

February 15, 1989

Docket No. 50-220

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Mr. Lawrence Burkhardt III
Executive Vice President - Nuclear Operations
Niagara Mohawk Power Corporation
301 Plainfield Road
Syracuse, New York 13212

Dear Mr. Burkhardt:

SUBJECT: NINE MILE POINT NUCLEAR STATION, UNIT NO. 1 - NOTICE OF
CONSIDERATION OF ISSUANCE OF AMENDMENT (TAC NO. 71927)

The Commission has requested the Office of the Federal Register to publish the enclosed "Notice of Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing." This notice relates to your application for amendment dated January 13, 1989, which requested revision to the Nine Mile Point 1 Technical Specification concerning Core Spray. This notice was published to support your upcoming reload and ensure a full 30-day notice period.

Sincerely,

original signed by
Marylee M. Slosson, Project Manager
Project Directorate I-1
Division of Reactor Projects I/II

Enclosure:
Notice

cc: See next page

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Niagara Mohawk Power Corporation

Nine Mile Point Nuclear Station,
Unit No. 1

cc:

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UNITED STATES NUCLEAR REGULATORY COMMISSIONNIAGARA MOHAWK POWER CORPORATIONDOCKET NO. 50-220NOTICE OF CONSIDERATION OF ISSUANCE AMENDMENT TO
FACILITY OPERATING LICENSE AND PROPOSED NO SIGNIFICANT HAZARDS
CONSIDERATION DETERMINATION AND OPPORTUNITY FOR HEARING

The U. S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendment to Facility Operating License No. DPR-63, issued to Niagara Mohawk Power Corporation (the licensee), for operation of the Nine Mile Point Nuclear Station Unit No. 1 located in Oswego County, New York.

The amendment would make the following changes in accordance with the licensee's application for amendment dated January 13, 1989.

The amendment would revise the Technical Specifications to: 1) eliminate current Specification 3.1.7d which allows operation up to seven days with an inoperable core spray system; 2) to indicate Specifications 3.1.4a, b, c, and d are applicable in the Hot Shutdown, Startup, and Run Conditions (i.e., when reactor coolant temperature is greater than 212°F); 3) to add new Specification 3.1.4f, g, h, and i to Section 3.1.4 which are applicable in the Cold Shutdown and Refuel Conditions; 4) to indicate that Surveillance Requirement 4.1.4g is applicable when the reactor coolant temperature is greater than 212°F only; 5) to delete Specification 3.1.7h; 6) to redesignate existing Specification 3.1.4g to be 3.1.4e; 7) to revise Specification 3.1.4f; and 8) to delete Specification 3.3.7f.

The change to delete the section allowing operation with one core spray system inoperable is required in accordance with the current reload analysis to meet Appendix K to 10 CFR Part 50 requirements. The reduction of 15 days

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to 7 days in Specification 3.1.4b reflects that two core spray systems must be functional. The change to 4.1.4g is to require the surveillance to be performed when core spray is required to be operable. The test is performed to ensure a water hammer will not occur. In addition to the above changes, the Specifications are being revised to allow less stringent core spray operability requirements during cold shutdown and refuel conditions when only one loop of the core spray systems is required to provide sufficient water to adequately cool the core. This is consistent with standard Technical Specifications. Specification 3.1.4h will require that all maintenance be suspended if it has the potential to cause reactor vessel drainage when a required core spray subsystem is inoperable. The current 3.1.4f identifies potential methods of draining the reactor vessel during maintenance. The remaining changes are administrative. Section 3.1.4h is deleted because its requirements are included as a Safety Limit in Specification 2.1.1.e. The changes to the Bases 3.1.4 and 4.1.4 delete references to the backup diesel generator power. The changes should have been made as part of Amendment No. 55 which restated the definition of operable to include not only the specific component/system, but necessary supporting requirements. Specification 3.3.7f is being deleted because it contains Limiting Conditions for Operation (LCO's) for the Containment Spray System when the suppression pool is dewatered. The suppression pool is only dewatered below 215°F. The Containment Spray System is required to be operable above 215°F. Therefore, they are not applicable. All other changes are the redesignation of previous specifications due to the addition of new ones.

Before issuance of the proposed license amendments, 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 amendments requested involve no significant hazards considerations. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendments would not (1) Involve a significant increase in the probability of a new or different kind of accident from any 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.

The licensee evaluated the proposed changes against the standards in 10 CFR 50.92 and has provided the following analysis:

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

The change to require both Core Spray systems to be operable when irradiated fuel is in the reactor vessel and the reactor coolant temperature is greater than 212°F will assure that the plant will be operating in accordance with analyzed conditions to meet the requirements of Appendix K to 10 CFR Part 50. The change will assure compliance with the Nuclear Regulatory Commission Regulations. Therefore, it does not involve a significant increase in the probability or consequences of an accident previously evaluated.

Since there is not a potential for a water hammer during Cold Shutdown or Refuel conditions, the change to require Surveillance Requirement 4.1.4g to be performed only when the reactor coolant temperature is greater than 212°F will not increase the probability or consequences of an accident.

Since only one Core Spray system is required to provide adequate cooling to the core in the Cold Shutdown and Refuel conditions, requiring one system or two subsystems to be operable provides adequate redundancy to assure a core spray loop is available to mitigate the consequences of an accident. Therefore, the change to require one system or one subsystem in each Core Spray system to be operable during Cold Shutdown or Refuel conditions will not increase the probability or consequences of an accident previously evaluated.

The change to redesignate existing specifications is administrative in nature and has no impact on the probability or consequences of an accident previously evaluated.

The operation of Nine Mile Point Unit 1, 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 proposed changes do not involve any changes to the plant or changes in test practices. The changes will reduce allowable out-of-service times for the Core Spray system. The change to Surveillance Requirement 4.1.4g will allow the core spray keep fill system to be inoperable when the reactor coolant temperature is less than or equal to 212°F when it is not required to prevent an accident or transient. Therefore, the proposed changes cannot create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed change regarding the redesignation of specifications is administrative and will not create the possibility of a new or different kind of accident from any accident previously evaluated.

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

The proposed changes are being made to assure that there is adequate redundancy in the Core Spray system operability to assure that a Core Spray system is available to mitigate the consequences of an accident. Therefore, the proposed amendment will not result in a reduction in a margin of safety. It assures that the existing margins of safety are maintained. The changes involving the redesignation of the existing technical specification sections are administrative in nature and have no impact on a margin of safety.

Based upon the above, the NRC staff proposes to determine that the TS changes proposed for Nine Mile Point 1 involve no significant hazards considerations.

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. The Commission will not normally make a final determination unless it received a request for a hearing.

Comments should be addressed to the Secretary of the Commission, U. S. Nuclear Regulatory Commission, Washington, DC 20555, Attn: Docketing and Service Branch.

By March 27, 1989 , 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 petition for leave to intervene. Requests for a hearing and petitions 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. 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 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 a 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 fifteen (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 fifteen (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 that are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. 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 a final determination is that the amendment requested involves no significant hazards considerations, the Commission may issue the amendment and make it effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of this amendment.

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

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 considerations. The final determination will consider all public and State comments received. Should the Commission take this actions, it will publish 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.

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, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, Gelman Building, 2120 L Street, N.W., Washington, DC, by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325-6000 (in Missouri (800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Robert A. Capra: petitioner's name and telephone number; date petition was mailed; plant name; and publication date

and page number to this FEDERAL REGISTER notice. A copy of the petition should also be sent to the Office of the General Counsel, U. S. Nuclear Regulatory Commission, Washington, DC 20555, and to Troy B. Conner, Jr., Esquire, Conner and Wetterhahn, Suite 1050, 1747 Pennsylvania Avenue, N.W., Washington, DC 20006, 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 Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be 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 application for amendment which is available for public inspection at the Commission's Public Document Room 2120 L Street, N.W., Washington, DC 20555, and at the Local Public Document Room, Penfield Library State University of New York, Oswego, New York.

Dated at Rockville, Maryland, this 16th day of February 1989.

FOR THE NUCLEAR REGULATORY COMMISSION

ORIGINAL SIGNED BY
Marylee M. Slosson, Project Manager
Project Directorate I-1
Division of Reactor Projects I/II

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