

**Constellation
Energy Group**

Nine Mile Point
Nuclear Station

August 19, 2003
NMP1L 1757

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

SUBJECT: Nine Mile Point Unit Nos. 1 and 2
Docket Nos. 50-220 and 50-410
Facility Operating License Nos. DPR-63 and NPF-69

Withdrawal of Request for Exemption from the Requirements of 10 CFR 50.60
Regarding an Alternate Method for Developing Reactor Pressure Vessel Pressure-
Temperature Limits
TAC No. MB6703

Withdrawal of Inservice Inspection Relief Requests Regarding Inner Radius
Examination of Class 1 Reactor Pressure Vessel Nozzles
TAC Nos. MB7722 and MB7723

Gentlemen:

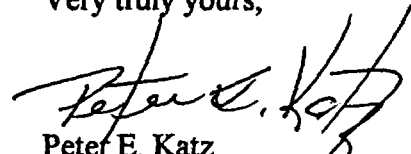
By letter NMP1L 1697 dated November 15, 2002, Nine Mile Point Nuclear Station, LLC (NMPNS) submitted a license amendment request for Nine Mile Point Unit 1 to revise reactor pressure vessel pressure-temperature (P-T) limits, and a request for exemption from the requirements of 10 CFR 50.60, "Acceptance criteria for fracture prevention measures for lightwater nuclear power reactors for normal operation." The new P-T limit curves and tables were developed using an alternate method to that described in 10 CFR 50, Appendix G and Appendix H. The alternate method was based, in part, on the use of American Society of Mechanical Engineers (ASME) Code Case N-640, "Alternative Reference Fracture Toughness for Development of P-T Limit Curves Section XI, Division 1."

By letter NMP1L 1716 dated March 6, 2003, NMPNS submitted a request for approval of an alternative to certain inservice inspection requirements of the 1989 Edition (no Addenda) of the ASME Boiler and Pressure Vessel Code, Section XI, for Nine Mile Point Units 1 and 2. The request proposed performance of a visual examination, in lieu of a volumetric examination, of the inner radius of certain reactor pressure vessel nozzles welded with full penetration welds, similar to the inspection alternative described in ASME Section XI Code Case N-648-1, "Alternative Requirements for Inner Radius Examinations of Class 1 Reactor Vessel Nozzles, Section XI, Division 1."

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By this letter, NMPNS is withdrawing the above two requests. At the time of these requests, Code Cases N-640 and N-648-1 were not listed in NRC Regulatory Guide (RG) 1.147, "Inservice Inspection Code Case Acceptability, ASME Section XI, Division 1," Revision 12, as being acceptable for generic application. However, since then, the NRC has published a Final Rule, "Incorporation by Reference of ASME BPV and OM Code Cases," by Federal Register Notice dated July 8, 2003. This final rule, which became effective on August 7, 2003, incorporates by reference into the NRC's regulations RG 1.147, Revision 13. This revision of the regulatory guide identifies Code Case N-640 as unconditionally acceptable, and identifies Code Case N-648-1 as conditionally acceptable. NMPNS has elected to adopt Code Cases N-640 and N-648-1, including the conditions specified in RG 1.147, Revision 13 for Code Case N-648-1. Therefore, NMPNS has determined that the exemption request submitted in letter NMP1L 1697 dated November 15, 2002, and the relief requests submitted in letter NMP1L 1716 dated March 6, 2003, are no longer needed.

Very truly yours,



Peter E. Katz
Vice President Nine Mile Point

PEK/DEV/bjh

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. J. P. Spath, NYSERDA