

November 29, 2004

Mr. James A. Spina  
Vice President Nine Mile Point  
Nine Mile Point Nuclear Station, LLC  
P.O. Box 63  
Lycoming, NY 13093

SUBJECT: NINE MILE POINT NUCLEAR STATION, UNIT NO. 1 - ISSUANCE OF  
AMENDMENT RE: ALLOWED TIME FOR RESTORATION OF PRIMARY  
CONTAINMENT OXYGEN CONCENTRATION (TAC NO. MC4056)

Dear Mr. Spina:

The Commission has issued the enclosed Amendment No. 185 to Facility Operating License No. DPR-63 for the Nine Mile Point Nuclear Station, Unit No. 1. The amendment consists of changes to the Technical Specifications (TSs) in response to your application transmitted by letter dated August 17, 2004.

The amendment revised Section 3.3.1, "Oxygen Concentration," of the TSs to add a new action, allowing 24 hours to restore the oxygen concentration within the limit of < 4% by volume if the limit is exceeded when the reactor is operating in the power operating condition.

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/**

Peter S. Tam, Senior Project Manager, Section 1  
Project Directorate I  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

Docket No. 50-220

Enclosures: 1. Amendment No. 185 to DPR-63  
2. Safety Evaluation

cc w/encls: See next page

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PUBLIC	PDI R/F	Rlaufer	SLittle
PTam	OGC	GHill (2)	TBoyce
RLobel	ACRS	GMatakas, RI	

Accession Number: **ML042950020**

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\*SE transmitted by memo of 9/9/04.

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NINE MILE POINT NUCLEAR STATION, LLC (NMPNS)

DOCKET NO. 50-220

NINE MILE POINT NUCLEAR STATION, UNIT NO. 1

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 185  
License No. DPR-63

1. The Nuclear Regulatory Commission (the Commission) has found that:
  - A. The application for amendment by Nine Mile Point Nuclear Station, LLC (the licensee) dated August 17, 2004, 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 Facility Operating License No. DPR-63 is hereby amended to read as follows:

(2) Technical Specifications

The Technical Specifications contained in Appendix A, which is attached hereto, as revised through Amendment No. 185, is hereby incorporated into this license. Nine Mile Point Nuclear Station, LLC shall operate the facility in accordance with the Technical Specifications.

3. This license amendment is effective as of the date of its issuance and shall be implemented within 15 days.

FOR THE NUCLEAR REGULATORY COMMISSION

*/RA/*

Richard J. Laufer, Chief, Section I  
Project Directorate I  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

Attachment:  
Changes to the Technical  
Specifications

Date of Issuance: November 29, 2004

ATTACHMENT TO LICENSE AMENDMENT NO. 185

TO FACILITY OPERATING LICENSE NO. DPR-63

DOCKET NO. 50-220

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

124  
125

Insert Pages

124  
125

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION  
RELATED TO AMENDMENT NO. 185 TO FACILITY OPERATING LICENSE NO. DPR-63  
NINE MILE POINT NUCLEAR STATION, LLC  
NINE MILE POINT NUCLEAR STATION UNIT NO. 1  
DOCKET NO. 50-220

1.0 INTRODUCTION

By letter dated August 17, 2004 (ADAMS Accession No. ML042400316), Nine Mile Point Nuclear Station, LLC (NMPNS or the licensee) submitted an application for an amendment to the Nine Mile Point Nuclear Station, Unit No. 1 (NMP1) Technical Specifications (TSs). The requested changes would revise Section 3.3.1, "Oxygen Concentration," to add a new action allowing 24 hours to restore the oxygen concentration within the limit of < 4 percent by volume if the limit is exceeded when the reactor is operating in the power operating condition.

The proposed 24-hour completion time for restoring the oxygen concentration to within the specified limit is consistent with the Improved Standard Technical Specifications for Boiling-Water Reactors/4 (NUREG-1433, Revision 3, dated June 2004). The current NMP1 TSs Section 3.3.1 requires that if the four volume percent oxygen concentration cannot be maintained, the reactor must be depressurized to less than 110 psig within 10 hours.

The license proposed to add a new Action "c" as an exception to the limiting condition for operation (LCO), with the following wording:

If the containment oxygen concentration is greater than or equal to the four percent by volume limit, except as allowed during startup and shutdown in "b" above, restore the oxygen concentration to within the limit within 24 hours.

The Nuclear Regulatory Commission (NRC) staff's evaluation of the licensee's application follows.

2.0 REGULATORY EVALUATION

Title 10 of the *Code of Federal Regulations*, Section 50.44 (10 CFR 50.44), "Combustible Gas Control in Containment," has recently been revised (68 FR 54123, September 16, 2003). Although the NRC has concluded in this rulemaking that hydrogen release from a design-basis loss-of-coolant accident (LOCA) is not risk-significant, the revised rule retained the requirement that the BWR Mark I containment, such as that at NMP1, must be inerted given its relatively small volume and large inventory of zirconium. This requires replacing the air in containment with nitrogen gas.

Section 3.6.3.2, "Primary Containment Oxygen Concentration," of NUREG-1433, "Standard Technical Specifications General Electric Plants BWR/4," Revision 3 (STSS), specifies that if the primary containment oxygen concentration is not less than the limiting concentration of four volume percent, the oxygen concentration must be restored to within four volume percent within 24 hours.

### 3.0 TECHNICAL EVALUATION

The licensee stated that the amendment is needed to facilitate at-power entry into the drywell of the containment (i.e., the containment atmosphere would be de-inerted back to normal oxygen level) for inspections, troubleshooting, and possible repairs of equipment. The proposed Action c would allow 24 hours to restore the oxygen concentration to less than four volume percent. This is consistent with the guidance specified in STS 3.6.3.2, Condition A. The associated Bases for this action statement explain that a period of 24 hours is acceptable, since the possibility of a severe accident that would generate a significant amount of hydrogen during this period is low, and the long duration of a severe accident permits time for mitigating actions, i.e., to reduce the oxygen concentration. Since the NMP1 design and expected response to abnormal events is similar to that of other BWRs with Mark I containments, the possibility of a severe accident that would generate a significant amount of hydrogen at NMP1 is similarly low. In addition, the NMP1 Individual Plant Examination found that hydrogen detonation and other energetic failure modes contribute only 15 percent to the total release from containment. Thus, hydrogen is not a major contributor to containment failure for NMP1. In addition, the proposed completion time is consistent with the STS and associated Bases. Accordingly, the licensee's proposed change to the NMP1 TS Section 3.3.1 is acceptable.

The NRC staff also reviewed the licensee's proposed change to the Bases for Section 3.3.1, and noted that the changes appropriately reflect the proposed change to TS Section 3.3.1.

### 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 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 (69 FR 53110). 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 NRC 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) 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: R. Lobel

Date: November 29, 2004



Nine Mile Point Nuclear Station, Unit No. 1

cc:

Mr. Michael J. Wallace  
President  
Nine Mile Point Nuclear Station, LLC  
c/o Constellation Energy Group  
750 East Pratt Street  
Baltimore, MD 21202

Mr. Mike Heffley  
Senior Vice President and Chief  
Nuclear Officer  
Constellation Generation Group  
1997 Annapolis Exchange Parkway  
Suite 500  
Annapolis, MD 21401

Regional Administrator, Region I  
U.S. Nuclear Regulatory Commission  
475 Allendale Road  
King of Prussia, PA 19406

Resident Inspector  
U.S. Nuclear Regulatory Commission  
P.O. Box 126  
Lycoming, NY 13093

Charles Donaldson, Esquire  
Assistant Attorney General  
New York Department of Law  
120 Broadway  
New York, NY 10271

Mr. Paul D. Eddy  
Electric Division  
NYS Department of Public Service  
Agency Building 3  
Empire State Plaza  
Albany, NY 12223

Mr. Peter R. Smith, President  
New York State Energy, Research,  
and Development Authority  
17 Columbia Circle  
Albany, NY 12203-6399

Mark J. Wetterhahn, Esquire  
Winston & Strawn  
1400 L Street, NW  
Washington, DC 20005-3502

Supervisor  
Town of Scriba  
Route 8, Box 382  
Oswego, NY 13126

Mr. James M. Petro, Jr., Esquire  
Counsel  
Constellation Energy Group, Inc.  
750 East Pratt Street, 5<sup>th</sup> Floor  
Baltimore, MD 21202

Ms. Deb Katz, Executive Director  
Nuclear Security Coalition  
c/o Citizens Awareness Network  
P.O. Box 83  
Shelburne Falls, MA 01370