

Mr. James F. Warden, Jr.

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therefore had the greatest potential for setting outage duration, it is felt that a discussion of IEB 79-02 would be responsive to your request. Therefore, the following paragraphs discuss the activity which accompanied this Bulletin as well as our thoughts on a desirable regulatory environment.

Through a telephone discussion with NRC staff at the Region I Offices on April 10, 1979 and an on-site inspection begun on May 2, 1979, Niagara Mohawk was informed that the completion of anchor bolt testing in inaccessible areas in accordance with IEB 79-02 was required prior to plant startup. Niagara Mohawk was also informed at this time that the NRC would review the results of anchor bolt testing at Nine Mile to evaluate the impact on plant startup. The NRC requirement to test and repair the inaccessible anchor bolts during the outage was the minimum amount of work that would satisfy the NRC if one assumed a low failure rate of supports in normally inaccessible areas.

As stated in IEB 79-02, the objective of the anchor bolt testing program "should assure that each Seismic Category I system will perform its intended function." Although there was no explicit NRC requirement to perform tests and repairs in accessible areas prior to plant startup (except as committed to in LER 79-12/T-0 dated June 6, 1979), from a reactor safety standpoint, performance of the work in accessible areas was an appropriate, conservative action by the licensee in this instance. Testing and repair of the accessible anchors was warranted in light of the deficiencies found in the testing of the normally inaccessible anchor bolts. Niagara Mohawk satisfactorily fulfilled the intent of the Bulletin, through the testing program during the outage.

The Kemeny Commission recommendation B.6 (enclosed) addresses the concern that implementation of new safety measures at a reactor facility may be adversely impacted by the failure of State utility rate-making agencies to include the costs of such measures in the utility rate base. The Kemeny Commission has recommended that State rate-making agencies give explicit attention to the safety implications of rate making. We agree with this recommendation and are considering further our role in the resolution of this matter.

Hopefully, the above is responsive to your request. Please advise if information is required regarding other safety issues undertaken during the subject outage. We would be glad to discuss this matter, or any other, with you further.

Sincerely,

Original Signed by

H. R. Denton

Harold R. Denton, Director
Office of Nuclear Reactor Regulation

Enclosures and ccs: See next page

*SEE PREVIOUS YELLOW FOR CONCURRENCES

OFFICE	ORB #3	AD:ORP	OELD	D:DOR	NRR	NRR
SURNAME	*Polk/*Ippolito	*WGammill	*	*DEisenhut	*ECase	HDenton
DATE	11/21/79	11/21/79	11/28/79	12/10/79	12/11/79	12/15/79

Mr. James F. Warden, Jr.

- 3 -

Enclosures:

1. Domestic Licensing of Production
and Utilization Facilities (10 CFR 50)
2. Technical Specification, Nine Mile
Point, Unit No. 1
3. IE Bulletin 79-02
4. Kemeny Commission Recommendations

cc w/o enclosures:

Mr. Thomas Elsasser
State Liason Officer
Nuclear Regulatory Commission,
Region I
631 Park Avenue
King of Prussia, Pennsylvania 19406

Mr. Robert D. Vessels, Director
Office of Environmental Planning
New York State Public Service Commission
New York State Empire Plaza
Albany, New York 12223

Mr. Jay Dunkelberger
New York State Energy Office
2 Rockefeller Plaza
Albany, New York 12223

Mr. Donald P. Dise
Vice President - Engineering
Niagara Mohawk Power Corporation
300 Erie Boulevard West
Syracuse, New York 13202

Ms. Susan P. Strommer
The Honorable Robert C. McEwen
U. S. House of Representatives
Room 2210
Rayburn House Office Building
Washington, D. C. 20515

OFFICE

SURNAME

DATE

Mr. James F. Warden, Jr.

- 3 -

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Sincerely,

Harold R. Denton, Director
Office of Nuclear Reactor Regulation

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*SEE PREVIOUS YELLOW FOR CONCURRENCES

ORB #3
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11/21/79

ORB #3
*Tippolito
11/21/79

OFFICE	I&E	AD:ORP	OELD	DOR	NRR	NRR
SURNAME	EJordan	*WGammill	*	DE-Schut	ECas	HDenton
DATE	/ /79	11/ 21/79	11/28/79	12/10/79	12/11/79	1 /79

THE UNITED STATES OF AMERICA
DO hereby certify that the following is a true and correct copy of the original as the same appears on the records of the Department of the Interior, Bureau of Land Management, Washington, D. C.

THIS CERTIFICATE IS VALID FOR THE PURPOSES OF THE ACT OF MARCH 3, 1879, CHAP. 25, § 1.

IN WITNESS WHEREOF, the Director of the Bureau of Land Management, Department of the Interior, has hereunto set his hand and the seal of the Department at Washington, D. C., this 1st day of January, 1910.

JOHN W. COOPER,
Director of the Bureau of Land Management,
Department of the Interior.

BY _____
Special Agent in Charge,
Bureau of Land Management,
Department of the Interior.

RECORDED IN THE OFFICE OF THE
SPECIAL AGENT IN CHARGE,
BUREAU OF LAND MANAGEMENT,
WASHINGTON, D. C., THIS 1st DAY OF JANUARY, 1910.

ATTEST:
JOHN W. COOPER,
Director of the Bureau of Land Management,
Department of the Interior.

BY _____
Special Agent in Charge,
Bureau of Land Management,
Department of the Interior.

RECORDED IN THE OFFICE OF THE
SPECIAL AGENT IN CHARGE,
BUREAU OF LAND MANAGEMENT,
WASHINGTON, D. C., THIS 1st DAY OF JANUARY, 1910.

Mr. James F. Warden, Jr.

- 2 -

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As stated in IEB 79-02, the objective of the anchor bolt testing program "should assure that each Seismic Category I system will perform its intended function." Although there was no explicit NRC requirement to perform tests and repairs in accessible areas prior to plant startup (except as committed to in LER 79-12/T-0 dated June 6, 1979), from a reactor safety standpoint, performance of the work in accessible areas was an appropriate, conservative action by the licensee in this instance. Testing and repair of the accessible anchors was warranted in light of the deficiencies found in the testing of the normally inaccessible anchor bolts. Niagara Mohawk satisfactorily fulfilled the intent of the Bulletin, through the testing program during the outage.

The Kemeny Commission recommendation B.6 (enclosed) expresses a concern, which we share, that reactor facility safety has the potential for being compromised due to apparent pressure by rate setting organizations. This pressure may influence licensees to only do the minimum actions required by the NRC rather than independently determining that a satisfactorily conservative course of action has been taken which embraces the NRC's minimum requirements. Such a result would not produce the desired regulatory environment where the utility who has direct responsibility for safe operation of the reactor facility has every incentive to manage facility operations in the best interest of the public health and safety. The NRC has an oversight role to assure that the licensee is fulfilling this responsibility for safe operation.

Hopefully, the above is responsive to your request. Please advise if information is required regarding other safety issues undertaken during the subject outage. We would be glad to discuss this matter, or any other, with you further.

Sincerely,

Harold R. Denton, Director
Office of Nuclear Reactor Regulation

Enclosures: See next page

ORB #3
PPolk:mjf
11/21/79

ORB #3
ITppolito
11/21/79

*see comments
on note
attached
11/21/79
HJD*

OFFICE	AD-ORB	AD-ORB	AD-ORB	AD-ORB	AD-ORB	AD-ORB
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State of New York
EXECUTIVE DEPARTMENT
STATE CONSUMER PROTECTION BOARD
99 Washington Avenue
Albany, New York 12210

ROSEMARY S. POOLER
Chairwoman and Executive Director

October 18, 1979

Mr. Samuel Chilk
Secretary
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Mr. Chilk:

Would you please furnish the CPB the following information? Please furnish copies of any regulations concerning "as built" drawing requirements for files concerning nuclear power plants.

We are also concerned about whether Niagara Mohawk was required to extend the outage on the Nine Mile #1 to comply with NRC safety requirements for inspections. Was Niagara Mohawk ordered to perform this work prior to startup and, if so, when. Please furnish copies of orders, letters, internal memos, etc. if available.

Thank you for your attention to this request.

Sincerely,

James F. Warden, Jr.
Principal Intervenor

JFW/td

10-22
US
10-22
E.M.O.R.

