



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

December 4, 1992

Docket No. 50-220

Ben L. Ridings
P.O. Box 1101
Kingston, Tennessee 37763

Dear Mr. Ridings:

On October 27, 1992, you filed a "Petition for Emergency Enforcement Action and Request for Public Hearing" (Petition) regarding Nine Mile Point Nuclear Station Unit No. 1 (NMP-1) with the Nuclear Regulatory Commission (NRC or Commission). You requested that the Commission take direct review of the Petition. The Commission has declined to take direct review of your Petition and has referred the Petition to me for consideration pursuant to 10 CFR 2.206.

The Petition requests that the NRC immediately order Niagara Mohawk Power Corporation (NMPC) to cease power operation of NMP-1 and place the reactor in a cold shutdown condition. The Petition also requests that the Commission hold a public hearing before authorizing resumption of plant operation. You seek relief based on allegations that: (1) NMP-1 does not meet NRC requirements for an engineered safety feature system (ESFS) grade high-pressure coolant injection (HPCI) system, (2) 45 percent of the containment isolation valves have administrative deficiencies, and (3) NMPC, NMPC's quality assurance group, and the NRC have reviewed these safety concerns and, contrary to any practical justification, have remained silent.

With respect to the lack of an ESFS grade HPCI system, you had two concerns: (1) you stated that the feedwater system, which can operate in an HPCI mode, is not an acceptable alternative system because it does not have a backup electrical power supply provided by an onsite emergency diesel generator and (2) you stated concern about using the feedwater system in an HPCI mode because some 44 out of 47 valves in the feedwater injection flow path are not included in the NMP-1 Inservice Test Program for pumps and valves.

Although NMP-1 does not have an ESFS grade HPCI system, the plant was designed and licensed by the NRC with other emergency core cooling system (ECCS) equipment that provides adequate protection against all loss-of-coolant accidents. The Commission's regulations in 10 CFR 50.46, "Acceptance criteria for emergency core cooling systems for light water nuclear power reactors," require that licensees provide their plants with ECCS's designed to meet the criteria set forth in that section.

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In response to your request for an immediate shutdown of NMP-1, my staff has reviewed the NRC's Safety Evaluation Report for NMP-1 dated December 27, 1974, and General Electric's (GE) loss-of-coolant accident analysis (NEDC-31446P) for the current fuel cycle (Cycle 10) concerning NMP-1's conformance to the requirements of 10 CFR 50.46.

The December 27, 1974, Safety Evaluation Report concluded that the NMP-1 ECCS satisfies the requirements of 10 CFR 50.46. Furthermore, the Updated Final Safety Analysis Report (UFSAR) states that the HPCI is not an engineered safety feature system and, therefore, is not relied on in meeting the criteria of 10 CFR 50.46. This conclusion was reaffirmed in GE's loss-of-coolant accident analysis for the current fuel cycle as well as in the previous reload cycles. GE's analysis was prepared in response to the requirements of NMP-1 Technical Specification 6.9.1f, "Reporting Requirements, Core Operating Limits Report." The NMP-1 ECCS satisfies the requirements of 10 CFR 50.46 by utilizing the automatic depressurization system (ADS) and the core spray system (CSS), both of which have redundancy and are supplied backup electrical power by the NMP-1 onsite emergency diesel generators. The CSS in conjunction with the ADS is designed to accommodate the range of loss-of-coolant accidents from the smallest up to the largest line break. For line breaks smaller than 0.30 square foot, reactor pressure may not decrease rapidly enough to prevent clad overheating if there is no feedwater flow. Therefore, the ADS is provided to depressurize the reactor so that the CSS can inject water into the reactor. Because operation of the feedwater pumps in the HPCI mode is not required to meet the requirements of 10 CFR 50.46, an onsite emergency electrical power supply for the feedwater pumps is not required. The NMP-1 Technical Specifications require the feedwater system to be operable in the HPCI mode as the normal means for core cooling; however, this system is not relied on to satisfy the requirements of 10 CFR 50.46. Furthermore, the valves in the feedwater flow path are not required to be included in the NMP-1 inservice testing program because the feedwater system is not required to meet 10 CFR 50.46.

You also asserted that the NMP-1 feedwater system operating in the HPCI mode fails to meet GDC 33, 35, 36 and 37. As stated in a Staff Requirements Memorandum dated September 18, 1992, the Commission has determined that the General Design Criteria in 10 CFR Part 50, Appendix A, do not apply to plants with construction permits issued prior to May 21, 1971. At the time of promulgation of Appendix A to 10 CFR Part 50, the Commission stressed that the GDC were not new requirements and were promulgated to more clearly articulate the licensing requirements and practice in effect at that time. While compliance with the intent of the GDC is important, each plant licensed before the GDC were formally adopted was evaluated on a plant specific basis, determined to be safe, and licensed by the Commission. Furthermore, current regulatory processes are sufficient to ensure that plants continue to be safe and comply with the intent of the GDC. Plants with construction permits issued prior to May 21, 1971, do not need exemptions from the GDC.



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On the basis of the foregoing discussions, I have concluded that there is no basis to issue an immediately effective order to shut down NMP-1 because of the unavailability of an ESFS grade HPCI system.

Your Petition also stated that 45 percent of the primary containment isolation valves at NMP-1 had administrative deficiencies as indicated in Attachment 5 to your Petition. However, some of the valve identification numbers listed in Attachment 5 are not fully legible, and for these valves, we were unable to evaluate your concerns. Note 17 applicable to valves listed on pages 1, 3, and 4 of Attachment 5 was not provided; for these valves, my staff reviewed the existing regulatory requirements and NMPC's procedures and programs for implementing those requirements and found no deficiencies. The NRC staff had previously identified, through its inspection program, administrative deficiencies, similar to those identified in Attachment 5, with reactor coolant system isolation valves and containment isolation valves listed in the NMP-1 Technical Specifications and the UFSAR. In a safety evaluation dated May 6, 1988, the NRC staff requested NMPC to resolve these administrative deficiencies. Subsequently, by letter dated November 20, 1990, as superseded by letter dated February 7, 1992, NMPC submitted a request for a license amendment to update the NMP-1 Technical Specifications to resolve these administrative deficiencies.

Our review of this request is in progress and although we have not yet completed our review, we have reviewed your concerns with respect to the current NMP-1 Technical Specifications, the UFSAR, and the most recent Inservice Testing Program for NMP-1 pumps and valves. Our preliminary review indicated that NMPC is implementing adequate surveillance testing and leakage-rate testing procedures to verify valve and containment operability. These procedures include functional testing required by the NMP-1 Technical Specifications to ensure that valves required to close during accident conditions function properly on receipt of a signal to close. Furthermore, periodic valve exercising, stroke-time testing, and leakage-rate testing ensure that the inservice testing program and applicable technical specification requirements are met. All the above testing provides reasonable assurance that NMP-1 can be operated without undue risk to the public health and safety in light of the described administrative deficiencies in isolation valves. In addition, our preliminary conclusions are that the current technical specifications, the license amendment request previously discussed, or the UFSAR address most of these administrative deficiencies. Based on the above, I have concluded that an immediately effective order to shut down NMP-1 on the basis of the identified administrative deficiencies with the containment isolation valves is not required.

As stated above, our review of the Petition has disclosed that some specific information in your Petition was not fully legible or not provided. The NRC staff has been unable to contact you by telephone to obtain the missing information. In order for the NRC to provide a complete review of your



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concerns, we request that you provide the missing information promptly but, in any event, within 25 days of the date of this letter in order for us to consider it in our evaluation of your Petition. You may provide the missing information by contacting Mr. Donald S. Brinkman, the NRC's Project Manager for NMP-1 at (301) 504-1409.

With regard to your allegation that the NRC staff has previously reviewed these safety concerns and has remained silent, a copy of the Petition has been referred to the NRC Office of the Inspector General for whatever review and action the Inspector General deems appropriate.

The NRC staff will review your Petition in accordance with 10 CFR 2.206. I will issue a final decision with regard to your Petition within a reasonable time. A copy of the notice that is being filed for publication with the Office of the Federal Register is enclosed for your information.

This requirement affects one respondent and, therefore, is not subject to Office of Management and Budget review under P.L. 96-511.

Sincerely,



Thomas E. Murley, Director
Office of Nuclear Reactor Regulation

Enclosure:
Federal Register Notice

cc w/enclosure:
See next page



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cc:

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NMP1 2.206 Acknowledgement Letter
Date December 4, 1992

Distribution:

Docket File (50-220) w/incoming letter

NRC/Local PDRs w/incoming letter

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TMurley/FMiraglia, 12/G/18

JPartlow, 12/G/18

SVarga

JCalvo

RACapra

DBrinkman

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OCA

NRR Mail Room (EDO# 8255), 12/G/18

PDI-1 Reading

JGoldberg, OGC 15/B/18

CCowgill, RGN-1

RJones, 8/E/23

CMcCracken, 8/D/1

JNorberg, 7/E/23



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