

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

In the Matter of ) Docket No. 50-220  
NIAGARA MOHAWK POWER CORPORATION )  
(NINE MILE POINT NUCLEAR STATION, UNIT NO.1)

EXEMPTION

I.

Niagara Mohawk Power Corporation (the licensee) is the holder of Facility Operating License No. DPR-63 (the license) which authorizes operation of the Nine Mile Point Nuclear Station, Unit No. 1 (the facility) at steady state reactor power level not in excess of 1850 megawatts thermal. The facility is a boiling water reactor located at the licensee's site in Oswego County, New York.

The license provides, among other things, that it is subject to all rules, regulations and Orders of the Commission.

Section 50.54(q) of 10 CFR Part 50 requires a licensee authorized to operate a nuclear power reactor to follow and maintain in effect emergency plans which meet the standards of 10 CFR 50.47(b) and the requirements of Appendix E to 10 CFR Part 50. Section IV.F.1 of Appendix E requires each licensee to conduct an emergency preparedness exercise annually.

By letter dated August 20, 1982, as revised by letter dated October 6, 1982, the licensee requested an exemption from the schedular requirements of Section IV.F.1. of Appendix E. A full-scale emergency preparedness exercise



- 2 -

was conducted at the Nine Mile Point Nuclear Station Unit No. 1 during September 1981. The next annual exercise, therefore, was due to be conducted in September 1982. The licensee requests that it be granted an exemption on a one-time basis to allow the next exercise to be conducted within 12 months prior to achieving 5% of rated power at the completion of the current extended outage.

The licensee indicates that scheduling problems and constraints are being experienced during the current plant outage. A significant workload has been undertaken necessitated by the replacement of recirculation system piping. The licensee has also stated that all nuclear fuel has been removed from the reactor and is stored in the spent fuel pool. Finally, the licensee has committed to continual training of personnel as outlined in the Nine Mile Point Nuclear Station Emergency Plan to ensure that personnel remain familiar with emergency response duties.

The last exercise at Nine Mile Point was held on September 16, 1981. The James A. FitzPatrick Nuclear Power Plant is adjacent to the Nine Mile plant and located on the same site. Subsequent to this Nine Mile exercise a full-scale exercise was conducted by FitzPatrick personnel on August 11, 1982. These two exercises provide assurance regarding the capability of State and local officials to respond to an emergency at either nuclear plant.



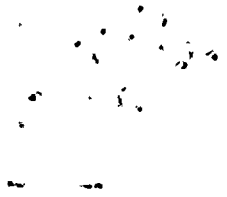
- 3 -

Based on the above, we conclude that the licensee's request for a one time delay of the next emergency preparedness exercise at the Nine Mile plant until the completion of the current outage is reasonable and that granting the request will not adversely affect the state of emergency preparedness at Nine Mile Point. We conclude, therefore, that the licensee's request for exemption should be granted.

### III


Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12, the exemption requested by the licensee's letter of August 20, 1982, as revised by letter dated October 6, 1982, as discussed above, is authorized by law and will not endanger life or property or the common defense and security, and is otherwise in the public interest. The exemption is hereby ganted as follows:

In order to allow for schedule changes, the next emergency preparedness exercise at the Nine Mile Point Nuclear Station, Unit No. 1 shall be conducted anytime during the 12 month period prior to achieving 5% of rated power at the completion of the current extended maintenance outage. This exercise shall include appropriate participation by the State and local authorities.



The Commission has determined that the granting of this Exemption will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with this action.

FOR THE NUCLEAR REGULATORY COMMISSION

  
Darrell G. Eisenhut, Director  
Division of Licensing

Dated at Bethesda, Maryland this 23rd day of December, 1982.

