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Sent: Monday, November 03, 2014 8:13 AM
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Subject: Acceptance Review- Acceptance of MF4388, Nine Mile Point
Nuclear Station Unit No. 2, Request for Exemption from 10 CFR 50,
Appendix A, GDC-56

Subject: Nine Mile Point Nuclear Station Unit No. 2; Docket No. 50-410
Request for Exemption from 10 CFR 50, Appendix A, GDC-56
(TAC Nos. MF4388)

By letter dated June 27, 2014, Exelon Generation Company, LLC (EGC), pursuant to 10 CFR 50.12, Specific Exemptions, submitted a request for exemption from 10 CFR Part 50, Appendix A, GDC-56 for Nine Mile Point Nuclear Station, Unit No. 2. On June 6, 2013, the Nuclear Regulatory Commission (NRC) issued Order EA-13-109 (Reference 1) to all licensees that operate boiling-water reactors (BWRs) with Mark I and Mark II containment to take certain actions to ensure the functionality of reliable hardened containment vent systems (HCVS) to remove decay heat and maintain control of containment pressure following events that result in loss of active containment heat removal capability or Extended Loss of AC Power (ELAP), and ensure that containment venting functions are also available during severe accident conditions.

In order to meet the requirements of the Order EA-13-109 regarding implementation of a HCVS, Exelon Generation Company, LLC (EGC) determined that an exemption from the requirements of 10 CFR 50, Appendix A, General Design Criterion (GDC) 56, Primary Containment Isolation, is needed to permit an alternative containment isolation valve configuration for Nine Mile Point Unit 2 (NMP2) Penetrations Z-48 and Z-51.

The purpose of this communication is to provide the results of the U.S. Nuclear Regulatory Commission (NRC) staff's acceptance review of this exemption request. The acceptance review was performed to determine if there is sufficient technical information in scope and depth to allow the NRC staff to complete its detailed technical review. The acceptance review is also intended to identify whether the application has any readily apparent information insufficiencies in its characterization of the regulatory requirements or the licensing basis of the plant.

Section 50.12 of Title 10 of the Code of Federal Regulations (10 CFR) states, in part, that the Commission may grant exemptions which are authorized by law, will not present an undue risk to public health and safety, is consistent with common defense and security, and special circumstances are present. 10 CFR 50.12(a)(2) provides the types of special circumstances that would allow the Commission to consider granting an exemption. An application for an exemption should include the regulatory and technical basis that demonstrates that the above requirements are met.

The NRC staff has reviewed your application and concluded that it does provide technical information in sufficient detail to enable the NRC staff to complete its detailed technical review and make an independent assessment regarding the acceptability of the proposed amendment in terms of regulatory requirements and the protection of public health and safety and the environment. Given the lesser scope and depth of the acceptance review as compared to the detailed technical review, there may be instances in which issues that impact the NRC staff's ability to complete the detailed technical review are identified despite completion of an adequate acceptance review. You will be advised of any further information needed to support the NRC staff's detailed technical review by separate correspondence.

If you have any questions, please contact me, at (301) 415-3308.

Bhalchandra K. Vaidya
Licensing Project Manager

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