



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION

RELATED TO AMENDMENT NO. 85 TO FACILITY OPERATING LICENSE NO. NPF-69

NIAGARA MOHAWK POWER CORPORATION

NINE MILE POINT NUCLEAR STATION, UNIT 2

DOCKET NO. 50-410

1.0 INTRODUCTION

By application dated April 30, 1997, as supplemented by letter dated November 12, 1998, Niagara Mohawk Power Company (NMPC and the licensee) proposed a license amendment to remove Technical Specifications (TSs) for Nine Mile Point Nuclear Station, Unit 2 (NMP2) regarding meteorological monitoring instrumentation in accordance with NRC Generic Letter (GL) 95-10, "Relocation of Selected Technical Specification Requirements Related to Instrumentation." Specifically, the amendment would remove TS 3/4.3.7.3, "Meteorological Monitoring Instrumentation," including associated TS Tables 3/4.3.7.3-1, and TS Bases 3/4.3.7.3. The TSs index would be revised to show these deletions.

The information proposed for deletion has been relocated to the NMP2 Updated Safety Analysis Report (USAR) by the November 1998 Revision.

The licensee's letter dated November 12, 1998, provided additional information in support of the April 30, 1997, license application, and does not affect the Commission's finding of no significant hazards consideration that was issued in a Federal Register notice (62 FR 33126, June 18, 1997).

2.0 BACKGROUND

In 10 CFR 50.47, "Emergency Plans," and 10 CFR Part 50, Appendix E, "Emergency Planning and Preparedness for Production and Utilization Facilities," the Commission requires nuclear power plant licensees to provide reasonable assurance that adequate protective measures can and will be taken in the event of a radiological emergency. Timely access to accurate local meteorological data is important for estimating potential radiation doses to the public and for determining appropriate protective measures. In 10 CFR 50.36a(a)(2), the Commission requires nuclear power plant licensees to submit annual reports specifying the quantity of each of the principal radionuclides released to unrestricted areas in liquid and airborne effluents and such other information as may be required by the NRC to estimate maximum potential annual radiation doses to the public. A knowledge of meteorological conditions in the vicinity of the reactor is important in providing a basis for estimating annual radiation doses resulting from radioactive materials released in airborne effluents. Accordingly, the meteorological monitoring instrumentation serves a useful function in estimating radiation doses to the public from either routine or accidental releases of radioactive materials to the atmosphere.

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The NRC has developed criteria, as described in the "Final Policy Statement on Technical Specifications Improvements for Nuclear Power Reactors" (58 FR 39132), to determine which of a nuclear power plant's design conditions and associated surveillances should be located in the TSs. 10 CFR 50.36 as revised (60 FR 36953) specifies four criteria to this end. The Commission's Final Policy Statement and documentation related to this revision of 10 CFR 50.36 acknowledged that implementation of the four criteria may cause some requirements presently in TSs to be removed out of existing TSs to documents and programs controlled by licensees. On December 15, 1995, the Commission issued GL 95-10 addressing the relocation of selected TSs requirements related to instrumentation as a result of applying the 10 CFR 50.36 criteria. In GL 95-10, the Commission identifies several specifications that are not related to dominant contributors to plant risk and do not warrant inclusion in TSs. Included among these specifications is meteorological monitoring instrumentation.

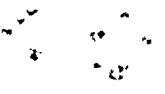
### 3.0 EVALUATION

In GL 95-10 the Commission concluded that:

The meteorological monitoring instrumentation does not serve such a primary protective function as to warrant inclusion in the TSs in accordance with the 10 CFR 50.36 criteria. The instrumentation does not serve to ensure that the plant is operated within the bounds of initial conditions assumed in design basis accident and transient analyses or that the plant will be operated to preclude transients or accidents. Likewise, the meteorological instrumentation does not serve as part of the primary success path of a safety sequence analysis used to demonstrate that the consequences of these events are within the appropriate acceptance criteria. Accordingly, the staff has concluded that the meteorological instrumentation does not meet the 10 CFR 50.36 criteria and need not be included in TSs. The staff has determined that requirements related to the meteorological monitoring instrumentation may be moved from the TSs to the UFSAR [a.k.a., USAR] and that any subsequent changes to the provisions may be controlled pursuant to 10 CFR 50.59....

By letter dated November 30, 1998, NMPC submitted Revision 10 to the NMP2 USAR pursuant to 10 CFR 50.71(e). The NRC staff has reviewed Revision 10 to the NMP2 USAR and finds that it incorporates the information that would be removed from the TSs by the proposed license amendment. Future changes to this information in the USAR will be controlled by the licensee pursuant to 10 CFR 50.59. Accordingly, the NRC staff concludes that removal of the proposed meteorological monitoring instrumentation information from the TSs is consistent with GL 95-10 and 10 CFR 50.36 and is, therefore, acceptable.

The information relocated to the NMP2 USAR by Revision 10 included the requirement in TS 3.3.7.3 that a special report be submitted to the NRC pursuant to TS 6.9.2 when one or more meteorological monitoring instrumentation channels is inoperable for more than 7 days. In its letter of November 12, 1998, NMPC stated that the USAR will be revised again pursuant to 10 CFR 50.71(e) to reflect the deletion of this special reporting requirement after the proposed license amendment removing TS 3.3.7.3 has been approved. NMPC states that in lieu of the current special reporting requirement, the loss of meteorological assessment capability would be assessed for reportability consistent with the requirements of 10 CFR 50.72(b)(1)(v) non-emergency events, one-hour reports, as "any event that results in a major loss of emergency



assessment capability, offsite response capability, or communications capability..." Nine Mile Point Nuclear Station Emergency Plan Implementing Procedure EPIP-EPP-08, "Offsite Dose Assessment and Protective Action Recommendation," contains guidance for use of NMP meteorological data sources and would be used to determine whether the minimum requirements for meteorological assessment are met. The NRC staff concludes that the removal of the special reporting requirement from the TSs (or NMPC's subsequent proposed action to remove the relocated special reporting requirements from the USAR, subject to a favorable 10 CFR 50.59 analysis) is an acceptable administrative change because the reporting requirements continue to be adequately addressed by the Commission's regulations, 10 CFR 50.72.

#### 4.0 STATE CONSULTATION

In accordance with the Commission's regulations, the New York State official was notified of the proposed issuance of the amendment on July 10, 1997. The State official, Mr. J. Dunkelburger, expressed a concern that the licensee should complete the transfer of the information from the TSs to the USAR before or concurrent with deletion of the information from the TSs, such that the relevant information remains subject to 10 CFR 50.59 throughout the process. Mr. Dunkelburger's concern is addressed in the licensee's letter of November 12, 1998, and in Section 3.0 above (i.e., the USAR was revised before the issuance of this license amendment).

#### 5.0 ENVIRONMENTAL CONSIDERATION

The amendment changes a requirement with respect to installation or use of a facility component located within the restricted area as defined in 10 CFR Part 20 and changes surveillances requirements. The NRC staff has determined that the amendment involves no significant increase in the amounts, and no significant change in the types, of any effluents that may be released offsite, and that there is no significant increase in individual or cumulative occupational radiation exposure. The Commission has previously issued a proposed finding that the amendment involves no significant hazards consideration, and there has been no public comment on such finding (62 FR 33126). Accordingly, the amendment meets the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(9). Pursuant to 10 CFR 51.22(b) no environmental impact statement or environmental assessment need be prepared in connection with the issuance of the amendment.

#### 5.0 CONCLUSION

The Commission has concluded, based on the considerations discussed above, that: (1) there is reasonable assurance that the health and safety of the public will not be endangered by operation in the proposed manner, (2) such activities will be conducted in compliance with the Commission's regulations, and (3) the issuance of the amendment will not be inimical to the common defense and security or to the health and safety of the public.

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Date: December 22, 1998



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