

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of

) Docket No. 50-220
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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.

II.

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. The last annual exercise at Nine Mile Point was held on September 16, 1981.

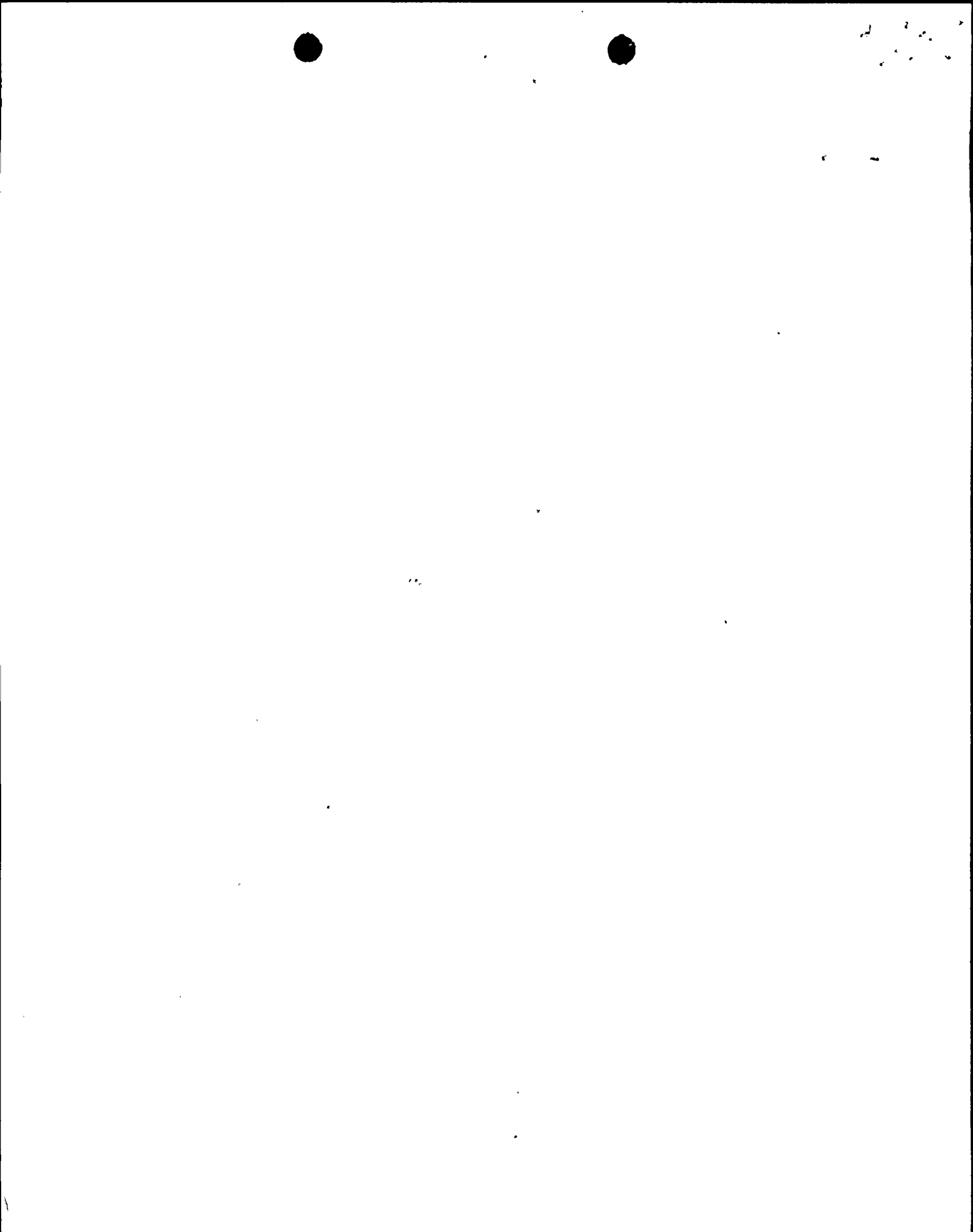
On December 23, 1982 an exemption was granted which required that the next emergency preparedness exercise at the Nine Mile Point Nuclear Station, Unit No. 1 be conducted anytime during the twelve month period prior to

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achieving five percent of rated power at the completion of the current extended maintenance outage. An exercise scheduling meeting held on October 27, 1982 among representatives of the U. S. Nuclear Regulatory Commission, the Federal Emergency Management Agency (FEMA), Niagara Mohawk New York State and Oswego County officials established September 28, 1982 for the next annual emergency preparedness exercise for Nine Mile Point 1. However, the licensee expects to achieve/exceed five percent of rated power operation and to be on line prior to the scheduled annual exercise. By letter dated March 9, 1983, the licensee requested a revised exemption from the schedular requirements of Section IV.F.1 of Appendix E.

The licensee states that within recent months, discussions with New York State and FEMA confirmed that September 28, 1983 continued to be a mutually acceptable date and earlier proposed dates would interfere with other facilities' exercises, and therefore would be unacceptable. Accordingly, the licensee requested an additional exemption which extends the December 23, 1982 exemption so that the Nine Mile Point Annual Emergency Plan Exercise may be conducted during the week of September 28, 1983.

The licensee had committed to continual training of personnel to ensure that the Nine Mile Point Emergency Plan would remain fully functional during the period of the delay in performing the emergency preparedness exercise. Therefore, allowing Nine Mile Point Unit 1 to exceed five percent of rated power operation before conducting the next annual exercise will not adversely affect the overall state of emergency preparedness at the Nine Mile Point, Unit No. 1 Station. Additionally, the James A. FitzPatrick Nuclear Power Plant,



which is adjacent to the Nine Mile plant, successfully conducted a full-scale exercise on August 11, 1982, thus providing assurance regarding the capability of State and local officials to respond to an emergency.

Based on the above, we conclude that the licensee's request to conduct the next emergency preparedness exercise after the Nine Mile plant exceeds five percent of rated power 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 an additional exemption should be granted.

III.

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12, the exemption requested by the licensee's letters of August 20 and October 6, 1982, as revised by letter dated March 9, 1983, 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 revised exemption is hereby granted as follows:

In order to allow for offsite agencies' schedular constraints, the next emergency preparedness exercise at the Nine Mile Point Nuclear Station, Unit No. 1 shall be conducted during the week of September 28, 1983. This exercise shall include appropriate participation by the State and local authorities.



The NRC staff has determined that the granting of this additional 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



Robert A. Purple, Deputy Director
Division of Licensing
Office of Nuclear Reactor Regulation

Dated at Bethesda, Maryland
this 27th day of May 1983.

