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 AUTH. NAME AUTHOR AFFILIATION
 MANGAN, C. V. Niagara Mohawk Power Corp.
 RECIP. NAME RECIPIENT AFFILIATION
 ADENSAM, E. G. BWR Project Directorate 3

SUBJECT: Requests exemption to defer operability of DBA hydrogen recombiner sys until prior to exceeding 5% power. No significant radiological or non-radiological environ impacts associated w/exemption.

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MEMORANDUM FOR THE ATTORNEY GENERAL
SUBJECT: [Illegible]

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December 5, 1986
(NMP2L 0946)

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

Niagara Mohawk Power Corporation has previously identified the Nine Mile Point Unit 2 Design Basis Accident (DBA) Hydrogen Recombiner System as a system which might not be tested and operational by fuel loading. Subsequent testing has disclosed that the DBA recombiners cannot meet all the present requirements delineated in the Nine Mile Point Unit 2 Final Safety Analysis Report (FSAR), the Safety Evaluation Report (SER) and Technical Specifications (TS). However, this testing has demonstrated that the DBA recombinder system can meet all requirements necessary for safe plant operation. Consequently, Niagara Mohawk requests, pursuant to the provisions of Title 10, Code of Federal Regulations, Section 50.12(a), that an exemption be granted to continue startup testing while analyses that have been performed to demonstrate that the DBA recombiners can support safe operation of the plant at full power and revised requirements can be agreed upon between Niagara Mohawk and the Nuclear Regulatory Commission Staff. The exemption specifically seeks authority to operate the plant up to 5% of rated power while testing is in progress. The applicable 10CFR50, Appendix A-General Design Criteria affected by this exemption request are GDC 41, 42 and 43. Also affected is 10CFR50.44.

This exemption has been reviewed and found to be authorized by law and consistent with the common defense and security. The attachment to this letter demonstrates that the requested exemption presents no undue risk to the health and safety of the public and that special circumstances are present that justify granting the exemption.

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Ms. Elinor G. Adensam, Director
Page Two

With regard to the "common defense and security" standard, the grant of the requested exemption is consistent with the common defense and security of the United States. The Commission's Statement of Considerations in support of the exemption rule notes 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 exemption will not affect any of these matters and thus, such grants are consistent with the common defense and security.

The proposed exemption has been analyzed and determined not to cause additional construction or operational activities which may significantly affect the environment. It does 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 this matter should you require additional information.

Very truly yours,



C. V. Mangan
Senior Vice President

TS/pns
2282G
Attachment

xc: W. A. Cook, NRC Resident Inspector
Project File (2)



UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of]
Niagara Mohawk Power Corporation]
(Nine Mile Point Unit 2)]

Docket No. 50-410

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 5th day of December, 1986.

Beth A. Menikheim
Notary Public in and for
Onondaga County, New York

My Commission expires:

BETH A. MENIKHEIM
Notary Public in the State of New York
Qualified in Onondaga County No. 4804074
My Commission Expires August 31, 1987



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ATTACHMENT I

DBA Hydrogen Recombiner System

As described in FSAR Section 6.2.5, the Hydrogen Recombiners are utilized to remove hydrogen generated after a loss of coolant accident. The Hydrogen Recombiner System is provided to control the post-LOCA concentration of hydrogen in the primary containment. This system recirculates a portion of the containment atmosphere through a recombiner to maintain hydrogen concentration below 5 percent. The primary containment purge system is available to use as a backup to the Hydrogen Recombiner System.

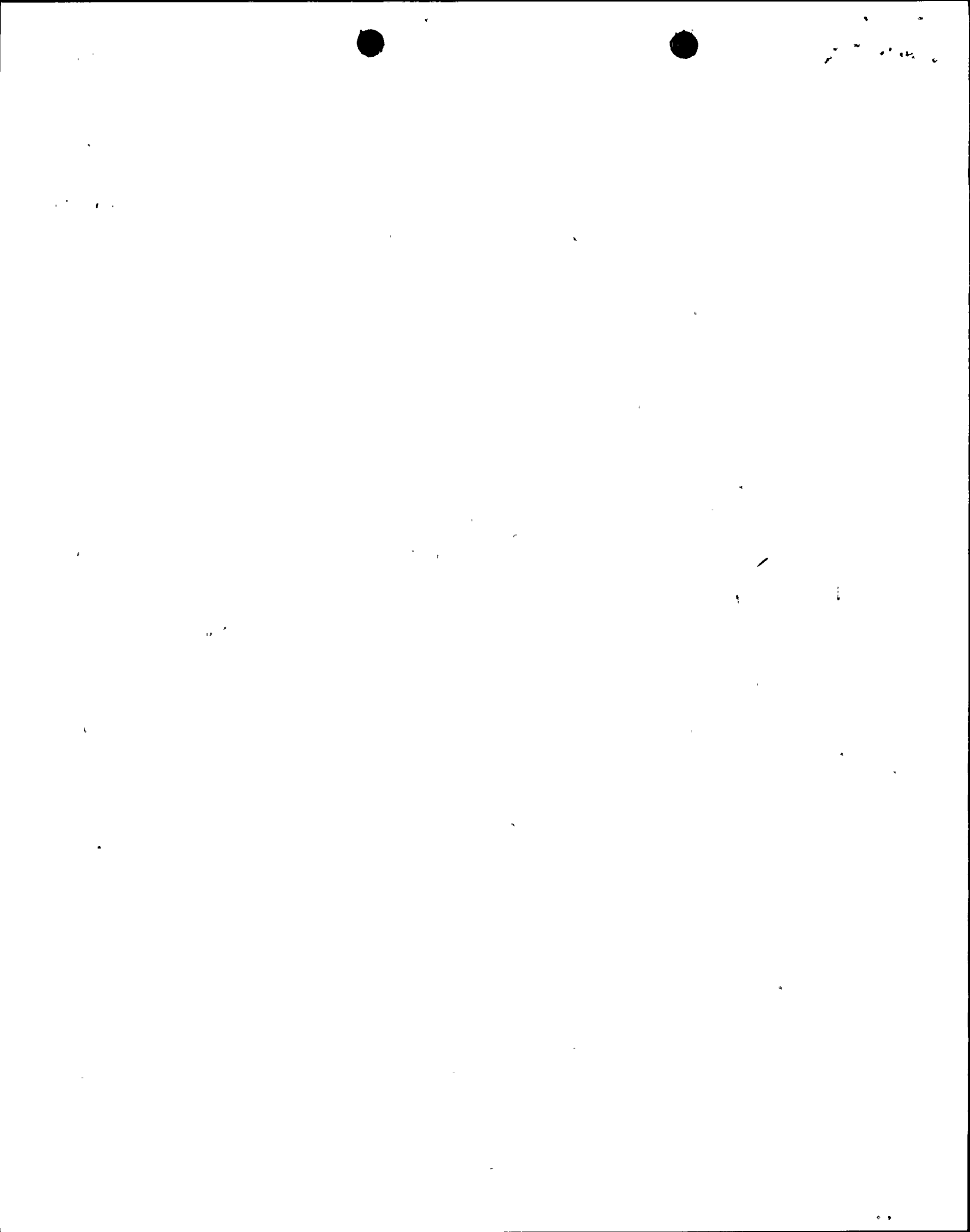
The operability of the systems required for the detection and control of hydrogen gas is necessary to ensure that these systems will be available to maintain hydrogen concentration within the primary containment below its flammable limit during post-LOCA conditions. The drywell and suppression chamber hydrogen recombiner system is designed to control the expected hydrogen and oxygen generation associated with zirconium water reactions, decomposition of water and corrosion of metals within the containment following a design basis accident.

As stated in a letter to Congressman Markey from the Nuclear Regulatory Commission Staff, dated June 15, 1984, there is no undue risk to the health and safety of the public for the limited operations authorized during low power testing. The studies indicated in NUREG 0420, Supplement 5 and 6 also support this conclusion. Therefore, Niagara Mohawk requests an exemption to defer operation of the DBA Hydrogen Recombiner until prior to operation above 5% of rated thermal power. This exemption does not adversely affect the safety of operation of the plant.

An exception to the plant Technical Specification 3.6.6.1 for the Hydrogen Recombiner System is required relative to our request for the schedular exemption. Specification 3.6.6.1 requires that the Hydrogen Recombiners be operable during conditions 1 and 2.

Environmental Impact of the Proposed Action: The exemption would allow Niagara Mohawk to defer operability of the DBA Hydrogen Recombiner System until prior to exceeding 5% power.

Since prior to exceeding 5% power, the DBA Hydrogen Recombiner System performs no function, as described above, the proposed exemption will not increase the probability of an accident and will not result in post-accident radiological releases that are greater than those previously determined for the Nine Mile Point Nuclear Station Unit 2. Moreover, the proposed exemption will not otherwise affect radiological plant effluents, nor result in any significant occupational exposure. Likewise, the exemption does not affect non-radiological plant effluents and has no other environmental impact. Therefore, there are no significant radiological or non-radiological environmental impacts associated with this proposed exemption.



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 10CFR50.12(a)(2):

- (ii) Application of the regulation [10CFR50.12] 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.

It has been documented that it is unlikely that significant hydrogen would be generated during a Design Basis Accident when operating below 5% of rated power. Therefore, the underlying purpose of the rule will be met.

- (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 until exceeding 5% power is being sought. Niagara Mohawk has been and continues to make good faith efforts to maximize the performance of the DBA recombiners and provide analyses showing that they will support safe operation of the plant. The additional time being sought will be used to finalize these efforts and communicate the results to the Nuclear Regulatory Commission Staff.

