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 SYLVIA, B.R. Niagara Mohawk Power Corp.
 RECIP. NAME RECIPIENT AFFILIATION
 CALLAN, J. Ofc of the Executive Director for Operations

SUBJECT: Requests meeting to discuss violation which is in direct conflict w/longstanding & consistent interpretation of 10CFR50.72, 50.73, 50.2 & NUREG-1022 guidance.

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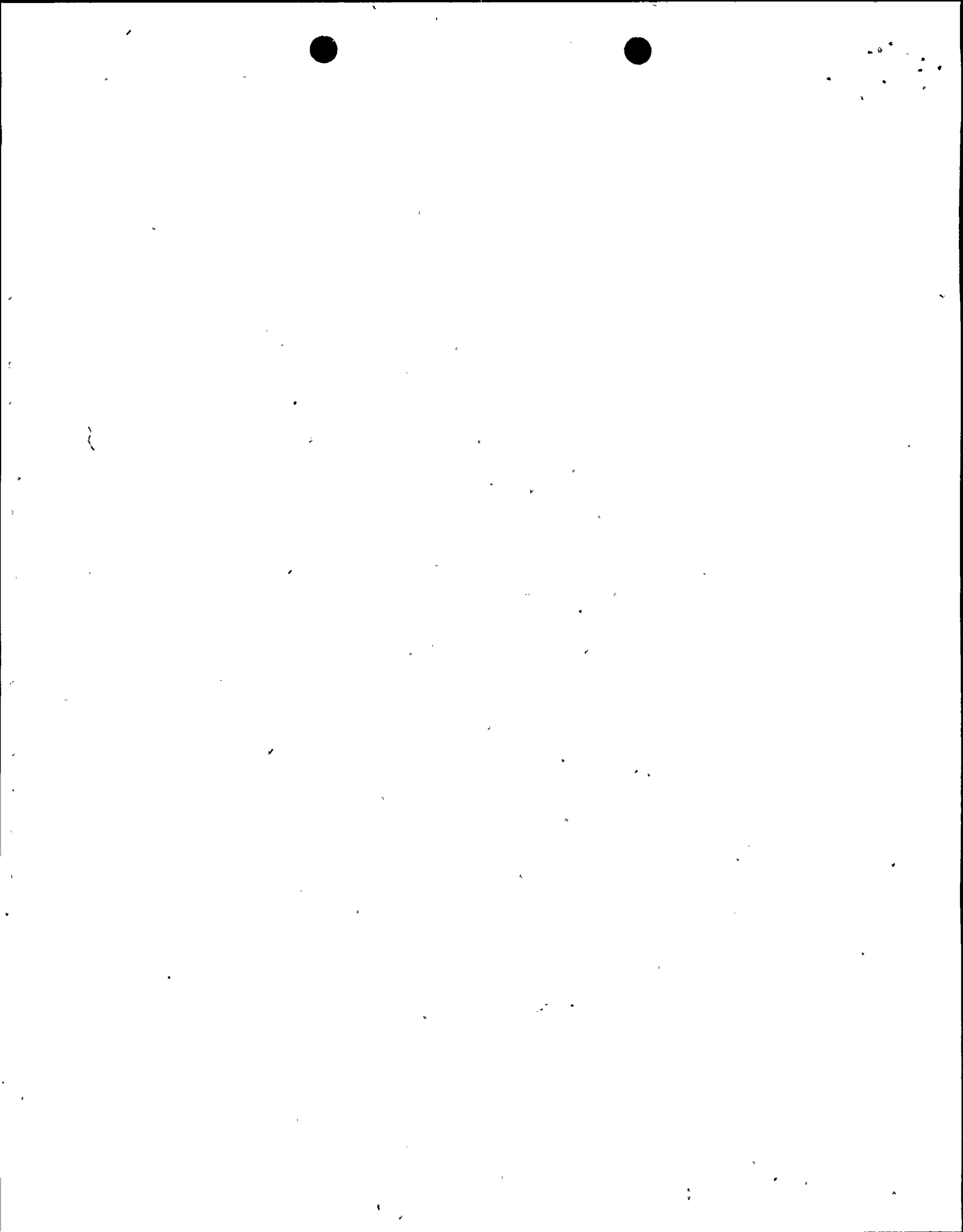
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B. RALPH SYLVIA
Executive Vice President
Electric Generation
Chief Nuclear Officer

October 27, 1997
NMP1L 1261

Mr. Joseph Callan
Executive Director for Operations
Attn: Document Control Desk
U. S. Nuclear Regulatory Commission
Washington, DC 20555-0001

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

Subject: Mr. Ashok C. Thadani's Letter of September 12, 1997 to B. Ralph Sylvia

Gentlemen:

On September 12, 1997, Mr. Ashok C. Thadani responded to our letter of July 16, 1996, a transcribed public meeting between Niagara Mohawk Power Corporation (NMPC) and the NRC on January 16, 1997, and a February 1997 letter submitted by Winston & Strawn on behalf of NMPC. As we discussed in our meeting of October 9, 1997, NMPC believes that this violation is in direct conflict with longstanding and consistent interpretation of 10CFR50.72, 10CFR50.73, 10CFR50.2 and NUREG-1022 guidance. At that time, you agreed to a future meeting to further discuss and review our concern. The purpose of this letter is to formally request that meeting and to summarize what we believe to be a significant regulatory issue.

In brief, in 1993, Niagara Mohawk determined by calculation that the relief functions of the reactor and turbine building relief panels would initiate at between 53 and 60 psf, rather than the approximate 45 psf value stated in Sections III.A.1.2 and VI.C.1.2 of the NMP1 Updated Final Safety Analysis Report (UFSAR). The UFSAR sections also state that the reactor and turbine building superstructures had been designed to withstand pressures in excess of 80 psf.

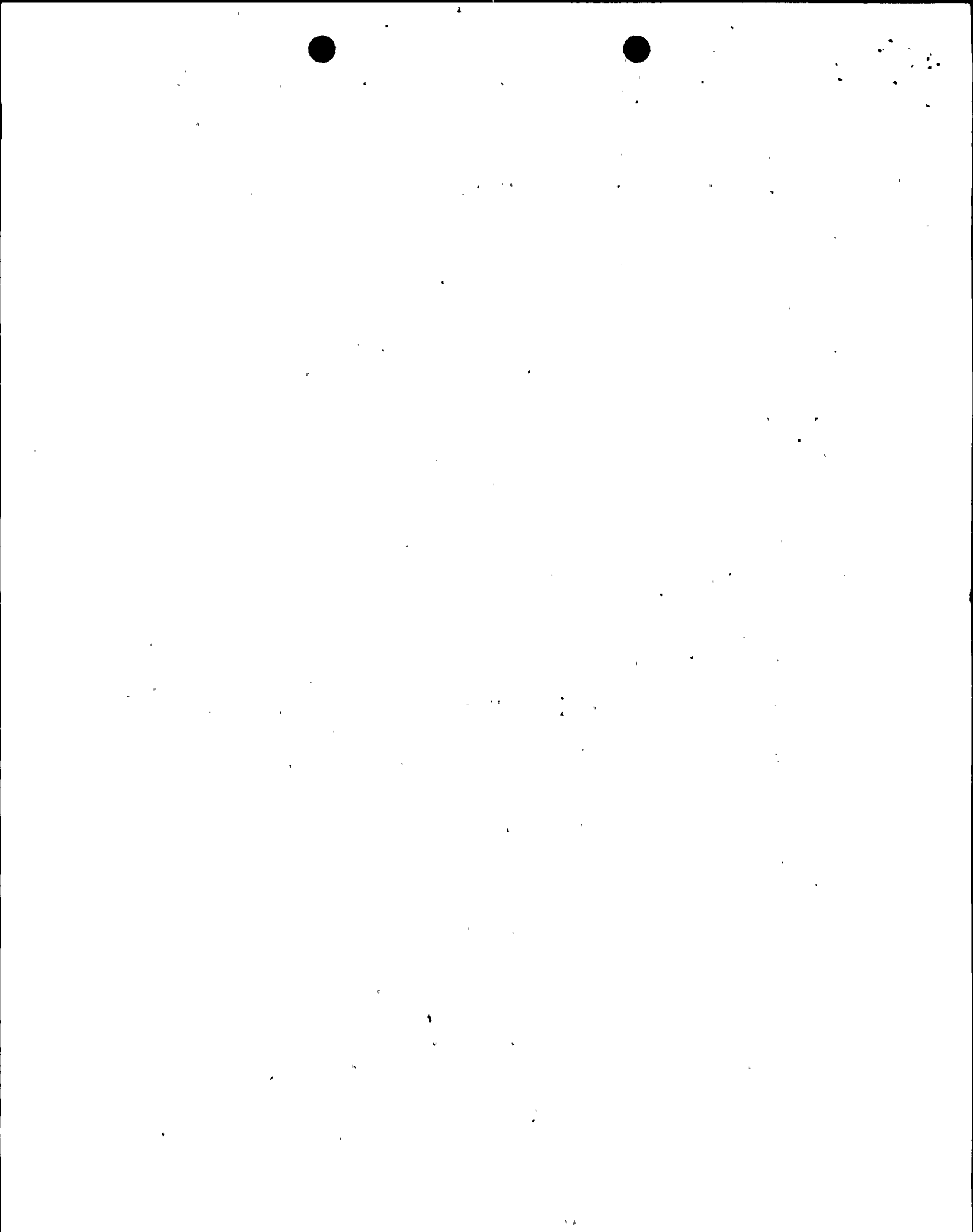
As stated in Mr. Thadani's September 12, 1997 letter, the definition of Design Bases in 10CFR50.2 includes "that information which identifies the specific functions to be performed by a . . . component of a facility and the specific values or ranges of values chosen for

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controlling parameters as reference bounds for design." (emphasis in original). Apparently Mr. Thadani's position is that because the 45 psf number appears in the UFSAR as a specific value, it must be part of the design bases of the plant for purposes of reportability.

NMPC does not believe that Mr. Thadani's position is supportable by the cited references or long time NRC Staff practice. The disagreement is not merely an academic one; it has serious adverse implications for both the nuclear industry and the NRC. We believe both 10CFR50.2 and the NRC guidance in NUREG-1022, "Event Reporting Guidelines 10CFR50.72 and 50.73," clearly recognize the need to evaluate the impact of a discovered deviation in a plant parameter on the intended function of the component. In the case of the relief panels, the clearly identified function to be performed is protection of the superstructure. The reference bound for design of the superstructure is 80 psf, i.e., as long as the relief panels maintain pressure below 80 psf, the function of the panels to protect the superstructure is fulfilled. NMPC's analysis in 1993 determined that although the panel relief pressure was somewhat higher than the nominal initiating value of approximately 45 psf, pressure in the buildings would remain below 80 psf. Consequently, the function of the relief panels was fulfilled and there was no encroachment on the design capability of the superstructure (80 psf). Thus, the design basis of the plant was not affected, and the condition was not reportable as being outside the design bases of the plant.

NMPC's concern is not with the specific facts of the case (since 1993 we have modified the relief panels), but with the precedent the interpretation Mr. Thadani's letter has on future reportability determinations. The September 12, 1997 letter concluded that ". . . the design bases include any information that was used to determine the acceptability of the nuclear power plant design." That interpretation appears to be that any time a plant configuration is found that is less conservative than any UFSAR value, it is immediately reportable without any further consideration as to whether the design bases of the plant are affected. This is inconsistent with the Staff's own guidance in NUREG-1022. But more importantly, it makes no sense to unnecessarily challenge or distract plant personnel by requiring the reporting of large numbers of minor items based on deviations that have little or no safety significance. Since senior shift personnel must be personally involved in the evaluation and reporting process, their focus would necessarily be diverted from more important matters (i.e., safe operations) to dealing with unnecessary reports to the NRC. Minimization of unnecessary distractions of control room personnel is especially important.

During our meeting with your staff on January 6, 1997, we spent considerable time discussing how our evaluation was consistent with both the 10CFR50.2 definition and the NUREG-1022 guidance relative to reporting requirements for a "condition that is outside the design basis of the plant." For example, we explained that the 80 psf minimum design capability was analogous to a piping system code allowable stress. Surely the Staff is not interested in a one-hour report to the Operations Center when a pipe stress is determined to be above its FSAR indicated value but still below ASME Code allowable. Also, we explained how the relief panel bolt discrepancy was analogous to a missing pipe support causing higher stresses, but still maintaining the system below ASME Code allowable. This analogy is the only relevant



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example in NUREG-1022. Mr. Thadani's response did not address any of our NUREG-1022 points. Because his interpretation of 10CFR50.2 is inconsistent with NUREG-1022 and industry practice, we believe this action by the Staff represents a backfit.

This issue has major significance to our company and the industry as a whole, and for that reason, we are asking for your specific review and reconsideration. I look forward to discussing this issue in the near future.

Sincerely,



B. Ralph Sylvia
Chief Nuclear Officer

BRS/GJG/cmk

xc: Mr. H. J. Miller, Regional Administrator, Region I
Mr. B. S. Norris, Senior Resident Inspector
Mr. A. W. Dromerick, Acting Director, Project Directorate I-1, NRR
Mr. D. S. Hood, Senior Project Manager, NRR
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