



50-390

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

February 7, 1996

Ms. Jane A. Fleming  
8 Oceanwood Drive  
Duxbury, MA 02332

Dear Ms. Fleming:

This letter acknowledges receipt of your letter dated January 25, 1996, to Chairman Jackson requesting that the U.S. Nuclear Regulatory Commission take action with regard to the Watts Bar Nuclear Plant, Unit 1. Specifically, you request that a full and impartial review of the entire Watts Bar Nuclear Plant licensing process be conducted, examining the review procedures used by the NRC and the validity of the information presented by the Tennessee Valley Authority (TVA), and that the low-power license for Watts Bar be suspended until such review is completed and the issues in dispute are resolved. You also suggest that if the Chairman does not choose to initiate her own review, the letter be considered under 10 CFR 2.206. You supplemented your January 25, 1996, letter with another letter dated January 30, 1996, to Chairman Jackson.

The Chairman has referred your letter to me for treatment as a Petition pursuant to 10 CFR 2.206 of the Commission's regulations. In accordance with 10 CFR 2.206 and your request for enforcement action, the staff will review whether the low-power operating license for Watts Bar should be suspended or revoked.

Your letter of January 25th asserts that the staff was not fully aware of TVA's commitments and adherence to these commitments when it issued a low-power license to TVA on November 9, 1995. Specifically, you assert that a letter from Stewart D. Ebnetter, Regional Administrator, Region II to Oliver Kingsley, TVA, dated January 12, 1996, stated that there were open issues regarding the radiation monitoring system for Watts Bar when TVA requested an operating license. You assert that this raises a question as to the conclusion drawn by the NRC staff in Supplement 16 to the Safety Evaluation Report (SSER 16) issued in September 1995, that the system meets the acceptance criteria of the Standard Review Plan and is, therefore, acceptable. Your initial letter also briefly describes concerns associated with microbiologically induced corrosion (MIC) and security, as well as your concern that the large number of deviations described in the staff's SSERs presents questions about the current state of TVA's compliance with NRC requirements. In your letter of January 30th you listed the deviations from SSERs 15, 16, and 18. These deviations are associated with radiation monitors, various other instruments, and fire protection.

For the following reasons, your request for immediate suspension or revocation of the low-power license for Watts Bar until the issues you describe are resolved is denied. Except for the issue associated with deviations, the concerns expressed in your Petition are encompassed by allegations previously

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As provided by Section 2.206, action will be taken on your Petition within a reasonable time. I have enclosed for your information a copy of the notice that is being filed with the Office of the Federal Register for publication.

Sincerely,

Original Signed By  
WILLIAM T. RUSSELL

William T. Russell, Director  
Office of Nuclear Reactor Regulation

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raised. There have been extensive inspections and reviews conducted in response to these allegations. With respect to the radiation monitors, the NRC staff was aware of TVA's commitments.

The staff has concluded that the radiation monitoring system complies with the appropriate regulatory requirements (i.e., 10 CFR 20.1302, and General Design Criteria 60, 63, and 64); therefore, TVA has met its radiation monitoring system commitments. The required monitors have been properly installed and tested, the TVA staff is trained, and the necessary procedures are in place. Furthermore, the reliability of the radiation monitoring system is adequate.

With respect to the January 12, 1996, letter from Stewart D. Ebnetter to Oliver Kingsley, the letter required that TVA reiterate the basis for its conclusion that the system was ready to support operation. The open items referred to in the letter refer to the state of TVA's installation and testing of the radiation monitoring system at Watts Bar when it submitted its letter on November 3, 1995; and not to the staff's review of the design described in SSER 16. The letter did not imply that the staff's conclusions reached in SSER 16 were in question. The information submitted by TVA in responses dated January 22 and January 29, 1996, resolved the open issues identified in the January 12, 1996, letter. The staff inspected operation of the radiation monitors at Watts Bar as recently as the week of January 22, 1996, and found the operation and availability to be acceptable. The results of this inspection will be issued in Inspection Report 96-02 which is scheduled to be issued in late-March 1996.

With respect to MIC and security, it is the staff's understanding that your concerns are the same as those expressed in allegations previously raised. The staff has inspected TVA's program to control MIC at Watts Bar, and has found the program to be generally effective, and consistent with TVA's commitments. The staff has also inspected the security program at Watts Bar and found that the program meets the applicable regulatory requirements and is acceptable.

With respect to the deviations listed in your letter of January 30th, the staff's SSERs document these deviations as well as the technical basis for the staff acceptance of each deviation. Each deviation was evaluated and found acceptable. In addition to reviewing each deviation individually, the staff also considered the overall impact of all of the deviations associated with a particular program (e.g., fire protection). Deviations are not relaxations of regulatory requirements. Rather they are alternatives which provide equivalent means of meeting the underlying requirements.

In summary, on the basis of its review of the issues you raised, the NRC staff has concluded that there are no significant safety concerns which would warrant immediate revocation or suspension of the low-power license.