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SUBJECT: Requests that 901128 application for amend to License DPR-63
 be considered emergency situation per 10CFR50.91.

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U. S. Nuclear Regulatory Commission
Attn: Document Control Desk
Washington, D. C. 20555

December 4, 1990
NMP1L 0550

Re: Nine Mile Point Unit 1
Docket No. 50-220
DPR-63

Gentlemen:

On November 28, 1990, Niagara Mohawk submitted an application for an amendment to Appendix A of the Nine Mile Point Unit 1 Operating License DPR-63. That application requested allowance to place certain Protective Instrumentation channels in an inoperable status for up to two hours for required surveillances without placing the trip system in the tripped condition provided at least one other operable channel in the same trip system is monitoring that parameter. Niagara Mohawk hereby requests that the application for amendment be considered an emergency situation as defined in 10CFR50.91. Information contained in Attachment A demonstrates that the criteria contained in 10CFR50.91(a)(5) for issuance of the license amendment without prior notice are met. Attachment B presents the environmental consideration for the proposed Technical Specification changes and concludes that no environmental impact statement or environmental assessment need be prepared.

Pursuant to 10CFR50.91(b)(1), Niagara Mohawk is providing a copy of this letter to the appropriate state representative.

Very truly yours,

NIAGARA MOHAWK POWER CORPORATION



S. W. Wilczek, Jr.
Vice President
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JB/kms

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ATTACHMENT A

NIAGARA MOHAWK POWER CORPORATION

DOCKET NO. 50-220

DPR-63

Explanation of Why Emergency Occurred and
Why It Could Not Be Avoided

When the Technical Specifications governing Protective Instrumentation surveillance requirements for Nine Mile Point Unit 1 were developed, it was intended that the trip system of the channel being surveilled be placed in the trip condition. However, Niagara Mohawk incorrectly assumed that the conduct of the surveillance requirement, in and of itself, was justification for allowing the trip system to remain untripped while the channel was inoperable for testing.

This assumption is not conservative and not in strict accordance with the Technical Specification definition of operability. Consequently, Niagara Mohawk imposed an administrative requirement to place trip systems in the tripped condition if the instrument channel that initiates the trip is undergoing a required surveillance. In addition, Niagara Mohawk drafted a Technical Specification Amendment to explicitly delineate the proper guidance for instrument channel operability modelled after Boiling Water Reactor (BWR) Standard Technical Specifications. This Technical Specification Amendment request was subsequently submitted on November 28, 1990. This amendment permits the Protective Instrumentation channel being surveilled to be placed in an inoperable status for up to two hours without placing the trip system in the tripped condition provided at least one operable channel in the same trip system is monitoring that parameter.

Currently, some instrumentation circuit configurations do not permit insertion of trips into logic circuits without modifications to existing plant equipment. Consequently, the corresponding required Technical Specification surveillances cannot be performed under the current administrative requirement as stated above. This culminated in a request for a temporary waiver of compliance for the Low-Low-Low Reactor Water Level and High Drywell Pressure instrument channels. The surveillance intervals for the monthly channel tests and quarterly channel calibrations had been extended up to the maximum allotted time periods for these instruments. A plant shutdown would have been required and an Unusual Event declared if the temporary waiver of compliance had not been granted. Another plant shutdown will be required when the monthly surveillances for these instruments

become due again. The remaining Protective Instrument channels in Technical Specification 3.6.2 may face similar design and time constraints. Niagara Mohawk is investigating the circuit configurations for each instrument channel contained in Technical Specification 3.6.2.

In order for Nine Mile Point Unit 1 to avoid conditions requiring plant shutdown, Niagara Mohawk requests that our November 28, 1990, application for amendment be considered an emergency situation in accordance with 10CFR50.91 and that prior notice for opportunity for a hearing be dispensed with.

ATTACHMENT B

NIAGARA MOHAWK POWER CORPORATION

LICENSE DPR-63

DOCKET NO. 50-220

This emergency amendment request involves a change in instrument surveillance and operability requirements which has been previously evaluated generically in the BWR Standard Technical Specifications. This change involves no significant increase in the amounts or types of any effluents that may be released offsite, and there is no significant increase in individual or cumulative occupational radiation exposure. The requested change does not physically modify the plant, increase the plant's licensed power level or involve irreversible environmental consequences. Accordingly, this amendment meets the eligibility criteria for categorical exclusion set forth in 10CFR51.22(c)(9). Pursuant to 10CFR51.22(b), no environmental impact statement or environmental assessment need be prepared in connection with the issuance of this amendment.

