

May 28, 1998

Mr. John H. Mueller  
Chief Nuclear Officer  
Niagara Mohawk Power Corporation  
Nine Mile Point Nuclear Station  
Operations Building, Second Floor  
P. O. Box 63  
Lycoming, NY 13093

SUBJECT: NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENTS TO FACILITY OPERATING LICENSES, PROPOSED NO SIGNIFICANT HAZARDS CONSIDERATION DETERMINATION, AND OPPORTUNITY FOR HEARING, NINE MILE POINT NUCLEAR STATION UNIT NOS. 1 AND 2 (TAC NO. MA1942 and MA1943)

Dear Mr. Mueller:

The Commission has requested the Office of the Federal Register to publish the enclosed "Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for A Hearing." This notice relates to your applications for amendments dated May 15, 1998 (two letters, one for each unit), to change administrative sections of the Technical Specifications to reflect a restructuring of your Nuclear Division upper management organization.

Sincerely,

Original Signed by:

Darl S. Hood, Senior Project Manager  
Project Directorate I-1  
Division of Reactor Projects - I/II  
Office of Nuclear Reactor Regulation

Docket No. 50-220  
and 50-410

Enclosure: Notice

cc w/encl: See next page

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UNITED STATES  
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

May 28, 1998

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Niagara Mohawk Power Corporation  
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Sincerely,

A handwritten signature in cursive script that reads "Darl S. Hood".

Darl S. Hood, Senior Project Manager  
Project Directorate I-1  
Division of Reactor Projects - I/II  
Office of Nuclear Reactor Regulation

Docket Nos. 50-220  
and 50-410

Enclosure: Notice

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John H. Mueller  
Niagara Mohawk Power Corporation

Nine Mile Point Nuclear Station  
Unit Nos. 1 and 2

cc:

Regional Administrator, Region I  
U.S. Nuclear Regulatory Commission  
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New York State Energy, Research,  
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Albany, NY 12203-6399

**UNITED STATES NUCLEAR REGULATORY COMMISSION****NIAGARA MOHAWK POWER CORPORATION****DOCKET NOS. 50-220 AND 50-410****NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENT TO  
FACILITY OPERATING LICENSE, PROPOSED NO SIGNIFICANT HAZARDS  
CONSIDERATION DETERMINATION, AND OPPORTUNITY FOR A HEARING**

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating License Nos. DPR-63 and NPF-69 issued to Niagara Mohawk Power Corporation (the licensee or NMPC) for operation of the Nine Mile Point Nuclear Station, Unit 1 (NMP1) and Unit 2 (NMP2), respectively, located in the town of Scriba, Oswego County, New York.

The proposed amendments would change administrative sections of the Technical Specifications (TS) (Sections 6.1, "Responsibility"; 6.2, "Organization"; 6.5, "Review and Audit"; 6.6, "Reportable Occurrence Action"; and 6.7, "Safety Limit Violation") to reflect a restructuring of the licensee's upper management organization for the Nuclear Division. The Nuclear Division organizational restructuring would involve the elimination of the Vice President and General Manager -Nuclear position and the establishment of the Vice President - Nuclear Generation position. The Chief Nuclear Officer (CNO) would assume corporate and TS responsibility for overall plant nuclear safety (a responsibility currently assigned to the Vice President and General Manager -Nuclear). The TS responsibility for plant operation (also currently assigned to the Vice President and General Manager -Nuclear) would be assumed by the Vice President - Nuclear Generation. The new Vice President - Nuclear Generation position would report directly to the CNO. In addition to existing responsibilities delineated by TS 6.5.3.1, 6.5.3.9, and 6.5.3.10, the CNO would have overall responsibility for oversight of the Nuclear Division, including corporate and TS responsibility for overall plant nuclear safety, with authority to take such measures as

may be needed to ensure acceptable performance of his staff in operating, maintaining, and providing technical support to the plant. The CNO would be responsible for periodically issuing management direction emphasizing the primary responsibilities of the Shift Supervisor. The changes for NMP1 would also correct a clerical error in which a previous Amendment No. (No. 144) was omitted when designating superseded amendments during preparation of prior Amendment No. 157.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The operation of Nine Mile Point Unit 1 [or Unit 2], in accordance with the proposed amendment, will not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed amendment updates the...TS to reflect the revised NMPC Nuclear Division upper management organizational structure and associated reassignments of responsibilities. The proposed organizational structure provides more direct lines of authority by re-establishing the position and responsibilities of Vice President - Nuclear Generation and eliminating the position of Vice President and General Manager - Nuclear. The Vice President - Nuclear Generation will assume TS responsibility for plant operation. The Chief Nuclear Officer is reassigned corporate and TS responsibility for overall plant nuclear safety with direct reporting from the Vice Presidents responsible for Nuclear Generation, Engineering, and Safety Assessment and Support. The Chief Nuclear Officer is also assigned the responsibility for periodically issuing management direction emphasizing the primary responsibilities of the Shift

Supervisor. The proposed organizational structure and associated reassignments of responsibilities provide for the integrated management of activities necessary to support the safe operation of the... nuclear facility....

The proposed changes are limited to the administrative sections of the TS and the changes do not alter the technical content or intent of the affected administrative requirements and responsibilities. The revised organizational structure will not affect the design, function, or operation of any plant structure, system, or component (SSC), nor will it affect any maintenance, modification, or testing activities. Thus, there will be no impact on the capability of any SSC to perform its credited safety function to prevent an accident or mitigate the consequences of an accident as previously evaluated. Since the proposed changes are limited to administrative requirements and responsibilities, the changes do not involve accident precursors or initiators previously evaluated. It is, therefore, concluded that the probability of accident initiation will remain as previously evaluated and there will be no adverse effect on the conditions and assumptions of any previously evaluated accident. Hence, there will be no degradation of any fission product barrier which could increase the radiological consequences of any accident. Accordingly, operation in accordance with the proposed amendment will not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. The operation of Nine Mile Point Unit 1 [or Unit 2], in accordance with the proposed amendment, will not create the possibility of a new or different kind of accident from any accident previously evaluated.

The revised Nuclear Division organizational structure will not affect the design, function, or operation of any plant SSC, nor will it affect any maintenance, modification, or testing activities. The proposed changes are limited to the administrative sections of the TS and the changes do not alter the technical content or intent of the affected administrative requirements and responsibilities. As a result, the proposed changes will not impact the process variables, characteristics, or functional performance of any SSC in a manner that could create a new failure mode, nor will the changes introduce any new modes of plant operation or eliminate any requirements or impose any new requirements which could affect plant operation such that new credible accidents are introduced. Accordingly, operation in accordance with the proposed amendment will not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. The operation of Nine Mile Point Unit 1 [or Unit 2], in accordance with the proposed amendment, will not involve a significant reduction in a margin of safety.

The proposed amendment updates the TS to reflect the revised NMPC Nuclear Division upper management organizational structure and associated reassignments of responsibilities. The proposed changes are limited to the administrative sections of the TS and the changes do not alter the technical content or intent of the affected administrative requirements and responsibilities. As such, the proposed changes do not involve any hardware changes or physical alteration of the plant and the changes will have no impact on the design or

function of any SCC. Implementation of the proposed changes will promote clear management control and effective lines of authority and communication between the organizational units to assure necessary attention to nuclear safety matters. It is, therefore, concluded that the proposed changes do not eliminate any requirements or responsibilities, impose any new requirements or responsibilities, or alter any physical parameters which could reduce the margin to an acceptance limit. Accordingly, operation in accordance with the proposed amendment will not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendments requests involve no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish in the FEDERAL REGISTER a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and should cite the publication date and page number of this FEDERAL REGISTER notice. Written comments may also be delivered to Room 6D59, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland, from 7:30 a.m. to 4:15

p.m. Federal workdays. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC.

The filing of requests for hearing and petitions for leave to intervene is discussed below.

By July 2, 1998, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Reference and Documents Department, Penfield Library, State University of New York, Oswego, New York 13126. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as

to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemakings and Adjudications Staff, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and to Mark J. Wetterhahn, Esquire, Winston & Strawn, 1400 L Street, NW, Washington, DC 20005-3502, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

For further details with respect to this action, see the applications for amendment dated May 15, 1998 (two letters, one for each unit), which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington,

DC, and at the local public document room located at the Reference and Documents  
Department, Penfield Library, State University of New York, Oswego, New York 13126

Dated at Rockville, Maryland, this 28 day of May 1998.

FOR THE NUCLEAR REGULATORY COMMISSION



Darl S. Hood, Senior Project Manager  
Project Directorate I-1  
Division of Reactor Projects - I/II  
Office of Nuclear Reactor Regulation