

50-220



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

March 26, 1998

EA 96-079

Mr. John H. Mueller
Chief Nuclear Officer
Niagara Mohawk Power Corporation
Nine Mile Point Nuclear Station
Operations Building, Second Floor
Lycoming, NY 13093

SUBJECT: REPORTING VIOLATION REGARDING REACTOR AND TURBINE BUILDING
BLOWOUT PANELS, NINE MILE POINT NUCLEAR STATION, UNIT NO. 1
(TAC NO. M99565)

Dear Mr. Mueller:

This is a response to an October 27, 1997, letter from Niagara Mohawk Power Corporation (NMPC), a transcribed public meeting held between NMPC and the U.S. Nuclear Regulatory Commission (NRC) at the NRC Headquarters offices on January 28, 1998, and your letter of February 19, 1998. These letters and meeting transcript discuss your disagreement with the Severity Level IV reporting violation cited with respect to the pressure relief (i.e., "blowout") panels on the Nine Mile Point Nuclear Station, Unit 1 (NMP1) reactor and turbine buildings being outside of their design bases.¹

This letter is also a followup to the NRC's letter of September 12, 1997, which further explained the reporting violation based on the facts that (1) the Final Safety Analysis Report (FSAR) explicitly establishes that the design bases include both the 80 pounds per square foot (psf) building pressure and the 45 psf blowout panel pressure, and (2) the blowout panel pressure of 45 psf establishes the reference for the acceptability of the facility's design. Your primary disagreement with the NRC's letter of September 12, 1997, is based on a belief that the pressure relief design contained in the "Design Bases" sections of the NMP1 FSAR (e.g., FSAR Sections III.A.1.2 and VI.C.1.2) is intended to convey design features rather than design bases information. You believe that design bases apply only at the plant level rather than the component level. You note that one-hour reports are required when the plant, including its principal safety barriers, is "seriously degraded."

After considering your arguments presented during the meeting and in related correspondence, I am in agreement with the positions expressed in the NRC's letter of September 12, 1997. The NMP1 FSAR, as written, does not distinguish among the design features that may or may not be included within the Design Bases sections of the FSAR. Rather, the FSAR clearly represents the pressure relief design to be design basis information. It is the understanding of the NRC that the

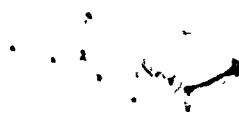
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¹ The violation of 10 CFR 50.72 and 10 CFR 50.73 requirements was first cited in the NRC's June 18, 1996 Notice of Violation (Violation II.B). In a December 3, 1996 letter, the NRC concluded that an inadequate basis existed to withdraw the violation pursuant to NMPC's denial and request of July 16, 1996.

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minimum 80 psf capacity of the reactor and turbine buildings was accepted by the NRC staff during the licensing review without detailed reviews of building overpressure analyses because the 45 psf discharge pressure of the highly reliable (passive) blowout panels was specified as part of the design bases and afforded a sizeable margin to ensure that reaching or exceeding the 80 psf building capacity was not credible. The intent of the Commission's reporting regulations, in part, is to ensure that the NRC is informed in a timely manner of changes to information upon which it has relied for a decision related to public health and safety. While I can agree, as you have argued, that increasing 45 psf to 53 psf or 60 psf is of limited safety significance, and that the need for a one-hour report is questionable, existing regulations do not provide the flexibility not to report departures from the design bases on the basis of low safety significance. Accordingly, I conclude that Violation II.B in the Notice of Violation issued June 18, 1996, is warranted; NMPC's request that the violation be withdrawn is denied.

You believe that the NMP1 reporting violation has significant ramifications for both NMPC and the nuclear industry. NMPC's views and concerns regarding the NMP1 reporting violation have been helpful to the NRC staff in formulating plans to improve and clarify the Commission's regulations. I appreciate that NMPC's contributions are not limited to this direct support, but also include support of various industry initiatives such as current efforts with the Nuclear Energy Institute to establish design basis program guidelines. In the near future, we will publish an advanced notice of proposed rulemaking and conduct a public workshop to obtain public input regarding plans to modify the event reporting requirements in 10 CFR 50.72 and 10 CFR 50.73. The changes are intended to (1) correct weaknesses while reducing the reporting burden associated with events of little or no safety significance, and (2) better align reporting requirements with the NRC's current needs by (a) obtaining information more closely related to risk and (b) reconsidering the required reporting times in relation to the need for prompt NRC action. The issue of what must be reported as a condition outside the plant's design bases is one of the items to be considered through rulemaking. Design basis information often provides both lower-level and higher-level safety-significant design bases and, as is aptly illustrated by the NMP1 blowout panel example, there is not general agreement about which level should trigger a report to the NRC.

As discussed, we are considering rulemaking to address issues such as (1) one-hour reporting for design basis issues, (2) significance testing for reporting design basis issues, and (3) scope of plant design bases. However, the violation is based on existing regulations which must be met. It would be inappropriate for the NRC staff, at this juncture, to provide any new or different guidance regarding the definition of "design bases" provided in 10 CFR 50.2 beyond that already provided by NUREG-1022, Revision 1,² and the NRC's letter of September 12, 1997. Although our different views regarding these issues cannot be resolved at this time, I am confident that the initiatives in progress provide the proper forums for clarifying and resolving these industry-wide issues.

² The NRC has issued NUREG-1022, Revision 1, "Event Reporting Guidelines, 10 CFR 50.72 and 50.73" to clarify and consolidate the guidance on implementing the event notification and reporting requirements, and announced its availability (63 Fed. Reg. 6237, dated February 6, 1998).



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In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter will be placed in the NRC's Public Document Room.

Sincerely,

ORIGINAL SIGNED BY:

L. Joseph Callan
Executive Director for Operations

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Sincerely,



L. Joseph Callan

Executive Director for Operations

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11/11/2000

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