



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

July 26, 2013

Mr. Michael Mulligan
P.O. Box 161
Hinsdale, NH 03451

Dear Mr. Mulligan:

In an email dated March 7, 2013¹ addressed to Mr. R. William Borchardt, Executive Director for Operations of the Nuclear Regulatory Commission (NRC), you submitted a petition pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Section 2.206, "Requests for action under this subpart," asking that the NRC take enforcement action by ordering the immediate shutdown of Pilgrim Nuclear Power Station (Pilgrim). Your petition has been referred to a Petition Review Board (PRB) within the Office of Nuclear Reactor Regulation for action.

In your petition, you state that Entergy Nuclear Operations, Inc. (Entergy, the licensee) is operating the plant in an unsafe condition with defective or inoperable safety relief valves (SRVs) and is incapable of maintaining safety (components) and quality at the plant. You also request the NRC not to allow Pilgrim to restart following shutdown until the licensee understands past failure mechanisms of the defective SRVs. You also supplemented your petition with several additional email correspondences.²

On March 14, 2013, the petition manager contacted you to discuss the 10 CFR 2.206 process and to offer you an opportunity to address the PRB prior to making its initial recommendation. On March 15, 2013, you accepted the opportunity to address the PRB. The PRB met internally on March 18, 2013, to discuss the request for immediate action only. The PRB denied the request for immediate action to shutdown Pilgrim because there was no immediate safety issue to the plant, or to the health and safety of the public to warrant an immediate shutdown. The petition manager informed you of this decision on March 25, 2013.

On April 11, 2013, a telephone conference call was held between you and the PRB in which you provided further explanation and support for your petition. A transcript of that conference call, which supplements your petition, is publicly available at Agencywide Documents Access and Management System (ADAMS) Accession No. ML13112B055.

On May 6, 2013, the PRB held its internal meeting to discuss your petition and make its initial recommendation in accordance with the criteria provided in Management Directive (MD) 8.11, "Review Process for 10 CFR 2.206 Petitions" (ADAMS Accession No. ML041770328). The PRB made an initial recommendation that your requested actions (as summarized below) did not meet the criteria for review because you did not provide adequate basis and sufficient

¹ Your petition is available from the NRC's Agencywide Documents Access and Management System (ADAMS) in the public Electronic Reading Room on the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html> under ADAMS Accession Nos. ML13070A055.

² March 20, 2013 (ML13098A077); April 5, 2013 (ML13098A091); May 26, 2013 (ML13149A172); and June 18, 2013 (ML13189A047).

facts to warrant further inquiry. The petition manager informed you of this decision on May 22, 2013, and offered you a second opportunity to address the PRB, which you accepted on May 30, 2013. On June 11, 2013, you provided information to the PRB by conference call as further support for your petition request. A transcript of that conference call, which supplements your petition, is publicly available at ADAMS Accession No. ML13189A057. Following the conference call, the PRB held an internal meeting to consider your petition with supplemental information. The PRB made the final recommendation to not accept your petition because your petition did not meet the criteria for review as it failed to provide adequate basis and sufficient facts to warrant further inquiry.

As support for the PRB's determination, the PRB made the following findings regarding the requests made in your petition:

1. Request for immediate shutdown of Pilgrim

In your petition, you assert that Pilgrim is operating the plant in a condition adverse to quality and safety with one or more safety relief valves being inoperable. The NRC staff notes that the events that you describe from referenced license event reports have been previously inspected by the NRC under the Reactor Oversight Process (ROP). However, you did not provide any new or additional information, nor specific details, for the issues that you raise, beyond what the staff has previously identified and documented in NRC inspection reports (e.g., NRC Integrated Inspection Reports 2013-002 and 2011-005)³. Therefore, there was no evidence that would lead the PRB to conclude that there were any unanalyzed conditions or situations at Pilgrim. Based on the information you presented, the PRB met and concluded that there was no immediate safety concern to the plant or to the public health and safety justifying the immediate shutdown of Pilgrim.

2. Request for special NRC inspection concerning the defective SRVs

In accordance with MD 8.11, this request does not meet the criteria for review because you did not provide sufficient facts to warrant further inquiry. The NRC has a rigorous ROP under which the regions conduct regular inspections throughout the year and also hold special inspections from time to time based on the individual performance or occurrence of events at the nuclear power plants to ensure licensee activities do not pose an undue risk to public health and safety.

3. Request for NRC Office of Investigations to investigate NRC actions

You stated that the NRC allowed Pilgrim to operate with unsafe SRVs until the next refueling outage and was "covering up" unsafe components with inoperable safety functions. This request does not meet the criteria for review per MD 8.11 because you did not provide sufficient information to support the claims and to warrant further inquiry. However, the concerns you raise in your petition, as supplemented, and the transcripts have been referred to the NRC Office of the Inspector General.

³ NRC Integrated Inspection Report 2013-002 dated May 8, 2013 (ADAMS Accession No. ML13129A212) and Inspection Report 2011-005 dated February 2, 2012 (ADAMS Accession No. ML12033A229)

4. Request for NRC not to allow plant restart until they fully understand past failure mechanisms of defective SRVs at Pilgrim.

This request does not meet the criteria for review because you did not provide sufficient facts to constitute a basis for the requested action. The NRC has a rigorous ROP in which inspections are conducted throughout the year to ensure that power reactor facilities are operated safely. The NRC staff has determined that plant operations at Pilgrim are being conducted within the applicable regulatory requirements and within the terms of the operating license.

The NRC is fully aware that three of the four three-stage Target Rock Model SRVs at Pilgrim have exhibited leakage since they replaced the two-stage model in spring 2011. As further support for the PRB's recommendation, the NRC staff notes the following:

1. The safety function of SRVs is to open on high pressure conditions or in a reactor overpressurization event.

The NRC staff acknowledges that SRVs may leak without necessarily rendering them mechanically inoperable or incapable of performing their safety functions. Specifically, a leaking SRV could cause the valve to open prematurely which could cause a transient; however, the capability of the SRVs to fulfill their over-pressure protection safety function is not affected.

2. Some SRV leakage may be considered to be acceptable without affecting plant operation or safety. An SRV that shows leakage is evaluated by the licensee for operability. At Pilgrim, the SRV is declared inoperable if the pilot stage thermocouple temperature is 35 degrees Fahrenheit below its baseline temperature. The licensee is required by Technical Specifications to bring the plant to shutdown and be less than 104 pounds per square inch gauge (psig) reactor pressure within 24 hours for an inoperable SRV.

The licensee's operability evaluations for the SRVs that have leaked at Pilgrim were evaluated by the NRC inspectors and determined to be technically justified. The NRC inspectors also determined that the licensee is in compliance with the applicable Technical Specifications and has demonstrated that the SRVs are monitored and maintained in a condition that ensures they will perform their safety functions.

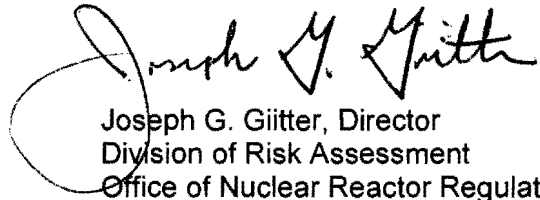
The NRC staff continues to monitor and collect operating experience that has shown the three-stage Target Rock Model SRVs to exhibit some amounts of leakage during plant operation. The NRC is also aware that the industry has experienced numerous instances of, and is investigating SRV leakage of this specific design. However, neither the NRC staff's evaluations nor industry operational data, indicates that the specific SRV model/design at Pilgrim poses a risk-significant safety concern that would warrant the enforcement action requested in your petition request.

M. Mulligan

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The PRB's final determination is to reject your petition for review under the 10 CFR 2.206 process because you have not provided sufficient facts to constitute a basis for the requested enforcement actions, thus not meeting the criteria for review under 10 CFR 2.206.

Sincerely,

A handwritten signature in black ink, reading "Joseph G. Giitter". The signature is written in a cursive style with a large loop at the beginning of the word "Joseph".

Joseph G. Giitter, Director
Division of Risk Assessment
Office of Nuclear Reactor Regulation

Docket No. 50-293

cc: Distribution via Listserv

M. Mulligan

- 4 -

The PRB's final determination is to reject your petition for review under the 10 CFR 2.206 process because you have not provided sufficient facts to constitute a basis for the requested enforcement actions, thus not meeting the criteria for review under 10 CFR 2.206.

Sincerely,

/ra/

Joseph G. Giitter, Director
Division of Risk Assessment
Office of Nuclear Reactor Regulation

Docket No. 50-293

cc: Distribution via Listserv

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**Transcripts: (April 11, 2013) ML13112B055; Incoming: ML13070A055; ML13098A077; ML13098A091
(June 11, 2013) ML13189A057 ML13149A172; ML13189A047**

Response: ML13198A465 *Via email

OFFICE	LPL1-1/PM	LPL1-1/LA	R1/BC(A)*	DPR/PM*	LPL1-1/BC(A)	DRA/D
NAME	RGuzman	KGGoldstein	FBower	MBanic	RBeall	JGiitter
DATE	7/22/13	07/18/13	7/22/13	7/23/13	7/24/13	7/26/13

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