



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

February 13, 1991

Docket No. 50-309

Mr. C. D. Frizzle, President
Maine Yankee Atomic Power Company
83 Edison Drive
Augusta, Maine 04336

Dear Mr. Frizzle:

SUBJECT: MAINE YANKEE BACKFIT CLAIM, A-46 SEISMIC ISSUE

This is in response to your letter dated January 4, 1991, in which you state that imposition of any additional requirements beyond those you have already implemented or committed to, related to seismic issue A-46 would be a backfit. Further, your letter requests a (backfit) review pursuant to 10 CFR 50.109 prior to the imposition of such additional requirements.

The staff has reviewed your letter, and all relevant correspondence and documents. This review and the staff's conclusions are contained in the attached evaluation report of your backfit claim, and the circumstances surrounding this claim.

While you are correct that imposition of the requirements of USI/A-46 constitutes a backfit within the context of 10 CFR 50.109, it should be noted that this backfit was reviewed and approved by the Committee to Review Generic Requirements in February, 1987. The evaluation performed at that time found this backfit to be a cost-beneficial safety enhancement, to which Maine Yankee was subject on a generic basis. A backfit claim at this time would therefore be appropriate, only if staff requirements of Maine Yankee expand, add to, or modify the generically approved position taken by Generic Letter 87-02 in implementing the resolution to seismic issue USI/A-46.

The staff has not yet reviewed or approved the resolution of USI/A-46 for Maine Yankee, either on a plant-specific basis using the Maine Yankee Seismic Design Margins Program (SDMP), or on the basis of Maine Yankee's participation in the Seismic Qualification Utility Group (SQUG). The staff review of Maine Yankee's seismic program will, in either case, be performed against the criteria of USI/A-46, as implemented by Generic Letter 87-02.

The staff is receptive to review the resolution of USI/A-46 for Maine Yankee on a plant-specific basis. However, if MYAPCo's June 30, 1987 response to GL 87-02 was intended to use the SDMP as the basis for having resolved and completed USI/A-46, you did not adequately address Item 5, "Provisions for Resolution for Individual Utilities" of GL 87-02, in the manner specified by the Generic Letter, to permit the staff to assess the implementation of Maine Yankee's program.

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We request that Maine Yankee clarify their position on how they have met (or will meet) the criteria of USI/A-46, as implemented by Generic Letter 87-02, by responding to this letter's enclosure. We further request that Maine Yankee provide such clarification and an implementation schedule that addresses outstanding issues, if any, of USI/A-46, within 30 days of receiving this letter.

Expansion, addition, or modification to the generically approved position taken by Generic Letter 87-02 in implementing resolution to seismic issue USI/A-46 would constitute a Maine Yankee-specific backfit. Pending completion of the staff's review, it is premature for the staff to address expansion, addition, or modification, if any, to Generic Letter 87-02 in implementing the resolution to seismic issue USI/A-46 for Maine Yankee.

If, after review of this letter and its enclosure, you wish to further discuss implementation of Generic Letter 87-02 at Maine Yankee, please contact your Project Manager, Ed Trottier at (301) 492-3045. He will arrange to make our Technical Staff available for you.

Should you have any questions on this matter, please do not hesitate to contact me at (301) 492-1400.

Sincerely,

Original signed by
Steven A. Varga, Director
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation

Enclosure:
Maine Yankee Backfit Claim
Evaluation Report

cc: See next page

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Mr. C. D. Frizzle

Maine Yankee

cc:

Mr. Charles B. Brinkman
Manager - Washington Nuclear
Operations
Combustion Engineering, Inc.
12300 Twinbrook Parkway, Suite 330
Rockville, Maryland 20852

Mr. S. E. Nichols, Manager
Nuclear Engineering and Licensing
Maine Yankee Atomic Power Company
83 Edison Drive
Augusta, Maine 04336

John A. Ritscher, Esquire
Ropes & Gray
One International Place
Boston, Massachusetts 02110-2624

Mr. Robert W. Blackmore
Plant Manager
Maine Yankee Atomic Power Company
P.O. Box 408
Wiscasset, Maine 04578

State Planning Officer
Executive Department
189 State Street
Augusta, Maine 04330

Mr. G. D. Whittier, Vice President
Nuclear Engineering and Licensing
Maine Yankee Atomic Power Company
83 Edison Drive
Augusta, Maine 04336

Dr. E. T. Boulette
Vice President - Operations
Maine Yankee Atomic Power Company
P. O. Box 408
Wiscasset, Maine 04578

Regional Administrator, Region I
U.S. Nuclear Regulatory Commission
475 Allendale Road
King of Prussia, Pennsylvania 19406

First Selectmen of Wiscasset
Municipal Building
U.S. Route 1
Wiscasset, Maine 04578

Mr. Charles S. Marschall
Resident Inspector
Maine Yankee Atomic Power Station
U.S. Nuclear Regulatory Commission
P. O. Box E
Wiscasset, Maine 04578

Mr. P. L. Anderson, Project Manager
Yankee Atomic Electric Company
580 Main Street
Bolton, Massachusetts 01740-1398