10 CFR 50.91 requires that at the time a licensee requests an amendment, it must provide to the Commission its analysis using the standards in 10 CFR 50.92 about the issue of no significant hazards consideration. Therefore, in accordance with 10 CFR 50.91, the following analysis has been performed:

The operation of Nine Mile Point Unit 1, in accordance with the proposed amendment, will not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed amendment is requested to allow hydrostatic testing and scram time testing of control rods with the mode switch in the refuel position and the reactor coolant temperature greater than 212°F. The proposed amendment will also allow the reactor mode switch to be placed in the refuel position during scram recovery when the reactor coolant temperature is greater than 212°F. The change to allow scram time testing has no effect on the probability or the consequences of a loss of coolant accident. The probability of a leak in the reactor coolant pressure boundary during the hydrostatic test and subsequent scram time testing is not increased by allowing the mode switch to be in the refuel position. The systems required to be operable to mitigate the consequences of a loss of coolant accident (core spray and containment spray) will be operable and the reactor coolant temperature will be less than during normal operation. In addition, when the reactor mode switch is placed in the refuel position following a scram, all safety systems required to be operable based on the reactor coolant temperature and pressure will be operable for accident mitigation. Therefore, the changes will not increase the consequences of a loss of coolant accident.

Since refueling activities will not be occurring and only one control rod can be withdrawn at a time in the refuel mode, the probability and consequences of a refueling accident are not changed. In addition, the placing of the reactor mode switch in the refuel position following a scram does not place the reactor in an unanalyzed condition. The reactor vessel head is in place. Therefore, a refueling accident cannot occur.

The change to allow shutdown margin demonstration will assure that the probability of an inadvertent criticality is not increased. In addition, only one control rod can be withdrawn at a time in the refuel mode. Therefore, the probability and consequences of a control rod drop accident are not increased. Therefore, the proposed change will not increase the probability or consequences of a previously evaluated accident.

The change to revise the Table of Contents is administrative in nature and will not affect the probability or consequences of an accident previously evaluated.

<u>The operation of Nine Mile Point Unit 1, in accordance with the proposed amendment, will not create the possibility of a new or different kind of accident from any accident previously evaluated.</u>

The only accident of a new or different kind identified is the potential for an inadvertent criticality occurring with the reactor coolant system "solid" (filled with water). However, the performance of the control rod exercising

check and the shutdown margin demonstration test will assure that the reactor cannot be made critical with only one control rod withdrawn. This test, in conjunction with the interlock which prevents more than one control rod from being withdrawn with the mode switch in the refuel position, will assure an inadvertent criticality does not occur in the hydrostatic test condition. In addition, all safety systems required to be operable based on the reactor coolant temperature and pressure will be operable except for those systems that are not required to be operable during hydrostatic testing. When the mode switch is placed in the refuel position, during scram recovery, all safety systems required to be operable based on reactor coolant temperature and pressure will be operable. Since the safety systems required to mitigate the consequences of an accident will be operable when the mode switch is placed in the refuel position, the plant will not be in an unanalyzed condition. Therefore, there is not a possibility of creating a new or different kind of accident from any accident previously evaluated.

The change to revise the Table of Contents is administrative in nature and will not create the possibility of a new or different kind of accident from any accident previously evaluated.

<u>The operation of Nine Mile Point Unit 1, in accordance with the proposed amendment, will not involve a significant reduction in a margin of safety.</u>

The proposed amendment is to allow control rod scram time testing to be performed prior to power operation and to place the reactor mode switch in the refuel position during scram recovery. Since the reactor vessel head will be in place, primary containment integrity maintained and all systems required to be operable in accordance with the requirements of the technical specifications will be operable, the proposed changes will not have any impact on any design bases accident or safety limit. Therefore, the proposed changes will not reduce a margin of safety.

The change to revise the Table of Contents is administrative in nature. Therefore, it has no affect on a margin of safety.