

UNITED STATES NUCLEAR REGULATORY COMMISSIONNINE MILE POINT NUCLEAR STATION, UNIT 1DOCKET NO. 50-220NOTICE OF CONSIDERATION OF ISSUANCE OF 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 an amendment to Facility Operating License No. DPR-63, issued to the Niagara Mohawk Power Corporation (the licensee), for operation of the Nine Mile Point Nuclear Station, Unit 1 located in Scriba, New York. The proposed amendment is in response to the licensee's submittal dated April 5, 1988, as amended April 8, 1988.

The amendment would add new Technical Specifications 3.7.1 and 4.7.1, "Special Test Exception - Shutdown Margin Demonstration," and associated Bases to allow shutdown margin testing in the shutdown condition-cold and would modify Technical Specifications Definitions 1.1a "Shutdown Condition-Cold," and 1.1b, "Shutdown Condition-Hot," to accommodate the new Technical Specifications. These changes would permit reactor coolant system pressure testing (system leakage and hydrostatic testing) and control rod scram time testing to be performed with the mode switch in the refuel position and the reactor coolant temperature greater than 212°F. The proposed changes will also facilitate scram recovery operations. The proposed changes include an addition to the Table of Contents.

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.

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The Commission has made a proposed determination that the amendment request involves 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 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.

The proposed amendment was requested to allow system pressure testing and scram time testing of control rods with the mode switch in the refuel position and the reactor coolant temperature greater than 212°F and to allow the mode switch to be in the refuel position during scram recovery.

The proposed amendment will not involve a significant increase in the probability or consequences of an accident previously evaluated for the following reasons.

The change to allow scram time testing with the mode switch in the refuel position has no effect on the probability or the consequences of a loss of coolant accident (LOCA). The probability of a leak in the reactor coolant pressure boundary during the hydrostatic test and subsequent scram time testing is not increased by allowing the mode switch to be in the refuel position. Furthermore, because the systems required to be operable to mitigate the consequences of a LOCA (core spray and containment spray) will be operable and the temperature of the reactor coolant will be less than during normal operation, this change will not significantly increase the consequences of a LOCA. In addition, when the reactor mode switch is placed in the refuel position following a scram, all safety systems required to be operable based



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on the reactor coolant temperature and pressure will be operable for accident mitigation. Therefore, the placing of the mode switch in the refuel position during scram recovery will not increase the probability or consequences of a LOCA.

Since refueling activities will not be occurring and only one control rod can be withdrawn at a time in the refuel mode, the probability and consequences of a refueling accident are not affected by the above listed changes. Furthermore, the reactor vessel head is in place. Therefore, a refueling accident cannot occur. In addition, the placing of the reactor mode switch in the refuel position following a scram, or during hydrostatic testing or scram time testing, does not place the reactor in an unanalyzed condition. Therefore, the probability and consequences of a refueling accident are not increased.

The change to allow shutdown margin demonstration to be performed in the shutdown condition will assure that the probability of an inadvertent criticality is not increased. In addition, only one control rod can be withdrawn at a time in the refuel mode. Therefore, the probability and consequences of a control rod drop accident are not increased. Consequently, the proposed change will not increase the probability or consequences of an accident previously evaluated.

The change to revise the Table of Contents is administrative in nature and will not affect the probability or consequences of an accident previously evaluated.

The proposed changes will not create the possibility of a new or different kind of accident from any previously evaluated for the following reasons.

The only potential accident of a new or different kind identified by the licensee as associated with having the mode switch in the refuel position while



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performing the hydrostatic testing and scram time testing of the control rods is the potential for an inadvertent criticality occurring with the reactor coolant system "solid" (filled with water). However, the performance of the control rod exercising and the shutdown margin demonstration test will ensure that the reactor cannot be made critical with only one control rod withdrawn. This test, in conjunction with the interlock, which prevents more than one control rod from being withdrawn with the mode switch in the refuel position, will ensure an inadvertent criticality does not occur during the system pressure test. In addition, all safety systems required to be operable in the shutdown condition when reactor coolant temperature is greater than 212°F will be operable except for those systems that are not required to be operable during hydrostatic testing. When the mode switch is placed in the refuel position, during scram recovery, all safety systems required to be operable based on reactor coolant temperature and pressure will be operable. Since the safety systems required to mitigate an accident will be operable when the mode switch is placed in the refuel position, the plant will not be in an unanalyzed condition. Therefore, there is not a possibility of creating a new or different kind of accident from any accident previously evaluated.

The change to revise the Table of Contents is administrative in nature and will not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed changes will not involve a significant reduction in a margin of safety for the following reasons.

The proposed amendment is to allow control rod scram time testing to be performed with the mode switch in the refuel position and the reactor coolant system temperature greater than 212°F and to allow the reactor mode switch to be placed in the refuel position during scram recovery. Because the reactor vessel head will be in place, primary containment integrity maintained and all systems



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required to be operable in accordance with the Technical Specifications will be operable, the proposed changes will not have any effect on any design basis accident or safety limit. In addition, the changes include a provision to allow shutdown margin demonstration in the shutdown condition - cold to ensure that the reactor cannot be made critical by the withdrawal of any one control rod. This test will be performed before the scram time testing. Therefore, the proposed changes will not reduce a margin of safety.

The change to revise the Table of Contents is administrative in nature. Therefore, it has no affect on a margin of safety.

Accordingly, the Commission proposes to determine that this change does not involve significant hazards considerations.

The Commission is seeking public comments on this proposed determination. Any comments received within 15 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 receives a request for a hearing.

Written comments may be submitted by mail to the Rules and Procedures Branch, Division of Rules and Records, Office of Administration and Resources Management, U. S. Nuclear Regulatory Commission, Washington, D.C. 20555, and should cite the publication date and page number of the FEDERAL REGISTER notice.

Written comments may also be delivered to Room 4000, Maryland National Bank Building, 7735 Old Georgetown Road, Bethesda, Maryland from 8:15 a.m. to 5:00 p.m. Copies of written comments received may be examined at the NRC Public Document Room, 1717 H Street, NW, Washington, D.C. The filing of requests for hearing and petitions for leave to intervene is discussed below.

By **MAY 16 1988** , the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility



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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 hearing and a petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rule 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, 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 fifteen (15) days prior to the first pre-hearing 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 the amendment is issued before the expiration of 30-days, the Commission will make a final determination on the issue of no significant hazards considerations. If a hearing is requested, 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 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 the amendment.

If the final determination is that the amendment request 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 15-day notice period. However, should circumstances change during the



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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 15-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 action, it will publish a notice of 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, D.C. 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, N.W. Washington, D.C., 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 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, D.C. 20555, and to Troy B. Conner, Jr., Esquire, Conner and Wetterhahn, Suite 1050, 1747 Pennsylvania Avenue, N.W., Washington, D.C. 20006.



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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 5, 1988, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D. C. 20555, and at the Local Public Document Room, Reference and Documents Department, Penfield Library, State University of New York, Oswego, New York 13126.

Dated at Rockville, Maryland, this 11th day of April 1988.

FOR THE NUCLEAR REGULATORY COMMISSION



Robert A. Benedict
Project Directorate I-1
Division of Reactor Projects I/II
Office of Nuclear Reactor Regulation

