



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

September 3, 1993

Docket No. 50-410

Mr. B. Ralph Sylvia
Executive Vice President, Nuclear
Niagara Mohawk Power Corporation
301 Plainfield Road
Syracuse, New York 13212

Dear Mr. Sylvia:

SUBJECT: NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENT TO FACILITY
OPERATING LICENSE, PROPOSED NO SIGNIFICANT HAZARDS CONSIDERATION
DETERMINATION, AND OPPORTUNITY FOR A HEARING, NINE MILE POINT
NUCLEAR STATION, UNIT 2 (TAC NO. M86185)

Enclosed is a copy of the subject notice for your information. This notice relates to your amendment request, dated April 7, 1993, as superseded by letter dated September 2, 1993, to modify the Technical Specifications to delete the surveillance requirement for Control Rod Drive (CRD) scram accumulator check valve testing. The proposed amendment would also modify the required actions for inoperable CRD scram accumulators in OPERATIONAL CONDITIONS 1 and 2. This notice supersedes the notice published on April 28, 1993 (58 FR 25858) in its entirety.

The notice has been forwarded to the Office of the Federal Register for publication.

Sincerely,

A handwritten signature in black ink, appearing to read "John E. Menning".

John E. Menning, Project Manager
Project Directorate I-1
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation

Enclosure:
As stated

cc w/enclosure:
See next page

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Mr. B. Ralph Sylvia
Niagara Mohawk Power Corporation

Nine Mile Point Nuclear Station
Unit 2

cc:

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UNITED STATES NUCLEAR REGULATORY COMMISSION

NINE MILE POINT NUCLEAR STATION, UNIT 2

DOCKET NO. 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 an amendment to Facility Operating License No. NPF-69 issued to Niagara Mohawk Power Corporation for operation of Nine Mile Point Nuclear Station, Unit 2, located in Oswego County, New York.

The proposed amendment would revise Technical Specification Section 3/4.1.3.5, "Control Rod Scram Accumulators." Surveillance Requirement 4.1.3.5.b.2, which requires control rod drive scram accumulator testing once per 18 months and specifies test acceptance criteria, would be deleted. In addition, the required actions for inoperable control rod scram accumulators in OPERATIONAL CONDITIONS 1 and 2, contained in Actions a.1 and a.2 of Limiting Condition for Operation 3.1.3.5, would be modified. This notice supersedes the notice published on April 28, 1993 (58 FR 25858) in its entirety.

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:

The operation of Nine Mile Point 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 changes would eliminate leak rate testing of the scram accumulator check valves. Corresponding changes would restrict plant operation such that either adequate charging water header or reactor steam dome pressure is available to insert control rods when scram accumulators are inoperable. The proposed changes provide operating flexibility where plant safety is not an immediate concern and prevent operation in a condition where inoperable accumulators are required to support the scram function. If neither charging water header or reactor steam dome pressure is adequate to meet scram insertion times, immediate shutdown is required by placing the mode switch in the Shutdown position. When adequate reactor steam dome pressure exists to assure scram capability, a limited period of time is allowed to restore a CRD [Control Rod Drive] pump to service. To protect against loss of scram capability during rapid depressurization, control rods associated with multiple inoperable scram accumulators are inserted and disarmed. Since the changes assure control rod operability during applicable operational conditions, the probability of CRD system failure is not significantly increased. Thus, the probability of an ATWS [Anticipated Transient Without Scram] event is not significantly increased.

The proposed required actions assure that either adequate charging water pressure or adequate reactor steam dome pressure is always available to support the scram function. The ability of the CRD system to perform its function during various degraded operating conditions is assured by the proposed changes. Those circumstances where scram function is not assured require immediate shutdown. Therefore, operation of Nine Mile Point Unit 2 in accordance with this proposed amendment will not involve a significant increase in the probability or consequences of an accident previously evaluated.

The operation of Nine Mile Point 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 safety function of the scram accumulator is to assist in control rod insertion when reactor steam dome pressure alone is insufficient. Prompt operator action is still required to prevent circumstances where scram accumulators with withdrawn rods are inoperable and reactor steam dome pressure might be insufficient to scram the reactor. Thus, the capability of the control rods to perform their safety function, i.e., insert within the required time, will not be affected by the proposed changes.

The proposed additions to LCO [Limiting Condition for Operation] 3.1.3.5 action statements will assure the scram capability of all control rods while reducing the probability of forced shutdowns and the associated demands on safety systems. The additional LCO action (i.e., shutdown if reactor steam dome pressure is less than 900 psig with no operating CRD pump) provides for prompt operator action to prevent operation in a condition where inoperable accumulators might be required to support the scram function.

In addition, the proposed changes do not represent a physical change to the plant as described in the NMP2 Updated Safety Analysis Report. The proposed changes do not modify any equipment nor do they create any potential initiating events that would create any new or different kinds of accident. As such, the plant initial conditions utilized for the design basis accident analysis are still valid. Therefore, operation of Nine Mile Point Unit 2 in accordance with the proposed amendment will not create the possibility of a new or different kind of accident from any previously assessed.

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

At normal reactor steam dome pressure (i.e., greater than or equal to 900 psig), reactor steam dome pressure alone is sufficient to scram the control rods. The proposed TS [Technical Specification] changes allow the plant operator 20 minutes to restart at least one CRD pump if there is more than one inoperable scram accumulator and reactor steam dome pressure is equal to or greater than 900 psig. To protect against degradation of the scram function during a depressurization event, the proposed changes require inserting and disarming control rods associated with multiple inoperable scram accumulators. The proposed TS changes require immediate shutdown if no CRD pumps are operating, reactor steam dome pressure is less than 900 psig, and one or more inoperable scram accumulators have associated control rods withdrawn.

The control rod system is designed to bring the reactor subcritical at a rate fast enough to prevent fuel thermal parameters from exceeding their respective safety limits during plant events. The safety function of the scram accumulators is to assist in control rod insertion when the

reactor steam dome pressure alone is insufficient. The proposed changes do not affect the capability of the control rods to perform their safety function and provide proper reactivity insertion within the required time. Therefore, the fuel cladding safety limit will not be affected as the MCPR [Minimum Critical Power Ratio] limit will continue to be met. The proposed changes do not affect the basis for any Technical Specification and previously established safety limits remain valid. Therefore, the operation of Nine Mile Point Unit 2 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 amendment request involves 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 Rules Review and Directives Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should cite the publication date and page number of this FEDERAL REGISTER notice. Written comments may also be delivered to Room P-223, Phillips Building, 7920 Norfolk Avenue, Bethesda, 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 20555.

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

By October 12, 1993 , 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 20555 and at the local public document room located at the Reference and Documents Department, Penfield Library, State University of New York, Oswego, New York. 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.

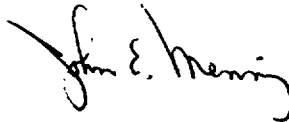
A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555, by the above date. Where petitions are filed during the last 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 1-(800) 248-5100 (in Missouri 1-(800) 342-6700). The Western Union operator should be given Datagram Identification Number N1023 and the following message addressed to Robert A. Capra, Director, Project Directorate I-1: petitioner's name and telephone number, date petition was mailed, plant name, and publication date and page number of 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 Mark J. Wetterhahn, Esquire, Winston and 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 application for amendment dated April 7, 1993, as superseded September 2, 1993, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555 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 3rd day of September 1993.

FOR THE NUCLEAR REGULATORY COMMISSION



John E. Menning, Project Manager
Project Directorate I-1
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation

September 3, 1993

Docket No. 50-410

Mr. B. Ralph Sylvia
Executive Vice President, Nuclear
Niagara Mohawk Power Corporation
301 Plainfield Road
Syracuse, New York 13212

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NUCLEAR STATION, UNIT 2 (TAC NO. M86185)

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The notice has been forwarded to the Office of the Federal Register for
publication.

Sincerely,

Original signed by:

John E. Menning, Project Manager
Project Directorate I-1
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation

Enclosure:
As stated

cc w/enclosure:
See next page

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