



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

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION  
RELATED TO AMENDMENT NO. 73 TO FACILITY OPERATING LICENSE NO. NPF-69

NIAGARA MOHAWK POWER CORPORATION

NINE MILE POINT NUCLEAR STATION, UNIT 2

DOCKET NO. 50-410

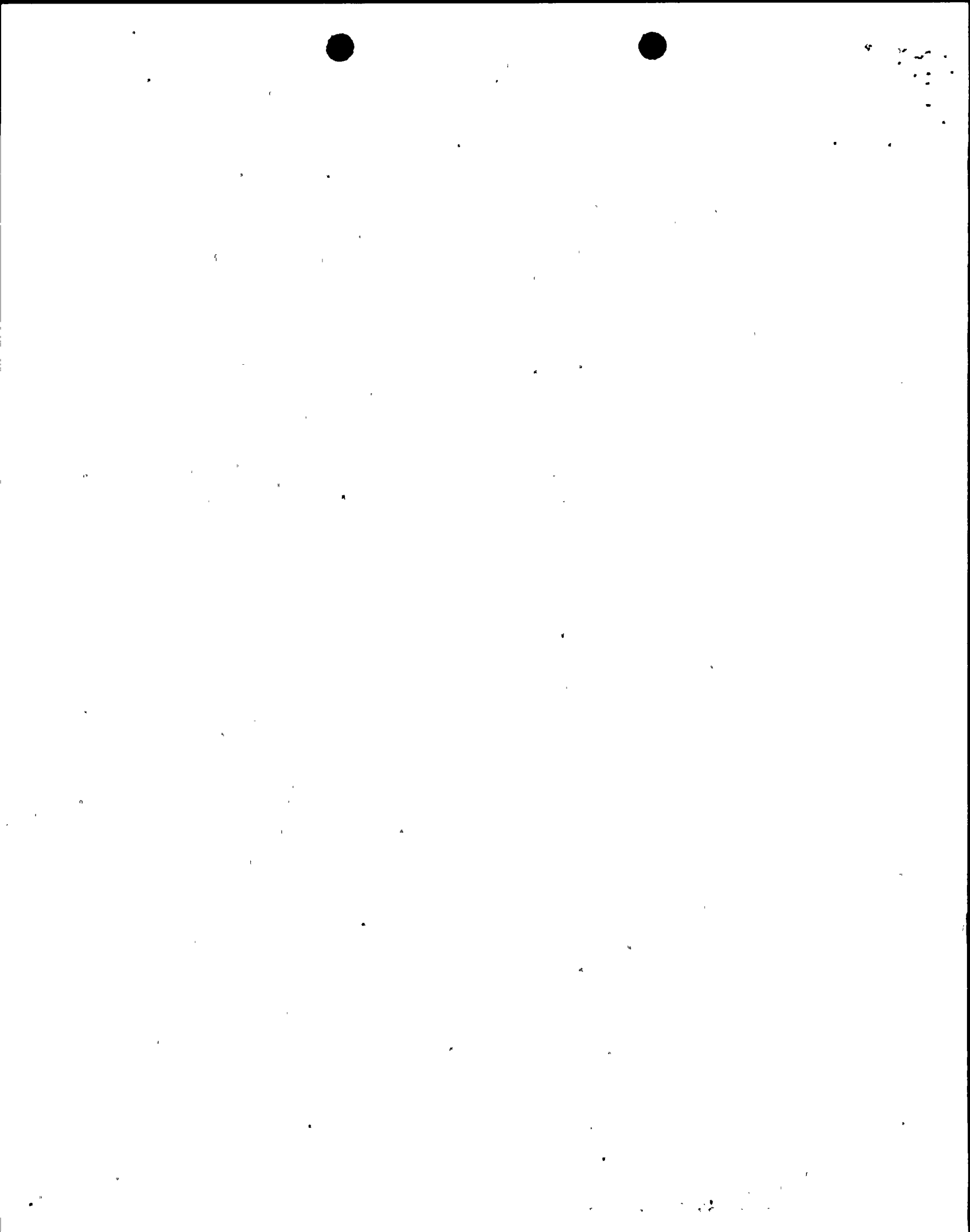
1.0 INTRODUCTION

By letter dated January 17, 1996, the Niagara Mohawk Power Corporation (the licensee) proposed an amendment to the operating license for Nine Mile Point Unit 2 (NMP2). The amendment would revise the Technical Specifications (TSs) by relocating response time limit tables to the NMP2 Updated Final Safety Analysis Report (UFSAR). Administrative changes associated with the relocations were also proposed. The proposed changes apply to the following TS Sections and their respective Bases:

TS 3/4.3.1, Reactor Protection System Instrumentation,  
TS 3/4.3.2, Isolation Actuation Instrumentation,  
TS 3/4.3.3, Emergency Core Cooling System Actuation  
Instrumentation, and TS 3/4.3.4.2, End-of-Cycle Recirculation Pump  
Trip System Instrumentation.

2.0 BACKGROUND

The staff of the U.S. Nuclear Regulatory Commission (NRC) undertook efforts in the early 1980's to address problems related to the content of nuclear power plant TS. These projects have resulted in the issuance of various reports, proposed rulemakings, and Commission policy statements. Line item improvements became a mechanism for TS improvement as part of the implementation of the Commission's interim policy statement on TS improvements published on February 6, 1987 (52 FR 3788). The final Commission policy statement on TS improvements was published July 22, 1993 (58 FR 39132). The final policy statement provided criteria which can be used to establish, more clearly, the framework for TS. These criteria were subsequently incorporated into the regulations by an amendment to 10 CFR 50.36, 60 FR 36953 (July 19, 1995). The staff has maintained the line item improvement process, through the issuance of generic letters, in order to improve the content and consistency of TS and to reduce the licensee and staff resources required to process amendments related to those specifications being relocated from the TS to other licensee documents as a result of the implementation of the revised requirements of 10 CFR 50.36.



Section 50.36 of Title 10 of the Code of Federal Regulations establishes the regulatory requirements for licensees to include TS as part of applications for operating licenses. The rule requires that TS include items in five specified categories: (1) safety limits, limiting safety system settings, and limiting control settings; (2) limiting conditions for operation; (3) surveillance requirements; (4) design features; and (5) administrative controls. In addition, the Commission's final policy statement on TS improvements and other Commission documents provide guidance regarding the required content of TS. The fundamental purpose of the TS, as described in the Commission's final policy statement, is to impose those conditions or limitations upon reactor operation necessary to obviate the possibility of an abnormal situation or event giving rise to an immediate threat to the public health and safety by identifying those features that are of controlling importance to safety and establishing on them certain conditions of operation which cannot be changed without prior Commission approval.

The Commission's final policy statement recognized, as had previous statements related to the staff's TS improvement program, that implementation of the policy would result in the relocation of existing TS requirements to licensee-controlled documents such as the UFSAR. Those items relocated to the UFSAR would in turn be controlled in accordance with the requirements of 10 CFR 50.59, "Changes, tests and experiments." Section 50.59 of Title 10 of the Code of Federal Regulations provides criteria to determine when facility or operating changes planned by a licensee require prior Commission approval in the form of a license amendment in order to address any unreviewed safety questions. NRC inspection and enforcement programs also enable the staff to monitor facility changes and licensee adherence to UFSAR commitments and to take any remedial action that may be appropriate.

On December 29, 1993, the NRC issued Generic Letter (GL) 93-08, "Relocation of Technical Specification Tables of Instrument Response Time Limits." This GL provides guidance to all holders of operating licenses or construction permits for nuclear power reactors regarding the acceptability of submittals requesting a license amendment to relocate tables of instrument response time limits from the TS to the UFSAR. A licensee's action to propose TS changes under GL 93-08 is voluntary. The letter also states that each licensee that wishes to implement this line-item TS improvement should confirm that the plant procedures for response time testing include acceptance criteria that reflect the specific response time limits in the tables being relocated from the TS to the UFSAR. Licensees are also expected to include the response time limits in the next update to the UFSAR.

### 3.0 EVALUATION

In accordance with GL 93-08, the licensee has proposed to relocate the following Nine Mile Point Unit 2 TS tables to the UFSAR:

- TS Table 3.3.1-2, Reactor Protection System Response Times,
- TS Table 3.3.2-3, Isolation System Instrumentation Response Time,
- TS Table 3.3.3-3, Emergency Core Cooling System Response Times, and
- TS Table 3.3.4.2-3, End-of-Cycle (EOC) Recirculation Pump Trip (RPT) System Response Time.

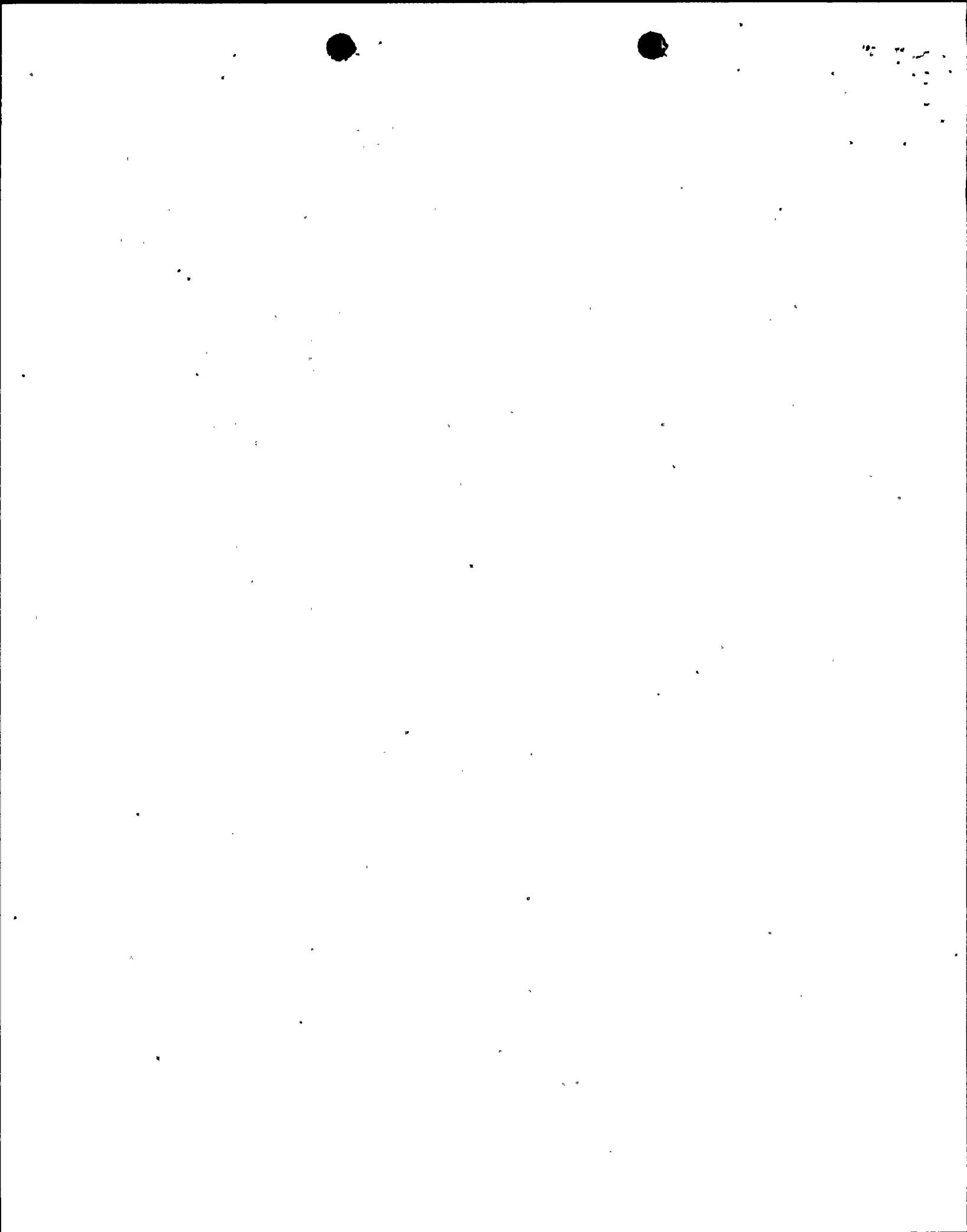


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The licensee has confirmed that the NMP2 plant surveillance test procedures do provide acceptance criteria for the response time limits currently located in the TS tables. In accordance with GL 93-08, the licensee states that these procedures will continue to include, as applicable, acceptance criteria for the associated response time limit tables. In addition, the licensee has committed to add these response times during the next scheduled update of the UFSAR after amendment approval. The changes associated with the implementation of GL 93-08 involve only the relocation of the response time tables but retain the surveillance requirement to perform response time testing. The UFSAR will now contain the acceptance criteria for the required response time surveillances. Because it does not alter the TS requirements to ensure that the response times are within their limits, the staff has determined that relocation of these response time limit tables from the TS to UFSAR is acceptable.

The staff's determination is based on the fact that the removal of the specific response time tables does not eliminate the requirements for the licensee to ensure that the protection instrumentation is capable of performing its safety function. Although the tables containing the specific response time requirements are relocated from the TSs to the UFSAR, the licensee must continue to evaluate any changes to response time requirements in accordance with 10 CFR 50.59. NRC approval and a license amendment is required prior to implementation of a change when the licensee determines that an unreviewed safety question is involved, due to either (1) an increase in the probability or consequences of accidents or malfunctions of equipment important to safety, (2) the creation of a possibility for an accident or malfunction that would be of a different type than any evaluated previously, or (3) a reduction in the margin of safety.

The staff's review concluded that 10 CFR 50.36 does not require the response time tables to be retained in TSs. Requirements related to the operability, applicability, and surveillance requirements, including performance of testing to ensure response times for systems are retained due to those systems' importance in mitigating the consequences of an accident. However, the staff determined that the inclusion of specific response time requirements for the various instrumentation channels and components addressed by GL 93-08 was not required. The response times are considered to be an operational detail related to the licensee's safety analyses which are adequately controlled by the requirements of 10 CFR 50.59. Therefore, the continued processing of licensee amendments related to revisions of the affected instrument or component response times, where the revisions to those requirements do not involve an unreviewed safety question under 10 CFR 50.59, would afford no significant benefit with regard to protecting public health and safety. Further, the response time requirements do not constitute a condition or limitation on operation necessary to obviate the possibility of an abnormal situation or event giving rise to an immediate threat to public health and safety, in that the ability of the systems to perform their safety functions is not adversely impacted by the relocation of the response time tables from the TS to the UFSAR.



The licensee has proposed additional changes to facilitate the removal of the response time tables from the TS. These changes are discussed in detail below.

### 3.1 Reactor Protection System Instrumentation

To facilitate the removal of TS Table 3.3.1-2, the licensee proposes changes to TS Section 3/4.3.1, "Reactor Protection System Instrumentation" (RPS) and the associated Bases section.

The licensee proposes to revise Limiting Condition for Operation (LCO) 3.3.1 and Surveillance Requirement (SR) 4.3.1.3 by deleting the reference to TS Table 3.3.1-2. These changes are consistent with the guidance provided in GL 93-08.

The licensee proposes two further revisions to SR 4.3.1.3. One would add the word "required" to the first sentence and clarify that the response time limit table may indicate "not applicable" (NA) for some functional units. This change is editorial in nature and is acceptable. The other proposed change adds the statement "Neutron detectors are exempt from response time testing." This statement currently exists as a footnote in TS Table 3.3.1-2, which is to be deleted. Therefore, to retain this SR exception, the licensee proposes to relocate it in the TS. The relocation of this statement is consistent with the guidance provided in GL 93-08 and acceptable.

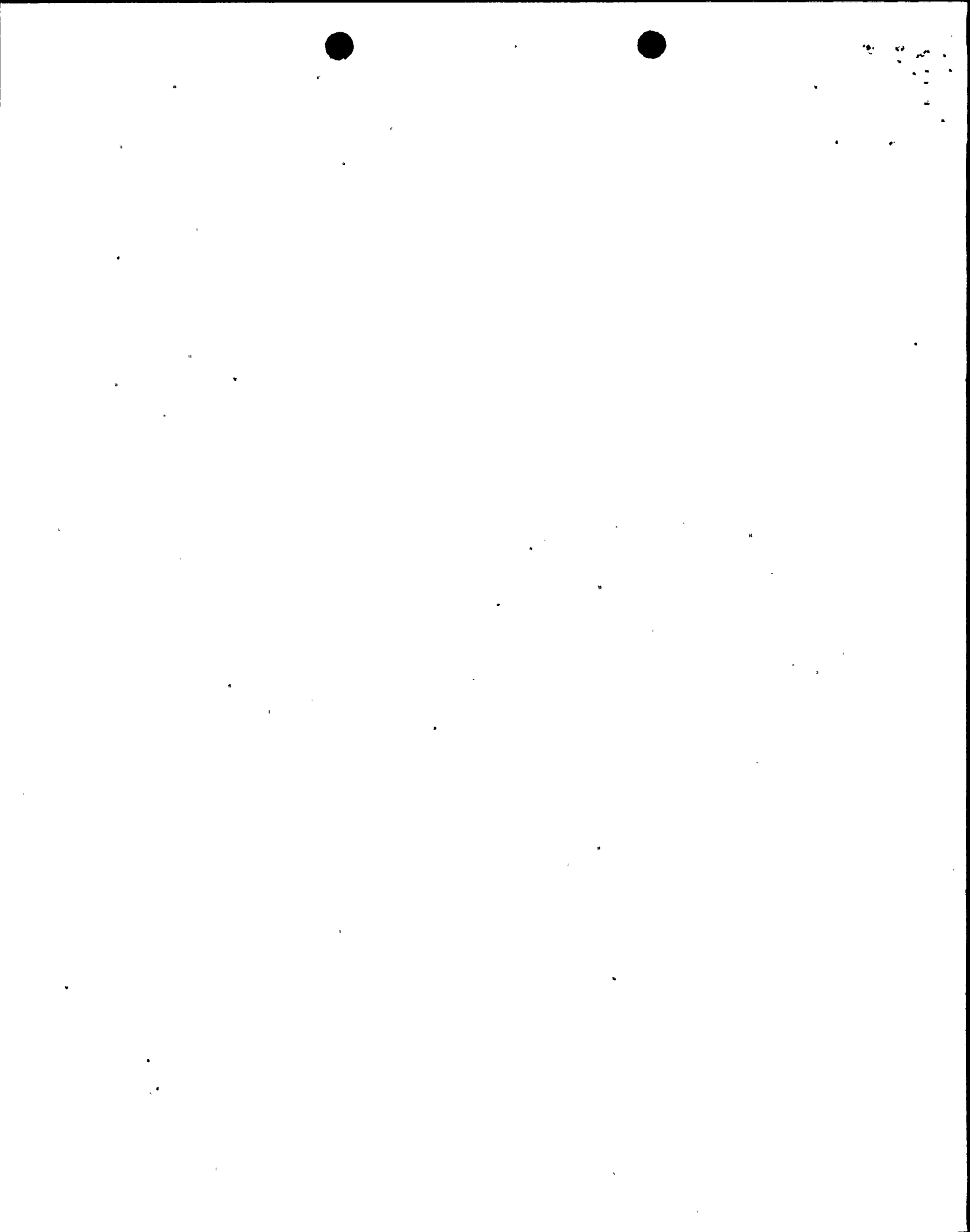
The licensee proposes to revise the last paragraph of Bases Section 3/4.3.1 to delete the sentence "No response time credit was taken for those instrument channels with response times indicated as not applicable." This sentence makes specific reference to information provided in the RPS response time table, that is proposed to be relocated to the UFSAR. Therefore, this reference should no longer exist in the Bases, and the change is acceptable.

In summary, the NRC staff finds each of the changes proposed for the removal of TS Table 3.3.1-2, regarding RPS instrumentation response times, to be consistent with the guidance provided in GL 93-08 and the TS requirement of 10 CFR 50.36 and, therefore, acceptable.

### 3.2 Isolation Actuation Instrumentation

To facilitate the removal of TS Table 3.3.2-3, the licensee proposes changes to TS Section 3/4.3.2, "Isolation Actuation Instrumentation" and the associated Bases section.

The licensee proposes to revise LCO 3.3.2 and SR 4.3.2.3 by deleting the reference to TS Table 3.3.2-3. These changes are consistent with the guidance provided in GL 93-08. In addition, the licensee proposes to further revise SR 4.3.2.3 by adding the word "required" to the first sentence and clarify that the response time limit table may indicate "not applicable" (NA) for some functional units. This change is editorial in nature and acceptable.





The licensee proposes two changes to the first sentence of Bases Section 3/4.3.2. One would replace the word "ensure" with "ensures." This change is editorial in nature, and acceptable. The other proposed change removes the phrase "and response times for." The phrase indicates that the TS prescribes response times for the instrumentation. Since the response time table would be removed from the TS, this phrase would not be valid as currently written. Therefore, removal of the phrase is appropriate and acceptable.

In summary, the NRC staff finds each of the changes proposed for the removal of TS Table 3.3.3-3, regarding isolation actuation instrumentation response times, to be consistent with the guidance provided in GL 93-08 and the TS requirement of 10 CFR 50.36 and, therefore, acceptable.

### 3.3 Emergency Core Cooling System Actuation Instrumentation

To facilitate removal of TS Table 3.3.3-3, the licensee proposes changes to TS Section 3/4.3.3, "Emergency Core Cooling System Actuation Instrumentation" and the associated Bases section.

The licensee proposes to revise LCO 3.3.3 and SR 4.3.3.3 by deleting the reference to TS Table 3.3.3-3. These changes are consistent with the guidance provided in GL 93-08.

The licensee proposes two further revisions to the first sentence of SR 4.3.3.3. One change would add the word "required" and clarify that the response time limit table may indicate "not applicable" (NA) for some functional units. This change is editorial in nature and acceptable. The other proposed change would replace the words "Trip Function" with "System" to match the description in Table 3.3.3-3. This change is editorial in nature and acceptable.

The licensee also proposes to change the second sentence of Bases Section 3/4.3.3 by removing the words "response times." As currently written, the sentence indicates that the TS prescribes response times for the instrumentation. Since the response time table is to be removed from the TS, this sentence would no longer be valid. Therefore, the change is appropriate and acceptable.

In summary, the NRC staff finds each of the changes proposed for the removal of TS Table 3.3.3-3, regarding ECCS instrumentation response times, to be consistent with the guidance provided in GL 93-08 and the TS requirement of 10 CFR 50.36 and, therefore, acceptable.

### 3.4 End-of-Cycle Recirculation Pump Trip System Instrumentation

To facilitate the removal of TS Table 3.3.4.2-3, the licensee proposes changes to TS Section 3/4.3.4.2, "End-of-Cycle Recirculation Pump Trip System Instrumentation" and the associated Bases section.



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The licensee proposes to revise LCO 3.3.4.2 and SR 4.3.4.2.3 by deleting the reference to TS Table 3.3.4.2-3. These changes are consistent with the guidance provided in GL 93-08.

The licensee proposes a change at the end of Bases Section 3/4.3.4, "Recirculation Pump Trip Actuation Instrumentation" by removing the indicated response time of "190 milliseconds." This sentence references the information in the RPS response time table that is to be relocated to the USAR. Moreover, this reference should no longer exist in the Bases, and the change is appropriate and acceptable.

In summary, the NRC staff finds each of the changes proposed for the removal of TS Table 3.3.4.2-3, regarding End-of-Cycle Recirculation Pump Trip instrumentation response times, to be consistent with the guidance provided in GL 93-08 and the TS requirement of 10 CFR 50.36 and, therefore, 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 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 and changes surveillance requirements. 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. (61 FR 20850) 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 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 amendment will not be inimical to the common defense and security or to the health and safety of the public.

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Date: June 25, 1996

