

October 14, 1999

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 AMENDMENT TO FACILITY
OPERATING LICENSE AND OPPORTUNITY FOR A HEARING, NINE MILE
POINT NUCLEAR STATION, UNIT NO. 2 (TAC NO. MA3822)

Dear Mr. Mueller:

Enclosed is a copy of a "Notice of Consideration of Issuance of Amendment to Facility Operating License and Opportunity for a Hearing," for your information. This notice relates to your application for amendment dated October 16, 1998, as supplemented by letters dated December 30, 1998, May 10, June 15, July 30, August 2, 11, 16, 19, 27, September 10, and 30, 1999, to respond to requests for additional information. In the application, you propose to convert the current Technical Specifications (TSs) for the Nine Mile Point Nuclear Station, Unit No. 2, to a set of improved TSs based upon NUREG-1433 and NUREG-1434, Revision 1, "Standard Technical Specifications for General Electric Plants, BWR/4 and BWR/6" dated April 1995.

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

Sincerely,

Original signed by:

Guy S. Vissing, Senior Project Manager, Section 1
Project Directorate I
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

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PDR ADOCK 05000410
P PDR

Docket No. 50-410

Enclosure: As stated

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UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

October 14, 1999

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Chief Nuclear Officer
Niagara Mohawk Power Corporation
Nine Mile Point Nuclear Station
Operations Building, Second Floor
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This notice has been forwarded to the Office of the Federal Register for publication.

Sincerely,

A handwritten signature in cursive script, reading "Guy S. Vissing".

Guy S. Vissing, Senior Project Manager, Section 1
Project Directorate I
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket No. 50-410

Enclosure: As stated

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Nine Mile Point Nuclear Station
Unit No. 2

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UNITED STATES NUCLEAR REGULATORY COMMISSIONNIAGARA MOHAWK POWER CORPORATIONDOCKET NO. 50-410NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENT TO
FACILITY OPERATING LICENSE AND OPPORTUNITY FOR A HEARING

The U.S. Nuclear Regulatory Commission (the Commission or NRC) is considering issuance of an amendment to Facility Operating License No. NPF-69, issued to the Niagara Mohawk Power Corporation (NMPC or the licensee), for operation of the Nine Mile Point Nuclear Station, Unit No. 2 (NMP2), located in Oswego County, New York.

The proposed amendment, requested by the licensee in a letter dated October 16, 1998, was supplemented by letters dated December 30, 1998, May 10, June 15, July 30, August 2, 11, 16, 19, 27, September 10, and 30, 1999. The application requests a full conversion from the current Technical Specifications (CTS) to a set of improved Technical Specifications (ITS) based on NUREG-1433 and NUREG-1434, "Standard Technical Specifications (STS) for General Electric Plants, BWR/4 and BWR/6," Revision 1, dated April 1995. NUREG-1433 and NUREG-1434 have been developed by the Commission's staff through working groups composed of both NRC staff members and industry representatives, and have been endorsed by the NRC staff as part of an industry-wide initiative to standardize and improve the Technical Specifications (TS) for nuclear power plants. As part of this submittal, the licensee has applied the criteria contained in the Commission's "Final Policy Statement on Technical Specification Improvements for Nuclear Power Reactors (Final Policy Statement)," published in the Federal Register on July 22, 1993 (58 FR 39132), to the CTS, and, using NUREG-1433 and NUREG-1434 as a basis, proposed an ITS for NMP2. The criteria in the Final Policy Statement were

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subsequently added to 10 CFR 50.36, "Technical Specifications," in a rule change that was published in the Federal Register on July 19, 1995 (60 FR 36953) and became effective on August 18, 1995.

The licensee has categorized the proposed changes to the CTS into four general groupings. These groupings are characterized as administrative changes, relocated changes, more restrictive changes, and less restrictive changes.

Administrative changes are those that involve restructuring, renumbering, rewording, interpretation and complex rearranging of requirements, and other changes not affecting technical content or substantially revising an operating requirement. The reformatting, renumbering and rewording process reflect the attributes of NUREG-1433 and NUREG-1434 and does not involve technical changes to the existing TS. The proposed changes include (a) providing the appropriate numbers, etc., for NUREG-1433 and NUREG-1434 bracketed information (information that must be supplied on a plant-specific basis, and which may change from plant to plant), (b) identifying plant-specific wording for system names, etc., and (c) changing NUREG-1433 and NUREG-1434 section wording to conform to existing licensee practices. Such changes are administrative in nature and do not impact initiators of analyzed events or assumed mitigation of accident or transient events.

Relocated changes are those involving relocation of requirements and surveillances for structures, systems, components, or variables that do not meet the criteria for inclusion in TS. Relocated changes are those current TS requirements that do not satisfy or fall within any of the four criteria specified in 10 CFR 50.36(c)(2)(ii) and may be relocated to appropriate licensee-controlled documents.

The licensee's application of the screening criteria is described in Attachment 1 of the licensee's October 16, 1998, submittal, which is entitled, "Application of Selection Criteria to NMP2 Technical Specifications" (Split Report) in Volume 1 of the submittal. The affected

structures, systems, components or variables are not assumed to be initiators of analyzed events and are not assumed to mitigate accident or transient events. The requirements and surveillances for these affected structures, systems, components, or variables will be relocated from the TS to administratively controlled documents such as the quality assurance program, the final safety analysis report (FSAR), the ITS BASES, the Technical Requirements Manual (TRM) that is incorporated by reference in the FSAR, the Core Operating Limits Report (COLR), the Offsite Dose Calculation Manual (ODCM), the Inservice Testing (IST) Program, or other licensee-controlled documents. Changes made to these documents will be made pursuant to 10 CFR 50.59 or other appropriate control mechanisms, and may be made without prior NRC review and approval. In addition, the affected structures, systems, components, or variables are addressed in existing surveillance procedures that are also subject to 10 CFR 50.59. These proposed changes will not impose or eliminate any requirements.

More restrictive changes are those involving more stringent requirements compared to the CTS for operation of the facility. These more stringent requirements do not result in operation that will alter assumptions relative to the mitigation of an accident or transient event. The more restrictive requirements will not alter the operation of process variables, structures, systems, and components described in the safety analyses. For each requirement in the STS that is more restrictive than the CTS that the licensee proposes to adopt in the ITS, the licensee has provided an explanation as to why it has concluded that adopting the more restrictive requirement is desirable to ensure safe operation of the facility because of specific design features of the plant.

Less restrictive changes are those where CTS requirements are relaxed or eliminated, or new plant operational flexibility is provided. The more significant "less restrictive" requirements are justified on a case-by-case basis. When requirements have been shown to provide little or no safety benefit, their removal from the TS may be appropriate. In most cases, relaxations

previously granted to individual plants on a plant-specific basis were the result of (a) generic NRC actions, (b) new NRC staff positions that have evolved from technological advancements and operating experience, or (c) resolution of the Owners Groups' comments on the Improved Standard Technical Specifications (ISTS). Generic relaxations contained in NUREG-1433 and NUREG-1434 were reviewed by the NRC staff and found to be acceptable because they are consistent with current licensing practices and NRC regulations. The licensee's design is being reviewed to determine if the specific design bases and licensing bases are consistent with the technical bases for the model requirements in NUREG-1433 and NUREG-1434, thus providing a basis for these revised TS, or if relaxation of the requirements in the CTS is warranted based on the justification provided by the licensee.

These administrative, relocated, more restrictive, and less restrictive changes to the requirements of the CTS do not result in operations that will alter assumptions relative to mitigation of an analyzed accident or transient event.

In addition to the proposed changes solely involving the conversion, there are also proposed changes that are different from the requirements in both the CTS and the STS (NUREG-1433 and NUREG-1434). These proposed beyond-scope issues to the ITS conversion are as follows:

1. ITS 3.1.8, changing the Scram Discharge Volume Vent and Drain Valve ACTIONS to allow continued operation with one valve in a line inoperable by isolating the penetration within 7 days (ACTION A) and to allow continued operation with two valves in a line by isolating the penetration within 8 hours (ACTION B). The ISTS requires the valves(s) to be restored to Operable status within 7 days.

2. ITS 3.3.1.1, ITS 3.3.6.1, ITS 3.5.1, and ITS 3.5.2, adding a Note to the Reactor Protection System (RPS) (Functions 3 and 4) and Isolation (Main Steam Line Isolation Valve (MSIV) Functions) Instrumentation Specifications exempting the sensors from response time

testing and a Note to the Emergency Core Cooling System (ECCS) - Operating and - Shutdown Specifications exempting the instrumentation from response time testing.

3. ITS 3.3.2.2, allowing the feedwater pump to be removed from service in lieu of shutting down the unit to < 25% Rated Thermal Power (RTP) when the feedwater and main turbine high water level channel is inoperable and untripped.

4. ITS 3.3.3.1, ITS 3.3.3.2, ITS 3.3.8.2, ITS 3.3.8.3 and ITS 3.4.7, adding a Note to allow 6 hours to do Surveillance testing of the Post Accident Monitoring, Remote Shutdown System, RPS logic bus Electrical Power Assemblies (EPAs), RPS scram solenoid bus EPAs and Leak Detection System, instrumentation channels prior to entering Actions.

5. ITS 3.3.4.2, adding an allowance to only remove the associated (Anticipated Transient Without Scram ATWS)-recirculating pump trip (RPT) breaker (fast speed or slow speed, as applicable) from service, in lieu of removing the entire pump from service.

6. ITS 3.3.5.1, ITS 3.3.8.1, ITS 3.3.8.2 and ITS 3.3.8.3, changing the Allowable Values for (a) the Low Pressure Cooling Injection (LPCI) and High Pressure Core Spray (HPCS) minimum flow valves instrumentation; (b) the HPCS suppression pool water level swap over instrumentation; (c) the Loss of Voltage and Degraded Voltage Functions, including time delays; (d) the Undervoltage, Overvoltage, and Underfrequency Functions for the RPS Logic Bus EPAs ; and (e) the Undervoltage, Overvoltage, and Underfrequency Functions for the RPS Scram Solenoid Bus EPAs.

7. ITS 3.3.6.1, deleting the MODE 1 and 2 requirements for certain Shutdown Cooling Isolation Functions (residual heat removal (RHR) Equipment Area temperature, Reactor Building Pipe Chase Temperature, Reactor Building Temperature, and Reactor Vessel Water Level - Low, Level 3.)

8. ITS 3.3.8.1 and ITS 3.3.5.1, deleting the Group 4 valves from isolation instrumentation requirements.

9. ITS 3.3.8.1, changing the requirement to only requiring 2 channels of degraded voltage and loss of voltage in lieu of three channels.

10. ITS SR 3.4.1.1 requiring verification every 12 hours that operation is in the "Unrestricted Zone" of ITS Figure 3.4.1-1. This will ensure that entry into a region where potential instabilities can occur will not go undetected.

11. ITS 3.4.1, changing from 2 hours to 8 hours the frequency for determining the Average Power Range Monitors (APRM) and Low Power Range Monitors (LPRM) baseline noise level the first time the unit is in the Restricted Zone.

12. ITS 3.4.5, changing the frequency for monitoring the floor drain leakage rate from 8 hours to 12 hours, and changing the airborne radioactivity monitoring Surveillance to be every 8 hours.

13. ITS 3.5.1, changing the current number of Automatic Depression System (ADS) valves required to operate from seven to six.

14. ITS 3.5.1, modifying the current requirement of manually opening the ADS valves to only require the ADS actuators to be cycled.

15. ITS 3.6.1.3, changing the current requirement that each excess flow check valve (EFCV) must "check flow" to requiring each EFCV to actuate to its isolation position on an actual or simulated instrument line break signal.

16. ITS 3.6.1.3, changing the evolution to suspend the purging and venting Limited Condition Operation (LCO) Actions to within 1 hour, when Standby Gas Treatment (SGT) subsystem(s) are inoperable.

17. ITS 3.6.1.6, ITS 3.6.2.3 and ITS 3.5.2.4, deleting the current requirements to verify position of "automatic" valves in the RHR Drywell Spray, RHR Suppression Cooling, and RHR Suppression Pool Spray Systems.

18. ITS 3.6.1.6 and ITS 3.6.2.4, deleting the current requirement that drywell spray and suppression pool spray flows be through the heat exchanger.

19. ITS 3.7.2 and ITS 3.7.3, allowing a 7-day restoration time when both Control Room Envelope Filtration (CREF) subsystems are inoperable and a 30-day restoration time when both control room envelope alternating current (AC) subsystems are inoperable, provided the remaining components of the CREF System or Control Room Envelope AC System maintains the CREF System or Control Room Envelope AC System safety function, as applicable.

20. ITS 3.8.1, ITS 3.8.2, and ITS 3.8.3, changing AC Sources — Operating, AC Sources — Shutdown and Diesel Fuel Oil, Lube Oil, and Starting Air Specifications to include: a) more restrictive upper and lower voltage limits for various diesel generator (DG) Surveillances; b) increasing the kilowatt (KW) value for the single largest load surveillance requirement (SR) for the Division 3 DG; c) relaxing the load range values for the 24-hour DG run to be consistent with Regulatory Guide (RG) 1.9 Reference 3 (ISTS Bases says 100% for 22 hours and 110% for 2 hours is consistent with RG 1.9 Reference 3, but it isn't); d) increasing the DG start time in the event of a Loss of Voltage signal from 13 seconds to 13.12 seconds; e) adding a Note which exempts Surveillances pertaining to a DG starting on a loss-of-coolant accident (LOCA) signal and a LOCA/loss of offsite power (LOOP) signal while in Modes 4 and 5 and during handling of irradiated fuel in the Secondary Containment when the ECCS subsystems are not required to be Operable; and f) increasing the fuel oil storage tank limits for the Division 1 and 2 DGs as well as the 6-day limits for all three DGs.

21. ITS 3.8.4, changing the DC Sources — Operating Specification by: a) revising of the battery load profile to be consistent with the load profile specified in the Updated Safety Analysis Report (USAR); and b) addition of an allowance to perform a modified performance discharge test every cycle in lieu of a service test.

22. ITS 3.8.7, requiring that the inverters be capable of being powered from an uninterruptible power supply (direct current (DC) sources). Currently, this is not required; this is a more restrictive change.

23. ITS 3.3.8.3, specifying an allowable value in the ITS for the time delay setting of the RPS EPA - solenoid instrumentation.

24. ITS 3.3.8.1, deleting a requirement in the STS for performing a channel check on undervoltage relays; the status of relays are continuously monitored.

25. ITS 3.3.8.2, specifying allowances in allowable values for the time delay settings of the RPS EPA logic instrumentation.

26. ITS 3.3.4.2, adding additional verification of ATWS trip function bypass and time delays.

27. ITS 3.3.8.1, The STS allows a 2-hour delay from entering into the associated Conditions and Required Actions for a channel placed in an inoperable status solely for the performance of required surveillances, provided the associated function maintains DG initiation capability. This is changed in the ITS "provided the Associated Function maintains loss of power (LOP) initiation capability."

28. ITS 5.5.9.1.a, adding "specific gravity" to the acceptability of new fuel oil prior to the addition to the DG fuel tanks.

29. ITS SR 3.6.3.1.2, adding a description of an additional requirement in the Bases SR 3.6.3.1.2 regarding when to perform the surveillance ("within 30 minutes following heatup of the system to normal operating temperature.")

30. ITS SR 3.3.1.1.16, modifying the Response Time Testing requirement for Function 9, Turbine Control Valve Fast Closure, Trip Oil Pressure - Low by stating that the response time is

measured from the start of the control valve fast closure, not when the sensor (oil pressure sensor) exceeds its setpoint.

31. ITS 3.3.5.1, specifying an ADS pressure setpoint of 150 psig, implementing Topical Report NEDC-32291 and making other changes associated with moving Group 4 isolation valves into the ECCS TS in the ITS.

32. ITS 3.3.5.1, Table 3.3.5.1-1, specifying an ADS pressure setpoint for low pressure core spray (LPCS) pump discharge pressure - high to be 150 psig based on implementation of Topical Report NEDC-32291.

33. ITS 3.3.2.1, deleting operational details in CTS Table 3.3.6-2 not required to be in TS, and providing allowable values based on NEDO-2411.

34. ITS 3.3.6.1, deleting the reactor core isolation reactor core isolation cooling (RCIC) drywell pressure high isolation functions, providing new RCIC/RHR Steam Flow Timer and SGT Exhaust Radiation High isolation functional allowable values, and deleting the main steam line (MSL) radiation high isolation function.

35. ITS 3.6.1.2, changing the requirement to verify that the air lock door seal leakage rate is within limit from "once per 7 days" to "once in 30 days."

36. ITS 3.6.1.7, adding a note to allow separate condition entry for each suppression chamber-to-drywell vacuum breaker.

37. ITS 3.6.1.7, changing the ACTION statement into two ACTION statements: ITS 3.6.1.7 ACTION B addresses the closing of the open vacuum breaker within 72 hours, while ITS 3.6.1.7 ACTION C addresses the verification/closing of the other vacuum breaker in the line within 2 hours. However, both ITS 3.6.1.7 Conditions B and C have been modified such that the words "One or more lines with" have been added.

38. ITS 3.4.4, increasing the lift setpoint tolerance for the safety/relief valves to 3%.

39. ITS 3.3.1.1, deleting the MSL radiation monitor reactor trip requirement and surveillance requirement based on the application of NEDO-31400A.

40. ITS 3.7.2 SR 3.7.2.1, deleting the staggered testing requirement for the CREF subsystem.

41. ITS 3.3.1.2, adding a note to ITS SR 3.3.1.2.5 that defers determination of the signal-to-noise ratio in Mode 5 if less than or equal to four fuel assemblies are adjacent to the source range monitors (SRM) and no fuel is in the quadrant.

42. ITS 3.3.1.2, changing the STS Action to "initiate action to insert all insertable control rods....." to "Initiate action to 'fully' insert all insertable control rods....."

43. ITS 3.3.5.1, ITS Table 3.3.5.1-1, changing footnote (a) from the STS to include a citation of LCO 3.5.2.

44. ITS 5.5.2.b, adding a note that the provisions of SR 3.0.2 apply to integrated leak tests at 24 months.

45. ITS 3.8.8, incorporating changes to Condition A, B and C of the STS applicable to "one or more" Divisions and to "one or both."

46. ITS 3.6.4.1, incorporating wording changes that alter the meaning of containment operability with respect to meeting surveillance requirements.

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.

By November 19, 1999, the licensee may file a request for a hearing with respect to issuance of the amendment to the NMP2 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 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 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.

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 Mr. Mark J. Wetterhahn, 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).

If a request for a hearing is received, the Commission's staff may issue the amendment after it completes its technical review and prior to the completion of any required hearing if it publishes a further notice for public comment of its proposed finding of no significant hazards consideration in accordance with 10 CFR 50.91 and 50.92.

For further details with respect to this action, see the application for amendment dated October 16, 1998, as supplemented by letters dated December 30, 1998; May 10, June 15, July 30, August 2, 11, 16, 19, 27, September 10, and 30, 1999, which are 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 14th day of October 1999.

FOR THE NUCLEAR REGULATORY COMMISSION



Darl S. Hood, Sr. Project Manager, Section 1
Project Directorate I
Division of Licensing Project Management
Office of Nuclear Reactor Regulation