

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of
NIAGARA MOHAWK POWER CORPORATION
Nine Mile Point Nuclear Station,
Unit Nos. 1 and 2

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Docket Nos. 50-220
and 50-410

EXEMPTION

I.

Niagara Mohawk Power Corporation (NMPC or the licensee) is the holder of Facility Operating Licenses Nos. DPR-63 and NPF-54, which authorize operation of Nine Mile Point Nuclear Station (the facility), at steady-state reactor power levels not in excess of 1850 megawatts thermal for Unit No. 1 and 3323 megawatts thermal for Unit No. 2. The licenses provide, among other things, that they are subject to all rules, regulations and Orders of the Nuclear Regulatory Commission (the Commission or NRC) now or hereafter in effect. The facilities consist of two boiling water reactors located at the licensee's site in Oswego County, New York.

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.2 of Appendix E requires that each licensee at each site shall annually exercise its emergency plan.

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The NRC may grant exemptions from the requirements of the regulations which, pursuant to 10 CFR 50.12(a), are (1) authorized by law, will not present an undue risk to the public health and safety, and are consistent with the common defense and security; and (2) present special circumstances. Section 50.12(a)(2)(ii) of 10 CFR Part 50 describes the special circumstances for an exemption where the application of the regulation in the particular circumstances would not serve the underlying purpose of the rule or is not necessary to achieve the underlying purpose of the rule. The underlying purpose of Appendix E, Section IV.F.2, is to demonstrate that the emergency plan is adequate and capable of being implemented, and that the state of emergency preparedness provides reasonable assurance that adequate protective measures can be taken in the event of a radiological emergency.

III.

By letter dated September 19, 1991, the licensee requested an exemption from the requirement of 10 CFR Part 50 Appendix E, Section IV.F.2, to conduct an annual exercise of the Nine Mile Point Emergency Plan in 1991. The licensee also submitted additional information by letter dated November 14, 1991, in response to the NRC staff's request for additional information dated October 23, 1991. The licensee had planned to conduct an exercise of its emergency plan on October 1, 1991, with the partial participation of State and local emergency response organizations. The scheduled exercise was an annual licensee off-year exercise and the Federal Emergency Management Agency (FEMA) was not scheduled to observe the exercise. The previous emergency preparedness exercise at the Nine Mile Point Nuclear Station, conducted on October 2, 1990, was also a partial participation exercise. A full participation exercise with the State



of New York and Oswego County was conducted on August 7, 1991, at the James A. Fitzpatrick Nuclear Power Plant, which is immediately adjacent to the Nine Mile Point Nuclear Station. The licensee requested that an exemption be granted because the requirement to perform an exercise of the Nine Mile Point Emergency Plan in 1991 was not necessary to achieve the underlying purpose of the emergency planning rule in that the emergency plan was adequately exercised and demonstrated in 1991 in the licensee's response to the Unit 2 loss of annunciators event that occurred on August 13, 1991. The schedule for future exercises will not be affected by this one-time exemption.

To support its request, the licensee provided the following information to the NRC as an attachment to the September 19, 1991, exemption request:

Niagara Mohawk's response to the Site Area Emergency exercised the major portions of the Nine Mile Point Nuclear Station's emergency response capabilities in the manner described by the 10 CFR 50.47(b)14 requirement for periodic exercises. The Site Area Emergency tested the adequacy of timing and content of implementing procedures and methods, emergency equipment and communications networks, and ensured that emergency response organization personnel are familiar with their duties. The following are specific supporting examples:

1. During the Site Area Emergency, all emergency response facilities were activated. The Site Emergency Plan was satisfactorily implemented.
2. A full staff of radiological and dose assessment personnel evaluated effluent monitors and directed survey teams. Actual soil, air and water samples were taken and the dose assessment computer program model was run using the default values of the Unit 2 Updated Safety Analysis Report.
3. Oswego County officials activated the Oswego County Emergency Operations Center and established the necessary traffic control points for site access control. New York State representatives activated the New York State Emergency Operations Center and participated at the County Emergency Operations Center. Niagara Mohawk, Oswego County and New York State representatives briefed the general public, through the news media at the Joint News Center. Also, Niagara Mohawk, New York State, and Oswego County continually conferred on protective actions.



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4. The Resident Inspectors, a Region I Radiological Inspector, and two Region I Security Inspectors observed the Site Area Emergency directly. An Augmented Inspection Team (AIT), including a Region I Senior Emergency Preparedness Inspector, immediately investigated the event.
5. Niagara Mohawk held a formal critique, attended by the Augmented Inspection Team's Senior Emergency Preparedness Inspector, to evaluate the emergency response and to identify areas in need of improvement. The critique participants concluded that the emergency response had been satisfactorily implemented in a professional manner.

The only significant area for improvement identified by Niagara Mohawk was personnel accountability. Personnel accountability was not initiated in a timely manner. As a corrective action, Security supervisors have been given specific direction to initiate personnel accountability as soon as a station evacuation announcement is made. Otherwise, all the objectives for an emergency exercise listed in our June 28 letter were satisfactorily accomplished during the emergency response.

Niagara Mohawk has consulted with Oswego County and New York State officials concerning an exemption from the October 1, 1991 exercise. Both authorities concurred with our request for exemption.

On August 13, 1991 at approximately 5:48 a.m., Nine Mile Point Unit 2 experienced a loss of control room annunciators, loss of Balance of Plant (BOP) instrumentation, a turbine/generator trip, and an automatic reactor scram. The loss of annunciators and BOP instrumentation resulted from a loss of five (5) non-safety-related uninterruptible power supplies when the phase B main transformer failed. The turbine/generator trip was also caused by failure of the phase B main transformer. The turbine/generator trip provided an automatic reactor scram. At 6:00 a.m., a Site Area Emergency was declared based upon the emergency action level criteria of S-EAP-2, "Classification of Emergency Conditions," being exceeded.



At 6:22 a.m., power was restored to the annunciators and instrumentation and reactor shutdown was verified. At 7:06 a.m., the plant commenced a normal cooldown using secondary systems and achieved cold shutdown at 6:46 p.m. At 7:42 p.m., the Site Area Emergency was terminated and a recovery plan was implemented.

A Region I Augmented Inspection Team (AIT) was dispatched to the site to verify the circumstances and evaluate the significance of the event. Among the charter of AIT activities was the task of evaluating operator response and reviewing the adequacy of both the Niagara Mohawk and Power Authority of the State of New York (FitzPatrick) emergency response. The licensee's Site Emergency Plan was effectively implemented to protect public health and safety. One non-cited violation was identified regarding notification of onsite emergency response organization personnel. Other concerns were also identified with regards to the site access of incoming personnel and accountability of personnel within the protected area. The licensee is taking appropriate corrective actions to resolve these items. Due to the potential safety significance and regulatory questions raised by the event, the AIT was upgraded to an NRC Incident Investigation Team on August 15, 1991. However, the emergency preparedness aspects of the event were assigned to Region I. The findings of Region I regarding emergency preparedness are documented in Inspection Reports 50-220/91-19 and 50-410/91-19, dated November 5, 1991.

In response to the August 13, 1991, event, the following key elements of the Nine Mile Point emergency plan were demonstrated:



- Classification of the event in accordance with the emergency plan implementing procedures.
- Notification of State, local and Federal emergency response organizations and personnel.
- Activation, staffing and operation of the emergency response facilities including the Control Room, Technical Support Center, Operational Support Center, Emergency Operations Facility, NMPC Corporate Emergency Operations Center, Joint News Center, Oswego County Emergency Operations Center, and the New York State Emergency Operations Center.
- Communications between emergency facilities, principal response organizations and emergency personnel.
- Accident assessment involving the methods, systems and equipment necessary for assessing and monitoring the actual consequences of the event, including both an engineering assessment of plant status and an assessment of radiological consequences.
- Media and public information dissemination through the issuance of press releases and the conduct of press briefings at the Joint News Center.
- Recovery planning, including the formation of a recovery organization, identification of resources and the development of recovery actions.

Licensee response activities included the development of initial and followup messages to offsite organizations; continuous communication with the NRC; station accountability; security access control; dispatch of inplant, onsite, and offsite monitoring teams; formulation of offsite dose projections, including the determination of meteorological dispersion; collection and



analysis of environmental samples; analysis of inplant radioactivity levels; and interfacing with State and local emergency operations personnel. Although protective action recommendations for the public were not required to be issued based on plant parameters and field monitoring information, the necessity for issuing such recommendations was considered by the licensee during the course of the event.

After the August 13, 1991, event, the licensee conducted a critique of the emergency response effort. The licensee developed a list of "opportunities for improvement" resulting from the implementation of the Nine Mile Point Emergency Plan under actual conditions. The licensee has established an action plan to evaluate and address this list of "opportunities for improvement."

In addition to the response to the August 13, 1991, event, other licensee activities related to the demonstration of emergency preparedness in 1991 included a Casualty Control Drill conducted on February 26, 1991, a practice drill conducted on August 1, 1991, quarterly fire drills for each shift of the onsite Fire Department, a Site Emergency Accountability drill conducted on April 30, 1991, an Offsite Fire/Offsite Medical/Off-Hours Notification drill conducted on June 4, 1991, an Environmental Monitoring drill conducted on October 9, 1991, and an Off-Hours Notification/Station Evacuation drill on October 29, 1991. For each of these drills, the licensee conducted an evaluation and initiated corrective actions to address items identified as "opportunities for improvement."

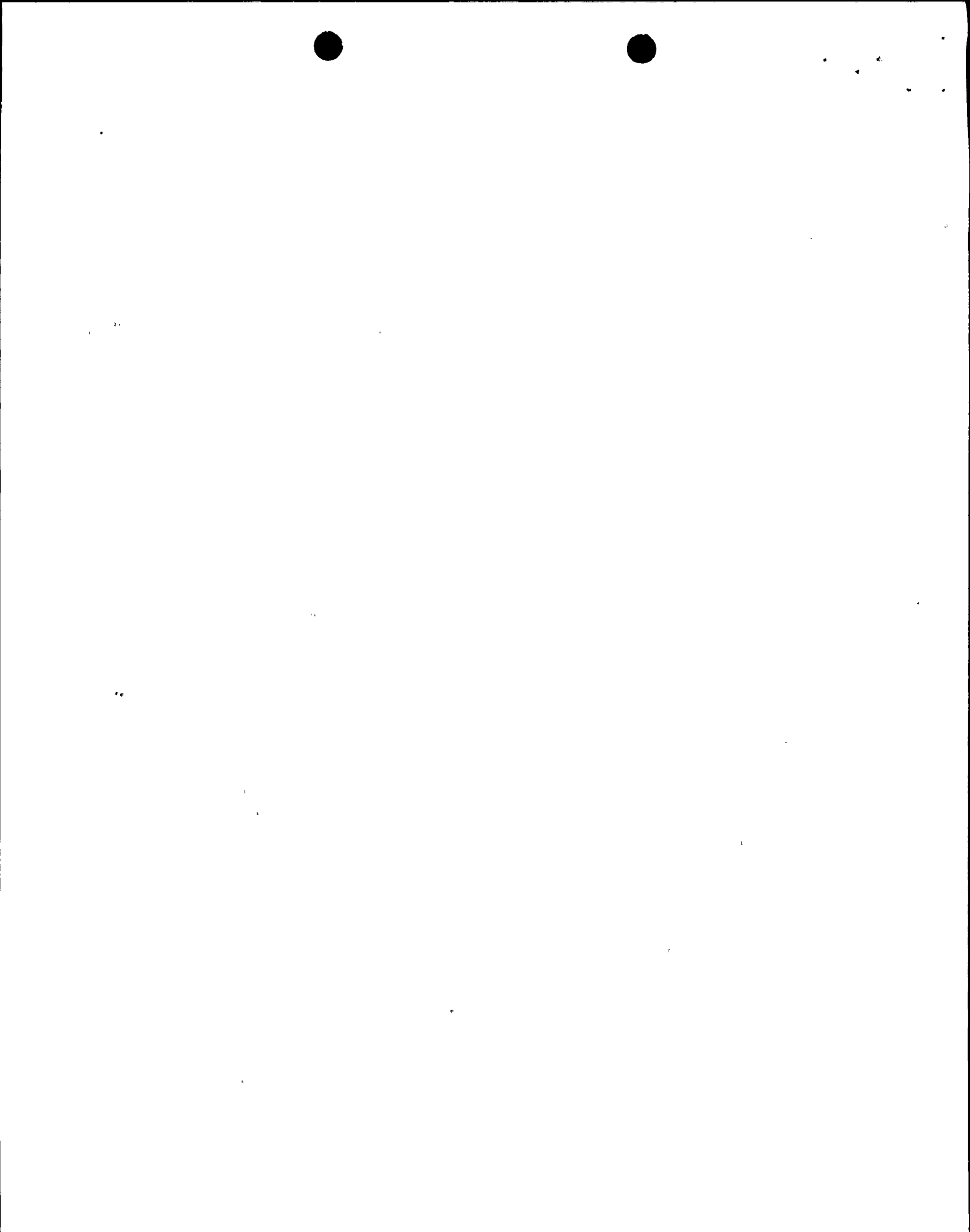
The most recent NRC Systematic Assessment of Licensee Performance (SALP) Report for Nine Mile Point issued on August 2, 1991, for the period March 1, 1990, through March 31, 1991, indicated good overall licensee performance.



Specifically, in the functional area of emergency preparedness, licensee performance was rated Category 1, indicating a superior level of performance. Inspection activities conducted since the SALP report indicate no change in level of performance regarding emergency preparedness.

IV.

Based on a review of the licensee's request for an exemption from the requirement to conduct an exercise of the Nine Mile Point Emergency Plan in 1991, the NRC staff finds that the underlying purpose of the regulation has been achieved through the licensee's response to the August 13, 1991, event. The licensee fully activated and staffed its emergency response facilities and performed all necessary response actions under actual conditions. Both onsite and offsite emergency response organizations were involved in the event. The response to the August 13, 1991, event tested the adequacy of the emergency plan implementing procedures, tested emergency equipment and communications networks, and provided a unique opportunity to ensure that emergency organization personnel were familiar with their duties. The licensee has identified corrective actions to improve the level of emergency preparedness at the Nine Mile Point Nuclear Station through critiques with emergency personnel following the event. The licensee has established an action plan which NRC Region I will monitor progress on and evaluate in future inspections. The NRC staff concludes that the licensee satisfactorily demonstrated the adequacy of the Nine Mile Point Emergency Plan and its capability of being implemented in the response to the



August 13, 1991, event. Thus, a further exercise in 1991 is not necessary to achieve the underlying purpose of the rule. The requested exemption from the requirement of 10 CFR Part 50, Appendix E, Section IV.F, to perform an exercise of the Nine Mile Point Emergency Plan in 1991, will not adversely affect the overall state of emergency preparedness at the Nine Mile Point site because the emergency plan was adequately exercised and demonstrated during the licensee's response to the August 13, 1991, event.

For these reasons, the Commission has determined that, pursuant to 10 CFR 50.12, the exemption requested by the licensee's letter dated September 19, 1991, as discussed above, is authorized by law, will not present an undue risk to the public health and safety, and is consistent with the common defense and security and that special circumstances are present as set forth in 10 CFR 50.12(a)(2)(ii).

Pursuant to 10 CFR 51.32, the Commission has determined that granting of this Exemption will have no significant impact on the environment (October 31, 1991, 56 FR 56105). A copy of the licensee's request for exemption and supporting documentation is available for public inspection at the Commission's Public Document Room, 2120 L Street, Washington, DC 20555 and at the Reference and Documents Department, Penfield Library, State University of New York, Oswego, New York 13126. Copies may be obtained upon written request to the U.S.



Nuclear Regulatory Commission, Washington, DC 20555, Attention: Director,
Division of Reactor Projects - I/II.

This exemption is effective upon issuance.

FOR THE NUCLEAR REGULATORY COMMISSION



Steven A. Varga, Director
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation

Dated at Rockville, Maryland,
this 16 day of December 1991



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