

October 23, 1979

Office of Inspection and Enforcement
Region I
Attn.: Mr. R. T. Carlson
Reactor Construction and Engineering
Support Branch
U.S. Nuclear Regulatory Commission
631 Park Avenue
King of Prussia, Pennsylvania 19406

Re: Nine Mile Point Unit 2
Docket No. 50-410

Dear Mr. Carlson:

Your Inspection Report 50-410/79-05, dated August 23, 1979, identified an alleged item of noncompliance. This involved the timeliness in evaluating the deficiencies in procedures and techniques for ultrasonic examination of double bevel "K" groove weld joints on the containment liner.

The Notice of Violation in Inspection Report 50-410/79-05 implies that eight months elapsed without generating sufficient information to determine if a reportable deficiency existed. 10CFR50.55(e) requires the holder of a construction permit to notify the appropriate Nuclear Regulatory Commission Inspection and Enforcement Regional Office of each reportable deficiency within twenty-four hours. However, no limit is placed on the length of time for the evaluation of the deficiency to determine if it is a reportable deficiency. As explained below, there were extenuating circumstances associated with the resolution of the audit findings. In any case, an investigation and evaluation of the problem with regard to the reporting requirements of 10CFR50.55(e) were initiated promptly. At no time was there a violation of procedures for evaluating and reporting deficiencies.

Following an audit of the containment liner manufacturer in September 1978, the audit findings were formally published on October 20, 1978. The involved contractor was contacted for a response to the audit, but the responses on November 28, 1978 and again on December 19, 1978 did not resolve the audit findings. On November 30, 1978 a review of the problem was initiated in accordance with procedures to determine if the audit findings identified deficiencies which were reportable under 10CFR50.55(e).

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During this time frame and into the first quarter of 1979, the ability to obtain information from the contractor was made difficult because the contract was terminated on December 29, 1979, and because litigation concerning the termination was initiated at that time.

A new containment liner contract was issued to another vendor on January 4, 1979. Mobilization and Quality Assurance procedure approvals were completed so that work could begin again on the liner in mid-March 1979.

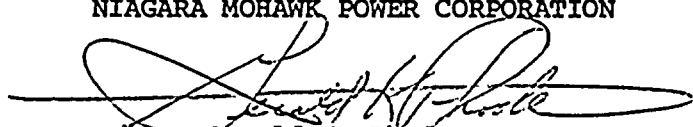
A task force was created to resolve the audit findings upon the termination of the original containment liner manufacturer. A formal meeting of the task force assigned to investigate the findings took place on March 16, 1979. As a result of the investigation, Nonconformance and Disposition Reports were issued for re-testing and repair of the containment liner double bevel "K" groove weld joints and base ring T-welds to correct this problem. Further information regarding the double bevel "K" groove weld joints and the base ring T-welds was provided in our final report on the containment liner potential deficiency dated September 6, 1979.

At the time of the Nuclear Regulatory Commission audit (May 14-17, 1979) repairs had begun on minor indications found after ultrasonic testing of the containment liner double bevel "K" groove weld joints. Niagara Mohawk was informed on May 18, 1979 by our Architect/Engineer that this problem, which is the same one cited in the Notice of Violation, was minor in nature and did not warrant reporting under 10CFR50.55(e). However, on May 18, 1979, due to the Nuclear Regulatory Commission Inspector's audit findings, Niagara Mohawk did report this problem to the Nuclear Regulatory Commission Region I Inspection and Enforcement Office, as a potential reportable deficiency under 10CFR50.55(e). Later information confirmed that less than one percent of the "K" weld had rejectable indications. This is considered relatively minor.

Internal procedures were complied with in evaluating this deficiency. In Niagara Mohawk's opinion, the noncompliance cited by the Nuclear Regulatory Commission is not valid. Therefore, no corrective action is required.

Very truly yours,

NIAGARA MOHAWK POWER CORPORATION



Gerald K. Rhode

Vice President
System Project Management

PEF/kmb

