



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

November 8, 1999

Mr. John H. Mueller
Chief Nuclear Officer
Niagara Mohawk Power Corporation
Nine Mile Point Nuclear Station
Operations Building, Second Floor
Lycoming, NY 13093

SUBJECT: PAST AND FUTURE COMPLIANCE WITH 10 CFR 50.71(e)(4) REGARDING
REVISIONS TO THE UFSAR, NINE MILE POINT NUCLEAR STATION,
UNIT NOS. 1 AND 2 (TAC NOS. MA7009 AND MA7010)

Dear Mr. Mueller:

Title 10 of the *Code of Federal Regulations* (10 CFR), Subsection 50.71(e)(4) specifies the schedular requirements whereby licensees are to submit revisions to their Updated Final Safety Analysis Reports (UFSARs). It requires revisions to be made "...annually or 6 months after each refueling outage provided the interval between successive updates does not exceed 24 months." In a 1997 survey, the NRC staff found numerous incidents of noncompliance with this schedular requirement by licensees at sites containing both single and multiple units. In many cases, licensees for sites with multiple units were basing their UFSAR submissions upon the outage schedule of one unit.

We understand that some confusion about the proper interpretation of 10 CFR 50.71(e)(4) may have been caused by an NRC staff letter to Commonwealth Edison Company (ComEd) dated June 15, 1993, which endorsed a submission schedule proposed by ComEd for its plants. Neither ComEd's proposed schedule nor the staff's endorsement were in literal compliance with 10 CFR 50.71(e)(4). Nevertheless, many licensees adopted the staff position expressed in the June 15, 1993, letter and thus deviated from the schedular requirements of this regulation. Recently, the staff granted exemptions to the ComEd plants. The transmittal letter (D. Skay to O. D. Kingsley, dated July 27, 1999) states that "this [Skay's] letter and the enclosed exemptions supersede our letter of June 15, 1993."

We note that you have not requested a schedular exemption to 10 CFR 50.71(e)(4) for Nine Mile Point Nuclear Station, Units 1 and 2. This may indicate that either you intend to comply with the correct interpretation of the regulation, or you may have incorrectly interpreted the regulation in the past. The purpose of this letter is to clarify any misunderstanding of this regulation. We will exercise enforcement discretion, in accordance with Section VII.B.6 of the NRC Enforcement Policy, for any incidents of past violation of 10 CFR 50.71(e)(4). In the future we will enforce the schedular requirements as prescribed, or as modified by an exemption for Nine Mile Point Nuclear Station, Units 1 and 2.

NRC FILE

DF01

J. H. Mueller

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There is no need to respond to this letter. If you have any questions regarding this matter, please contact me by phone on (301) 415-3049 or by electronic mail at dsh@nrc.gov.

Sincerely,

Original signed by:
Darl S. Hood, Sr. Project Manager, Section 1
Project Directorate I
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket Nos. 50-220
and 50-410

cc: See next page

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J. Mueller

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There is no need to respond to this letter. If you have any questions regarding this matter, please contact me by phone on (301) 415-3049 or by electronic mail at dsh@nrc.gov.

Sincerely,

A handwritten signature in black ink that reads "Darl S. Hood". The signature is written in a cursive style with a large initial "D" and "H".

Darl S. Hood, Sr. Project Manager, Section 1
Project Directorate I
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket Nos. 50-220
and 50-410

cc: See next page

Nine Mile Point Nuclear Station
Unit Nos. 1 and 2

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