

FEBRUARY 21 1980

Docket No. 50-220

Mr. Donald P. Dise
Vice President - Engineering
Niagara Mohawk Power Corporation
300 Erie Boulevard West
Syracuse, New York 13202

Dear Mr. Dise:

The Commission today has issued the enclosed Confirmatory Order for the Nine Mile Point Nuclear Station. This Order confirms your commitment, as stated in your letter dated December 21, 1979, to install a recirculation pump trip by December 31, 1980.

A copy of this Order is being filed with the Office of the Federal Register for publication.

Sincerely,

D. Eisenhut

for

Harold R. Denton, Director
Office of Nuclear Reactor Regulation

Enclosure:
Confirmatory Order

8003 120 779

ORB#3
SSheppard
2/6/80

ORB#3
PPoIk
2/6/80

OELD
H. Cyr
2/8/80

ORB#3
Tippolito
2/6/80

OFFICE	ORB#3 <i>H</i>	AtAD/ORP/DOR	AtDD/DOR <i>DE</i>	AtD/DOR <i>DE</i>	DD/NRR	D/NRR
SURNAME	JHannon:ar	WGammill	RTedesco	DEisenhut	ECase	HDenton
DATE	2/6/80	2/8/80	2/11/80	2/21/80	2/1/80	2/21/80

Mr. Donald P. Dise
Niagara Mohawk Power Corporation

- 2 -

cc:

Eugene B. Thomas, Jr., Esquire
LeBoeuf, Lamb, Leiby & MacRae
1757 N Street, N. W.
Washington, D. C. 20036

Anthony Z. Roisman
Natural Resources Defense Council
917 15th Street, N. W.
Washington, D. C. 20005

T. K. BeBoer, Director
Technological Development Programs
State of New York
Energy Office
Swan Street Building
CORE 1 - Second Floor
Empire State Plaza
Albany, New York 12223

Mr. Robert P. Jones, Supervisor
Town of Scriba
R. D. #4
Oswego, New York 13126

Niagara Mohawk Power Corporation
ATTN: Mr. Thomas Perkins
Plant Superintendent
Nine Mile Point Plant
300 Erie Boulevard West
Syracuse, New York 13202

Director, Technical Assessment Division
Office of Radiation Programs (AW 459)
US EPA
Crystal Mall #2
Arlington, Virginia 20460

U. S. Environmental Protection Agency
Region II Office
ATTN: EIS COORDINATOR
26 Federal Plaza
New York, New York 10007

Oswego County Office Building
46 E. Bridge Street
Oswego, New York 13126

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)
NIAGARA MOHAWK POWER CORPORATION) Docket No. 50-220
(Nine Mile Point Nuclear Station))

CONFIRMATORY ORDER

I.

Niagara Mohawk Power Corporation (the licensee) is the holder of Facility Operating License No. DPR-63 which authorizes the Licensee to operate the Nine Mile Point Nuclear Station at power levels not in excess of 1850 megawatts thermal (rated power). The facility is a boiling water reactor located at the Licensee's site in Oswego County, New York.

II.

Over the past eleven years the subject of anticipated transients without scram (ATWS) events and the manner in which they should be considered in the design of nuclear power plants has been discussed extensively between the Nuclear Regulatory Commission (NRC) Staff and the nuclear industry.

In April 1978, the Staff published a report on, "Anticipated Transients Without Scram for Light-Water Reactors", NUREG-0460, Volumes 1 and 2, which summarized technical considerations related to ATWS and made recommendations.

8003120283

Following additional investigations by the Staff and by the ACRS, the Staff issued Volume 3 of NUREG-0460, in December 1978.

Although final determination of all the design changes to nuclear power plants which may be necessary to respond to ATWS events has not yet been reached, the Staff has concluded that the addition of a Recirculation Pump Trip (RPT) in boiling water reactors (BWRs) would significantly limit the immediate consequences of an ATWS event. Therefore, letters dated January 9, 1979 were sent to the BWR licensees who did not have installed RPTs. These letters:

- described the reasons for requiring an RPT at this time,
- described two alternative ways to provide an acceptable RPT, and
- requested that licensees provide an RPT implementation schedule which would provide for installation within two years.

III.

Because an RPT provides considerable additional assurance that a BWR can safely respond to an ATWS event, I have determined that installation of an RPT by BWR licensees should be completed as soon as practicable and in no event later than December 31, 1980. In response to the letter of January 9, 1979, and additional discussions with the Staff, the licensee committed, by letter dated December 21, 1979, to installation of an RPT before reactor operation during calendar year 1981. I have determined that this commitment should be formalized by Order requiring that RPT installation be completed no later than December 31, 1980.

IV.

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, IT IS HEREBY ORDERED THAT:

The licensee shall, by December 31, 1980, install a recirculation pump trip, or in the alternative, place and maintain its facility in a cold shutdown or refueling mode of operation.

V.

Any person who has an interest affected by this Order may request a hearing within twenty (20) days of the date of the Order. Any request for a hearing will not stay the effectiveness of this Order. Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U. S. Nuclear Regulatory Commission, Washington, D. C. 20555. If a hearing is requested by a person whose interest may be affected by this Order, the Commission will issue an Order designating the time and place of any such hearing.

In light of the Licensee's expressed willingness to install an RPT, if a hearing is held concerning this Order the issue to be considered at the hearing shall be:

whether RPT installation should be implemented as prescribed in this Order.

Operation of the facility on terms consistent with this Order is not stayed by the pendency of any proceedings on the Order.

FOR THE NUCLEAR REGULATORY COMMISSION



Darrell G. Eisenhut, Acting Director
Division of Operating Reactors
Office of Nuclear Reactor Regulation

Effective date: FEBRUARY 21 1960
Bethesda, Maryland