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ADENSAM, E. G. BWR Project Directorate 3

SUBJECT: Requests schedular relief from 10CFR0.57(b) requirements for remaining uncompleted const activities, per 860407 ltr. Exemption from 10CFR50.12(a) should be granted as alternative if action required. Supporting info encl.

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A/A 2

ACCESSION NBR:8609120298 DOC.DATE: 86/09/07 NOTARIZED: YES DOCKET #
FACIL:50-410 Nine Mile Point Nuclear Station, Unit 2, Niagara Moha 05000410
AUTH.NAME AUTHOR AFFILIATION
HANCHAN,C.V. Niagara Mohawk Power Corp.
RECIP.NAME RECIPIENT AFFILIATION
ADENSAM,E.G NRR Project Directorate 3

SUBJECT: Requests schedular relief from 10CFR50.37(b) requirements for
remaining uncomplyied const activities,per 860402 ltr.
Exemption from 10CFR50.12(a) should be granted as
alternative if action required.Supporting info encl.

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	BWR PD3 LA		1	1	BWR PD3 PD		1	1
	HAUGHEY,M	01	2	2	BWR PSB		1	1
	BWR RSB		1	1				
INTERNAL:	ACRS	41	6	6	ADM/LFMB		1	0
	ELD/HDS3		1	0	IE FILE		1	1
	IE/DEPER/EPB	36	1	1	IE/DGAVT/GAB	21	1	1
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	NRR PWR-B ADTS		1	0	NRR ROE.FIL		1	1
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	RM/DDAM/MIB		1	0				
EXTERNAL:	24X		1	1	BNL(AMDTS ONLY)		1	1
	DMB/DSS (AMDTS)		1	1	LPDR	03	1	1
	NRC PDR	02	1	1	NSIC	05	1	1
	PNL GRUEL,R		1	1				

TOTAL NUMBER OF COPIES REQUIRED: LTTR 40 ENCL 34

NIAGARA MOHAWK

NIAGARA MOHAWK POWER CORPORATION/300 ERIE BOULEVARD WEST, SYRACUSE, N.Y. 13202/TELEPHONE (315) 474-1511

May 7, 1986
(NMP2L 0707)

Ms. Elinor G. Adensam, Director
BWR Project Directorate No. 3
U.S. Nuclear Regulatory Commission
7920 Norfolk Avenue
Washington, DC 20555

Dear Ms. Adensam:

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

As discussed in the Niagara Mohawk Power Corporation letter from C. V. Mangan to E. Adensam (NRC) dated April 7, 1986, construction, preoperational testing and post-test reviews of certain portions of a small number of systems may not be complete prior to fuel load. As discussed in detail in the attachments to this letter, Niagara Mohawk believes that the incomplete status of these systems at fuel loading would not prevent a finding, pursuant to 10 CFR 50.57(a), that construction is substantially complete. Thus, schedular relief under 10 CFR 50.57(b) through the designation of temporary noncompliance for the remaining uncompleted construction activities is warranted and Niagara Mohawk requests such relief.

Nevertheless, the requirements for schedular exemptions pursuant to 10 CFR 50.12(a) are addressed in this letter should the NRC determine that such action is required in this instance. Thus, pursuant to the requirements of Title 10, Code of Federal Regulations (10 CFR), Niagara Mohawk requests in the alternative that an exemption from the requirements of 10 CFR Section 50.12(a) be granted to permit the completion of construction, preoperational testing and post-test reviews for those portions of the designated systems incomplete at fuel loading as specifically set forth in Attachments I through III. These requested exemptions relate to ADS and Leak Detection, Offgas, and Containment Monitoring Systems tests.

These exemptions have been reviewed and found to be authorized by law and consistent with the common defense and security. The attachments to this letter demonstrate that the requested exemptions present no undue risk to the health and safety of the public and that special circumstances are present that justify granting the exemptions.

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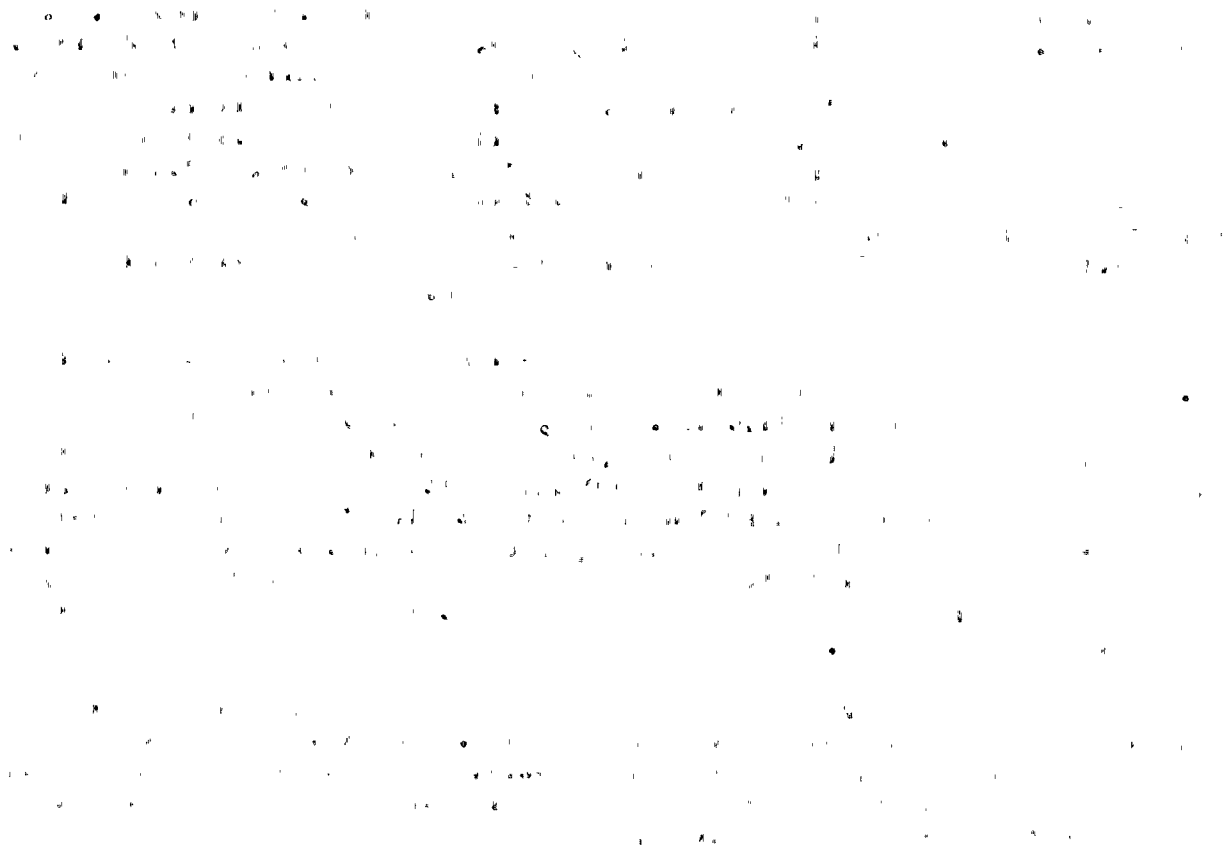


With regard to the "common defense and security" standard, the grant of the requested exemptions is consistent with the common defense and security of the United States. The Commission's Statement of Considerations in support of the exemption rule note with approval the explanation of this standard as set forth in Long Island Lighting Company (Shoreham Nuclear Power Station, Unit 1), LBP-84-45, 20 NRC 1343, 1400 (October 29, 1984). There, the term "common defense and security" refers principally to the safeguarding of special nuclear material, the absence of foreign control over the applicant, the protection of Restricted Data, and the availability of special nuclear material for defense needs. The granting of the requested exemptions will not affect any of these matters and thus such grants are consistent with the common defense and security.

The proposed exemptions have been analyzed and determined not to cause additional construction or operational activities which may significantly affect the environment. They do not result in a significant increase in any adverse environmental impact previously evaluated in the Final Environmental Impact Statement-Operating License Stage, a significant change in effluents or power levels or a matter not previously reviewed by the Nuclear Regulatory Commission which may have a significant adverse environmental impact.

Niagara Mohawk is ready to meet with the cognizant Nuclear Regulatory Commission personnel to review these matters should you require additional information.

Very truly yours,

cvmangan

C. V. Mangan
Senior Vice President

NLR:ar
1519G
Attachments
xc: R. A. Gramm, NRC Resident Inspector
Project File (2)

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)

Niagara Mohawk Power Corporation) Docket No. 50-410

(Nine Mile Point Unit 2))

AFFIDAVIT

C. V. Mangan, being duly sworn, states that he is Senior Vice President of Niagara Mohawk Power Corporation; that he is authorized on the part of said Corporation to sign and file with the Nuclear Regulatory Commission the documents attached hereto; and that all such documents are true and correct to the best of his knowledge, information and belief.

C V Mangan

Subscribed and sworn to before me, a Notary Public in and for the State of New York and County of Onondaga, this 7th day of May, 1986.

Christine Austin
Notary Public in and for
Onondaga County, New York

My Commission expires:
CHRISTINE AUSTIN
Notary Public in the State of New York
Qualified in Onondaga Co. No. 4787687
My Commission Expires March 30, 1987

CHRISTINE AUSTIN
Notary Public in the State of New York
Qualified in Onondaga Co. No. 4787227
My Commission Expires March 30, 19__

ATTACHMENT I

ADS and Leak Detection

It is requested that a schedular exemption be granted for the performance of the Preoperational test of the Automatic Depressurization System (Test 34) and Reactor Coolant and ECCS Leakage (Test 85) discussed in FSAR Tables 14.2-52 and 14.2-112, respectively.

Automatic Depressurization System

As described in FSAR Sections 1.2.9.8, 6.3.1.2.4, 6.3.2.2.2 and 7.3.1, the Automatic Depressurization System (ADS) rapidly reduces reactor pressure in a loss of coolant accident (LOCA) situation where the High Pressure Core Spray (HPCS) and Reactor Core Isolation Cooling (RCIC) Systems fail to maintain the reactor pressure vessel water level. The depressurization provided by the system enables the low pressure Emergency Core Cooling System (ECCS) to deliver cooling water to the vessel. The ADS uses seven of the relief valves that are part of the reactor coolant pressure relief system. The ADS relief valves are initiated automatically by a reactor vessel low water level signal or manually from the main control room.

Prior to initial startup, the reactor fuel generates no heat and can be stored in the reactor vessel with no cooling required. Even though no cooling is needed, the fuel in the reactor vessel will be stored under water. Therefore, the Emergency Core Cooling Systems, of which the ADS is a part, are not needed.

Technical Specifications 3.3.3 (ECCS Actuation Instrumentation) and 3.5.1 (ECCS - Operating) require the ADS to be operable during operational conditions (modes) 1, 2 and 3. Technical Specification 3.5.2 is only applicable to post fuel irradiation, and thus is not applicable in this case. Conformance with the plant Technical Specifications is therefore maintained. Preoperational testing of the system will be completed prior to initial criticality.

Reactor Coolant and ECCS Leak Detection

The Reactor Coolant and ECCS Leak Detection System provide leak detection for drywell floor and equipment drain sumps to determine if there is any unacceptable reactor coolant system leakage present in the primary and secondary containments. FSAR Section 5.2.5 describes this system in detail.

The Leak Detection Systems (LDS) are required to monitor system leakages to assure the integrity of the reactor cooling systems. Prior to the first reactor startup and subsequent first fuel irradiation, the reactor fuel does not generate any heat and requires no cooling, Therefore, system leakage cannot damage the reactor core, and the LDS are not needed. The Technical Specifications require these systems to be operable in operating modes 1, 2 and 3 (see Specification 3.4.3.1). Unit 2 will be in conformance with this Technical Specification. Preoperational testing of the system will be completed prior to initial criticality.

Conclusion

Defering completion of the ADS and Reactor Coolant and ECCS Leak Detection Systems preoperational testing until initial criticality does not present an undue risk to the public health and safety since, prior to initial startup, the reactor fuel generates no heat and can be loaded and stored in the reactor vessel with no cooling required. In addition, no requirement of the Unit 2 Technical Specifications is affected by these deferrals.

SPECIAL CIRCUMSTANCES ARE PRESENT

Special circumstances are present which warrant issuance of the requested exemption. These special circumstances are discussed in accordance with the classification contained in 10 CFR 50.12(a)(2):

(ii) Application of the regulation [10 CFR 50.12] in the particular circumstances would not serve the underlying purpose of the rule or is not necessary to achieve the underlying purpose of the rule.

Inasmuch as the ADS and Reactor Coolant Leak Detection systems do not play any role in operation of the facility until initial criticality, the underlying purpose of the rule may be achieved without it. Thus, special circumstances exist.

(v) The exemption would provide only temporary relief from the applicable regulation and the licensee or applicant has made good faith efforts to comply with the regulation.

As discussed above, only temporary relief is being sought because the systems are not needed until initial criticality. Inasmuch as actions are underway for work-around plans on the ECCS/Loss of Power Test to expedite the overall test schedule, good faith efforts to comply with the regulation are underway. Thus special circumstances are present which warrant granting the exemption.

ATTACHMENT II

Offgas Systems

It is requested that a schedular exemption be granted for the performance of the Preoperational test of the Offgas System (Test 42) discussed in FSAR Table 14.2-60.

Offgas System

As described in FSAR Section 11.3.2.1, the Offgas System provides a means to process main condenser air removed by the air ejectors during normal operation. This action maintains the condenser essentially free of gases during operation. The system processes all noncondensible gases entering through the turbine seals, condensate, feedwater and steam systems, and the noncondensibles that are generated in the reactor by disassociation of water.

The operability requirements for Offgas System ensure that the system will be available for use whenever gaseous effluents require treatment prior to release to the environment. Prior to entering operational condition (mode) 1, no radioactive gaseous effluents can be generated. Therefore, the Offgas System is not needed, nor is it required to be tested until prior to the initiation of power generation and radioactive effluents are available to be processed. At that time, the system will be operable in accordance with Technical Specifications.

Prior to the first plant startup, the Offgas System performs no function, as there is no offgas to process. Therefore, the above test completion schedule has no effect on plant safety.

Specifications 3.11.2.4, 3.11.2.6 and 3.11.2.7 describe the Technical Specification requirements for the Offgas System. All Technical Specifications relate to operability requirements when there is radioactivity being released. Therefore, these Technical Specifications are not applicable in this case, as the system will be tested and operable prior to opening the main steam isolation valves after initial startup.

Conclusion

Deferal of the completion of Offgas Systems preoperational testing until the main steam isolation valves are opened does not present an undue risk to the public health and safety since no radioactive noncondensible gas is present in the main condenser. In addition, the Unit 2 Technical Specifications are not affected by this deferal.

SPECIAL CIRCUMSTANCES ARE PRESENT

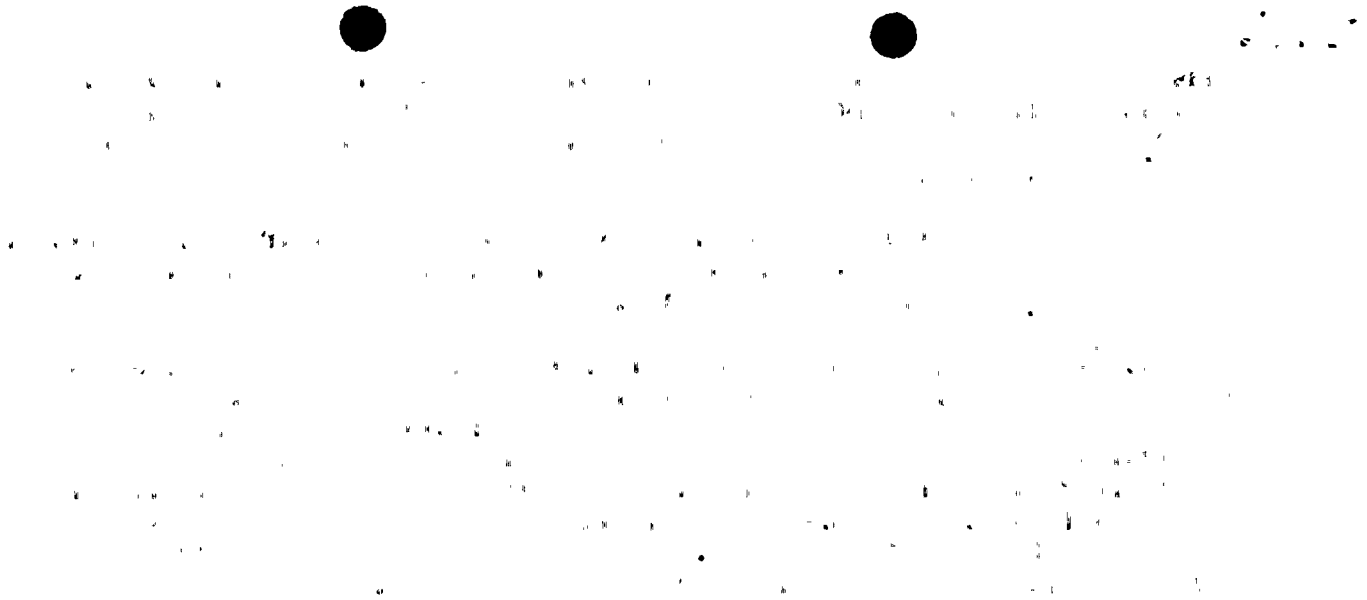
Special circumstances are present which warrant issuance of the requested exemption. These special circumstances are discussed in accordance with the classification contained in 10 CFR 50.12(a)(2):

(ii) Application of the regulation [10 CFR 50.12] in the particular circumstances would not serve the underlying purpose of the rule or is not necessary to achieve the underlying purpose of the rule.

Inasmuch as the Offgas systems does not play any role in operation of the facility until radioactive gases are produced and present in the condenser the underlying purpose of the rule may be achieved without it. Thus, special circumstances exist.

(v) The exemption would provide only temporary relief from the applicable regulation and the licensee or applicant has made good faith efforts to comply with the regulation.

As discussed above, only temporary relief is being sought because the system is not needed until the main steam isolation valves are opened. Good faith attempts have been made to comply with the regulation by scheduling completion of the Offgas System preoperational testing at the first criticality that primary containment is required in order that an intensive effort could be concentrated on completing those systems which are necessary to be operable prior to fuel load. Thus special circumstances are present which warrant the granting of the requested exemption.



ATTACHMENT III

Containment Monitoring Systems Testing

It is requested that a schedular exemption be granted for the performance of the Preoperational test of the Containment Monitoring Systems, including Containment Leakage Monitoring (Test 81) and Containment Atmosphere Monitoring (Test 82) as described in FSAR Tables 14.2-107 and 14.2-108, respectively.

Containment Atmospheric Monitoring

The Containment Atmospheric Monitoring System (CMS) provides a means of monitoring atmospheric conditions inside the drywell and suppression chamber. This system is designed to identify pressure, hydrogen, oxygen, humidity, radiation and level indications in the drywell. It also measures suppression pool temperature. The system is described more fully in FSAR Section 6.2.1.7.

The CMS is required to monitor the containment during startup, normal operation, post accident and hot shutdown conditions. None of these conditions can exist until after the first reactor startup (mode 2). Therefore, prior to the first entry to operating (mode) condition 3, the CMS performs no safety function and is not needed.

In accordance with the Technical Specifications, the system is used to monitor containment atmospheric conditions during operating modes (operational conditions) 1, 2 and 3. Therefore, it is acceptable to perform the preoperational test after fuel load but prior to the first entry into operating (mode) condition 3.

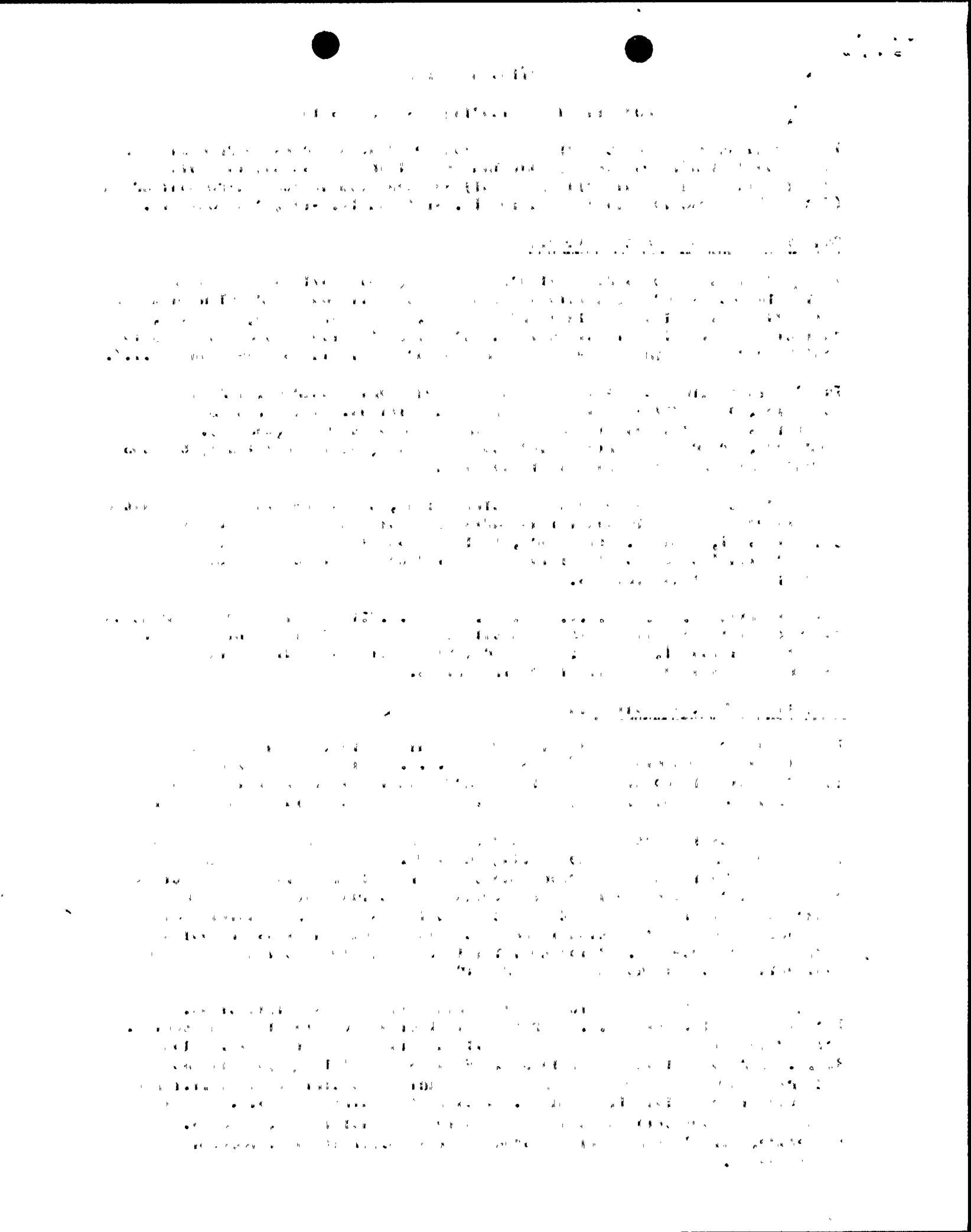
Specifications 3.6.1.5, 3.6.1.6, 3.6.6.2 and 3.4.3.1 describe the requirements for this equipment and require that this system be operable during operating (mode) conditions 1, 2 and 3; therefore, the testing schedule is in conformance with the Technical Specifications.

Containment Leakage Monitoring

The Containment Leakage Monitoring System monitors leakage in the primary containment as described in FSAR Section 5.2.5. This system provides isolation signals to close certain primary containment isolation valves during conditions that would indicate that a loss of coolant accident is occurring.

Prior to initial startup, the reactor fuel generates no heat and can be stored in the reactor vessel with no cooling required. During this period, the leakage monitoring system performs no safety function. Only after initiation of power operation (mode 1) are the leakage detection systems necessary to ensure that the leakage from the reactor coolant system is identified and that appropriate protective action is taken to ensure that any loss of coolant accidents are detected. Prior to initial startup, the Containment Leakage Monitoring System is not needed or required.

The containment leakage monitoring is defined in three specifications. Technical Specification 3.3.2 refers to isolation actuation instrumentation. Primary Containment leakage rates are limited in Technical Specification 3.6.1.2 for Operational Conditions 1, 2* and 3, and Primary Containment Integrity is required to be operable by Technical Specification 3.6.1.1 for Operational Conditions 1, 2* and 3. Technical Specification 3.3.2 requires these leakage detection systems be operable for Conditions 1, 2 and 3. Therefore, Unit 2 will be in conformance with Technical Specification requirements.



Conclusion

Deferal of the completion of Containment Atmospheric Monitoring Systems preoperational testing until initial criticality does not present an undue risk to the public health and safety since the containment monitoring function is only required after the first startup. In addition, the Unit 2 Technical Specifications are not affected by this deferal.

Deferal of the completion of Containment Leak Monitoring Systems preoperational testing until initial criticality does not present an undue risk to the public health and safety since this system is required in a post LOCA condition. Prior to initial startup the reactor fuel generates no heat and can be loaded and stored in the reactor vessel with no cooling required. In addition, the Unit 2 Technical Specifications are not affected by this deferal.

SPECIAL CIRCUMSTANCES ARE PRESENT

Special circumstances are present which warrant issuance of the requested exemption. These special circumstances are discussed in accordance with the classification contained in 10 CFR 50.12(a)(2):

(ii) Application of the regulation [10 CFR 50.12] in the particular circumstances would not serve the underlying purpose of the rule or is not necessary to achieve the underlying purpose of the rule.

Inasmuch as the Containment systems does not play any role in operation of the facility until the initial criticality, the underlying purpose of the rule may be achieved without it. Thus, special circumstances exist.

(v) The exemption would provide only temporary relief from the applicable regulation and the licensee or applicant has made good faith efforts to comply with the regulation.

As discussed above only temporary relief is being sought because the system is not needed until initial criticality. Good faith efforts are underway to expedite the testing effort on these systems. Thus, special circumstances are present which warrant the granting of the requested exemption.