

April 5, 2005

Mr. Barry Quigley  
3512 Louisiana  
Rockford, IL 61108

Dear Mr. Quigley:

Your petition dated March 2, 2005, and addressed to Mr. Luis Reyes, Executive Director for Operations of the Nuclear Regulatory Commission (NRC or Commission), has been referred to me pursuant to Section 2.206 of the Commission's regulations in Title 10 of the *Code of Federal Regulations* (10 CFR). Your petition requested immediate NRC action to address the failure of Exelon Generation Company (Exelon), the licensee for Byron Station, to repair the 1C reactor coolant system cold leg loop stop isolation valve, LSIV 1RC 8002C, during the spring 2005 refueling outage. Specifically, you requested enforcement action against Exelon for failure to comply with 10 CFR Part 50, Appendix B, Criterion XVI, because 1RC 8002C has been broken for at least 6 years and has not been repaired. The immediate action was requested because Byron Station Unit 1 was in a refueling outage and there was limited time to repair the valve during the outage. I would like to express my sincere appreciation for your effort in bringing these matters to the attention of the NRC.

The petition included concerns about failure to correct a longstanding equipment issue and the strong emphasis on dose reduction, which you believe is compromising plant safety in this case. You pointed out that executive and worker bonuses are tied to meeting aggressive dose goals.

The NRC's Petition Review Board (PRB) met on March 3, 2005, to discuss the request for immediate action based on the limited time available to repair 1RC 8002C during the refueling outage. The PRB's initial conclusion was that there was no immediate safety concern because the LSIVs are not safety related; they are used for isolation of the steam generators for maintenance. During plant operations, they are fully open with power removed to the valve operator motors. Further, the staff concluded that the generation of material, such as metal shavings from metal-to-metal contact, was not a significant safety concern from a loose parts perspective. This information was provided to you during a telephone call following the PRB meeting. During the telephone call, you were offered and accepted the opportunity to address the PRB, in accordance with NRC Management Directive 8.11, "Review Process for 10 CFR 2.206 Petitions."

During a telephone conference call on March 4, 2005, you indicated to the PRB that you had concerns that the scope of the screening evaluation done (per 10 CFR 50.59) to support operation with 1RC 8002C in the current state was limited to loose parts that could potentially come from the LSIVs. You expressed concerns regarding procedural issues including your statements that the decisionmaking process was not completely followed and that the procedure for making technical decisions should have been followed. In response to questions from the NRC, you provided details on the design and operation of 1RC 8002C. NRC staff responsible for reviewing valves and valve performance and the effect of "loose parts" in the reactor primary system also participated in the call. The conference call was transcribed; a copy of the transcript is enclosed.

B. Quigley

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Subsequent to the March 4, 2005, telephone call and receipt of information from Exelon regarding performance of 1RC 8002C, the PRB conducted additional internal meetings on March 15 and March 16. In addition, the NRC conducted a public meeting on March 21, 2005, with Exelon which you attended in the NRC Region III offices. An internal PRB meeting was held on March 22, 2005. Based on the available information, the PRB decided that the NRC does not have a basis for taking the immediate action that you requested. Because 1RC 8002C does not serve a safety function, the concern focused on whether the valve might fail and introduce loose parts into the reactor coolant system (RCS) and adversely affect safe operation of the plant. The NRC's decision not to take immediate action is based on considerations including the following: (1) there is no indication that the structural integrity of the RCS is a concern or is being compromised; (2) the forces exerted by the valve disc on the guides would not be expected to cause severe cracking of the valve guide upon closure; and (3) installation of the valve guide blocks at the bottom of the valve guides prevents the valve guides from falling into the RCS flow stream. Additional details were provided to you in a telephone conversation with two NRC staff members on March 22, 2005.

Although the PRB did not recommend taking immediate action, it concluded that the issue should be reviewed under the 10 CFR 2.206 process for potential enforcement action. Based on the PRB's recommendation, I have decided to accept your petition for review pursuant to 10 CFR 2.206. Your petition is being reviewed by the Division of Licensing Project Management in the Office of Nuclear Reactor Regulation. I have assigned Mr. George Dick to be the petition manager for your petition. Mr. Dick may be reached at 301-415-3019.

As provided by 10 CFR 2.206, we will take action on your request within a reasonable time. For your information, I have enclosed a copy of the notice about your petition that is being filed with the Office of the *Federal Register* for publication. Additionally, I have enclosed a copy of the brochure NUREG/BR-0200, "Public Petition Process," prepared by the NRC Office of Public Affairs. A copy of NRC Management Directive 8.11, "Review Process for 10 CFR 2.206 Petitions," was provided to you by electronic mail on March 22, 2005.

Sincerely,

**/RA/**

J. E. Dyer, Director  
Office of Nuclear Reactor Regulation

Docket No. STN 50-454

Enclosures: 1. Transcript of March 4, 2005, Teleconference  
2. Federal Register Notice  
3. NUREG/BR-0200, Public Petition Process

cc w/copy of 2.206 Request: See next page

April 5, 2005

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Sincerely,

**/RA/**

J. E. Dyer, Director

Office of Nuclear Reactor Regulation

Docket No. STN 50-454

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cc w/copy of 2.206 Request: See next page

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ML050900248 - Public Petition Process  
ML050870621 - Package

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DATE	3/30/05	3/30/05	3/31/05	4/5/05	

B. Quigley

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**BWS 4/1/05**

**G20050160 - Barry Quigley, 2.206 Acknowledgment Ltr re: Byron Station/1C RCS Cold Leg Loop Stop Isolation Valve Petition Dated March 2, 2005.**

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