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

September 25, 2009

Ms. Mary Elizabeth Lampert
Pilgrim Watch, Director
148 Washington Street
Duxbury, MA 02332

Dear Ms. Lampert:

Your letter dated May 14, 2009, as supplemented by letters dated July 31 and August 4, 2009, addressed to Chairman Gregory Jaczko has been referred to the Nuclear Regulatory Commission's (NRC) Office of Nuclear Reactor Regulation pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Section 2.206. Your request of the NRC was to require that the refueling outage of Pilgrim Nuclear Power Station (PNPS) be extended until all work packages are re-inspected due to a Quality Assurance (QA) breakdown. You stated this was necessary as evidenced by a condensate pump placed in-service without a packing gland leading to a leak out of the pump, and a fuel handling problem resulting in bending of a refueling mast.

On May 15, 2009, you were informed that the Petition Review Board (PRB) had decided to deny your immediate action to stop re-start of PNPS since the petition did not identify any safety hazards sufficient to warrant the requested action. Subsequently, the PRB meetings were held on May 28 and July 1, 2009, regarding your 2.206 petition concerning a QA problem at PNPS. The PRB's initial recommendation was to not accept the petition for review under the 2.206 process because your issues have already been the subject of NRC staff review and evaluation at that facility. The petition manager informed you of this determination on July 22, 2009.

On July 31 and August 4, 2009, you provided additional supplemental information in response to the PRB's initial recommendation in which you did not provide any new information concerning a QA breakdown at Pilgrim.

The PRB's final determination is to not accept your petition request under the 10 CFR 2.206 process. Although your petition has met the criteria for review, it is being rejected on the basis that your concern of a QA breakdown at Pilgrim has already been the subject of NRC staff review and evaluation, for which a resolution has been achieved and the issues have been resolved.

The NRC Integrated Inspection Report 05000293/2009003 dated July 20, 2009, documented a Green self-revealing non-cited violation (NCV) of Technical Specification 5.4.1 "Procedures," because Entergy's refueling bridge operators did not continuously monitor a Double Blade Guide (DBG) that was moved into the core to ensure the DBG did not encounter any obstructions, interferences, or other abnormal indications. Specifically, the failure to properly implement the procedure resulted in damaging the refueling mast when the mast was moved and still latched to the DBG. Entergy entered this issue into their corrective action program. Corrective actions included replacing a section of the refueling mast, replacing the grapple camera, conducting additional training with the refueling crews including a table top dry run, performing a Human Performance Error Review, and requiring Operations Senior Management to provide oversight during 1 hour of each 3-hour shift when the refueling crew was on the bridge moving fuel.

In your supplement of July 31, 2009, your concern implies that there is no longer a Senior Reactor Operator (SRO) on the bridge, which is not accurate. The additional Operations Senior Management oversight for 1 hour of each 3-hour shift was a short-term action to evaluate the effectiveness of their training and table top reviews and it was not intended to be a permanent additional oversight. 10 CFR 50.54.m(2)(iv) states that "Each licensee shall have present, during alteration of the core of a nuclear power unit (including fuel loading or transfer), a person holding a senior operator license or a senior operator license limited to fuel handling to directly supervise the activity and, during this time, the licensee shall not assign other duties to this person." This 10 CFR 50.54.m(2)(iv) requirement is implemented at Pilgrim in Procedure 4.3, "Fuel Handling." No higher level manager oversight requirements are addressed except as they were implemented following the DBG event to ensure that refueling personnel followed expectations. There is currently an expectation by the NRC and the licensee that an SRO level individual is in charge of core alterations. At Pilgrim, any fuel movements within the vessel are monitored by an SRO who is licensed by the NRC. During fuel movement operation, the SRO was present on the refueling bridge as part of the refueling team.

On your concern for the condensate pump leak during the refueling outage, no findings of significance were identified. The operators identified a leak coming from the packing gland of the "B" condensate pump during fill of the condenser hotwell. The leakage was collecting in the condensate pump pit and draining to the radiological waste system via the turbine building floor sumps. Operations stopped the fill of the hotwell and notified Mechanical Maintenance personnel. At that time, Mechanical Maintenance personnel determined that the packing for the "B" condensate pump had not yet been installed. The NRC inspectors determined that Entergy did not follow tagout procedure requirements and did not identify that work had not been completed on the "B" condensate pump prior to signing off the work boundary tagout. This failure to comply with tagout requirements constitutes a violation of minor significance that is not subject to enforcement action in accordance with the NRC's Enforcement Policy. In addition, the inspectors identified that no condition report was written by Entergy to document the tagout problem and the resultant interruption to the hotwell fill activity at the time of the occurrence. An apparent cause evaluation was subsequently conducted and corrective actions were reviewed by the inspectors.

In addition, the NRC inspectors reviewed implementation of licensee procedures for Foreign Material Exclusion (FME) control for the open reactor vessel, reactor cavity, and spent fuel pool (SFP). The foreign material found in the SFP during the refueling outage was retrieved in accordance with the licensee's FME recovery plan. The NRC inspectors reviewed a sample of Entergy's actions to identify, document, and resolve FME events/issues and no findings of significance were identified.

In your supplement of August 4, 2009, you requested a list of all fuel-handling incidents of GE Mark I Boiling-Water Reactors (BWRs), which is beyond the scope of the 2.206 process. Currently, there are 23 plants with GE Mark I BWRs, including Pilgrim. The request for documents on reactor fuel-handing incidents is considered a Freedom of Information Act (FOIA) request. You should forward your request directly to the NRC FOIA Coordinator via e-mail: FOIA.Resource@nrc.gov or via mail: FOIA Coordinator, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555-0001.

As discussed above, the NRC staff has reviewed the licensee corrective actions and found them to be appropriate.

Thank you for bringing these issues to the attention of the NRC.

Sincerely,

Thomas Blount

Thomas Blount, Deputy Director
Division of Policy and Rulemaking
Office of Nuclear Reactor Regulation

Docket No. 50-293

cc: Distribution via Listserv

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Sincerely,

/RA/
Thomas Blount, Deputy Director
Division of Policy and Rulemaking
Office of Nuclear Reactor Regulation

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Package: ML092610299
Incoming: ML091400064
Response: ML092610059

Supplement 1: ML092170075
Supplement 2: ML092590243

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LETTER TO MS. LAMPERT DATED: September 25, 2009

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