



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

500 410

December 13, 1999

Mr. John H. Mueller
Chief Nuclear Officer
Niagara Mohawk Power Corporation
Nine Mile Point Nuclear Station
Operations Building, Second Floor
P.O. Box 63
Lycoming, NY 13093

SUBJECT: DRAFT SAFETY EVALUATION REGARDING PROPOSED CONVERSION TO IMPROVED STANDARD TECHNICAL SPECIFICATIONS FOR NINE MILE POINT NUCLEAR STATION, UNIT NO. 2 (TAC NO. MA3822)

Dear Mr. Mueller:

Enclosure 1 is the draft Safety Evaluation (SE) on your proposed conversion of the current Technical Specifications (CTSs) for the Nine Mile Point 2 Nuclear Station, Unit No. 2 (NMP2) to the Improved Technical Specifications (ITSs). The ITSs are based on the CTSs, NUREG-1433 and NUREG-1424, Revision 1, "Standard Technical Specifications for General Electric Plants, BWR/5 and BWR/6, dated April 1995, and on guidance provided in the Commission's "Final Policy Statement on Technical Specifications Improvements for Nuclear Power Reactors," published in the Federal Register on July 22, 1993 (58 FR 39132).

The enclosed draft SE, including four tables attached to the SE that list the changes to the CTSs, is based on the staff's review of your application dated October 16, 1998, as supplemented by letters dated December 30, 1998; and May 10, June 15, July 30, August 11, 16, 19, 27, and September 10, 1999. These letters were your responses to the staff's requests for additional information (RAIs) dated March 26, 1999, May 10, 1999, May 18, 1999, June 16, 1999, and September 2, 1999. The staff has had additional RAIs in its letter of September 21, 1999, and there was also a meeting summary that was issued on December 8, 1999.

The enclosed draft SE is being provided for your review to verify its accuracy and to prepare the certified ITSs for NMP2 to be submitted to NRC for issuance in the conversion amendment. The beyond scope issues are addressed in Section 3.G of the draft SE. You are requested to provide your comments on the draft SE in writing, and a certified ITSs and Bases to the ITSs, within 30 days of receipt of this letter or with the update to your application based on the responses to the staff's RAIs, whichever date is later. After the staff has reviewed your comments, it will incorporate changes, as appropriate, in the final SE before issuing the ITSs and the final SE by amendment. The conclusions of the NRC staff in the enclosed draft SE are not valid until the final SE is issued.

The draft SE has additional information needed by the staff that is identified (by bold type) in the SE itself and in the attached tables. An electronic copy of the draft SE and the tables has been provided to your staff. Where applicable, you are also requested to provide the additional information needed by the staff with your comments on the draft SE.

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You are also requested to submit a license condition for Appendix D to the NMP2 license to make enforceable the transfer of those requirements in the CTS being relocated into licensee-controlled documents (i.e., documents, such as the NMP2 Updated Safety Analysis Report (USAR), for which changes to the documents by licensees are controlled by the regulations, in the case of the USAR, 10 CFR 50.59, or the ITS Section 5.0) for the ITS conversion, as described in your letters and the enclosed draft SE. Enclosure 2 contains an acceptable license condition. A similar license condition to Enclosure 2 should also be submitted for (1) each commitment to complete a future action that you have included in your above letters on the ITS for NMP2, and (2) the first performance of new and revised surveillance requirements (SR) for the ITS to be related to the implementation of the ITS. An acceptable license condition for the new and revised SRs is provided in Section 6 of the enclosed draft SE and Enclosure 2.

Please do not hesitate to contact me at 301-415-1441 (or gsv@nrc.gov on the Internet) if you have any questions.

Sincerely,



Guy S. Vissing, Sr. Project Manager, Section I
Project Directorate I
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket No. 50-410

Enclosures: 1. Draft Safety Evaluation
2. Acceptable License Condition

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Original signed by:

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