

UNITED STATES NUCLEAR REGULATORY COMMISSION

Docket No. 50-220

NIAGARA MOHAWK POWER CORPORATION

(Nine Mile Point Nuclear Station Unit No. 1)

RECEIPT OF PETITION FOR DIRECTOR'S DECISION UNDER 10 CFR 2.206

Notice is hereby given that by letter dated October 27, 1992, Ben L. Ridings (Petitioner) 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. The Petition, which has been referred to me for consideration as a petition under 10 CFR 2.206, requests that the Nuclear Regulatory Commission 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 seeks relief on the basis of 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.

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With respect to the lack of an ESFS grade HPCI system, the Petitioner had two concerns: First, the Petitioner 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; second, the Petitioner was concerned about using the feedwater system in a 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.

For the reasons stated in a letter to the Petitioner dated December 4, 1992, Petitioner's request for immediate action was denied. Petitioner's request is being treated in accordance with 10 CFR 2.206 of the Commission's regulations. The NRC will take appropriate action on this request within a reasonable time.

A copy of the Petition is available for inspection and copying for a fee in the Commission's Public Document Room, 2120 L Street, NW., Washington, DC 20555 and at the Reference and Documents Department, Penfield Library, State University of New York, Oswego, New York 13126.

FOR THE NUCLEAR REGULATORY COMMISSION



Thomas E. Murley, Director
Office of Nuclear Reactor Regulation

Dated at Rockville, Maryland,
this 4th day of December 1992.



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



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,
~~Original Signed by~~
Thomas E. Murley
Thomas E. Murley, Director
Office of Nuclear Reactor Regulation

Enclosure:
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PDI-1:LA	PDI-1:PM <i>DB</i>	PDI-1:D <i>ee</i>	TECH ED*	Region I*	SRXB*
CVogan <i>CV</i>	DBrinkman:smm	RACapra		WHehl	RJones
11/30/92	11/30/92	11/30/92	11/25/92	11/25/92	11/25/92
SPLB*	EMEB*	OGC*	ADRI*	D:DRPE <i>→</i>	ADPR/NRR <i>W</i>
CMcCracken	JNorberg	JGoldberg	JCalvo	<i>S</i> Svarga	JPartlow <i>W</i>
11/25/92	11/25/92	11/27/92	11/25/92	11/30/92	11/30/92
<i>DB</i> D:NRB					
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