

Mr. John H. Mueller
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August 24, 2000

SUBJECT: NINE MILE POINT NUCLEAR STATION, UNIT NO. 2 - ISSUANCE OF
AMENDMENT TO CORRECT ADMINISTRATIVE ERRORS INTRODUCED BY
AMENDMENT NO. 92 (TAC NO. MA9094)

Dear Mr. Mueller:

The Commission has issued the enclosed Amendment No. 93 to Facility Operating License No. NPF-69 for the Nine Mile Point Nuclear Station, Unit No. 2. The amendment consists of changes to the Technical Specifications (TSs) in response to your application transmitted by letter dated June 7, 2000.

This amendment revises TS Section 3.10.8, "SHUTDOWN MARGIN (SDM) Test -- Refueling," correcting an administrative error introduced when Amendment No. 92 was processed. The associated Bases document pages are also revised.

A copy of the related Safety Evaluation is enclosed. A Notice of Issuance will be included in the Commission's 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. 50-410

Enclosures: 1. Amendment No. 93 to NPF-69
2. Safety Evaluation

cc w/encls: See next page

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*J. Calvo concurred for Marinos

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Unit No. 2

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NIAGARA MOHAWK POWER CORPORATION

DOCKET NO. 50-410

NINE MILE POINT NUCLEAR STATION, UNIT 2

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 93
License No. NPF-69

1. The Nuclear Regulatory Commission (the Commission) has found that:
 - A. The application for amendment by Niagara Mohawk Power Corporation (the licensee) dated June 7, 2000, 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 1;
 - 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. NPF-69 is hereby amended to read as follows:

(2) Technical Specifications and Environmental Protection Plan

The Technical Specifications contained in Appendix A and the Environmental Protection Plan contained in Appendix B, both of which are attached hereto, as revised through Amendment No. 93 are hereby incorporated into this license. Niagara Mohawk Power Corporation shall operate the facility in accordance with the Technical Specifications and the Environmental Protection Plan.

3. This license amendment is effective as of the date of its issuance, to be implemented concurrently with Amendment No. 92.

FOR THE NUCLEAR REGULATORY COMMISSION

/RA/

Marsha Gamberoni, Chief, Section 1
Project Directorate I
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Attachment:
Changes to the Technical
Specifications

Date of Issuance: August 24, 2000

ATTACHMENT TO LICENSE AMENDMENT NO. 93
TO FACILITY OPERATING LICENSE NO. NPF-69
DOCKET NO. 50-410

Replace the following pages of Appendix A, Technical Specifications, with the attached pages. The revised pages are identified by amendment number and contain vertical lines indicating the areas of change.

Remove

3.10.8-1
3.10.8-2

Insert

3.10.8-1
3.10.8-2

Replace the following pages of the Technical Specifications Bases document with the attached pages. The revised pages are identified by amendment number and contain vertical lines indicating the areas of change. Bases pages are controlled by the licensee under Technical Specification 5.5.10, "Technical Specifications (TS) Bases Control Program." These pages are included with the amendment for information only.

B 3.10.8-2
B 3.10.8-5

B 3.10.8-2
B 3.10.8-5

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION
RELATED TO AMENDMENT NO. 93 TO FACILITY OPERATING LICENSE NO. NPF-69
NIAGARA MOHAWK POWER CORPORATION
NINE MILE POINT NUCLEAR STATION, UNIT NO. 2
DOCKET NO. 50-410

1.0 INTRODUCTION

On February 15, 2000, the NRC staff issued Amendment No. 91 to the operating license of Nine Mile Point Nuclear Station, Unit No. 2, revising the entire Technical Specifications document (TS, Appendix A to the operating license) to the format and style of the Improved Technical Specifications (ITS; NUREG-1434, "Standard Technical Specifications for General Electric Plants, BWR/4 and BWR/6, Revision 1, April 1995). Due to its extensive nature, the staff permits Amendment No. 91 be implemented over several months, but no later than August 31, 2000. Thus between February 15, 2000, and the future date when Amendment No. 91 is fully implemented, two sets of TS by necessity co-exist: the "old" TS and the "improved" TS. Any amendment issued during this period will convey both "old" and "improved" TS pages.

While review for Amendment No. 91 was ongoing, the NRC staff was also reviewing proposed changes to the then current TS to impose requirements for the Oscillation Power Range Monitor (OPRM) system. On March 2, 2000, the staff issued Amendment No. 92, which imposes requirements on the OPRM on both the "old" TS and "improved" TS. Subsequently the licensee found that certain "improved" TS pages containing OPRM requirements do not completely conform with "old" pages. By letter dated June 7, 2000, the licensee proposed to correct these errors which were inadvertently introduced during the review process of Amendment No. 92. Details of the staff's evaluation of the proposed corrections follow.

2.0 EVALUATION

The proposed amendment would revise Section 3.10.8, "SHUTDOWN MARGIN (SDM) Test -- Refueling," of the TS, correcting an administrative error introduced when Amendment No. 92 was processed. The error of omission originated in the licensee's February 7, 2000, supplemental submittal, which did not propose to revise "improved" Specification 3.10.8 to be consistent with the changes made to Table 3.3.1.1. Specifically, the licensee did not propose to revise Limiting Condition for Operation (LCO) 3.10.8.a, Surveillance Requirement 3.10.8.1 and associated Bases Section 3.10.8 to reflect the re-numbering of Function 2.e to 2.f on Table 3.3.1.1-1 as a consequence of the insertion of a new Reactor Protection System function (i.e., Function 2.e, "OPRM-Upscale").

The staff compared the "old" TS pages with the "improved" TS pages, both issued by Amendment No. 92, and confirmed the existence of the administrative (i.e., numbering) errors described above. The staff has reviewed the technical basis for the OPRM requirements and has delineated its findings in the Safety Evaluation associated with Amendment No. 92. The staff confirmed that renumbering of the entries described above does not introduce any new or revised technical requirement from what was previously approved by Amendment No. 92. Thus, the staff finds the changes (corrections) to TS pages 3.10.8-1 and 3.10.8-2, as proposed by the licensee's June 7, 2000, letter acceptable.

The Technical Specifications Bases document is not part of the TS (10 CFR 50.36(a)), and the licensee may revise it without the need for prior NRC review or approval, provided the revision does not involve an unreviewed safety question. At Nine Mile Point Nuclear Station, Unit No. 2, the Bases document is controlled by TS 5.5.10, "Technical Specifications (TS) Bases Control Program." The licensee has included in its June 7, 2000, submittal revised Bases pages B3.10.8-2 and B3.10.8.5 for information. The staff reviewed the revised Bases pages to ensure that they are consistent with the proposed TS revision and with the associated safety analysis provided in the licensee's submittal. No problems were noted.

The staff published a proposed determination of no significant hazards in the Federal Register (65 FR 37807, dated June 16, 2000). No comments were received from members of the public.

3.0 STATE CONSULTATION

In accordance with the Commission's regulations, New York State official, Mr. Jack Spath, was notified of the proposed issuance of the amendment. The State official had no comments.

4.0 ENVIRONMENTAL CONSIDERATION

Pursuant to 10 CFR 51.21, 51.32, and 51.35, an Environmental Assessment and Finding of No Significant Impact was published in the Federal Register on August 24, 2000 (65 FR 51633).

Accordingly, based on the Environmental Assessment, the Commission has determined that issuance of this amendment will not have a significant effect on the quality of the human environment.

5.0 CONCLUSION

The 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 Contributors: Subinoy Mazumdar and Peter Tam

Date: August 24, 2000