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SUBJECT: Requests extension of time for submittal of updated SAR from 881031 to 890430.

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September 16, 1988
NMP2L 1165U.S. Nuclear Regulatory Commission
Attn: Document Control Desk
Washington, D.C. 20555Re: Nine Mile Point Unit 2
Docket No. 50-410
NPF-69

Gentlemen:

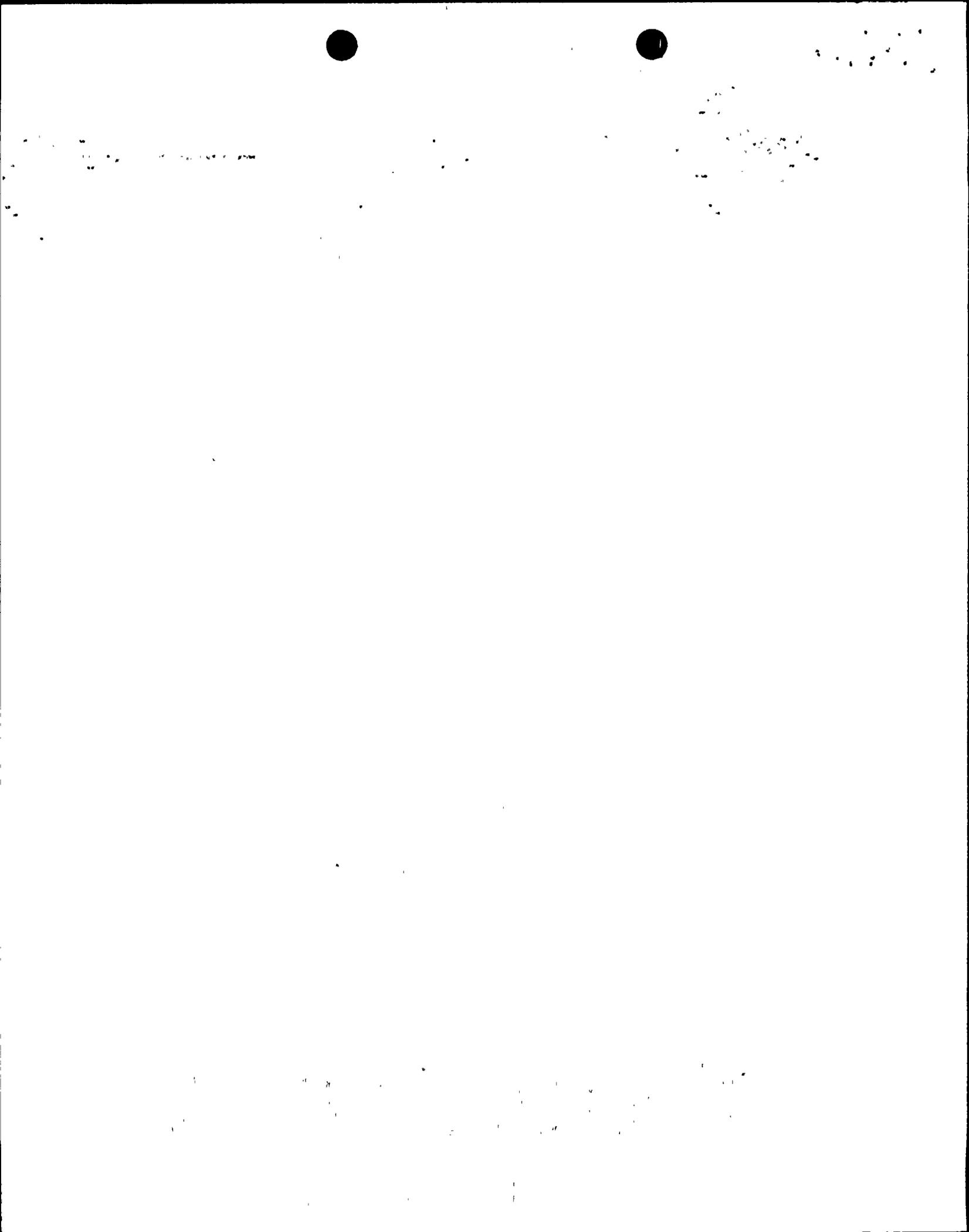
Niagara Mohawk Power Corporation hereby requests an exemption for Nine Mile Point Unit 2 pursuant to 10 CFR 50.12(a) from the requirements set forth in 10 CFR 50.71(e). Specifically, Niagara Mohawk requests that the time for providing the initial submittal of the Updated Safety Analysis Report ("USAR") be extended six months from October 31, 1988 until April 30, 1989. The primary reasons for the request for additional time are the size of the FSAR (i.e., 35 volumes), the backlog of changes that were made between the FSAR submittal just prior to the issuance of the Operating License and commercial operation; and the magnitude of the effort required to support this update.

Other factors have also affected the schedule for this effort. Additional time is required to assure that all changes which may potentially affect the FSAR are systematically and thoroughly reviewed. The areas requiring review include design changes made during the startup and power ascension test program, and Staff questions and responses which have not yet been incorporated into the text of the FSAR. The startup test report is also being thoroughly reviewed for test exceptions which affect the FSAR. The time necessary to complete the reviews was affected by the length and course of the startup test program. The additional time is also required to complete Niagara Mohawk's program for internal checking and verification in an orderly manner.

Relief is also requested from the portion of 10 CFR 50.71(e)(3)(i) requiring the refiling of a completely new updated document known as the "Updated FSAR." The Nine Mile Point Unit 2 FSAR is in the standard format and has been periodically updated during the licensing review; therefore, substituting only those pages affected by changes as compared with reprinting and rebinding the entire document is significantly less costly with no loss of content or clarity. This approach has been discussed with the NRC Staff and has been utilized in other dockets.

The NRC may grant exemptions from Part 50 requirements pursuant to 10 CFR 50.12. Paragraph (a)(1) of 10 CFR 50.12 requires that exemptions present no undue risk to the public health and safety, and are consistent with

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the common defense and security. Paragraph (a)(2) requires exemptions meet one or more special circumstances which the regulation has divided into six categories. The requested exemption has been reviewed and found to be authorized by law and consistent with the common defense and security. The accompanying attachment to this letter demonstrates that the requested exemption presents no undue risk to the public health and safety and that special circumstances are present that justify granting the exemption.

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 Statements of Consideration, in support of the amendment of Section 50.12(a) which became effective in 1986, notes with approval the explanation of the "common defense and security" standard set forth in Long Island Lighting Company (Shoreham Nuclear Power Station, Unit 1), LBP-84-45, 20 NRC 1343, 1400 (1984). See 50 Fed. Reg. 50764, 50766 (1985). As stated in Shoreham, 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 a grant is consistent with the common defense and security.

The requested exemption is entirely administrative in nature and has been analyzed in the accompanying attachment and determined not to cause additional construction or operational activities which may significantly affect the environment. It will 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 that may have a significant adverse environmental impact.

Pursuant to 10CFR170.12, a one hundred fifty dollar (\$150.00) application fee is enclosed.

Very truly yours,

NIAGARA MOHAWK POWER CORPORATION



C. D. Terry
Vice President
Nuclear Engineering and Licensing

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Attachment

xc: Regional Administrator, Region I
Mr. R. A. Capra, Director
Ms. M. F. Haughey, Project Manager
Mr. W. A. Cook, Resident Inspector
Records Management



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ATTACHMENT

Niagara Mohawk requests an exemption to those provisions of 10 CFR 50.71(e) which state:

(3)(1) A revision of the original FSAR containing those original pages that are still applicable plus new replacement pages shall be filed within 24 months of either July 22, 1980, or the date of issuance of the operating license, whichever is later, and shall bring the FSAR up to date as of a maximum of 6 months prior to the date of filing the revision.

The portion of the exemption request which relates to the 24 month period for filing the first revision and the portion that relates to the requirement that a complete new Updated Final Safety Analysis Report ("USAR") be filed are treated separately below.

I. Schedular Change

Niagara Mohawk is requesting that the 24 month period for submittal of the USAR, measured from the issuance of the operating license, be extended for six months, (i.e., from October 31, 1988 to April 30, 1989). When submitted, the USAR would be up-to-date as of April 30, 1988. Moreover, in accordance with 10 CFR 50.71(e)(4), the next revision would be filed within 12 months of the original date for submittal of the USAR. In the interim, the reports required by 10 CFR 50.59(b)(2) will be submitted by October 31, 1988, giving a brief description of any changes, tests and experiments including a summary of the safety evaluation prepared for each.

During the time just prior to receipt of the operating license and commercial operation, Niagara Mohawk's efforts were focused on completing necessary changes in the facility and the startup/test program. As is not uncommon, a large number of design changes were made in the facility since fuel loading. Under these circumstances, information relating to the design changes may not be put into a format which could be easily utilized as direct input into the USAR. Given the extremely large size of the FSAR (i.e., 35 volumes) and the format of the pertinent information, Niagara Mohawk was not able to properly estimate the effort required to complete this FSAR update.

In addition to the scope and documentation changes in the facility, other factors discussed below will require more time than contemplated by the regulation.

Additional time is required because of the unanticipated length of the startup and power ascension test program and the complexity of the task required to assure a complete and accurate work product. The most significant increase in the length of the startup test program resulted from problems with the main steam isolation valves including the final incorporation of a different valve type. This modification prompted the submittal of FSAR Amendment 28 in May 1987. There were a number of other delays caused by unanticipated problems relating to the startup and power ascension test program. These delays in the startup period represent, in essence, a shortening of the period available for the submittal of the USAR which is measured from the issuance of the original low power license. In addition, many design changes were made in the facility since obtaining an operating license.



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This requested change is strictly temporary and non-scheduled in nature to permit Niagara Mohawk to complete its USAR in an orderly manner. Niagara Mohawk will keep the submittal up-to-date as of April 30, 1988 but will not change the schedule for subsequent revisions of the USAR. Niagara Mohawk has made a good faith effort to complete all the reviews necessary to complete the USAR. Over fifty-five thousand (55,000) manhours of effort are estimated to be involved in the project. There are approximately 80 individuals who are presently working on the effort; Niagara Mohawk has established a policy that its personnel will perform all the final reviews, safety evaluation approvals, and verification of FSAR changes. In order to be effective, Niagara Mohawk has attempted to assign people to this effort who have a previous familiarity with Nine Mile Point Unit 2. Therefore, the number of available, qualified people to perform this technical function are limited. Consequently, it is not feasible to speed up the completion of the project by assigning additional personnel.

II. Page Revisions

Niagara Mohawk proposes the submission of revised pages to the existing FSAR instead of submitting both affected and unaffected pages, i.e. a new document. This requested change is administrative in nature and will not affect substantive compliance with the rule. Thus, there is no undue risk to the public health and safety associated with the issuance of this exemption.

Special Circumstances for Page Revisions

Special circumstances exist which justify the granting of the requested exemption. These special circumstances are discussed in accordance with the criteria contained in 10CFR50.12(a)(2) as follows:

- (ii) Application of the regulation 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.

The rule was promulgated during a time frame when there was no previous regulation requiring applicants or license holders to incorporate revisions, changes or amendments of the application or the license into the FSAR. As a result, FSARs were not routinely or uniformly updated. The rule, therefore, was intended to create a single, complete and integral document for each facility that can serve as the baseline for future changes. See 45 Fed. Reg. 30615-15 (1980).

Niagara Mohawk submitted the FSAR for Nine Mile Point 2 in January 1983. It consisted of 32 volumes and was in the format of the Standard Review Plan, Revision 2. The FSAR was amended 28 times, updating the document to reflect the changing design and responses to the NRC Staff's questions. Even given the scope of the effort in submitting the USAR, only approximately 20% of the pages are expected to be affected. The pages being changed will be uniquely identified.



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During the operating license review, a decision was made not to attempt to incorporate the substance of all questions and responses into the text of the FSAR. This incorporation is now a requirement of this update. Additional review time is needed to assure that the questions and responses are incorporated into affected portions of the text and that the responses reflect the plant as of April 30, 1988.

Startup Test Program test exceptions are also being thoroughly reviewed to assure that necessary changes to appropriate portions of the FSAR are being made. For the sake of thoroughness and to assure that the database of the USAR is complete, correspondence to the NRC is being re-reviewed to assure that appropriate portions of the FSAR that may be affected by information contained in that correspondence are properly updated.

In addition, Niagara Mohawk has a program to independently review the USAR for accuracy through its internal Nuclear Compliance and Verification group. This review consists of a check on the source for each of the factual assertions for new material to be included in the USAR. This review gives additional confidence as to the accuracy of information contained therein.

Special Circumstances for Scheduler Change

Special circumstances exist which justify the granting of the requested exemption. These special circumstances are discussed in accordance with the criteria contained in 10CFR50.12(a)(2) as follows:

(ii) Application of the regulation 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.

The underlying purpose of the rule is to ensure that a complete, updated, and single integral document (FSAR) is on file for each power reactor licensee. As stated in the supplemental information issued with the proposed rule and reflected in the final rule, revision of the FSAR to reflect the current status of a facility's safety-related structures, systems and components would be of value to provide a reference document for recurring safety analyses performed by the licensee and the Commission.

Submission of the USAR on the requested schedule will assure completeness and accuracy and thereby fulfill the underlying objective of the rule. The basis for the requested additional time is reasonable and will produce a reliable reference source.

(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.



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The underlying purpose of the rule (i.e., that the FSAR be a complete, updated single integrated document) will be achieved with the submission of an amendment to incorporate the recent changes into the appropriate FSAR sections. The new submission of all the original, unaffected pages in addition to the amended pages (i.e., the entire 35 volume USAR) goes beyond the purpose of the rule. Thus, special circumstances which support issuance of the requested exemption are present.

(iii) Compliance would result in undue hardship or other costs that are significantly in excess of those contemplated when the regulation was adopted, or that are significantly in excess of those incurred by others similarly situated.

In that the purpose of the rule is completely met by the filing of replacement pages, reprinting and replacement of all pages and the binders would result in undue costs to Niagara Mohawk. A complete set of new USARs is estimated to cost approximately \$150,000, whereas the proposed alternative would cost only \$66,000. As a comparison, the USAR for Nine Mile Point 1 cost approximately \$10,000 to produce. The costs are out of line with those experienced by other utilities having older plants, (and thus smaller FSARs) in achieving compliance with the rule and those costs which were contemplated when the specific regulation was adopted. The NRC has approved the relief requested by Niagara Mohawk in other cases. Therefore, special circumstances supporting the issuance of the exemption are present.

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