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SUBJECT: Forwards response to 890407 questionnaire re conduct of backfit process & cost of data for selected generic issues.

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NINE MILE POINT—UNIT 2/P.O. BOX 63, LYCOMING, NY 13093/TELEPHONE (315) 343-2110

May 16, 1989
NMP1L 0398

Mr. Edward L. Jordan
Director
Office for Analysis and Evaluation
of Operational Data
U. S. Nuclear Regulatory Commission
Washington, DC 20555

Re: Nine Mile Point Unit 1
Docket No. 50-220
DPR-63

Nine Mile Point Unit 2
Docket No. 50-410
NPF-69

Dear Mr. Jordan:

Your letter of April 7, 1989 requested a response to a questionnaire regarding the conduct of the backfit process and cost data for selected generic issues listed in Attachment 2 to the letter. Our response in regard to Nine Mile Point Units 1 and 2 is attached.

Niagara Mohawk is a member of the Nuclear Management and Resources Council (NUMARC) and the Nuclear Utility Backfitting and Reform Group (NUBARG). We understand that they will also be submitting a response separately on behalf of the members.

Very truly yours,

NIAGARA MOHAWK POWER CORPORATION



L. Burkhardt, III
Executive Vice President
Nuclear Operations

LB/SKA/cia
(2083C)

Attachments

xc: Regional Administrator, Region I
Mr. W. A. Cook, Sr. Resident Inspector
Ms. M. M. Slosson, Project Manager
Records Management

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RESPONSE TO QUESTIONNAIRE

Question No. 1

Are NRC procedures (i.e., Manual Chapter 0514) sufficiently clear and effective on how backfits are identified and transmitted to licensees, and how claims of backfit and appeals are handled? If not, would you please comment on the need for specific improvement?

Response

Based upon our limited use, NRC Manual Chapter 0514, pertaining to plant - specific backfits, is sufficiently clear on how backfits are identified and transmitted to licensees and how claims of backfit and appeals are handled.

Question No. 2

Is NRC staff practice consistent with the 0514 process in identifying and implementing backfits? If not, would you please comment on any specific observed inconsistencies?

Response

Section 042 of the Manual Chapter 0514 states, in part, that the staff at all levels will evaluate any proposed plant-specific position with respect to whether or not the position qualifies as a proposed backfit. We could not determine if these evaluations are being performed as we have not seen any mention of it in the transmittals to the licensees.

Providing the basis and results of the evaluations to the licensees would help minimize backfit claims, appeals and implementation delays as the licensees will be able to analyze the NRC evaluations prior to taking any action.

Question No. 3

In the past year have you experienced, in your judgment; the imposition of one or more backfits, which would not fit one of the exceptions listed in 10 CFR 50.109(a)(4) or did not have a regulatory analysis, for which you did not file a claim or appeal? If so, please indicate why you did not file a claim or appeal.

Response

The matter of implementation of Regulatory Guide 1.97 at Nine Mile Point Unit 1 which is currently under active discussion and review with the NRC staff appears to be within the scope of the backfit rule and does not fit within the exceptions listed in 10CFR50.109(a)(4) or have a regulatory analysis. Because Niagara Mohawk is attempting to reach an accommodation with the Staff, a claim or appeal has not been filed regarding this issue. In general, a licensee, particularly one with a plant requiring Staff approval prior to resumption of operation, has to face the following considerations each time a decision is to be made whether to file a backfit claim or appeal:

1. Schedule constraint - resolution of issues through the backfit process may severely impact startup/operation of the plant.
2. Any claim of backfit or appeal may be perceived as resistance to change or failure to be proactive.

Question No. 4

Please describe any impediments or weaknesses in the backfit process, or in the communications and understanding of that process, and any suggestions for improvements.

Response

We commend the work done by the NRC in developing the rule and the procedures. We believe the following areas could be strengthened to make the backfit process more effective in achieving the intended objective of enhancing regulatory stability and adding controls to the process.

1. The methodology for preparation of analysis to justify backfits needs to be defined more clearly. In the absence of such a guidance the process would be subject to the whims of the individuals and result in analyses without adequate substantiation.
2. Since the interpretations of the regulations at regional level could vary substantially from one region to the other, safeguards should be introduced to achieve consistency. We recognize that there is a provision for an appeals process; but, in view of the reasons given in response to question 3 above, licensees may be reluctant or unable to use it.
3. A procedure should be established defining clearly the criteria for resolution of disagreements (e.g. challenges to cost/benefits estimates).
4. The NRC should continue to address claims of backfit and appeals for generic issues through the industry groups. Such a procedure is more efficient and cost effective both for the NRC and the industry. Also, utilities fearing retribution may not file individual claims of backfit. Working through the industry groups will keep the channels of communications open between the NRC and the utilities.

COST DATA FOR NINE MILE UNITS 1 & 2

ISSUE	ESTIMATED IMPLEMENTATION COSTS		REMARKS
	UNIT 1	UNIT 2	
NRC Bulletin 88-01	15 Man Hr.	15 Man Hr.	For performing the review and requested documentation, as reported in letters NMP1L-0237 and NMP2L-1122, both dated March 28, 1988.
NRC Bulletin 88-02	N/A	N/A	Applicable to PWRs only
NRC Bulletin 88-05	Engineering Support = \$40,000 Equipment = \$20,000 Installation = \$10,000 Facility Downtime = None		Includes cost for both Units. Work was stopped on receipt of supplement 2 to the Bulletin, as reported in letter NMP1L 0299 dated 9/9/88. Complete implementation cost would have been higher.
Generic Letter 88-01	40 Man Hr.	>400 Man Hr.	For Engineering and Submittals to the NRC. Long term impact due to the increased frequency of inspections has not been evaluated and is therefore not included in the estimate.
Generic Letter 88-03	N/A	N/A	Applicable to PWRs only

Note: Actual implementation costs were not documented as a separate item. The estimated costs are based on recollections of individuals who coordinated/performed the work.

