

UNITED STATES NUCLEAR REGULATORY COMMISSIONNIAGARA MOHAWK POWER CORPORATIONDOCKET NOS. 50-220 AND 50-410

NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENTS TO
FACILITY OPERATING LICENSES AND PROPOSED NO SIGNIFICANT HAZARDS
CONSIDERATION DETERMINATION AND OPPORTUNITY FOR HEARING

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating License Nos. DPR-63 and NPF-69 issued to the Niagara Mohawk Power Corporation (the licensee) for operation of the Nine Mile Point Nuclear Station Units 1 and 2, located in Oswego County, New York.

The proposed amendments would make changes to the Technical Specifications (TS) to reflect management changes due to the reorganization of the Niagara Mohawk Power Corporation (NMPC) Nuclear Division. They include revision to TS Sections 6.1, "Responsibility," 6.2, "Organization," 6.4, "Training," 6.5, "Review and Audit," 6.6, "Reportable Occurrence Action," 6.7, "Safety Limit Violation," 6.8 "Procedures" for Unit 1; "Procedures and Programs" for Unit 2 and 6.12 "High Radiation Areas."

The types of changes are generally characterized as follows. The former organization included Station Superintendents for Units 1 and 2 reporting to a General Superintendent. The General Superintendent reported to the Executive Vice President - Nuclear Operations. The revised organization retitles the Executive Vice President-Nuclear Operation to Executive Vice President - Nuclear, the Station Superintendent to Plant Manager, eliminates the General Superintendent position, and adds a position of Vice President - Nuclear

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Generation to whom the two Plant Managers report. Those reporting directly to the Plant Managers are now all designated as "manager" versus the previous "superintendent" or "supervisor" designation for some positions.

Certain responsibilities previously held by the General Superintendent have been reassigned to the Vice President - Nuclear Generation or to the Plant Managers. In particular, the Station (formerly "Site") Operations Review Committee (SORC) will now be chaired by and report to the Plant Manager. SORC will also be expanded to ten members for each unit. The same functional areas will continue to be represented on the SORC and several will be added to bring the total to ten members.

Certain responsibilities and designations previously assigned to the Executive Vice President-Nuclear Operations will now be assigned to the Vice President - Nuclear Generation.

The corporate safety review committee, the Safety Review and Audit Board (SRAB), composition is being changed to eliminate the Staff Engineer - Environmental since Unit 2 is no longer in the construction and initial startup phase.

Editorial changes to implement these types of changes to provide consistency with the Standard Technical Specifications and several other staff position title changes are also included.

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.



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The Commission has made a proposed determination that the request for amendments involve 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 amendments 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 licensee has provided the following analysis in response to the above 3 standards.

Nine Mile Point - Unit 1

Standard 1: The proposed changes are intended to enhance the overall management capability and performance of Nine Mile Point Unit 1 by freeing up senior level people from administrative responsibilities. These change also reflect Niagara Mohawk's intent to provide the highest level of management expertise and experience in the Nuclear Division and to assure that the goals of improved overall performance are achieved.

The proposed amendments do not involve a significant increase in the probability or consequences of an accident previously evaluated because the proposed changes are administrative in nature and do not affect plant operation.

Standard 2: The proposed amendments do not create the possibility of a new or different kind of accident than previously evaluated because the proposed changes are administrative in nature and no physical alterations of plant configuration or changes to setpoints or operating parameters are proposed.



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Standard 3: The proposed amendments do not involve a significant reduction in a margin of safety because Niagara Mohawk, through its Quality Assurance programs, its commitment to maintain only qualified personnel in positions of responsibility, and other required controls, assures that safety functions will be performed at the high level of competence. Therefore, the proposed administrative changes to the Technical Specifications will not affect the margin of safety.

Nine Mile Point - 2

Standard 1: The proposed changes are intended to enhance the overall management capability and performance of Nine Mile Point Unit 2 by freeing up senior level people from administrative responsibilities. These changes also reflect Niagara Mohawk's intent to provide the highest level of management expertise and experience in the Nuclear Division and to assure that the goals of improved overall performance are achieved.

The proposed amendments do not involve a significant increase in the probability or consequences of an accident previously evaluated because the proposed changes are administrative in nature and do not affect plant operation.

Standard 2: The proposed amendments do not create the possibility of a new or different kind of accident than previously evaluated because the proposed changes are administrative in nature and no physical alternations of plant configuration changes to setpoints or operating parameters are proposed.

Standard 3: The proposed amendments do not involve a significant reduction in a margin of safety because Niagara Mohawk, through its Quality Assurance programs, its commitment to maintain only qualified personnel in



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positions of responsibility, and other required controls, assures that safety functions will be performed at a high level of competence. Therefore, the proposed administrative changes to the Technical Specifications will not affect the margin of safety.

The staff has reviewed the licensee's no significant hazards determination and agrees with the licensee's analysis. Therefore, the staff proposes to determine that the application for amendments involve no significant hazards consideration.

Therefore, based on the above considerations, the Commission has made a proposed determination that the amendments request involve 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. 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 Regulatory Publications Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 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. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, N.W., Washington, D.C. The filing of requests for hearing and petitions for leave to intervene is discussed below.

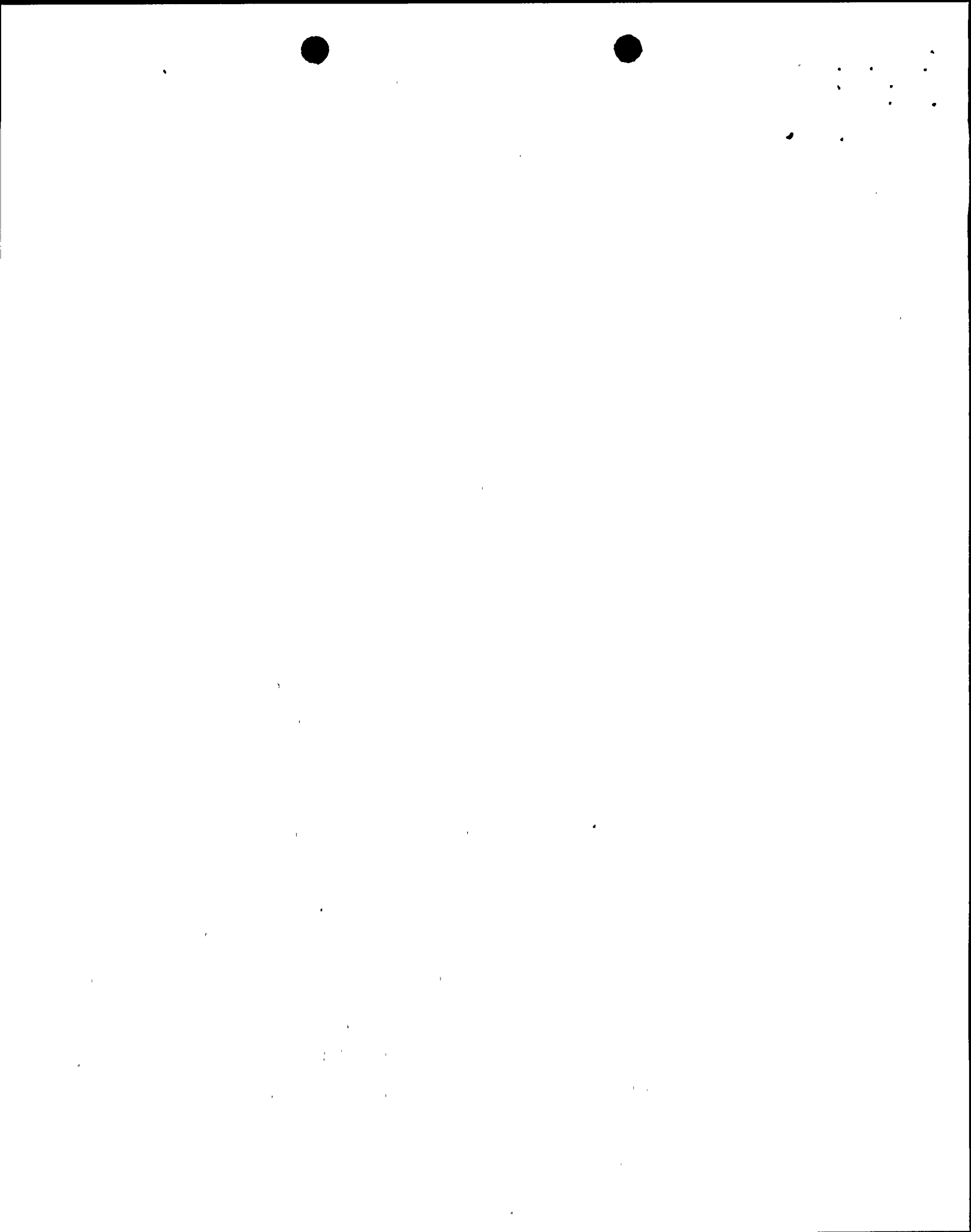


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By November 19, 1990 , the licensee may file a request for a hearing with respect to issuance of the amendments to the subject facility operating licenses and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Request for a hearing and petitions 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, N.W., Washington, D.C. 20555 and at the Local Public Document Room located at 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 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 prehearing 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 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.



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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 request for amendments involve no significant hazards consideration, the Commission may issue the amendments and make them effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendments.

If a final determination is that the amendments involve a significant hazards consideration, any hearing held would take place before the issuance of any amendments.

Normally, the Commission will not issue the amendments 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 amendments involve no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish 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.



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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 Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L 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 1-(800) 325-6000 (in Missouri 1-(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 Mr. Mark J. Wetterhahn, Esquire, Bishop, Cook, Purcell and Reynolds, 1400 L Street, N.W., Washington, D.C. 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 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).



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For further details with respect to this action, see the applications for amendments dated September 21, 1990, as revised on October 4, 1990, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, N.W., Washington, D.C. 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 12th day of October, 1990.

FOR THE NUCLEAR REGULATORY COMMISSION

Robert Martin
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