May 19, 1997

Mr. Patrick J. Dostie
State of Maine Nuclear Safety
Inspector
Maine Yankee Atomic Power Station
P.O. Box 408
Wiscasset, ME 04578

SUBJECT: STATE COMMENTS ON MAINE YANKEE PROPOSED CHANGE NO. 200

Dear Mr. Dostie:

I am responding to your letter dated April 15, 1997, providing the State's objection to and comments on the Maine Yankee Atomic Power Company's proposed Technical Specification No. 200, dated September 13, 1996, as supplemented by letter dated January 15, 1997. The staff has reviewed your comments and our responses to your specific comments related to the proposed amendment are contained in Enclosure 1.

You provided additional generic comments regarding the implementation of Option B of Appendix J to 10 CFR Part 50. The staff's response to these comments is also provided in Enclosure 1.

Based on its review, the staff concludes that your comments are adequately addressed in the licensee's proposed change. Therefore, the staff intends to issue the proposed amendment.

If you have any questions on this matter, please call me at (301) 415-1429.

Sincerely,
(Original Signed By)
Daniel H. Dorman, Project Manager
Project Directorate I-3
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation

Docket No. 50-309

Enclosure: Response to Comments

cc w/encl: See next page

DISTRIBUTION

Docket File	R. Clark
PUBLIC	D. Dorman
PDI-3 Rdg.	E. Peyton
S. Varga	C. Berlinger
J. Zwolinski	OGC

NRC FILE CENTER COPY

DFO1

DOCUMENT NAME: G:\DORMAN\MYM96588.SOM
To receive a copy of this document, indicate in the box: "C" = Copy without attachment/enclosure "E" = Copy with attachment/enclosure "N" = No copy

OFFICE	PDI-3/PM		PDI-3/PM		PDI-3/LA	C\SCSB		DD/DRPE	
NAME	RClark		DDorman		EPeyton	CBerlinger		JZwolinski	
DATE	05/13/97		05/13/97		05/13/97	05/19/97		05/19/97	

OFFICIAL RECORD COPY

9705210308 970519
PDR ADOCK 05000309
P PDR

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

May 19, 1997

Mr. Patrick J. Dostie
State of Maine Nuclear Safety
Inspector
Maine Yankee Atomic Power Station
P.O. Box 408
Wiscasset, ME 04578

SUBJECT: STATE COMMENTS ON MAINE YANKEE PROPOSED CHANGE NO. 200

Dear Mr. Dostie:

I am responding to your letter dated April 15, 1997, providing the State's objection to and comments on the Maine Yankee Atomic Power Company's proposed Technical Specification No. 200, dated September 13, 1996, as supplemented by letter dated January 15, 1997. The staff has reviewed your comments and our responses to your specific comments related to the proposed amendment are contained in Enclosure 1.

You provided additional generic comments regarding the implementation of Option B of Appendix J to 10 CFR Part 50. The staff's response to these comments is also provided in Enclosure 1.

Based on its review, the staff concludes that your comments are adequately addressed in the licensee's proposed change. Therefore, the staff intends to issue the proposed amendment.

If you have any questions on this matter, please call me at (301) 415-1429.

Sincerely,

Daniel H. Dorman, Project Manager
Project Directorate I-3
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation

Docket No. 50-309

Enclosure: Response to Comments

cc w/encl: See next page

cc w/encl:
Mr. Charles B. Brinkman
Manager - Washington Nuclear
Operations
ABB Combustion Engineering
12300 Twinbrook Parkway, Suite 330
Rockville, MD 20852

Thomas G. Dignan, Jr., Esquire
Ropes & Gray
One International Place
Boston, MA 02110-2624

Mr. Uldis Vanags
State Nuclear Safety Advisor
State Planning Office
State House Station #38
Augusta, ME 04333

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

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

First Selectman of Wiscasset
Municipal Building
U.S. Route 1
Wiscasset, ME 04578

Mr. J. T. Yerokun
Senior Resident Inspector
Maine Yankee Atomic Power Station
U.S. Nuclear Regulatory Commission
P.O. Box E
Wiscasset, ME 04578

Mr. James R. Hebert, Manager
Nuclear Engineering and Licensing
Maine Yankee Atomic Power Company
329 Bath Road
Brunswick, ME 04011

Friends of the Coast
P.O. Box 98
Edgecomb, ME 04556

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

Mr. Michael J. Meisner
Vice-President
Licensing and Regulatory Compliance
Maine Yankee Atomic Power Company
329 Bath Road
Brunswick, ME 04011

Mr. Bruce E. Hinkley, Acting
Vice-President, Engineering
Maine Yankee Atomic Power Company
329 Bath Road
Brunswick, ME 04011

Mr. Patrick J. Dostie
State of Maine Nuclear Safety
Inspector
Maine Yankee Atomic Power Station
P.O. Box 408
Wiscasset, ME 04578

Mr. Graham M. Leitch
Vice President, Operations
Maine Yankee Atomic Power Station
P.O. Box 408
Wiscasset, ME 04578

Mary Ann Lynch, Esquire
Maine Yankee Atomic Power Company
329 Bath Road
Brunswick, ME 04578

Mr. Jonathan M. Block
Attorney at Law
P.O. Box 566
Putney, VT 05346-0566

Mr. Michael B. Sellman, President
Maine Yankee Atomic Power Company
329 Bath Road
Brunswich, ME 04011

RESPONSE TO COMMENTS BY THE STATE OF MAINE

MAINE YANKEE PROPOSED TECHNICAL SPECIFICATION NO. 200

Comment No. 1

In Section 4.4.I.3 (a) of the proposed change, Maine Yankee appears to be establishing, by default, a calculated peak accident pressure, P_a, of 50 psig. Since December of 1995 Maine Yankee has been reanalyzing its calculated peak accident pressure as part of an allegation inquiry. Although the final value has not been published yet, current estimates place it very near to its design pressure of 55 psig. We believe that as written the Tech Specs would automatically default in the future to 50 psig instead of any newly calculated peak accident pressure. This could lead to an interpretation that Type A, B, and C tests performed at 50 psig, instead of the reanalyzed peak accident pressure, would be appropriate, even though they would be in direct conflict with the intent and requirements of Appendix J, Option B.

NRC Staff Response

The proposed wording of Technical Specification (TS) 4.4.I.3(a) includes the statement that "P_a will be conservatively assumed to be equal to the containment design pressure (55 psig) for the purposes of containment testing in accordance with this Technical Specification." Therefore, the full test pressure for Type A, B and C tests conducted in accordance with this TS shall be 55 psig. Any reduction in the full test pressure below 55 psig would require another amendment to this TS. The licensee acknowledged this in its September 13, 1996, submittal in which it stated that "a proposed revision to the Technical Specifications will be submitted after the containment peak accident pressure is recalculated."

Comment No. 2

In sections 4.4.I.1, 4.4.II.1, 4.4.II.2, and 4.4.II.3 of the proposed change the phrase, "as modified by approved exemptions", appears irrelevant as any exemptions from the rules would require NRC approval prior to implementation. Besides, if Maine Yankee were to endorse another methodology, other than the one cited in Regulatory Guide 1.163, that methodology would also require NRC approval under Appendix J (B) (V-B) prior to implementation. Likewise, if there were any future revisions of Reg. Guide 1.163, Maine Yankee would still be committed to the September 1995 version, unless it wished to adopt the updated revision, in which case NRC approval would probably be required. Moreover, this phrase further implies that exemptions for testing requirements already exist in the FSAR or Tech Specs. We have been unable to uncover any exemptions that are mentioned in either document.

NRC Staff Response

The State is correct to observe that (1) any exemption pursuant to 10 CFR 50.12 from the requirements of Appendix J would require prior NRC approval; (2) licensee use of a methodology other than that described in Regulatory Guide (RG) 1.163 would require prior NRC approval of an amendment to the

facility TS; and (3) licensee use of a version of RG 1.163 other than the September 1995 version would require prior NRC approval of an amendment to the facility TS.

The phrase "as modified by approved exemptions" is not intended to imply that NRC approval would not be required for such exemptions nor that there are previously approved exemptions. The phrase allows for future NRC approval of exemptions without the undue additional administrative burden of amending the facility TS. This is standard wording that is being applied to all amendments related to implementation of Option B of Appendix J to 10 CFR Part 50.

Comment No. 3

In 10CFR50, Appendix J (B) (III-A) it stipulates that for a Type A test the allowable leakage rate (L_a) with margin must be specified in the Tech Specs. Furthermore it states that the sum of the leakage rates at P_a for Type B and C tests must be less than L_a with margin and also be specified in the Tech Specs. Yet except for the Type B air lock test, no margins are designated in the Tech Specs. It would seem appropriate that the margins be at least cited in the basis section of the Tech Specs.

NRC Staff Response

Maine Yankee Technical Specification 4.4.I.3.b defines L_a. NEI 94-01, Section 9.2.6 states that

> The As-found Type A test leakage rate must be less than the acceptance criterion of 1.0 L_a given in the plant Technical Specifications. Prior to entering a mode where containment integrity is required, the As-left Type A leakage rate shall not exceed 0.75 L_a.

The staff considers the difference between $1.0L_a$ and $0.75L_a$ to be the margin required by the Appendix J Option B.

Similarly, for the Type B and C tests, NEI 94-01, Section 10.2 defines the acceptable leakage rate as $0.6L_a$. The staff considers the difference between $1.0L_a$ and $0.6L_a$ to be the margin required by Appendix J Option B.

In addition to these margins, the Maine Yankee technical specifications Bases point out that the value of L_a will maintain public exposure well below 10 CFR 100 values "under the most adverse design basis accident conditions."

Comment No. 4

The State is willing to accept Maine Yankee's position that the last full pressure test conducted in 1988 meets the industry guidance as set forth in Reg. Guide 1.163. However, the State is very concerned that the NRC considers extrapolations of reduced pressure tests to full pressure tests as

unsuccessful and that Maine Yankee has performed only one full pressure test in the last 25 years. To ensure greater confidence in the integrity of the containment building, the State proposes that Maine Yankee commit to the NRC that the next Type A test will be performed at the reanalyzed peak accident pressure and within the 10 year testing interval since Maine Yankee's last full pressure test in October of 1988.

NRC Staff Response

The Maine Yankee 1988 Integrated Leak Rate Test (ILRT) was a "Full Pressure Test" conducted at 50 psig, which is the peak accident pressure in the current TSs and in the TSs that were in effect at that time. A partial pressure test was conducted in 1992, as permitted by Appendix J of 10 CFR 50 at that time. Option B permits the test interval for the ILRT to be extended to 10 years following two consecutive successful tests, at least one of which must be conducted at full pressure. The licensee's 1988 and 1992 tests satisfy this requirement. Therefore the test interval may be extended to 10 years. Under the proposed TS, the next test must be conducted at a test pressure of 55 psig, unless the TSs are amended in the future to reference a revised test pressure as a result of the reanalysis discussed in comment No. 1.

Comment No. 5

We are very concerned that, if a Type A test fails, the industry guidance cited in Reg. Guide 1.163 allows up to four years before another retest is administered to ensure adequate performance. We consider this an unreasonable amount of time after a failed test to ensure containment integrity. We believe a timely retest, such as prior to a plant startup, would be more appropriate.

NRC Staff Response

Since the technical specifications include the requirement to perform a Type A test, if the licensee were to fail a Type A test, the containment would be considered inoperable since a required surveillance test would have been failed. Therefore, the licensee would not be permitted by the technical specifications to resume operation until a successful Type A test had been performed. Regulatory Guide 1.163 states that, even after performing this successful Type A test, another test is necessary within 4 years.

Comment No. 6

Reg. Guide 1.163 recommends that containment purge valves should be limited to a 30 month testing interval. We assume that Maine Yankee will abide by this recommendation as the historical performance of their purge valves has been less than exemplary.

NRC Staff Response

Maine Yankee technical specification Section 4.4.II.4.b. requires that containment purge supply, exhaust and bypass valves will be leak tested at six-month intervals. Since the Maine Yankee licensee has not proposed to change this interval, this requirement remains in effect.

It should be noted that this shorter test interval is not an Appendix J requirement. It was included in the technical specifications of many plants as a result of a staff study of valves with resilient seals. Regulatory Guide 1.163 restricts the interval to no more than 30 months. If the technical specifications had not limited the test interval to 6 months, the test interval for the purge, exhaust and bypass valves would have been required to be 30 months since the licensee has included Regulatory Guide 1.163 in the technical specifications.

Comment No. 7

Although we have not seen any documented evidence that Maine Yankee has committed to ANSI/ANS 56.8-1994, we presume they will as both the industry guidance and Reg. Guide 1.163 refer to this standard as a means of demonstrating compliance with Appendix J, Option B.

NRC Staff Response

When the proposed amendment becomes effective, the Maine Yankee technical specifications will require that Appendix J leakage rate testing be performed in accordance with Regulatory Guide 1.163-1995. This regulatory guide references the Nuclear Energy Institute's report NEI 94-01, "Industry Guideline for Implementing Performance-Based Option of 10 CFR 50, Appendix J", dated July 21, 1995. NEI 94-01, in turn, references ANSI/ANS Standard 56.8-1994. Thus, the staff considers this standard to be a technical specification requirement.