

July 15, 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 - ISSUANCE OF
AMENDMENT REGARDING THE INCORPORATION OF TSTF-448,
REVISION 3, "CONTROL ROOM HABITABILITY" (TAC NO. MD6198)

Dear Mr. Polson:

The Nuclear Regulatory Commission (NRC) has issued the enclosed Amendment No. 195 to Renewed Facility Operating License No. DPR-63 for the Nine Mile Point Nuclear Station, Unit No. 1 (NMP1), in response to your application dated July 12, 2007, (Agencywide Documents Access Management System (ADAMS) Accession Number ML072050474), as supplemented by letter dated June 19, 2008 (ADAMS Accession Number ML081710530), for implementation of the Technical Specification (TS) Task Force Traveler (TSTF)-448, Revision 3, "Control Room Habitability."

The amendment establishes more effective and appropriate action, surveillance, and administrative requirements related to ensuring the habitability of the control room envelope in accordance with the NRC-approved TSTF-448, Revision 3, and changes the NMP1 TSs related to control room envelope habitability in TS Section 3.4.5, "Control Room Air Treatment System," and TS Section 6.5, "Programs and Manuals." The amendment also adds a license condition to support implementation of the TS changes.

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/

Richard V. Guzman, Senior Project Manager
Plant Licensing Branch I-1
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket No. 50-220

Enclosures:

1. Amendment No. 195 to DPR-63
2. Safety Evaluation

cc w/encls: See next page

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cc w/encls: See next page

Package No.: ML081750095

Amendment No.: ML081750057

Tech Spec No.: ML

*SE provided by memo. No substantial changes made. NRR-058

OFFICE	LPLI-1/PM	LPLI-1/LA	ITSB/BC	OGC	LPLI-1/BC
NAME	RGuzman	SLittle	TKobetz*	MSimon	MKowal
DATE	7/14/08	7/14/08	11/26/07 SE DTD	6/30/08	7/15/08

OFFICIAL RECORD COPY

DATED: July 15, 2008

AMENDMENT NO. 195 TO RENEWED FACILITY OPERATING LICENSE NO. DPR-63
NINE MILE POINT, UNIT NO. 1

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RidsNrrDirsltsb

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NINE MILE POINT NUCLEAR STATION, LLC (NMPNS)

DOCKET NO. 50-220

NINE MILE POINT NUCLEAR STATION, UNIT NO. 1

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 195
Renewed License No. DPR-63

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 July 12, 2007, as supplemented by letter dated June 19, 2008, 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 I;
 - 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. DPR-63 is hereby amended to read as follows:

(2) Technical Specifications

The Technical Specifications contained in Appendix A, which is attached hereto, as revised through Amendment No. 195, is hereby incorporated into this license. Nine Mile Point Nuclear Station, LLC shall operate the facility in accordance with the Technical Specifications.

3. Further, Renewed Facility Operating License No. DPR-63 will be amended to add the following license condition 2.D.(15), to read as follows:

(15) Upon implementation of Amendment No. 195 adopting TSTF-448, Revision 3, the determination of control room envelope (CRE) unfiltered air leakage as required by TS 4.4.5.g, in accordance with TS 6.5.8.c.(i), the assessment of CRE habitability as required by Specification 6.5.8.c.(ii), and the measurement of CRE pressure as required by Specification 6.5.8.d, shall be considered met. Following implementation:

(a) The first performance of TS 4.4.5.g, in accordance with Specification 6.5.8.c.(i), shall be within the specified Frequency of 6 years plus the 18-month allowance of TS 4.0.2, as measured from February 19, 2004, the date of the most recent tracer gas test, as stated in the January 31, 2005 letter response to Generic Letter 2003-01, or within the next 18 months if the time period since the most recent tracer gas test is greater than 6 years.

(b) The first performance of the periodic assessment of CRE habitability, Specification 6.5.8.c.(ii), shall be within 3 years, plus the 9-month allowance of TS 4.0.2, as measured from February 19, 2004, the date of the most recent tracer gas test, as stated in the January 31, 2005 letter response to Generic Letter 2003-01, or within the next 9 months if the time period since the most recent tracer gas test is greater than 3 years.

(c) The first performance of the periodic assessment of CRE pressure, Specification 6.5.8.d, shall be within 24 months, plus the 182 days allowed by TS 4.0.2, as measured from March 1, 2007, the date of the most recent successful pressure measurement test, or within the next 182 days if not performed previously.

4. This license amendment is effective as of the date of its issuance and shall be implemented within 120 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: July 15, 2008

ATTACHMENT TO LICENSE AMENDMENT NO. 195
TO RENEWED FACILITY OPERATING LICENSE NO. DPR-63
DOCKET NO. 50-220

Replace the following pages of the Renewed Facility Operating License with the attached revised pages. The revised pages are identified by amendment number and contain marginal lines indicating the areas of change.

Remove Pages

3
4
8
9

Insert Pages

3
4
8
9

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

Remove Pages

178
179

Insert Pages

178
179
355a

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION

RELATED TO AMENDMENT NO. 195 TO RENEWED

FACILITY OPERATING LICENSE NO. DPR-63

NINE MILE POINT NUCLEAR STATION, LLC

NINE MILE POINT NUCLEAR STATION, UNIT NO. 1

DOCKET NO. 50-220

1.0 INTRODUCTION

By letter dated July 12, 2007 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML072050474), as supplemented by letter dated June 19, 2008 (ADAMS Accession No. ML081710530), Nine Mile Point Nuclear Station (NMPNS), LLC (the licensee) submitted a license amendment request (LAR) for Nine Mile Point, Unit No. 1 (NMP1). The proposed amendment would change the NMP1 TSs related to control room envelope (CRE) habitability in TS Section 3.4.5, "Control Room Air Treatment System," and TS Section 6.5, "Programs and Manuals," to be consistent with Nuclear Regulatory Commission (NRC)-approved Technical Specification Task Force (TSTF)-448, Revision 3, "Control Room Habitability." The amendment would also add a license condition to support implementation of the TS changes.

The supplemental letter dated June 19, 2008, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the NRC staff's initial proposed no significant hazards consideration determination as published in the *Federal Register* on September 11, 2007 (72 FR 51863).

On August 8, 2006, the commercial nuclear electrical power generation industry owners group TSTF submitted a proposed change, TSTF-448, Revision 3, to the improved Standard Technical Specifications (STS) (NUREGs 1430-1434) on behalf of the industry (TSTF-448, Revisions 0, 1, and 2 were prior draft iterations). TSTF-448, Revision 3, is a proposal to establish more effective and appropriate action, surveillance, and administrative STS requirements related to ensuring the habitability of the CRE.

In NRC Generic Letter (GL) 2003-01 (Reference 1), licensees were alerted to findings at facilities that existing TS Surveillance Requirements (SRs) for the Control Room Envelope Filtration (CREF) System may not be adequate. Specifically, the results of American Society for Testing and Materials (ASTM) E741 (Reference 2) tracer gas tests to measure CRE unfiltered inleakage at facilities indicated that the differential pressure surveillance is not a reliable method for demonstrating CRE boundary operability. Licensees were requested to address existing TS as follows:

- Provide confirmation that your TSs verify the integrity [i.e., operability] of the CRE [boundary], and the assumed [unfiltered] leakage rates of potentially contaminated air.
- If you currently have a differential pressure surveillance requirement to demonstrate CRE [boundary] integrity, provide the basis for your conclusion that it remains adequate to demonstrate CRE integrity in light of the ASTM E741 testing results. If you conclude that your differential pressure surveillance requirement is no longer adequate, provide a schedule for:
 - (1) Revising the surveillance requirement in your TS to reference an acceptable surveillance methodology (e.g., ASTM E741); and
 - (2) Making any necessary modifications to your CRE [boundary] so that compliance with your new surveillance requirement can be demonstrated.
- If your facility does not currently have a TS surveillance requirement for your CRE integrity, explain how and at what frequency you confirm your CRE integrity and why this is adequate to demonstrate CRE integrity.

To promote standardization and to minimize the resources that would be needed to create and process plant-specific amendment applications in response to the concerns described in the GL, the industry and the NRC proposed revisions to CRE habitability system requirements contained in the STS, using the STS change traveler process. This effort culminated in Revision 3 to traveler TSTF-448, "Control Room Habitability," which the NRC staff approved on January 17, 2007.

Consistent with the traveler as incorporated into NUREG-1433, the licensee proposed revising action and SRs in Specification 3.4.5, "Control Room Air Treatment System," and adding a new administrative controls program, Specification 6.5.8, "Control Room Envelope Habitability Program." The purpose of the changes is to ensure that CRE boundary operability is maintained and verified through effective surveillance and programmatic requirements, and that appropriate remedial actions are taken in the event of an inoperable CRE boundary.

Some editorial and plant-specific changes were incorporated into this safety evaluation (SE) resulting in deviations from the model SE text in TSTF-448, Revision 3. The NMP1 Control Room Air Treatment (CRAT) System does not have redundant filtration trains. Therefore, the TSs associated with this system are written to reflect a single train. As a result, the proposed TS changes do not include any of the TSTF-448 changes for two trains being inoperable. This difference is discussed in further detail in Section 3.0 of this SE. Also, NUREG-1433 contains TS 3.7.4, "[Main Control Room Environmental Control (MCREC)] System." The equivalent system at NMP1, is found in TS 3.4.5, "Control Room Air Treatment System."

2.0 REGULATORY EVALUATION

The NRC staff finds that NMPNS in its July 12, 2007, submittal identified the applicable regulatory requirements. The regulatory requirements and guidance which the NRC staff considered in its review of the application are as follows:

2.1 Control Room and Control Room Envelope

NRC Regulatory Guide (RG) 1.196, "Control Room Habitability at Light-water Nuclear Power Reactors," Revision 0, May 2003 (Reference 4), uses the term "control room envelope" in addition to the term "control room" and defines each term as follows:

Control Room: The plant area, defined in the facility licensing basis, in which actions can be taken to operate the plant safely under normal conditions and to maintain the reactor in a safe condition during accident situations. It encompasses the instrumentation and controls necessary for a safe shutdown of the plant and typically includes the critical document reference file, computer room (if used as an integral part of the emergency response plan), shift supervisor's office, operator wash room and kitchen, and other critical areas to which frequent personnel access or continuous occupancy may be necessary in the event of an accident.

Control Room Envelope (CRE): The plant area, defined in the facility licensing basis, that in the event of an emergency, can be isolated from the plant areas and the environment external to the CRE. This area is served by an emergency ventilation system, with the intent of maintaining the habitability of the control room. This area encompasses the control room, and may encompass other non-critical areas to which frequent personnel access or continuous occupancy is not necessary in the event of an accident.

NRC RG 1.197, "Demonstrating Control Room Envelope Integrity At Nuclear Power Reactors," Revision 0, May 2003 (Reference 5), also contains these definitions, but uses the term CRE to mean both. This is because the protected environment provided for operators varies with the nuclear power facility. At some facilities this environment is limited to the control room; at others, it is the CRE. In this SE, consistent with the proposed changes to the STS, the CRE will be used to designate both. For consistency, facilities should use the term CRE with an appropriate facility-specific definition derived from the above CRE definition.

2.2 Control Room Air Treatment System

The CRAT System provides a protected environment from which operators can control the unit, during airborne challenges from radioactivity, hazardous chemicals, and fire byproducts, such as fire suppression agents and smoke, during both normal and accident conditions.

The CRAT System is designed to maintain a habitable environment in the CRE for 30 days of continuous occupancy after a design-basis accident (DBA) without exceeding a 5 roentgen equivalent man (rem) whole body dose or its equivalent to any part of the body.

The CRAT System consists of a single train, capable of maintaining the habitability of the CRE. The CRAT System is considered operable when the individual components necessary to limit operator exposure are operable.

The CRE boundary is considered operable when the measured unfiltered air leakage is less than or equal to the leakage value assumed by the licensing basis analyses of DBA consequences to CRE occupants.

2.3 Regulations Applicable to Control Room Habitability

In Appendix A, "General Design Criteria for Nuclear Power Plants," to 10 CFR Part 50, "Domestic Licensing of Production and Utilization Facilities," General Design Criteria (GDC) 1, 2, 3, 4, 5, and 19 apply to CRE habitability. A summary of these GDCs follows:

- GDC 1, "Quality Standards and Records," requires that structures, systems, and components (SSCs) important to safety be designed, fabricated, erected, and tested to quality standards commensurate with the importance of the safety functions performed.
- GDC 2, "Design Bases for Protection Against Natural Phenomena," requires that SSCs important to safety be designed to withstand the effects of earthquakes and other natural hazards without loss of capability to perform their safety functions.
- GDC 3, "Fire Protection," requires that SSCs important to safety be designed and located to minimize the probability and effect of fires and explosions.
- GDC 4, "Environmental and Dynamic Effects Design Bases," requires SSCs important to safety to be designed to accommodate the effects of and to be compatible with the environmental conditions associated with normal operation, maintenance, testing, and postulated accidents, including loss-of-coolant accidents (LOCAs).
- GDC 5, "Sharing of Structures, Systems, and Components," requires that SSCs important to safety not be shared among nuclear power units unless it can be shown that such sharing will not significantly impair their ability to perform their safety functions, including, in the event of an accident in one unit, the orderly shutdown and cooldown of the remaining units.
- GDC 19, "Control Room," requires that a control room be provided from which actions can be taken to operate the nuclear power unit safely under normal conditions and to maintain it in a safe condition under accident conditions, including a LOCA. Adequate radiation protection must be provided to permit access and occupancy of the control room under accident conditions without personnel receiving radiation exposures in excess of specified values.

Because the design of the plant is not being changed by the proposed amendment, the plant continues to meet the intent of GDCs 1, 2, 3, 4, 5, and 19. This SE was prepared based on the model SE published in the *Federal Register* on January 17, 2007 (72 FR 2022). Changes were made to accommodate plant-specific design variations from that assumed in the model. These changes are consistent with the intent of the model and are considered acceptable.

2.4 Adoption of TSTF-448, Revision 3, by NMPNS Unit 1

Adoption of TSTF-448, Revision 3, will assure that the facility's TS limiting condition for operation (LCO) for the CRAT System is met by demonstrating operability of the CRE boundary. In support of this, TSTF-448 also adds TS administrative controls to assure the habitability of the CRE. In addition, adoption of TSTF-448 will establish clearly stated and reasonable required actions in the event CRE unfiltered inleakage is found to exceed the analysis assumption.

The changes made by TSTF-448 to the STS requirements for the CRAT System and the CRE boundary conform to 10 CFR 50.36(d)(2) and 10 CFR 50.36(d)(3). Their adoption will better assure that NMP1 will remain habitable during normal operation and DBA conditions. These changes, as applied to NMP1, are therefore acceptable from a regulatory standpoint.

3.0 TECHNICAL EVALUATION

The NRC staff reviewed the proposed changes against the corresponding changes made to the STS by TSTF-448, Revision 3, which the NRC staff has found to satisfy applicable regulatory requirements, as described above in Section 2.0. The emergency operational mode of the CRAT System at NMP1 pressurizes the CRE to minimize unfiltered air inleakage. The proposed changes for this design are consistent with the changes to the STS by TSTF-448, Revision 3.

It should be noted that at NMP1, the CRAT System does not have redundant filtration trains. In addition, the current license allows for the CRAT System to be inoperable for any reason for 7 days prior to requiring operators to initiate reactor shutdown or terminate refueling operations (existing Specification 3.4.5.e and 3.4.5.f). NUREG-1433, "Standard Technical Specifications General Electric Plants, BWR/4," TS 3.7.4, "[MCREC] System," allows operators to initiate reactor shutdown per LCO 3.0.3 (Condition E), if both MCREC System trains are inoperable for reasons other than an inoperable control room boundary (i.e. there is no 7-day allowance in the STS for when no system is available). This difference is considered acceptable due to NMP1 modifications that consist of the installation of redundant emergency intake dampers, redundant normal intake isolation dampers, redundant cooling water coils, and redundant radiation monitors in the normal intake (Amendment No. 73 dated June 11, 1985, ADAMS Accession No. ML010990265).

3.1 Proposed Changes

The proposed amendment would strengthen CRE habitability TS requirements by changing the TSs associated with the CRAT System, and adding a new TS administrative controls program on CRE habitability. Accompanying the proposed TS changes are appropriate conforming technical changes to the TS Bases. The proposed revision to the Bases also includes editorial and administrative changes to reflect applicable changes to the corresponding STS Bases, which were made to improve clarity, conform to the latest information and references, correct factual errors, and achieve more consistency among the STS NUREGs. Except for plant-specific differences, all of these changes are consistent with STS as revised by TSTF-448, Revision 3.

The NRC staff compared the proposed TS changes to the STS and the STS markups and evaluations in TSTF-448. The NRC staff also reviewed the proposed changes to the TS Bases for consistency with the STS Bases and the plant-specific design and licensing bases, although approval of the Bases is not a condition for accepting the proposed amendment. However, TS 5.6.5, "TS Bases Control Program," provides assurance that the licensee has established and will maintain the adequacy of the Bases. The proposed Bases for TS 3.4.5 refer to specific guidance in Nuclear Energy Institute (NEI) 99-03, "Control Room Habitability Assessment Guidance," Revision 0, dated June 2001, (Reference 6), which the NRC staff has formally endorsed, with exceptions, through RG 1.196, "Control Room Habitability at Light-Water Nuclear Power Reactors," Revision 0, May 2003 (Reference 4).

3.2 Editorial Changes

The licensee proposed editorial changes to TS 3.4.5, "Control Room Air Treatment System," to establish standard terminology, such as "control room envelope (CRE)" in place of "control room," and "radiological, chemical, and smoke hazards (or challenges)" in place of various phrases to describe the hazards that CRE occupants are protected by the CREF System.

These changes improve the usability and quality of the presentation of the TS, have no impact on safety, and therefore, are acceptable.

3.3 TS 3.4.5, "Control Room Air Treatment System"

The licensee proposed to establish new action requirements in TS 3.4.5, "Control Room Air Treatment System," for an inoperable CRE boundary. Currently, if the CRAT System is determined to be inoperable due to an inoperable CRE boundary, existing Specification 3.4.5.e would require restoring the CRAT System (and the CRE boundary) to operable status in 7 days. The existing TSs are more restrictive than would be appropriate in situations for which CRE occupant implementation of compensatory measures or mitigating actions would temporarily afford adequate CRE occupant protection from postulated airborne hazards. To account for such situations, the licensee proposed to revise the TSs to add a new Specification 3.4.5.f, "the control room air treatment system is made or found to be inoperable due to an inoperable CRE boundary during the power operating condition." New Specification 3.4.5.f would allow 90 days to restore the CRE boundary (and consequently, the affected CRAT System) to operable status, provided that mitigating actions are immediately implemented and within 24 hours are verified to ensure, that in the event of a DBA, CRE occupant radiological exposures will not exceed the calculated dose of the licensing basis analyses of DBA consequences, and that CRE occupants are protected from hazardous chemicals and smoke.

As the licensee stated as its proposed bases,

The 24 hour [completion time] period of new Specification 3.4.5.f is reasonable based on the low probability of a DBA occurring during this time period, and the use of mitigating actions. The 90-day [completion time] period is reasonable based on the determination that the mitigating actions will ensure protection of CRE occupants within analyzed limits while limiting the probability that CRE occupants will have to implement protective measures that may adversely affect their ability to control the reactor and maintain it in a safe shutdown condition in the event of a DBA. In addition, the 90 day period is a reasonable time to diagnose, plan and possibly repair, and test most problems with the CRE boundary.

To distinguish new Specification 3.4.5.f from the existing condition for the CRAT System inoperable, TS 3.4.5.e is revised to state, "the control room air treatment system is made or found to be inoperable for any reason, except for an inoperable CRE boundary during the power operating condition." This is acceptable because the new Specification 3.4.5.f and TS 3.4.5.e establishes adequate remedial measures in this condition.

The licensee also proposed to modify the CRAT System LCO by adding a NOTE allowing the CRE boundary to be opened intermittently under administrative controls. As stated in the LCO Bases, this NOTE "only applies to openings in the CRE boundary that can be rapidly restored to the design condition, such as doors, hatches, floor plugs, and access panels." For entry and exiting through doors, the administrative control of the opening is performed by the person(s) entering or exiting the area. For other openings, these controls should be proceduralized and consist of stationing a dedicated individual at the opening who is in continuous communication with operators in the CRE. This individual will have a method to rapidly close the opening and to restore the CRE boundary to a condition equivalent to the design condition when a need for CRE isolation is indicated." The allowance of this NOTE is acceptable because the

administrative controls will ensure that the opening will be quickly sealed to maintain the validity of the licensing basis analyses of DBA consequences.

The licensee proposed to add a new Specification 3.4.5.h to TS 3.4.5 that states, "If Specification 3.4.5.e cannot be met whenever recently irradiated fuel or an irradiated fuel cask is being handled in the reactor building, or during OPDRVs [operations having potential to drain the vessel]: immediately suspend handling of recently irradiated fuel or the irradiated fuel cask in the reactor building; and immediately initiate action to suspend OPDRVs." The proposed new Specification 3.4.5.h replaces actions in existing Specification 3.4.5.f.2 which states: "suspend any of the following activities within 2 hours." This new Specification 3.4.5.h is needed because proposed Specification 3.4.5.e will only apply during the power operating condition. As such, this change will ensure that Specifications continue to specify a condition for an inoperable CRE boundary during the handling of recently irradiated fuel or irradiated fuel cask in the reactor building, or during OPDRVs. Therefore, this change is acceptable.

3.4 TS 6.5.8, "Control Room Envelope Habitability Program"

The proposed administrative controls program TS is consistent with the model program TS in TSTF-448, Revision 3. In combination with SR 4.4.5.g, this program is intended to "ensure the operability of the CRE boundary, which as part of an operable CRAT System, will ensure that CRE habitability is maintained such that CRE occupants can control the reactor safely under normal conditions and maintain it in a safe condition following a radiological event, hazardous chemical release, or a smoke challenge. The program shall ensure that adequate radiation protection is provided to permit access and occupancy of the CRE under DBA conditions without personnel receiving radiation exposures in excess of 5 rem whole body or its equivalent to any part of the body for the duration of the accident."

A CRE Habitability Program TS acceptable to the NRC staff requires the program to contain the following elements:

- Definitions of CRE and CRE boundary

This element is intended to ensure that these definitions accurately describe the plant areas that are within the CRE, and also the interfaces that form the CRE boundary, and are consistent with the general definitions discussed in Section 2.1 of this SE. Establishing what is meant by the CRE and the CRE boundary will preclude ambiguity in the implementation of the program.

- Configuration control and preventive maintenance of the CRE boundary

This element is intended to ensure the CRE boundary is maintained in its design condition. Guidance for implementing this element is contained in RG 1.196 (Reference 4), which endorsed, with exceptions, NEI 99-03 (Reference 6). Maintaining the CRE boundary in its design condition provides assurance that its leak-tightness will not significantly degrade between CRE inleakage determinations.

- Assessment of CRE habitability at the frequencies stated in Sections C.1 and C.2 of RG 1.197, Revision 0 (Reference 5), and measurement of unfiltered air leakage into the CRE in accordance with the testing methods and at the frequencies stated in Sections C.1 and C.2 of RG 1.197.

This element is intended to ensure that the plant assesses CRE habitability consistent with Sections C.1 and C.2 of RG 1.197. Assessing CRE habitability at the NRC accepted frequencies provides assurance that significant degradation of the CRE boundary will not go undetected between CRE leakage determinations. Determination of CRE leakage using test methods acceptable to the NRC staff assures that test results are reliable for ascertaining CRE boundary operability. Determination of CRE leakage at the NRC accepted frequencies provides assurance that significant degradation of the CRE boundary will not occur between CRE leakage determinations.

- Measurement of CRE pressure with respect to all areas adjacent to the CRE boundary at designated locations for use in assessing the CRE boundary at a frequency of 24 months.

This element is intended to ensure that CRE differential pressure is regularly measured to identify changes in pressure warranting evaluation of the condition of the CRE boundary. Obtaining and trending pressure data provides additional assurance that significant degradation of the CRE boundary will not go undetected between CRE leakage determinations.

- Quantitative limits on unfiltered leakage

This element is intended to establish the CRE leakage limit as the CRE unfiltered infiltration rate assumed in the CRE occupant radiological consequence analyses of DBAs. Having an unambiguous criterion for the CRE boundary to be considered operable in order to meet LCO 3.4.5 will ensure that associated action requirements will be consistently applied in the event of CRE degradation resulting in leakage exceeding the limit.

Consistent with TSTF-448, Revision 3, the licensee's proposed program states that the provisions of SR 4.0.2 are applicable to the program frequencies for performing the activities required by program paragraph number c, parts (i) and (ii) (assessment of CRE habitability and measurement of CRE leakage), and paragraph number d (measurement of CRE differential pressure). Thus, SR 4.0.2 is applicable to the surveillance that references the testing in the CRE Habitability Program. However, SR 4.0.2 is not applicable to administrative controls unless specifically invoked. Providing this statement in the program eliminates any confusion regarding whether SR 4.0.2 is applicable, and is acceptable.

Consistent with TSTF-448, Revision 3, proposed TS 6.5.8 states that (1) a CRE Habitability Program shall be established and implemented, (2) the program shall include all of the NRC staff-required elements, as described above, and (3) the provisions of SR 4.0.2 shall apply to program frequencies. Therefore, TS 6.5.8, which is consistent with the model program TS approved by the NRC staff in TSTF-448, Revision 3, is acceptable.

3.5 Implementation of New Surveillance and Assessment Requirements by the Licensee

The licensee has proposed a license condition regarding the initial performance of the new surveillance and assessment requirements. The new license condition adopted the conditions in Section 2.3 of the model application published in the *Federal Register* on January 17, 2007 (72 FR 2022). Plant-specific changes were made to the proposed license condition. The proposed plant-specific license condition is consistent with the model application, and is acceptable.

4.0 STATE CONSULTATION

In accordance with the Commission's regulations, the New York State official was notified of the proposed issuance of the amendments. The State official had no comments.

5.0 ENVIRONMENTAL CONSIDERATION

The amendments change a requirement with respect to installation or use of a facility component located within the restricted area as defined in 10 CFR Part 20 and changes SRs. The NRC staff has determined that the amendments involve 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 amendments involve no significant hazards consideration, and there has been no public comment on such finding (72 FR 51863). Accordingly, the amendments meet 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 amendments.

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 amendments will not be inimical to the common defense and security or to the health and safety of the public.

7.0 REFERENCES

1. NRC GL 2003-01, "Control Room Habitability," dated June 12, 2003.
2. ASTM E 741 - 00, "Standard Test Method for Determining Air Change in a Single Zone by Means of a Tracer Gas Dilution," 2000 (ASTM E741).
3. NRC Regulatory Information Summary 2005-20: Revision to Guidance Formerly Contained in NRC GL 91-18, "Information to Licensees Regarding Two NRC Inspection Manual Sections on Resolution of Degraded and Nonconforming Conditions and on Operability," dated September 26, 2005.
4. RG 1.196, "Control Room Habitability at Light-Water Nuclear Power Reactors," Revision 0, May 2003.
5. RG 1.197, "Demonstrating Control Room Envelope Integrity at Nuclear Power Reactors," Revision 0, May 2003.
6. NEI 99-03, "Control Room Habitability Assessment Guidance," Revision 0, June 2001.

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