From: Guzman, Richard
To: "Alyse L. Peterson"
Cc: Tifft, Doug; McNamara, Nancy
Subject: RE: NRC request for State Consultation for LAR - Nine Mile Point Nuclear Station, Unit 2
Date: Monday, October 31, 2011 9:41:00 AM

Hello Alyse,

I'm responding to your August 9, 2011, e-mail, in which you expressed opposition to the approval of the referenced license amendment request (LAR) stating that, "now is not the time to be approving amendments that will increase the amount of time that any emergency diesel generator (EDG) alternating current (AC) power source is allowed to be out of service." As the basis for your opposition, you indicated that approval of this LAR for NMP2, or for any plant, would be contrary to the Near-Term Task Force's recommendation for the NRC to strengthen SBO [station blackout] mitigation capability at all operating and new reactors for design-basis and beyond-design-basis external events. You also stated that until the NRC provides specific direction with respect to how it intends to strengthen SBO mitigation, approval of requests such as the referenced LAR would not be in the best interest of providing the best protection of the public.

As you are aware, the Near-Term Task Force was established in response to Commission direction to conduct a systematic and methodical review of U.S. Nuclear Regulatory Commission processes and regulations to determine whether the agency should make additional improvements to its regulatory system and to make recommendations to the Commission for its policy direction, in light of the accident at the Fukushima Dai-ichi Nuclear Power Plant. On July 12, 2011, the Task Force issued its near-term report, "Recommendations for Enhancing Reactor Safety in the 21st Century: The Near-Term Task Force Review of Insights from the Fukushima Dai-ichi Accident," (ADAMS Accession No. ML111861807) to the Commission for consideration. While the Task Force provided a comprehensive set of 12 recommendations, it also concluded that continued operation and continued licensing activities do not pose an imminent risk to public health and safety. It also concluded that the current regulatory approach and regulatory requirements continue to serve as a basis for the reasonable assurance of adequate protection of public health and safety.

The NRC staff reviewed the proposed amendment for Nine Mile Point, Unit No. 2 (NMP2) against current regulatory requirements and guidance. Specifically, the NRC requires that all nuclear power plants are able to withstand an SBO - a complete loss of AC electric power to the station. These requirements are specified in 10 CFR 50.63, "Loss of all alternating current power," and in 10 CFR 50.2, "Definitions." The NRC staff reviewed the licensee's proposed amendment to extend the completion time (or allowed outage time) for an inoperable Division 1 or Division 2 diesel generator (DG) from 72 hours to 14 days. Based on information consistent with the defense-in-depth philosophy that was provided by the licensee involving (1) the cross-connection capability between the safety buses, (2) availability and adequate capacity of the supplemental AC source, and (3) the addition of a portable generator as a backup source to the battery chargers, the NRC staff evaluated the proposed use of the Division 3 DG as an alternate or supplemental power source to supply the safe shutdown loads associated with the inoperable DG during a loss-of-offsite power event, and concluded that proposed changes to the NMP2 Technical Specifications (TSs) are acceptable and provide reasonable assurance for the continued availability of the required electrical power to shut down and maintain the reactor in a safe condition

after an anticipated operational occurrence. The NRC staff's conclusion is based, in part, on the following:

- The extended completion time will be used for voluntary planned maintenance and inspections, with a DG overhaul performed at a frequency of no more than once per DG per operating cycle (24 months).

- The Division 3 DG will be available and capable of powering either Division 1 or Division 2 loads through the cross-connection within 2 hours of initiation of the SBO condition.

- Appropriate restrictions and compensatory measures will be established with the risk associated with the extended completion time. This includes TS requirements and Maintenance Rule programmatic requirements as well as controls in accordance with its configuration risk management program.

- The Division 3 DG is capable of supplying the loads needed to achieve a cold shutdown condition following a postulated SBO condition during extended DG maintenance activities.

For the reasons discussed above, the NRC staff has found that the proposed amendment for NMP2 is acceptable from a deterministic perspective and meets the applicable regulations including 10 CFR 50.36, 10 CFR 50.65, Part 50, Appendix A, General Design Criterion 17 and 18, and 10 CFR 50.63. The NRC staff also finds that the licensee's regulatory commitments to implement other restrictions and compensatory measures further ensures the availability of the remaining sources of AC power during the extended CT. Additionally, the NRC staff has also determined that the risk analysis methodology and approach used by NMPNS to estimate the risk impacts and manage configuration risk during the extended DG outage for NMP2 are reasonable and of sufficient quality. Therefore, the NRC staff has concluded there is reasonable assurance that the activities authorized by the proposed amendment can be conducted without endangering the health and safety of the public, and that such activities will be conducted in compliance with the Commission's regulations.

Finally, the Commission has noted that some of the Task Force's recommendations raise very complex technical and regulatory questions that will require significant analysis. Since the events in Japan continue to evolve, the NRC has used, and will continue to use, the analytical resources and stakeholder engagement capabilities of the agency to ensure the consideration of many issues. There has been no reduction in the licensing or oversight function of the NRC as it relates to any of the NRC licensees. The conclusion that the current fleet of reactors and materials licensees continues to protect the public health and safety is based on a number of principles, including defense-in-depth. A long-term evaluation is planned and will assess whether any additional licensing actions are necessary. The Task Force recommended rulemaking activities, orders, certain staff actions, and actions for long-term evaluation. The Commission is currently deliberating the path forward from the Task Force recommendations, including areas that may warrant further review.

Thank you for your comments. The staff's deterministic and risk evaluations will be documented in a forthcoming safety evaluation (SE). The above message will be

referenced in Section 4.0 of the SE. I will provide you an advanced copy of the amendment and SE once it is issued to the licensee.

Sincerely,

Rich Guzman
Sr. Project Manager
NRR/DORL
US NRC
301-415-1030
Richard.Guzman@nrc.gov

From: Alyse L. Peterson [mailto:alp@nyserda.org]
Sent: Tuesday, August 09, 2011 11:21 AM
To: Guzman, Richard
Subject: RE: NRC request for State Consultation for LAR - Nine Mile Point Nuclear Station, Unit 2

Good morning Rich,

We oppose granting of the referenced license amendment request at the current time.

Constellation is asking to extend the allowed outage time for Division 1 and 2 Emergency Diesel Generators (EDG's) from 72 hours (3 days) to 14 days. Constellation cites that approval of this amendment will have benefits to the station, mainly in the ability to do inspections, maintenance and overhaul activities while the plant is in operation. This will remove some work from refueling outages which may improve the EDG's availability during that period. Otherwise the benefits appear to be more cost savings at the risk of not having the EDG's available for this extended period of time.

The event at Fukushima was exacerbated by the total loss of on- and off-site power, including the Emergency Diesel Generators. The NRC's preliminary review revealed several issues and concerns with the loss of off-site and on-site AC power from the EDG's (referred to as a station black-out (SBO)). Specifically the NRC has cited in their 90-day report a recommendation "...that the NRC strengthen SBO mitigation capability at all operating and new reactors for design-basis and beyond-design-basis external events. (Section 4.2.1)"

Now is not the time to be approving amendments that will increase the amount of time that any EDG AC power source is allowed to be out of service. The approval of this License Amendment for Nine Mile 2, or for any plant, would be contrary to the NRC's recommendation. Until the NRC provides specific direction with respect to how it intends to strengthen SBO mitigation, approval of requests such as this would not be in the best interest of providing the best protection of the public.

Sincerely,

Alyse Peterson, P.E.

Senior Project Manager
State Liaison Officer Designee
Nuclear Coordination and Radioactive Waste Policy
NYSERDA
17 Columbia Circle
Albany, NY 12233-6399
t 518-862-1090 x3274
f 518-862-1091

From: Guzman, Richard [mailto:Richard.Guzman@nrc.gov]
Sent: Monday, July 25, 2011 4:18 PM
To: Alyse L. Peterson
Subject: RE: NRC request for State Consultation for LAR - Nine Mile Point Nuclear Station, Unit 2

Hello Alyse,

The NRC staff is preparing for issuance the following license amendment:

NMP Unit No. 2 (NMP2) LICENSE AMENDMENT REQUEST REGARDING EXTENSION OF COMPLETION TIME FOR AN INOPERABLE DIVISION 1 OR DIVISION 2 DIESEL GENERATOR (TAC NO. ME3736)

Date of Submittal: March 31, 2010 (ADAMS Accession No. ML100900460), supplemented June 1, 2010 (ML101600452), December 29, 2010 (ML110110165), January 14, 2011 (ML110250271), February 25, 2011 (ML110670424), April 27, 2011 (ML11119A137), July 25, 2011.

Federal Register Notice: July 13, 2010 (75 FR 39980)

Brief Description: The proposed amendment would modify NMP2 Technical Specification (TS) Section 3.8.1, "AC Sources - Operating," to extend the Completion Time for an inoperable Division 1 or Division 2 diesel generator from 72 hours to 14 days. The proposed amendment represents a risk-informed licensing change.

Please let me know if there are any comments from the State related to this amendment request which I project for issuance within the next two weeks. For more information on this amendment, you can refer to the Federal Register notice referenced above. Please let me know if you have any questions or comments.

Thanks,

Rich Guzman
Sr. Project Manager
NRR/DORL
US NRC
301-415-1030
Richard.Guzman@nrc.gov