P.O. Box 63
Lycoming, New York 13093

Constellation
Generation Group

Nine Mile Point
Nuclear Station

October 7, 2002
NMP1L 1693

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

SUBJECT: Nine Mile Point Unit 1
Docket No. 50-220
License No. DPR-63
TAC No. MB6421

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 1.

The proposed amendment would add TS requirements for missed surveillances.

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 new and existing TS pages marked up to show the proposed change, along with new TS Bases pages marked up to show the proposed change (for information only).

NMPNS requests approval of the proposed license amendment by April 30, 2003. Once approved, the amendment will be implemented within 60 days.

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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 October 7, 2002.

Very truly yours,

John T. Conway
Site Vice President

JTC/JJD/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

ATTACHMENT 1

DESCRIPTION AND ASSESSMENT

1.0 DESCRIPTION

The proposed amendment would add Technical Specification (TS) requirements for missed surveillances as new Specification 4.0.3.

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 (CLIIP).

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 CLIIP. 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 1 (NMP1) and justify this amendment for the incorporation of the changes to the NMP1 TSs.

2.2 Optional Changes and Variations

NMP1 utilizes custom TSs with no current allowance for missed surveillances. As such, NMPNS proposes the following variations from the TS changes described in TSTF-358 Revision 6 and the NRC staff's model safety evaluation:

Specification 4.0.3 is created consistent with Surveillance Requirement (SR) 3.0.3 of the improved Standard Technical Specifications (NUREG-1433 Revision 2), as modified by TSTF-358 Revision 6. The new specification adopts the initial 24 hour delay period for performing a missed surveillance of SR 3.0.3, as well as the risk-informed extension included in TSTF-358. The justification for the initial 24 hour delay period is included in Generic Letter 87-09. The generic letter justification is reiterated in the staff's model safety evaluation; therefore NMPNS has concluded that the addition of Specification 4.0.3 to the NMP1 TSs is encompassed by the CLIIP.

Additionally, the NMP1 TSs do not use the improved Standard Technical Specification terminology of "Conditions." Thus, the SR 3.0.3 references to entering "applicable

Condition(s)" have been modified to "applicable specifications" for NMP1 Specification 4.0.3.

Specification 4.0.2 is created as a placeholder, such that the new NMP1 TS 4.0.3 remains consistent with the standard sequencing for plants utilizing the Standard Technical Specifications (NUREG-0123) format.

Specifications 6.16, "10 CFR 50 Appendix J Testing Program Plan," 6.17, "Inservice Testing Program," 6.18, Radioactive Effluent Controls Program," and 6.19, "Explosive Gas and Storage Tank Radioactivity Monitoring Program" are modified by adding statements that Specification 4.0.3 applies to these programs. The additions are consistent with the improved Standard Technical Specifications.

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 CLIIP. NMPNS has concluded that the proposed NSHCD presented in the *Federal Register* notice is applicable to NMP1 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, a plant-specific verification was performed as follows:

NMPNS has a proceduralized Bases Control Program consistent with Section 5.5 of the improved Standard Technical Specifications for control of the NMP1 TS bases. This Bases Control Program also implements Nine Mile Point Unit 2 Technical Specification 5.5.10, "Technical Specifications (TS) Bases Control Program." By application dated October 26, 2001 (NMP1L 1620), NMPNS proposed addition of a Bases Control Program specification to the Administrative Controls section of the NMP1 TSs consistent with Section 5.5 of the improved Standard Technical Specifications. This request is currently under staff review.

3.3 Commitments

Concurrent with implementation of the proposed TS change, Bases for Specification 4.0.3 will be created to provide details on how to implement the new requirements. The Bases will be consistent with the improved Standard Technical Specifications, as modified by TSTF-358 Revision 6. The Bases will 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 will 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 will 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 will 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 will also state that all missed surveillances will be placed in the NMPNS Corrective Action Program. Additionally, the Bases will state that use of the delay period established by Specification 4.0.3 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.

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 Commitment	Due Date
NMPNS will establish the TS Bases for Specification 4.0.3 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 CLIIP. NMPNS has concluded that the staff's findings presented in that evaluation are applicable to NMP1 and the evaluation is hereby incorporated by reference for this application.

ATTACHMENT 2

NINE MILE POINT NUCLEAR STATION, LLC

LICENSE NO. DPR-63

DOCKET NO. 50-220

"Marked-Up" Copy of the Current Technical Specifications (TS) and Bases

Drafts of new TS pages 27a, 27b, and 27c are attached. Additionally, the current versions of TS pages 374 and 376 have been marked-up to reflect the proposed change.

New TS Page 27a

4.0.2 NOT USED

4.0.3 MISSED SURVEILLANCES

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 specification(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 specification(s) must be entered.

BASES FOR 4.0.3 MISSED SURVEILLANCES

Specification 4.0.3 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 greater, applies from the point in time it is discovered that the surveillance has not been performed in accordance with Specification 4.0.1, and not at the time that the specified frequency was not met. This delay period permits the completion of a surveillance before complying with LCO 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.

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 power operation, or in accordance with the 10 CFR 50 Appendix J Testing Program Plan, etc.) is discovered to not have been performed when specified, Specification 4.0.3 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.

Specification 4.0.3 provides a time limit for, and allowances for the performance of, surveillances that become applicable as a consequence of operating condition changes imposed by LCO actions.

Failure to comply with specified frequencies for surveillance requirements is expected to be an infrequent occurrence. Use of the delay period established by Specification 4.0.3 is a flexibility which is not intended to be used as an operational convenience to extend surveillance intervals. 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.

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 entry into the applicable LCO actions 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 entry into the applicable LCO actions begin immediately upon failure of the surveillance.

4. The combined Local Leak Rate Test (Type B & C Tests including airlocks) acceptance criteria is less than 0.6 L_a, calculated on a minimum pathway basis, at all times when containment integrity is required.

The provisions of Specification 4.0.1 do not apply to the test frequencies specified in the 10 CFR 50 Appendix J Testing Program Plan.

→ Insert

6.17 Inservice Testing Program

This program provides controls for inservice testing of Quality Group A, B, and C pumps and valves.

a. Inservice testing of Quality Group A, B, and C pumps and valves shall be performed in accordance with requirements for American Society of Mechanical Engineers (ASME) Code Class 1, 2, and 3 components specified in Section XI of the applicable ASME Boiler and Pressure Vessel Code Edition and Addenda, subject to the applicable provisions of 10CFR50.55a;

b. The provisions of Specification 4.0.1 and 4.0.3 are applicable to the normal and accelerated testing frequencies for performing inservice testing activities;

c. Nothing in the ASME Boiler and Pressure Vessel Code shall be construed to supersede the requirements of any Technical Specification.

6.18 Radioactive Effluent Controls Program

This program conforms to 10 CFR 50.36a for the control of radioactive effluents and for maintaining the doses to members of the public from radioactive effluents as low as reasonably achievable. The program shall be contained in the ODCM, shall be implemented by procedures, and shall include remedial actions to be taken whenever the program limits are exceeded. The program shall include the following elements:

a. Limitations on the functional capability of radioactive liquid and gaseous monitoring instrumentation including surveillance tests and setpoint determination in accordance with the methodology in the ODCM;

b. Limitations on the concentrations of radioactive material released in liquid effluents to unrestricted areas, conforming to ten times the concentration values in Appendix B, Table 2, Column 2 to 10 CFR 20.1001 - 20.2402;

k. Limitations on venting and purging of the primary containment through the Emergency Ventilation System to maintain releases as low as reasonably achievable.

The provisions of Surveillance Requirements 4.0.1 and 4.0.3 are applicable to the Radioactive Effluent Controls Program surveillance frequencies.

6.19 Explosive Gas and Storage Tank Radioactivity Monitoring Program

This program provides controls for potentially explosive gas mixtures contained in the Main Condenser Offgas Treatment System and the quantity of radioactivity contained in unprotected outdoor liquid storage tanks.

The program shall include:

a. The limits for concentrations of hydrogen in the Main Condenser Offgas Treatment System and a surveillance program to ensure the limits are maintained. Such limits shall be appropriate to the system's design criteria (i.e., whether or not the system is designed to withstand a hydrogen explosion); and

b. A surveillance program to ensure that the quantity of radioactivity contained in all outside temporary liquid radwaste tanks that are not surrounded by liners, dikes, or walls, capable of holding tanks' contents and that do not have tank overflows and surrounding area drains connected to the Liquid Radwaste Treatment System is ≤10 Ci, excluding tritium and dissolved or entrained noble gases.

The provisions of Surveillance Requirements 4.0.1 and 4.0.3 are applicable to the Explosive Gas and Storage Tank Radioactivity Monitoring Program surveillance frequencies.

Insert

The provisions of Specification 4.0.3 are applicable to the 10 CFR 50 Appendix J Testing Program Plan.