

February 7, 2008

Mr. Keith J. Polson
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 - ISSUANCE OF
AMENDMENT RE: TECHNICAL SPECIFICATION CHANGE FOR SCRAM TIME
TESTING ACTIVITIES, USING THE CONSOLIDATED LINE ITEM
IMPROVEMENT PROCESS (TAC NO. MD6903)

Dear Mr. Polson:

The Commission has issued the enclosed Amendment No. 121 to Renewed Facility Operating License No. NPF-69 for Nine Mile Point Nuclear Station, Unit No. 2. The amendment consists of changes to Technical Specification 3.10.1, "System Leakage and Hydrostatic Testing Operation," in response to your application dated September 19, 2007.

The amendment revises Limiting Condition for Operation 3.10.1 to expand its scope to include provisions for temperature excursions greater than 200 °F as a consequence of inservice leak and hydrostatic testing, and as a consequence of scram time testing initiated in conjunction with an inservice leak or hydrostatic test, while considering operational conditions to be in Mode 4. The revision is being made using the Consolidated Line Item Improvement Process.

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/

Marshall J. David, Project Manager
Plant Licensing Branch I-1
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket No. 50-410

Enclosures:

1. Amendment No. 121 to NPF-69
2. Safety Evaluation

cc w/encls: See next page

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NINE MILE POINT NUCLEAR STATION, LLC

DOCKET NO. 50-410

NINE MILE POINT NUCLEAR STATION, UNIT NO. 2

AMENDMENT TO RENEWED FACILITY OPERATING LICENSE

Amendment No. 121
Renewed License No. NPF-69

1. The Nuclear Regulatory Commission (the Commission) has found that:
 - A. The application for amendment by Nine Mile Point Nuclear Station, LLC (the licensee) dated September 19, 2007, 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 1;
 - 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 Renewed Facility Operating License No. NPF-69 is hereby amended to read as follows:

(2) Technical Specifications and Environmental Protection Plan

The Technical Specifications contained in Appendix A and the Environmental Protection Plan contained in Appendix B, both of which are attached hereto, as revised through Amendment No. 121 are hereby incorporated into this license. Nine Mile Point Nuclear Station, LLC shall operate the facility in accordance with the Technical Specifications and the Environmental Protection Plan.

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/

Mark G. Kowal, Chief
Plant Licensing Branch I-1
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Attachment:
Changes to the License and Technical
Specifications

Date of Issuance: February 7, 2008

ATTACHMENT TO LICENSE AMENDMENT NO. 121

RENEWED FACILITY OPERATING LICENSE NO. NPF-69

DOCKET NO. 50-410

Replace the following page of the Renewed Facility Operating License with the attached revised page. The revised page is identified by amendment number and contains marginal lines indicating the areas of change.

Remove Page

4

Insert Page

4

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

Remove Page

3.10.1-1

Insert Page

3.10.1-1

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION

RELATED TO AMENDMENT NO. 121 TO

RENEWED FACILITY OPERATING LICENSE NO. NPF-69

NINE MILE POINT NUCLEAR STATION, LLC

NINE MILE POINT NUCLEAR STATION, UNIT NO. 2

DOCKET NO. 50-410

1.0 INTRODUCTION

By letter dated September 19, 2007 (Agencywide Documents and Management System (ADAMS) Accession No. ML072640103), Nine Mile Point Nuclear Station, LLC (the licensee) submitted a license amendment request (LAR) to change to the Technical Specifications (TSs) for Nine Mile Point Nuclear Station, Unit No. 2 (NMP2).

The proposed change is based on TS Task Force (TSTF) change traveler TSTF-484, Revision 0, "Use of TS 3.10.1 for Scram Time Testing Activities," for NUREG-1433, "Standard Technical Specifications General Electric Plants, BWR/4," Revision 3, and NUREG-1434, "Standard Technical Specifications General Electric Plants, BWR/6," Revision 3. The proposed change would revise Limiting Condition for Operation (LCO) 3.10.1, and the associated Bases, to expand its scope to include provisions for temperature excursions greater than 200 °F as a consequence of inservice leak and hydrostatic testing, and as a consequence of scram time testing initiated in conjunction with an inservice leak or hydrostatic test, while considering operational conditions to be in Mode 4. A notice announcing the availability of this proposed TS change using the consolidated line item improvement process was published in the *Federal Register* on October 27, 2006 (71 FR 63050).

2.0 REGUATORY EVALUATION

2.1 Inservice Leak and Hydrostatic Testing

The reactor coolant system (RCS) serves as a pressure boundary and also serves to provide a flow path for the circulation of coolant past the fuel. In order to maintain RCS integrity, Section XI of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code (ASME Code) requires periodic hydrostatic and leakage testing. Hydrostatic tests are required to be performed once every 10 years and leakage tests are required to be performed each refueling outage. Appendix G to Title 10 of the *Code of Federal Regulations* (10 CFR) Part 50 states that pressure tests and leak tests of the reactor vessel that are required by Section XI of the ASME Code must be completed before the core is critical.

NUREG-1433 and NUREG-1434 both currently contain LCO 3.10.1, "Inservice Leak and Hydrostatic Testing Operation." LCO 3.10.1 was created to allow for hydrostatic and leakage testing to be conducted while in Mode 4 with average reactor coolant temperature greater than 200 °F, provided certain secondary containment LCOs are met.

TSTF-484, Revision 0, modifies LCO 3.10.1 to allow a licensee to implement LCO 3.10.1, while hydrostatic and leakage testing is being conducted, should average reactor coolant temperature exceed 200 °F during testing. This modification does not alter current requirements for hydrostatic and leakage testing as required by Appendix G to 10 CFR Part 50.

2.2 Control Rod Scram Time Testing

Control rods function to control reactor power level and to provide adequate excess negative reactivity to shut down the reactor from any normal operating or accident condition at any time during core life. The control rods are scrammed by using hydraulic pressure exerted by the control rod drive (CRD) system. Criterion 10 of Appendix A to 10 CFR Part 50 states that the reactor core and associated coolant, control, and protection systems shall be designed with appropriate margin to assure that specified acceptable fuel limits are not exceeded during any condition of normal operation, including the effects of anticipated operational occurrences. The scram reactivity used in design-basis accidents (DBAs) and transient analyses is based on an assumed control rod scram time.

NUREG-1433 and NUREG-1434 both currently contain surveillance requirements (SRs) to conduct scram time testing when certain conditions are met in order to ensure that Criterion 10 of Appendix A to 10 CFR Part 50 is satisfied. SR 3.1.4.1 requires scram time testing to be conducted following a shutdown greater than 120 days while SR 3.1.4.4 requires scram time testing to be conducted following work on the CRD system or following fuel movement within the affected core cell. Both SRs must be performed at reactor steam dome pressure greater than or equal to 800 psig and prior to exceeding 40 percent rated thermal power (RTP).

TSTF-484, Revision 0, would modify LCO 3.10.1 to allow SR 3.1.4.1 and SR 3.1.4.4 to be conducted in Mode 4 with average reactor coolant temperature greater than 200 °F. Scram time testing would be performed in accordance with LCO 3.10.4, "Single Control Rod Withdrawal - Cold Shutdown." This modification to LCO 3.10.1 does not alter the means of compliance with Criterion 10 of Appendix A to 10 CFR Part 50.

3.0 TECHNICAL EVALUATION

The existing provisions of LCO 3.10.1 allow for hydrostatic and leakage testing to be conducted while in Mode 4 with average reactor coolant temperature greater than 200 °F, while imposing Mode 3 secondary containment requirements. Under the existing provisions, LCO 3.10.1 would have to be implemented prior to hydrostatic and leakage testing. As a result, if LCO 3.10.1 was not implemented prior to hydrostatic and leakage testing, hydrostatic and leakage testing would have to be terminated if average reactor coolant temperature exceeded 200 °F during the conduct of the hydrostatic and leakage test. TSTF-484, Revision 0, modifies LCO 3.10.1 to allow a licensee to implement LCO 3.10.1 while hydrostatic and leakage testing is being conducted, should average reactor coolant temperature exceed 200 °F during testing. The modification will allow completion of testing without the potential for interrupting the test in order to reduce reactor vessel pressure, cool the RCS, and restart the test below 200 °F. Since the

current LCO 3.10.1 allows testing to be conducted while in Mode 4 with average reactor coolant temperature greater than 200 °F, the proposed change does not introduce any new operational conditions beyond those currently allowed.

SR 3.1.4.1 and SR 3.1.4.4 require that control rod scram time be tested at reactor steam dome pressure greater than or equal to 800 psig and before exceeding 40 percent RTP. Performance of control rod scram time testing is typically scheduled concurrent with inservice leak or hydrostatic testing while the RCS is pressurized. Because of the number of control rods that must be tested, it is possible for the inservice leak or hydrostatic test to be completed prior to completing the scram time test. Under existing provisions, if scram time testing cannot be completed during the LCO 3.10.1 inservice leak or hydrostatic test, scram time testing must be suspended. Additionally, if LCO 3.10.1 is not implemented and average reactor coolant temperature exceeds 200 °F while performing the scram time test, scram time testing must also be suspended. In both situations, scram time testing is resumed during startup and is completed prior to exceeding 40 percent RTP. TSTF-484, Revision 0, modifies LCO 3.10.1 to allow a licensee to complete scram time testing initiated during inservice leak or hydrostatic testing. As stated earlier, since the current LCO 3.10.1 allows testing to be conducted while in Mode 4 with average reactor coolant temperature greater than 200 °F, the proposed change does not introduce any new operational conditions beyond those currently allowed. Completion of scram time testing prior to reactor criticality and power operations results in a more conservative operating philosophy with attendant potential safety benefits.

It is acceptable to perform other testing concurrent with the inservice leak or hydrostatic test provided that this testing can be performed safely and does not interfere with the leak or hydrostatic test. However, it is not permissible to remain in TS 3.10.1 solely to complete such testing following the completion of inservice leak or hydrostatic testing and scram time testing.

Since the tests are performed with the reactor pressure vessel (RPV) nearly water solid, at low decay heat values, and near Mode 4 conditions, the stored energy in the reactor core will be very low. Small leaks from the RCS would be detected by inspections before a significant loss of inventory occurred. In addition, two low pressure emergency core cooling systems (ECCS) injection/spray subsystems are required to be operable in Mode 4 by TS 3.5.2, "ECCS-Shutdown." In the event of a large RCS leak, the RPV would rapidly depressurize and allow operation of the low pressure ECCS. The capability of the low pressure ECCS would be adequate to maintain the fuel covered under the low decay heat conditions during these tests. Also, LCO 3.10.1 requires that secondary containment and standby gas treatment system be operable and capable of handling any airborne radioactivity or steam leaks that may occur during performance of testing.

The protection provided by the normally required Mode 4 applicable LCOs, in addition to the secondary containment requirements required to be met by LCO 3.10.1, minimizes potential consequences in the event of any postulated abnormal event during testing. In addition, the requested modification to LCO 3.10.1 does not create any new modes of operation or operating conditions that are not currently allowed. Therefore, the Nuclear Regulatory Commission (NRC) staff finds the proposed change acceptable.

In its LAR, the licensee proposed the following variations from the TS and TS Bases changes described in TSTF-484, Revision 0. The term "inservice leak" used in TSTF-484, Revision 0 would be replaced with "system leakage," consistent with the terminology used in current NMP2

TS 3.10.1. This variation in terminology has no impact on the regulatory evaluation or technical evaluation published in the model safety evaluation dated October 27, 2006 and is, therefore, acceptable to the NRC staff.

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

The amendment changes a requirement with respect to the installation or use of a facility component 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 issued on November 20, 2007 (72 FR 65368). Accordingly, the amendment meets 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 the amendment.

6.0 CONCLUSION

The Commission 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 Contributor: A. Jason Lising

Date: February 7, 2008