

February 7, 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. 2 (NMP2) - PUBLIC
NOTICE OF APPLICATION FOR AMENDMENT TO FACILITY OPERATING
LICENSE (TAC NO. MB7331)

Dear Mr. Conway:

The enclosed announcement was forwarded to *The Post-Standard* of Syracuse, NY, for publication. This announcement relates to your application, dated February 3, 2003, for an exigent amendment to Facility Operating License No. NPF-69 for NMP2. The proposed amendment would revise Section 3.6.1.7, "Suppression Chamber-to-Drywell Vacuum Breakers," of the Technical Specifications to allow an exception to the periodic functional testing requirements for one specific vacuum breaker.

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. 50-410

Enclosure: Public Notice

cc w/encl: See next page

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PUBLIC NOTICE

NRC STAFF PROPOSES TO AMEND OPERATING LICENSE AT THE NINE MILE POINT NUCLEAR STATION, UNIT NO. 2

The U.S. Nuclear Regulatory Commission (NRC) staff has received an application dated February 3, 2003, from Nine Mile Point Nuclear Station, LLC (NMPNS, the licensee), for an exigent amendment to the operating license for the Nine Mile Point Nuclear Station, Unit No. 2 (NMP2), located in Scriba, New York.

The proposed amendment would revise Technical Specification (TS) Section 3.6.1.7, "Suppression Chamber-to-Drywell Vacuum Breakers," to allow an exception to the periodic functional testing requirements (cycling the vacuum breakers open and closed) for one specific vacuum breaker. Specifically, the proposed change would revise Surveillance Requirement (SR) 3.6.1.7.2 such that the functional testing requirement would not apply to vacuum breaker 21SC*RV36B, one of 8 vacuum breakers, for the remainder of Fuel Cycle 9 (the current operating cycle).

The licensee found that the test equipment used to perform SR 3.6.1.7.2 for vacuum breaker 21SC*RV36B is operating on an intermittent basis. The degraded testing equipment (test cylinder and linkage) is located in the drywell and cannot be accessed for repair or replacement at power. The proposed license amendment is necessary because future performance of SR 3.6.1.7.2 could cause failure of the subject vacuum breaker to return to the closed position after testing. The degraded testing equipment does not affect the ability of the vacuum breaker to perform its intended function. The licensee stated that the subject vacuum breaker was visually inspected during the last refueling outage (RFO8) in the spring of 2002. The proposed amendment would allow the degraded testing equipment to be repaired or replaced during RFO9, or during an outage of sufficient duration and which permits drywell entry.

The licensee and the NRC staff have evaluated this proposed change with regard to the determination of whether or not a significant hazards consideration is involved. Operation of NMP2 in accordance with the proposed amendment will not involve a significant increase in the probability or consequences of an accident previously evaluated. Proper functioning of the suppression chamber-to-drywell vacuum breakers is required for accident mitigation. Failure of the vacuum breakers was not assumed as an accident initiator for any accident previously evaluated. Therefore, any potential failure of a vacuum breaker to perform when necessary will not affect the probability of an accident previously evaluated. Also, during a loss-of-coolant accident (LOCA), the vacuum breakers are assumed to initially be closed to limit drywell-to-suppression chamber bypass leakage and must be capable of reclosing following a suppression pool swell event. The vacuum breakers open to prevent an excessive negative differential pressure across the suppression chamber-to-drywell boundary. The proposed amendment will not affect the capability of the vacuum breakers to perform their intended (open and close) safety functions. Therefore, all four vacuum breaker pairs will remain operable and available to mitigate the consequences of a LOCA. Therefore, the proposed amendment does not involve a significant increase in the consequences of an accident previously evaluated.

The proposed amendment will not create the possibility of a new or different kind of accident from any accident previously analyzed. This is because the vacuum breakers are used to mitigate the potential consequences of an accident. The proposed amendment does not affect the capability of the vacuum breakers to perform their intended safety functions. Thus, the initial conditions assumed in the accident analysis are not affected. Since the vacuum breakers have demonstrated high reliability, proper functioning of the four vacuum breaker pairs is assured in order to satisfy the current accident analysis. The proposed amendment does not involve a change to plant design and does not involve any new modes of

operation or testing methods. Accordingly, the vacuum breakers will continue to perform their accident mitigation safety functions as previously evaluated, and no new or different kind of accident will be created by the proposed amendment.

The proposed amendment will not involve a significant reduction in a margin of safety. The proposed amendment would only defer functional testing for one vacuum breaker pair. The vacuum breakers are not modified as a result of the proposed amendment. Vacuum breaker failure history shows that the vacuum breakers have a high reliability to open or close when necessary. Thus, both vacuum breakers in each of the four vacuum breaker lines are expected to remain available to perform their accident mitigation safety functions. Furthermore, the 14-day surveillance that verifies the vacuum breakers are closed will continue to be performed to ensure a potential bypass leakage path is not present. Accordingly, all four vacuum breaker pairs are considered operable, and their operability requirements are not changed. Therefore, the proposed amendment will not involve a significant reduction in a margin of safety.

Following an initial review of this application, the requested amendment has been evaluated against the standards in 10 CFR 50.92 and the NRC staff has made a proposed (preliminary) determination that the requested amendment involves no significant hazards considerations. The proposed amendment does not significantly increase the probability or consequences of any accident previously considered, nor create the possibility of an accident of a different kind, nor significantly decrease any margin of safety.

If the proposed determination that the requested license amendment involves no significant hazards consideration becomes final, the NRC staff will issue the amendment without first offering an opportunity for a public hearing. An opportunity for a hearing will be published in the *Federal Register* at a later date and any hearing request will not delay the effective date of the amendment.

If the NRC staff decides in its final determination that the amendment does involve a significant hazards consideration, a notice of opportunity for a prior hearing will be published in the *Federal Register* and, if a hearing is granted, it will be held before the amendment is issued.

Comments on the proposed determination of no significant hazards consideration may be (1) telephoned to Richard Laufer, Chief, Section 1, Project Directorate I, at 1-800-368-5642, or by facsimile to (301) 415-2102, (2) e-mailed to rjl@nrc.gov, or (3) submitted in writing to the Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555. All comments received by close of business on February 20, 2003 (from 7:30 a.m. to 4:15 p.m. Federal workdays), will be considered in reaching a final determination. A copy of the licensee's February 3, 2003, application may be examined electronically through the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland. A copy of the application may also be examined electronically through the Agencywide Documents Access and Management Systems (ADAMS) Public Electronic Reading Room on the Internet at the NRC web site, <http://www.nrc.gov/reading-rm.html>.

Persons who do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS should contact the NRC PDR staff at 1-800-397-4209, 301-415-4737 or by email to pdr@nrc.gov.

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Unit No. 2

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