

DEC 10 1993

Docket Nos. 50-220  
50-410

Mr. B. Ralph Sylvia  
Executive Vice President - Nuclear  
Niagara Mohawk Power Corporation  
301 Plainfield Road  
Syracuse, New York 13212

*See  
Reports*

Dear Mr. Sylvia:

**SUBJECT: OPERATIONAL AND FIRE PROTECTION QUALITY ASSURANCE  
PROGRAM CHANGES AT NINE MILE POINT, UNIT 1**

**Reference:** Letter dated July 22, 1993, from Mr. R. W. Cooper, Director, Division of Reactor Projects, Region I to Mr. S. A. Varga, Director, Division of Reactor Projects, I/II, NRR, "Request for Technical Assistance on Operational and Fire Protection Quality Assurance Program Changes at Nine Mile Point."

We have completed our review of the proposed change to the Nine Mile Point Quality Assurance (QA) Program contained in the 10 CFR 50.71(e) submittal, transmitted to us by the referenced correspondence. The changes described in Revision 11 of the Unit 1 Updated Final Safety Analysis Report (UFSAR) involved the incorporation of the Quality Assurance Topical Report (NMPC-QATR-1) into the UFSAR as Appendix B and the combining of the Fire Protection Quality Assurance Program description (NMPC-FPQAP) into NMPC-QATR-1.

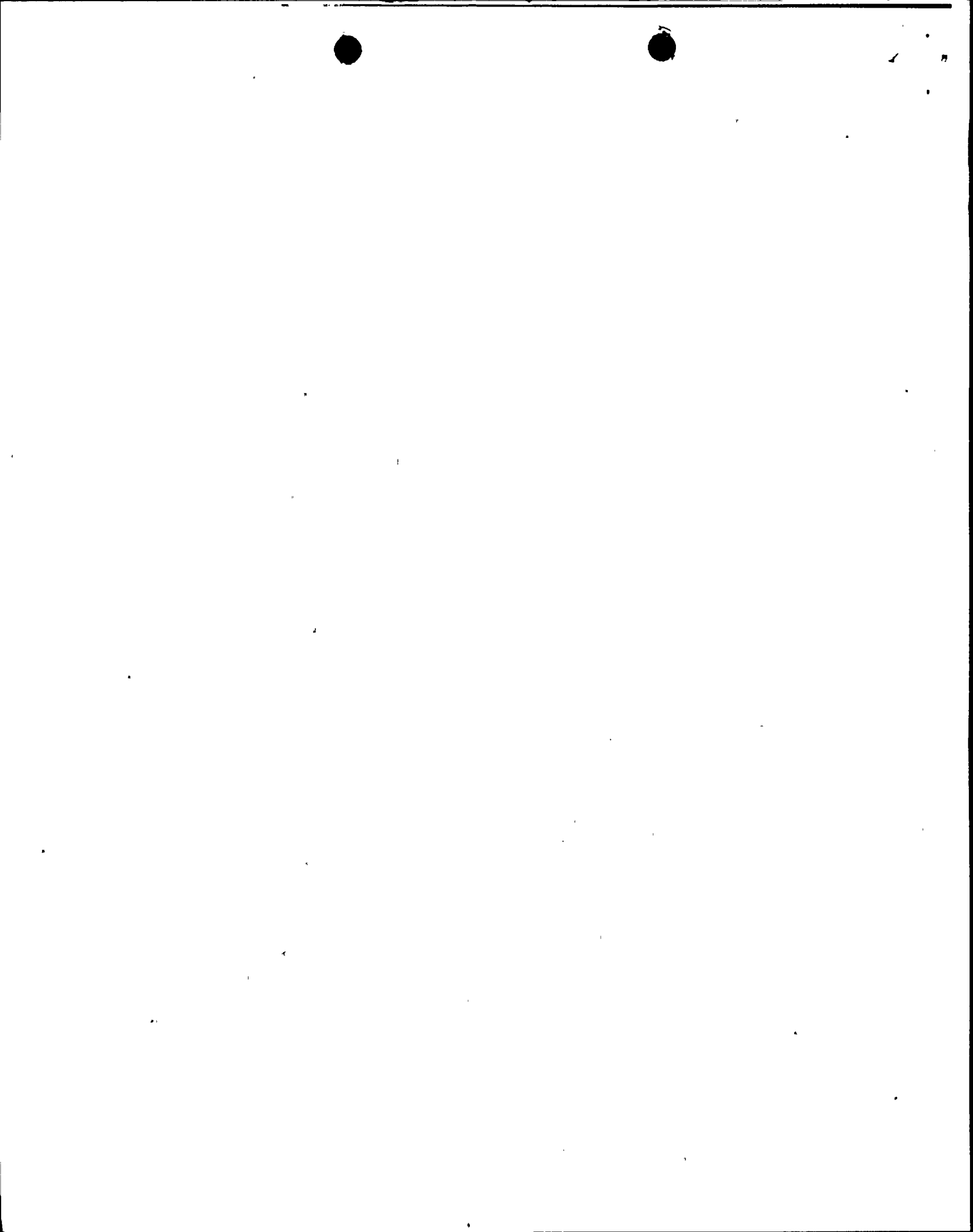
The quality assurance program changes described in the subject submittal were reviewed in accordance with the requirements of 10 CFR 50.54(a) and the acceptance criteria specified in NUREG-0800, "Standard Review Plan," Sections 9.5 and 17.2.

Based on our evaluation of the Niagara Mohawk Corporation submittal, dated June 30, 1993, it was determined that these revisions continue to satisfy the requirements of 10 CFR Part 50, Appendix B and are therefore acceptable. However, during the conduct of our review, the Senior Project Manager for Nine Mile Point, Mr. Don Brinkman, indicated that subsequent to their June 30 submittal, Niagara Mohawk had implemented significant changes within their onsite quality assurance organization.

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As a result of several telephone conference calls, which concluded with a discussion between Mr. R. Latta of the Performance and Quality Evaluation Branch, NRR and Mr. M. McCormick of the Niagara Mohawk Power Corporation on October 4, 1993, it was ascertained that you had eliminated the position of Vice President - Quality Assurance (VP-QA) and had alternatively created the lower level position of General Manager Safety Assessment, Licensing and Training (SALT) to carry out the responsibilities previously assigned to the VP-QA. As described in Niagara Mohawk's letter to the NRC, dated October 13, 1993, the General Manager SALT currently has the Managers QA, Licensing, and Training functionally reporting to him.

Although you determined that this change in your quality assurance program did not represent a reduction in commitment as described in 10 CFR.50.54(a)(3), the NRC does not concur with this conclusion. Specifically, the inclusion of line function activities, i.e., licensing and training under the General Manager SALT, would violate the necessary degree of independence between the personnel who perform verification activities in QA and those who perform the line functions. It is also our position that this condition would diminish the ability of the General Manager to focus full-time on quality-related activities and would thus have a negative safety benefit.

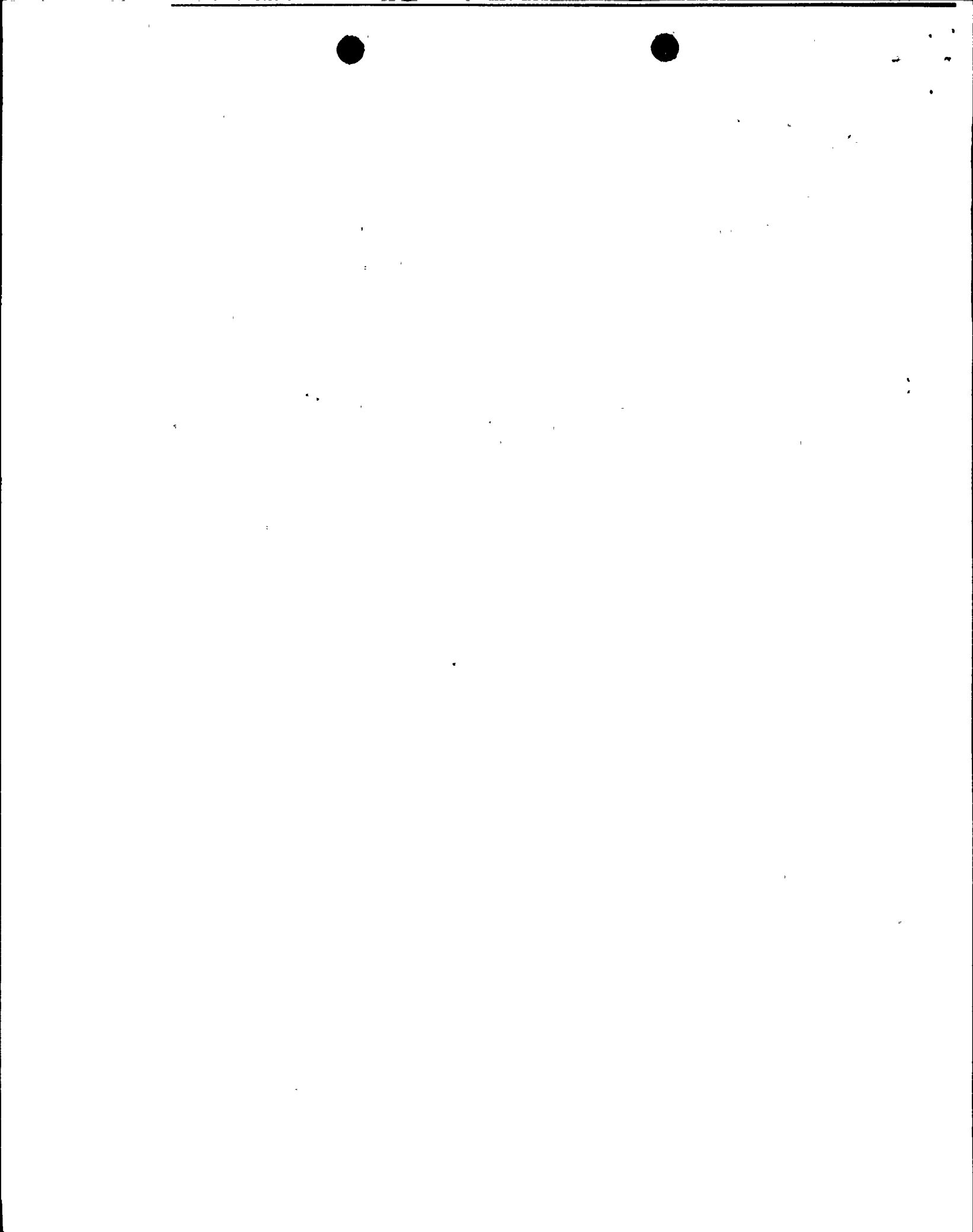
Additionally, the current docketed UFSAR Revision 11, organization specifies a QA manager for each unit who reports to the Vice President - Quality Assurance and a manager of QA support (procurement, audits, and assessments) who also reports to the Vice President - Quality Assurance. We have concluded that the alternative organizational structure where the Manager QA reports to the General Manager SALT, at a lower level than previously approved, has degraded the responsibility of the Manager QA and that this condition could adversely affect the ability of the QA organization to perform their safety verification function.

In conclusion, the above noted conditions represent an apparent reduction in commitment from the program description previously accepted by the NRC and will require modification in order to achieve compliance with 10 CFR Part 50, Appendix B. It is also noted that changes to the quality assurance program description that reduce commitments are required to be submitted to the NRC and receive NRC approval prior to implementation.

Sincerely,

Original Signed By:

Jacque P. Durr, Chief  
Engineering Branch  
Division of Reactor Safety



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cc:

C. Terry, Vice President - Nuclear Engineering  
M. McCormick, General Manager, Safety Assessment, Licensing & Training  
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J. Mueller, Unit 2 Plant Manager  
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J. Warden, New York Consumer Protection Branch  
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Public Document Room (PDR)  
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Nuclear Safety Information Center (NSIC)  
NRC Resident Inspector  
State of New York, SLO Designee

bcc w/encl:

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C. Cowgill, DRP  
L. Nicholson, DRP  
R. Fuhrmeister, DRP  
B. Norris - Nine Mile Point  
W. Dean, OEDO  
R. Capra, NRR  
J. Menning, NRR  
D. Brinkman, NRR

  
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