May 20, 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. 1 - CORRECTION TO SAFETY EVALUATION RE: USE OF THE 1995 ASME CODE AND PERFORM FLAW EVALUATION OF RECIRCULATION INLET NOZZLE-TO-SAFE END WELD (TAC NOS. MD5700 AND MD5709)

Dear Mr. Polson:

On May 5, 2008, the Nuclear Regulatory Commission (NRC) issued the subject letter in response to your submittal transmitted by letter dated May 10, 2007, as supplemented by letters dated May 25, 2007, and February 21, 2008.

Subsequent to the issuance, Mr. John Dosa of your staff pointed out an error in the safety evaluation (SE) supporting the subject letter. We agree that the dates for the third inservice inspection interval were incorrectly stated as April 5, 2008 to April 4, 2018. The correct dates are December 26, 1999 to December 25, 2009.

Enclosed please find the corrected page 3 of the SE, with side bars highlighting the areas of correction. We apologize if these errors caused you any inconvenience. If there are any questions regarding this matter, please contact Richard Guzman at 301-415-1030.

Sincerely,

/RA/

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

Docket No. 50-220

Enclosure:
Corrected SE Page 3

cc w/encl: See next page

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evaluation for the relief request to use this later edition and addenda of the ASME Code is provided in Section 3.5.1 of this safety evaluation.

3.3 Proposed Subsequent Code Edition and Addenda (or Portion)

3.3.1 Background

The licensee performed ISI for NMP-1 during its 19th refueling outage in accordance with the alternative risk-informed ISI program and Section XI of the 1989 Edition of the ASME Code with no Addenda. The UT examination detected a flaw in the RPV recirculation inlet nozzle N2D nozzle-to-safe end weld 32-WD-164. The licensee intended to demonstrate through a flaw evaluation that the unit can be operated without repair of the subject weld for an additional operating cycle (Attachment 2 to the May 10, 2007, submittal). However, IWB-3400 in the 1989 Edition sets the limit for the allowable flaw depth at 60% of the nozzle wall for flaws in welds fabricated by certain welding processes. As modified in its letter dated February 21, 2008, the licensee requested to use the 1995 Edition through the 1997 Addenda of the ASME Code, Section XI, which revised the limit for the allowable flaw depth to 75% of the nozzle wall for all types of welds (Attachment 1 to the submittal). The duration of this request is for the remainder of the third ISI interval (December 26, 1999 to December 25, 2009), which covers the additional operating cycle supported by the flaw evaluation.

3.3.2 Proposed Subsequent Code Edition and Addenda

As permitted by 10 CFR 50.55a(g)(4)(iv), the licensee requested to use Subarticle IWB-3400 in the 1995 Edition through the 1997 Addenda of the ASME Code, Section XI to evaluate the ISI results. Subarticle IWB-3400 provides rules for evaluating flaws in austenitic piping. The NRC approved the use of the 1995 Edition through the 1997 Addenda as documented in 10 CFR 50.55a(b)(2) with no limitations, conditions, or modifications on Subarticle IWB-3400.

3.3.3 Related Requirements

The proposed use of Subarticle IWB-3640 in the 1995 Edition through 1997 Addenda of the ASME Code for flaw evaluation does not affect other parts of the ASME Code. Therefore, there are no related requirements to be applied as a result of this request.

3.4 Duration of Proposed Request

NMP-1 is currently in the unit's third ISI interval. The duration of this request will be effective from the date of the NRC approval to the end of the third ISI interval (December 25, 2009).

3.5 NRC Staff Evaluation

3.5.1 Licensee's Use of 1995 Edition through 1997 Addenda of the ASME Code, Section XI

The NRC staff evaluated the licensee's request for use of a later Edition to the ASME Code, Section XI using the criteria contained in 10 CFR 50.55a(g)(4)(iv), which states that inservice examination of components and system pressure tests may meet the requirements set forth in subsequent editions and addenda of the ASME Code provided certain criteria are satisfied.