

January 23, 2003

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

SUBJECT: NINE MILE POINT NUCLEAR STATION, UNIT NO. 1 - REQUEST FOR
ADDITIONAL INFORMATION - AMENDMENT APPLICATION RE: MISSED
SURVEILLANCES (TAC NO. MB6421)

Dear Mr. Conway:

The U.S. Nuclear Regulatory Commission (NRC) staff is reviewing the subject proposed amendment, requested by your application dated October 7, 2002. On January 7, 2003, we held a telephone conference with Mr. John Dosa, et al. of your staff, on comments we previously e-mailed to your staff. Subsequent to the telephone conference, we sent another e-mail with essentially the same comment. Both e-mails are available in the Agencywide Documents Access and Management System under Accession No. ML023250103 and ML030090212, respectively. This letter formalizes the NRC staff's position and request for additional information (enclosed).

Please respond within 60 days of receipt of this letter.

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

Enclosure: As stated

cc w/encl: See next page

January 23, 2003

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

SUBJECT: NINE MILE POINT NUCLEAR STATION, UNIT NO. 1 - REQUEST FOR
ADDITIONAL INFORMATION - AMENDMENT APPLICATION RE: MISSED
SURVEILLANCES (TAC NO. MB6421)

Dear Mr. Conway:

The U.S. Nuclear Regulatory Commission (NRC) staff is reviewing the subject proposed amendment, requested by your application dated October 7, 2002. On January 7, 2003, we held a telephone conference with Mr. John Dosa, et al. of your staff, on comments we previously e-mailed to your staff. Subsequent to the telephone conference, we sent another e-mail with essentially the same comment. Both e-mails are available in the Agencywide Documents Access and Management System under Accession No. ML023250103 and ML030090212, respectively. This letter formalizes the NRC staff's position and request for additional information (enclosed).

Please respond within 60 days of receipt of this letter.

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

Enclosure: As stated

cc w/encl: See next page

DISTRIBUTION:

PUBLIC PDI-1 R/F
RLaufer PTam
OGC TTjader
ACRS BPlatchek, RGI
SLittle

Accession Number: **ML030230784**

OFFICE	PDI-1/PM	PDI-1/LA	RORP	RORP/SC	PDI-1/SC	
NAME	PTam	SLittle	TTjader	RDennig	RLaufer	
DATE	1/22/03	1/22/03	1/23/03	1/23/03	1/23/03	

STATEMENT OF POSITION AND REQUEST FOR ADDITIONAL INFORMATION

NINE MILE POINT NUCLEAR STATION, UNIT NO. 1

AMENDMENT APPLICATION REGARDING

MISSED SURVEILLANCES

Reference: Letter, J. T. Conway to U.S. Nuclear Regulatory commission (NRC), "Application for Technical Specification [TS] Change Regarding Missed Surveillances Using the Consolidated Line Item Improvement Process," October 7, 2002

The change to the Standard Technical Specification (STS) Surveillance Requirement (SR) 3.0.3 that provides flexibility to entering a TS Required Actions based upon a risk evaluation was approved in the Consolidated Line Item Improvement Process (CLIP) change known as Technical Specifications Task Force (TSTF)-358, Revision 6. CLIP and TSTF changes are based upon the STS, and licensees who adopt those changes must either employ the STS, or their custom TS must be equivalent to the STS in the area of the change.

SR 3.0.3 addresses the situation of a missed surveillance, a surveillance that was not performed within its required frequency, and the resulting implications for considering the surveillance and associated limiting condition for operation not met. To accurately adopt and implement TSTF-358, Revision 6, the custom TSs must have or must establish identical requirements for what it means to meet an SR. STS SR 3.0.1 establishes those requirements. Accordingly, for a licensee with custom TSs to adopt TSTF-358, Revision 6, it must do either of the following:

- (1) Adopt STS SR 3.0.1 and associated bases, or
- (2) Show that its custom TSs have equivalent requirements to SR 3.0.1, and adopt the STS SR 3.0.1 Bases.

There are four sentences in STS SR 3.0.1, and each is a requirement. A custom TS licensee not adopting STS SR 3.0.1 must describe how its TSs contain these four elements.

Please supplement your application to reflect the NRC staff's position above.

Enclosure

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
750 East Pratt Street
Baltimore, MD 21201-2437

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