



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

November 22, 2016

Mr. Bryan C. Hanson
President and Chief Nuclear Officer
Exelon Nuclear
Nine Mile Point Nuclear Station, LLC
4300 Winfield Road
Warrenville, IL 60555

SUBJECT: NINE MILE POINT NUCLEAR STATION, UNIT 2 - ISSUANCE OF
AMENDMENT RE: ADOPTION OF TECHNICAL SPECIFICATION TASK
FORCE (TSTF) 439 (CAC NO. MF7449)

Dear Mr. Hanson:

The Commission has issued the enclosed Amendment No. 159 to Renewed Facility Operating License No. NPF-69 for the Nine Mile Point Nuclear Station, Unit No. 2 (NMP2). The amendment consists of changes to the Technical Specifications (TSs) in response to your application dated February 23, 2016.

The amendment revises several Technical Specifications (TSs) to eliminate the second completion time by adopting TS Task Force (TSTF)-439-A, Revision 2, "Eliminate Second Completion Times Limiting Time from Discovery of Failure to Meet an LCO [limiting condition for operation]," (ADAMS Accession No. ML051860296).

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,

A handwritten signature in black ink that reads "Brenda Mozafari".

Brenda L. Mozafari, Senior 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. 159 to NPF-69
2. Safety Evaluation

cc w/encls: Distribution via Listserv



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

EXELON GENERATION COMPANY, LLC

NINE MILE POINT NUCLEAR STATION, UNIT 2

DOCKET NO. 50-410

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 159
Renewed License No. NPF-69

1. The U.S. Nuclear Regulatory Commission (the Commission) has found that:
 - A. The application for amendment by Exelon Generation Company, LLC (Exelon, the licensee) dated February 23, 2016, 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. NPF-69 is hereby amended to read as follows:

(2) Technical Specifications

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. 159, are hereby incorporated into this license. Exelon Generation 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

A handwritten signature in black ink, appearing to read 'R. Guzman', with a long horizontal flourish extending to the right.

Richard V. Guzman, Acting 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: November 22, 2016

NINE MILE POINT NUCLEAR STATION, UNIT 2
ATTACHMENT TO LICENSE AMENDMENT NO. 159
TO 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 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
1.3-2
1.3-6
1.3-7
3 8.1-2
3 8.1-3
3.8.8-1
3.8.8-2

Insert Pages
1.3-2
1.3-6
1.3.7
3 8.1-2
3 8.1-3
3.8.8-1
3.8.8-2

(1) Maximum Power Level

Exelon Generation is authorized to operate the facility at reactor core power levels not in excess of 3988 megawatts thermal (100 percent rated power) in accordance with the conditions specified herein.

(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. 159 are hereby incorporated into this license. Exelon Generation shall operate the facility in accordance with the Technical Specifications and the Environmental Protection Plan.

(3) Fuel Storage and Handling (Section 9.1.SSER 4)*

- a. Fuel assemblies, when stored in their shipping containers, shall be stacked no more than three containers high.
- b. When not in the reactor vessel, no more than three fuel assemblies shall be allowed outside of their shipping containers or Storage racks in the New Fuel Vault or Spent Fuel Storage Facility
- c. The above three fuel assemblies shall maintain a minimum edge-To-edge spacing of twelve (12) inches from the shipping container Array and approved storage rack locations.
- d. The New Fuel Storage Vault shall have no more than ten fresh Fuel assemblies uncovered at any one time.

(4) Turbine System Maintenance Program (Section 3.5.1.3.10 SER)

The operating licensee shall submit for NRC approval by October 31, 1989, a turbine system maintenance program based on the Manufacturer's calculations of missile generation probabilities. (Submitted by NMPC letter dated October 30, 1989 from C.D. Terry and approved by NRC letter dated March 16, 1990 from Robert Martin to Mr. Lawrence Burkhardt, III).

* The parenthetical notation following the title of many license conditions denotes the section of the Safety Evaluation Report (SER) and/or its supplements wherein the license condition is discussed.

1.3 Completion Times

DESCRIPTION
(continued)

- a. Must exist concurrent with the first inoperability;
and
- b. Must remain inoperable or not within limits after the
first inoperability is resolved.

The total Completion Time allowed for completing a Required Action to address the subsequent inoperability shall be limited to the more restrictive of either:

- a. The stated Completion Time, as measured from the initial entry into the Condition, plus an additional 24 hours; or
- b. The stated Completion Time as measured from discovery of the subsequent inoperability.

The above Completion Time extension does not apply to those Specifications that have exceptions that allow completely separate re-entry into the Condition (for each division, subsystem, component, or variable expressed in the Condition) and separate tracking of Completion Times based on this re-entry. These exceptions are stated in individual Specifications.

The above Completion Time extension does not apply to a Completion Time with a modified "time zero." This modified "time zero" may be expressed as a repetitive time (i.e., "once per 8 hours," where the Completion Time is referenced from a previous completion of the Required Action versus the time of Condition entry) or as a time modified by the phrase "from discovery . . ."

(continued)

1.3 Completion Times

EXAMPLES
(continued)

EXAMPLE 1.3-3

ACTIONS

CONDITION	REQUIRED ACTION	COMPLETION TIME
A. One Function X subsystem inoperable.	A.1 Restore Function X subsystem to OPERABLE status.	7 days
B. One Function Y subsystem inoperable.	B.1 Restore Function Y subsystem to OPERABLE status.	72 hours
C. One Function X subsystem inoperable. <u>AND</u> One Function Y subsystem inoperable.	C.1 Restore Function X subsystem to OPERABLE status. <u>OR</u> C.2 Restore Function Y subsystem to OPERABLE status.	72 hours 72 hours

(continued)

1.3 Completion Times

EXAMPLES

EXAMPLE 1.3-3 (continued)

When one Function X subsystem and one Function Y subsystem are inoperable, Condition A and Condition B are concurrently applicable. The Completion Times for Condition A and Condition B are tracked separately for each subsystem, starting from the time each subsystem was declared inoperable and the Condition was entered. A separate Completion Time is established for Condition C and tracked from the time the second subsystem was declared inoperable (i.e., the time the situation described in Condition C was discovered).

If Required Action C.2 is completed within the specified Completion Time, Conditions B and C are exited. If the Completion Time for Required Action A.1 has not expired, operation may continue in accordance with Condition A. The remaining Completion Time in Condition A is measured from the time the affected subsystem was declared inoperable (i.e., initial entry into Condition A).

It is possible to alternate between Conditions A, B, and C in such a manner that operation could continue indefinitely without ever restoring systems to meet the LCO. However, doing so would be inconsistent with the basis of the Completion Times. Therefore, there shall be administrative controls to limit the maximum time allowed for any combination of Conditions that result in a single contiguous occurrence of failing to meet the LCO. These administrative controls shall ensure that the Completion Times for those Conditions are not inappropriately extended

(continued)

ACTIONS

CONDITION	REQUIRED ACTION	COMPLETION TIME
A. (continued)	<p>A.2 Declare required feature(s) with no offsite power available inoperable when the redundant required feature(s) are inoperable.</p> <p><u>AND</u></p> <p>A.3 Restore required offsite circuit to OPERABLE status.</p>	<p>24 hours from discovery of no offsite power to one division concurrent with inoperability of redundant required feature(s)</p> <p>72 hours</p> <p><u>AND</u></p> <p>24 hours from discovery of both HPCS and Low Pressure Core Spray (LPCS) Systems with no offsite power</p>
B. One required DG inoperable.	<p>B.1 Perform SR 3.8.1.1 for OPERABLE required offsite circuit(s).</p> <p><u>AND</u></p>	<p>1 hour</p> <p><u>AND</u></p> <p>Once per 8 hours thereafter</p> <p>(continued)</p>

ACTIONS

CONDITION	REQUIRED ACTION	COMPLETION TIME
B. (continued)	B.2 Declare required feature(s), supported by the inoperable DG, inoperable when the redundant required feature(s) are inoperable.	4 hours from discovery of Condition B concurrent with inoperability of redundant required feature(s)
	<u>AND</u>	
	B.3.1 Determine OPERABLE DG(s) are not inoperable due to common cause failure.	24 hours
	<u>OR</u>	
	B.3.2 Perform SR 3.8.1.2 for OPERABLE DG(s).	24 hours
<u>AND</u>		
B.4 Restore required DG to OPERABLE status.	72 hours from discovery of an inoperable Division 3 DG <u>AND</u> 14 days	

(continued)

3.8 ELECTRICAL POWER SYTEMS

3.8.8 Distribution Systems – Operating

- LCO 3.8.8 The following AC and DC electrical power distribution subsystems shall be OPERABLE:
- a. Division 1 and Division 2 AC electrical power distribution subsystems;
 - b. Division 1 and Division 2 120 VAC uninterruptible electrical power distribution subsystems;
 - c. Division 1 and Division 2 DC electrical power distribution subsystems; and
 - d. Division 3 AC and DC electrical power distribution subsystems.

APPLICABILITY: MODES 1, 2, and 3.

ACTIONS

CONDITION	REQUIRED ACTION	COMPLETION TIME
A. One or both Division 1 and 2 AC electrical power distribution subsystems inoperable.	A.1 Restore Division 1 and 2 AC electrical power distribution subsystem(s) to OPERABLE status.	8 hours

(continued)

ACTIONS (continued)

CONDITION	REQUIRED ACTION	COMPLETION TIME
B. One or both Division 1 and 2 120 VAC uninterruptible electrical power distribution subsystems inoperable.	B.1 Restore Division 1 and 2 120 VAC uninterruptible electrical power distribution subsystem(s) to OPERABLE status.	8 hours
C. One or both Division 1 and 2 DC electrical power distribution subsystems inoperable.	C.1 Restore Division 1 and 2 DC electrical power distribution subsystem(s) to OPERABLE status.	2 hours
D. Required Action and associated Completion Time of Condition A, B, or C not met.	D.1 Be in MODE 3. <u>AND</u> D.2 Be in MODE 4.	12 hours 36 hours
E. One or both Division 3 AC and DC electrical power distribution subsystems inoperable.	E.1 Declare High Pressure Core Spray System inoperable.	Immediately

(continued)



UNITED STATES
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WASHINGTON, D.C. 20555-0001

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION

RELATED TO AMENDMENT NO. 159

TO RENEWED FACILITY OPERATING LICENSE NO. NPF-69

EXELON GENERATION COMPANY, LLC.

NINE MILE POINT NUCLEAR STATION, UNIT 2

DOCKET NO. 50-410

1.0 INTRODUCTION

By letter dated February 23, 2016 (Agencywide Document Access and Management System (ADAMS) Accession No. ML16054A359), Exelon Generation Company, LLC, the licensee, submitted a License Amendment Request (LAR) for Nine Mile Point Nuclear Station, Unit 2 (NMP2), to adopt Technical Specification (TS) Task Force (TF) TSTF-439, Revision 2, "Eliminate Second Completion Times Limiting Time From Discovery of Failure to Meet an LCO [limiting condition for operation]," (ADAMS Accession No. ML051860296). The change revises Section 1.3 of the NMP2 Technical Specifications (TSs) to alter the discussion contained in Example 1.3-3 to eliminate second completion times. Consistent with this change, the second completion times associated with TS 3.8.1, "AC [alternating current] Sources – Operating," Required Actions A.3 and B.4 and TS 3.8.8, "Distribution Systems – Operating," Required Actions A.1, B.1 and C.1 are being deleted.

The U.S. Nuclear Regulatory Commission (NRC) staff has completed its review and finds that the requested TS modifications are acceptable, as discussed in this Safety Evaluation (SE).

2.0 REGULATORY EVALUATION

The unit Class 1E AC Electrical Power Distribution System AC sources consist of the offsite power sources and the onsite standby power sources. The onsite standby power sources for each emergency bus is a dedicated Diesel Generator (DG). TS 3.8.1, "AC Sources – Operating," requires 3 OPERABLE DGs.

The onsite Class 1E AC and DC electrical power distribution system ensures the availability of AC, DC, and 120 VAC uninterruptible electrical power for the systems required to shut down the reactor and maintain it in a safe condition after an anticipated operational occurrence or a postulated Design Basis Accident and are divided by division, for Division 1 and 2, into three independent AC, DC, and 120 VAC uninterruptible electrical power distribution subsystems.

Enclosure

TS 3.8.8, "Distribution Systems – Operating," requires Division 1 and Division 2 of each subsystem to be OPERABLE.

The licensee proposed changes to the TS which would alter the discussion contained in Example 1.3-3 to eliminate second completion times. Consistent with the proposed change to Example 1.3-3, the licensee proposed deletion of the second completion times associated with TS 3.8.1, "AC Sources – Operating," Required Actions A.3 and B.4 and TS 3.8.8, "Distribution Systems – Operating," Required Actions A.1, B.1 and C.1.

On June 20, 2005 (ADAMS Accession No. ML051860296) the commercial nuclear electrical power generation industry owners group TSTF submitted a proposed change, TSTF-439, Revision 2, to the STS on behalf of the industry (TSTF-439, Revisions 0 and 1, were prior draft iterations). TSTF-439, Revision 2, was approved by the NRC in a letter dated January 11, 2006, to the TSTF (ADAMS Accession No. ML060120272). TSTF-439, Revision 2, deletes the second completion times from the affected Required Actions from the STSs. TSTF-439 was incorporated into the most recent revision of NUREG-1433, Revision 4.

The NRC staff reviewed the proposed changes to eliminate TS second completion times against the criteria of Title 10 of the *Code of Federal Regulations* (10 CFR) Section 50.36 and the precedent as established in NUREG-1433, "Standard Technical Specifications (STS), General Electric Plants, [boiling-water reactor] BWR/4," Revision 4. Section 182a of the Atomic Energy Act (the Act) requires applicants for nuclear power plant operating licenses to include TSs as part of the application. These TSs are derived from the plant safety analyses. In 10 CFR 50.36, the NRC established its regulatory requirements related to the content of TSs. In accordance with 10 CFR 50.36(c)(2)(i), Limiting Conditions for Operation (LCOs) are the lowest functional capability or performance levels of equipment required for safe operation of the facility. When a LCO is not met, the licensee is required to shut down the reactor or follow any remedial action permitted by the TSs until the LCO can be met. Within TSs, the term Required Action refers to remedial actions. The completion time is the amount of time allowed for completing a required action. A second completion time was included in the STS for certain Required Actions to establish a limit on the maximum time allowed for any combination of conditions that result in a single continuous failure to meet the LCO. The intent of the second completion time was to preclude entry into and out of the actions for an indefinite period of time without meeting the LCO. The second completion time provides a limit on the amount of time that an LCO would not be met for various combinations of conditions.

The proper use and application of TS requirements are described in Section 1.0 of the NMP2 TS.

3.0 TECHNICAL EVALUATION

3.1 Proposed TS Changes

A revision to TS Example 1.3-3 is proposed to remove the second completion time for Required Actions A.1 and B.1 and replace the discussion in the example with a discussion on procedural limits for failing to meet the LCO. In accordance with TSTF-439, Revision 2, and consistent with the changes to TS Example 1.3-3, the following changes to the NMP2 TSs are also proposed:

- LCO 3.8.1 requires that, for operation in Modes 1, 2, and 3, two qualified circuits between the offsite transmission network and the onsite Class 1E AC electric power distribution system, and three diesel generators (DGs) shall be operable. With one required offsite circuit inoperable, the existing TS Action 3.8.1.A.3 requires that the offsite circuit be restored to operable status with a completion time of “72 hours AND 24 hours from discovery of both HPCS and Low Pressure Core Spray (LPCS) Systems with no offsite power AND 17 days from discovery of failure to meet LCO.” Existing TS Action 3.8.1.B.4 requires that, if one required DG is inoperable, then the licensee must restore the required DG to operable status “72 hours from discovery of an inoperable Division 3 DG AND 14 days AND 17 days from discovery of failure to meet LCO.” The proposed changes would delete the portions of TS 3.8.1, “AC Sources – Operating,” Required Actions A.3 and B.4, which state, “AND 17 days from discovery of failure to meet LCO,” are proposed to be deleted.
- LCO 3.8.8 requires specified AC and DC electrical distribution subsystems to be operable in operational modes 1, 2, and 3. With one or both Division 1 and 2 AC electrical power distribution subsystems inoperable, TS 3.8.8.A.1 requires that the subsystem(s) be restored to operable within “8 hours AND 16 hours from discovery of failure to meet LCO 3.3.8.a, b, or c.” TS 3.8.8.B.1 requires that, if one or both Division 1 and 2 120 VAC uninterruptible electrical power distribution subsystems are inoperable, they be restored within “8 hours AND 16 hours from discovery of failure to meet LCO 3.3.8.a, b, or c.” TS 3.8.8.C.1 requires that, with one or both Division 1 and 2 DC electrical power distribution subsystems inoperable, they be restored within “2 hours AND 16 hours from discovery of failure to meet LCO 3.8.8.a, b, or c.” The second completion times associated with TS 3.8.8, “Distribution Systems – Operating,” Required Actions A.1, B.1 and C.1, which state, “AND 16 hours from discovery of failure to meet LCO 3.8.8.a, b, or c” are proposed to be deleted.

3.2 Evaluation

Additional secondary completion times (such as limits on the period of time from discovery of the failure to meet the LCO) were specified for these instances to prevent repeated entry and exit from alternating TS Required Actions. Administrative controls will replace second completion times as described in the licensee’s request. In addition, two programs provide a strong disincentive to licensees continuing operation with alternating Required Actions as described above. These programs are the Maintenance Rule (10 CFR 50.65 “Requirements for monitoring the effectiveness of maintenance at nuclear power plants”) program and the Reactor Oversight Process (ROP).

The licensee’s application of February 23, 2016, states the following regarding the Maintenance Rule:

Under 10 CFR 50.65(a)(4), the risk impact of all inoperable risk-significant equipment is assessed and managed when performing preventative or corrective maintenance. The risk assessments are conducted using the procedures and guidance endorsed by Regulatory Guide 1.182, “Assessing and Managing Risk Before Maintenance Activities at Nuclear Power Plants.” Regulatory Guide 1.182

endorses the guidance in Section 11 of NUMARC 93-01, "Industry Guidelines for Monitoring the Effectiveness of Maintenance at Nuclear Power Plants." These documents address general guidance for conduct of the risk assessment, quantitative and qualitative guidelines for establishing risk management actions, and example risk management actions. These include actions to plan and conduct other activities in a manner that controls overall risk, increased risk awareness by shift and management personnel, actions to reduce the duration of the condition, actions to minimize the magnitude of risk increases (establishment of backup success paths or compensatory measures), and determination that the proposed maintenance is acceptable.

TS are part of the operating license and set forth requirements governing operations, including what equipment must normally be in service, how long equipment can be out of service, compensatory actions, and surveillance testing to demonstrate equipment readiness. TSs provide adequate assurance of the availability and reliability of equipment needed to prevent, and if necessary mitigate, accidents and transients.

The maintenance rule requires that commercial nuclear power plant licensees perform certain assessments of the status of plant equipment before performing proposed maintenance activities. The maintenance rule also requires that licensees assess and manage the increase in risk that may result from the proposed maintenance activities. The Commission believes that proper implementation of the rule will reduce the likelihood and consequences of an accidental release of radioactive material caused by imprudently prioritized, planned, or scheduled maintenance.

Under the TSs, the Completion Time for one system within an LCO is not generally affected by inoperable equipment in another LCO. However, the second completion time influenced the Completion Time for one system based on the condition of another system, but only if the two systems were required by the same LCO.

Plant Maintenance Rule programs implement risk-based configuration management programs that augment the deterministic Completion Times in the TSs. The NRC Resident Inspectors also monitor the licensee's Corrective Action process and could take action with the bounds of the ROP if the licensee's maintenance program allowed the systems required by a single LCO to become concurrently inoperable multiple times. The performance and condition monitoring activities required by 10 CFR 50.65 identify maintenance practices that would result from multiple alternating overlapping entries into and out of different Actions of the same TSs which contribute to unacceptable cumulative unavailability of these structures, systems and components (SSCs).

The licensee's application states the following regarding the ROP:

NEI 99-02, "Regulatory Assessment Performance Indicator Guideline," describes the tracking and reporting of performance indicators to support the NRC's Reactor Oversight Process (ROP). The NEI document is endorsed by RIS 2001-11, "Voluntary Submission Of Performance Indicator Data." NEI 99-02, Section 2.2, describes the Mitigating Systems Cornerstone. NEI 99-02

specifically addresses emergency AC Sources (which encompasses the AC Sources and Distribution System LCOs). Extended unavailability due to multiple entries into the ACTIONS would affect the NRC's evaluation of the licensee's performance under the ROP.

The objective of the Mitigating Systems Cornerstone is to monitor the availability, reliability, and capability of systems that mitigate the effects of initiating events to prevent core damage. Licensees also reduce the likelihood of reactor accidents by maintaining the availability and reliability of mitigating systems. Mitigating systems include those systems associated with safety injection, decay heat removal, and their support systems, such as emergency AC power systems (which encompasses the AC Sources Distribution System LCOs, as noted by the licensee), and the auxiliary feedwater system. Inputs to the mitigating systems cornerstone include both inspection procedures and performance indicators to ensure that all ROP objectives are being met. Satisfactory licensee performance within the mitigation systems ROP cornerstone provides reasonable assurance in monitoring the inappropriate use of TS condition completion times.

NRC inspection findings for each plant are documented in inspection reports in accordance with Inspection Manual Chapter (IMC) 0612 and summarized in Plant Issues Matrices. Inspection findings are evaluated using the significance determination process in accordance with IMC 0609 to evaluate the safety significance of the findings.

The TS Example 1.3-3 is revised to eliminate the second completion time for Required Actions A.1 and B.1 and to replace the discussion regarding second completion time with the following:

It is possible to alternate between Conditions A, B, and C in such a manner that operation could continue indefinitely without ever restoring systems to meet the LCO. However, doing so would be inconsistent with the basis of the Completion Times. Therefore, there shall be administrative controls to limit the maximum time allowed for any combination of Conditions that result in a single contiguous occurrence of failing to meet the LCO. These administrative controls shall ensure that the Completion Times for those Conditions are not inappropriately extended.

The Completion Times associated with TS 3.8.1, "AC Sources – Operating," Required Actions A.3 and B.4, which state, "AND 17 days from discovery of failure to meet LCO," currently provide a limit on the time allowed in a specified condition after discovery of failure to meet the LCO. This limit was considered reasonable for situations in which Conditions A and B are entered concurrently prior to staff approval of TSTF-439. Likewise, the Completion Times associated with TS 3.8.8, "AC Sources – Operating," Required Actions A.1, B.1, and C.1 which state, "AND 16 hours from discovery of failure to meet LCO 3.8.8.a, b, or c," currently provide a limit on the time allowed in a specified condition after discovery of failure to meet the LCO.

With the proposed deletion of the portions of TS 3.8.1 and 3.8.8 Completion Times above, the TS will still have a mechanism to limit the maximum time allowed for any combination of Conditions that result in a single contiguous occurrence of failing to meet the LCO. As described above, the proposed TS Example 1.3-3 will require administrative controls to limit the

maximum time allowed for any combination of Conditions that result in a single contiguous occurrence of failing to meet the LCO. Therefore, the staff finds the proposed changes are acceptable.

In addition, the NRC staff finds that assessment of the licensee's performance within the mitigation systems ROP cornerstone provides reasonable assurance in monitoring the inappropriate use of TS condition completion times.

Finally, the NRC staff concludes that the TS, as modified by the proposed change, continue to meet the regulatory requirements of 10 CFR 50.36 for the following reasons. In accordance with 10 CFR 50.36(c)(2)(i), when a LCO is not met, the licensee is required to shut down the reactor or follow any remedial action permitted by the TSs until the LCO can be met. The LAR would remove part of the permissible remedial actions from LCO 3.8.1 and LCO 3.8.8. Under the Commission's regulations at 50.92 and 50.57, to issue the amended TS the Commission must be able to find, among other things, that operation with the amended remedial actions (i.e. without the additional completion times) provides reasonable assurance of public health and safety.

Action 3.8.1.A.3 provides reasonable assurance of public health and safety because with one required offsite circuit inoperable, TS Action 3.8.1.A.3 will still require that the offsite circuit be restored to operable status with a completion time of "72 hours AND 24 hours from discovery of both HPCS and Low Pressure Core Spray (LPCS) Systems with no offsite power." The staff finds this action acceptable because the completion times take into account the capacity and capability of the remaining AC sources, reasonable time for repairs, and the low probability of a DBA occurring during this period.

Action 3.8.1.B.4 provides reasonable assurance of public health and safety because if one required DG is inoperable, then the licensee must restore the required DG to operable status "72 hours from discovery of an inoperable Division 3 DG AND 14 days." The staff finds this action acceptable because the completion times take into account the capacity and capability of the remaining AC sources, reasonable time for repairs, and the low probability of a DBA occurring during this period.

Action 3.8.8.A.1 provides reasonable assurance of public health and safety because with one or both Division 1 and 2 AC electrical power distribution subsystems inoperable, TS 3.8.8.A.1 requires that the subsystem(s) be restored to operable within "8 hours." The staff finds this acceptable because the 8 hours balances the potential for decreased safety if the unit operators' attention is diverted from the evaluations and actions necessary to restore power to the affected division to the actions associated with taking the unit to shutdown within this time limit with the low potential for an event in conjunction with a single failure of a redundant component in the division with AC power.

Action 3.8.8.B.1 provides reasonable assurance of public health and safety because TS 3.8.8.B.1 requires that, if one or both Division 1 and 2 120 VAC uninterruptible electrical power distribution subsystems are inoperable, they be restored within "8 hours." The staff finds this acceptable because the 8-hour completion time takes into account the importance to safety of restoring the 120 VAC uninterruptible electrical power distribution subsystems to OPERABLE

status, the redundant capability afforded by the remaining 120 VAC uninterruptible electrical power distribution subsystems, and the low probability of a DBA occurring during this period.

Action 3.8.8.C.1 provides reasonable assurance of public health and safety because with one or both Division 1 and 2 DC electrical power distribution subsystems inoperable, they must be restored within "2 hours." The staff finds this acceptable because of:

- a. The potential for decreased safety when requiring a change in plant conditions (i.e., requiring a shutdown) while not allowing stable operations to continue;
- b. The potential for decreased safety when requiring entry into numerous applicable Conditions and Required Actions for components without DC power while not providing sufficient time for the operators to perform the necessary evaluations and actions for restoring power to the affected division; and
- c. The potential for an event in conjunction with a single failure of a redundant component.

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 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 (81 FR 28897). 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 staff 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) there is reasonable assurance that 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: M. Hamm, NRR

Date: November 22, 2016

November 11, 2016

Mr. Bryan C. Hanson
President and Chief Nuclear Officer
Exelon Nuclear
Nine Mile Point Nuclear Station, LLC
4300 Winfield Road
Warrenville, IL 60555

SUBJECT: NINE MILE POINT NUCLEAR STATION, UNIT 2 - ISSUANCE OF
AMENDMENT RE: ADOPTION OF TECHNICAL SPECIFICATION TASK
FORCE (TSTF) 439 (CAC NO. MF7449)

Dear Mr. Hanson:

The Commission has issued the enclosed Amendment No. 159 to Renewed Facility Operating License No. NPF-69 for the Nine Mile Point Nuclear Station, Unit No. 2 (NMP2). The amendment consists of changes to the Technical Specifications (TSs) in response to your application dated February 23, 2016.

The amendment revises several Technical Specifications (TSs) to eliminate the second completion time by adopting TS Task Force (TSTF)-439-A, Revision 2, "Eliminate Second Completion Times Limiting Time from Discovery of Failure to Meet an LCO [limiting condition for operation],"(ADAMS Accession No. ML051860296).

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/
Brenda L. Mozafari, Senior 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. 159 to NPF-69
- 2. Safety Evaluation

cc w/encls: Distribution via Listserv

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ADAMS Accession No.: **ML16281A596** *SE transmitted by memo of 09/09/16 **via email

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