark J. Wetterhahn, Esquire
Winston & Strawn
1400 L Street, NW
Washington, DC 20005-3502

Supervisor
Town of Scriba
Route 8, Box 382
Oswego, NY 13126

Mr. Michael J. Wallace
President
Nine Mile Point Nuclear Station, LLC
c/o Constellation Energy Group
250 W. Pratt Street - 24th Floor
Baltimore, MD 21201-2437

Mr. Raymond L. Wenderlich
Senior Constellation Officer
Responsible for Nine Mile Point
Nine Mile Point Nuclear Station, LLC
P.O. Box 63
Lycoming, NY 13093

Mr. James M. Petro, Jr., Esquire
Counsel
Constellation Power Source, Inc.
111 Market Place
Suite 500
Baltimore, MD 21202