

UNITED STATES NUCLEAR REGULATORY COMMISSION

DOCKET NO. 50-220

NIAGARA MOHAWK POWER CORPORATION

NINE MILE POINT NUCLEAR STATION UNIT NO. 1

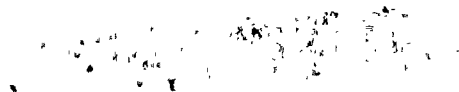
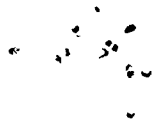
LICENSE NO. DPR-63

ISSUANCE OF DIRECTOR'S DECISION UNDER 10 CFR 2.206

Notice is hereby given that the Director, Office of Nuclear Reactor Regulation, has issued a Director's Decision concerning a Petition dated October 27, 1992, filed by Ben L. Ridings (Petitioner). The Petitioner requested that the Nuclear Regulatory Commission (NRC) issue an immediately effective order directing Niagara Mohawk Power Corporation (NMPC) to cease power operation of Nine Mile Point Nuclear Station Unit No. 1 (NMP-1) and place the reactor in a cold-shutdown condition until such time as subsequent tests and inspections are shown to provide the requisite reasonable assurance of no undue risk to public health and safety. The Petitioner also requested that the NRC hold a public hearing before the plant is allowed to operate again.

The Petition sought relief on the basis of assertions that (1) NMPC is operating NMP-1 in violation of the requirements for availability of an emergency core cooling system (ECCS) high-pressure coolant injection (HPCI) system, including the failure to provide the mandatory emergency backup power to the HPCI system; (2) 45 percent of the containment isolation valves have

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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.

On December 4, 1992, the Director of the Office of Nuclear Reactor Regulation acknowledged receipt of the Petition and notified the Petitioner that this matter would be considered pursuant to 10 CFR 2.206. The Petitioner's request for immediate action was denied in the Director's December 4, 1992, letter acknowledging receipt of the Petition. The Director's December 4, 1992, letter included a request for some specific information that was not fully legible or not provided in the Petition. The Petitioner submitted the requested information in a response received by the NRC Office of the Executive Director for Operations on January 5, 1993, or in a January 11, 1993, telephone conversation between the Petitioner and the NRC Project Manager for NMP-1. The Petitioner's response also asserted that the NMP-1 facility will not meet the leakage limits of 10 CFR Part 50, Appendix J, when the leakage rates of Category A containment isolation valves are added to the leakage total for the NMP-1 containment building. In addition, the Petitioner contended that NMPC's asserted failures to comply with the requirements of 10 CFR Part 50 precluded NMPC from operating NMP-1 with limited liability.

The NRC staff issued License Amendment No. 140 to the NMP-1 Facility Operating License (DPR-63) on April 12, 1993. This license amendment corrects the NMP-1 Technical Specifications tables that list the containment isolation valves, their initiating signals, and their stroke times. To the extent the Petitioner sought such corrections, this relief has been granted. NMPC has

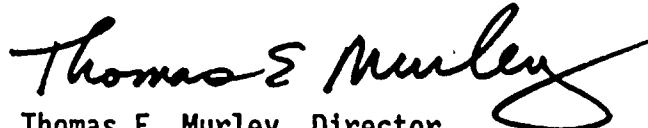


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committed to update, by June 30, 1993, the NMP-1 Updated Final Safety Analysis Report (UFSAR) to properly list the containment isolation valves. The NRC staff will verify this commitment as part of its routine reviews of UFSAR updates. With regard to the other requests made by the Petitioner, an immediate shutdown of NMP-1 and the institution of a public hearing before authorizing resumption of plant operation, the Director has determined that the Petitioner's request should be denied. The reasons for the denial are given in the "Director's Decision Pursuant to 10 CFR 2.206" (DD-93-10), which is available for inspection and copying in the Commission's Public Document Room, The Gelman Building, 2120 L Street, N.W., Washington, D.C., and at the local public document room for the Nine Mile Point Nuclear Station at the Reference and Documents Department, Penfield Library, State University of New York, Oswego, New York 13126.

A copy of the decision will be filed with the Secretary of the Commission for the Commission's review in accordance with 10 CFR 2.206(c). As stated in 10 CFR 2.206(c), the decision will become the final action of the Commission 25 days after the date of issuance unless the Commission on its own motion institutes review of the decision within that time.

FOR THE NUCLEAR REGULATORY COMMISSION



Thomas E. Murley, Director  
Office of Nuclear Reactor Regulation

Dated at Rockville, Maryland,  
this 9th day of May 1993.



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have been denied. Please note that 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.

A copy of the Decision will be filed with the Secretary of the Commission for the Commission's review in accordance with 10 CFR 2.206(c). As provided by this regulation, the Decision will constitute the final action of the Commission 25 days after the date of issuance of the Decision unless the Commission, on its own motion, institutes a review of the Decision within that time.

A copy of the Notice of Decision that is being filed with the Office of the Federal Register for publication is also enclosed.

Sincerely,  
Original signed by  
Thomas E. Murley  
Thomas E. Murley, Director  
Office of Nuclear Reactor Regulation

- Enclosures:
- 1. Director's Decision DD-93-10
- 2. Federal Register Notice

- ccw/enclosures:
- See next page
- NRC/Local PDRs
- EDO #8255
- EDO Reading
- T. Murley/F. Miraglia, 12/G/18
- J. Partlow, 12/G/18
- S. Varga
- J. Calvo
- R. A. Capra
- C. Vogan
- D. Brinkman
- OPA
- OCA
- JNorberg, 7/E/23
- \*SEE PREVIOUS CONCURRENCE

DISTRIBUTION

- Docket File
- NRR Mail Room (EDO #8255) (12/G/18)
- PDI-1 Reading
- J. Taylor, 17/G/21
- V. Yanez (2) (P-223)
- C. Cater, SECY, 16/G/15
- M. Malsch, OGC, 15/B/18
- J. Goldberg, OGC, 15/B/18
- ASLBP
- S. Burns, OCAA, 16/G/15
- ACRS (10)
- C. Cowgill, RGN-I
- RJones, 8/E/23
- RBarrett, 8/H/7
- JWiggins, RGN-I
- D. Williams, IG

PDI-1:LA <sup>not 4/30/93</sup>	PDI-1:PM <sup>DAB</sup>	Tech Editor	SRXB	SCSB	EMEB
CVogan <sup>CV</sup>	DBrinkman:smm	RSanders*	RJones*	RBarrett*	JNorberg*
4/27/93	4/27/93	04/06/93	04/02/93	04/05/93	04/05/93
RGN-I	No legal objection OGC <sup>RMM</sup>	<sup>PDI-1:DA</sup>	ADR1 <sup>MAL</sup>	DRPE <sup>[Signature]</sup>	ADPR 4/29/93 <sup>[Signature]</sup>
JWiggins*	RWeisman	RACapra	JCalvo	SVarga <sup>[Signature]</sup>	JPartlow <sup>[Signature]</sup>
04/14/93	04/27/93	04/27/93	4/27/93	4/27/93	4/29/93
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TMurley					
5/9/93					

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

RC  
NMP-1

**ACTION**

EDO Principal Correspondence Control

~~4/30/93~~ 5/7/93

~~12/3/92~~

FROM:

DUE: ~~11/25/92~~

EDO CONTROL: 0008255  
DOC DT: 10/27/92  
FINAL REPLY:

Ben L. Ridings  
Kingston, TN

TO:

EDO

FOR SIGNATURE OF:

\*\* GRN \*\*

CRC NO:

DESC:

2.206 PETITION NINE MILE UNIT ONE

ROUTING:

Taylor  
Sniezek  
Thompson  
Blaha  
Murley, NRR  
TMMartin, RI  
Lieberman, OE

DATE: 11/04/92

ASSIGNED TO: ~~OGC~~ *NPK*

CONTACT: ~~Scinto~~ *Mundy*  
*Varga*

SPECIAL INSTRUCTIONS OR REMARKS:

*NPK Rec'd: 11/13/92*  
*NPK Action: Varga: DRPE*  
*NPK Routing: Murley*  
*Munster*  
*Russell*  
*Partlow*  
*Collins*  
*Cristoforo*  
*Mail Room*  
*12/18*

**ACTION**  
DUE TO NRR DIRECTOR'S OFFICE  
BY 11/20/92  
5/1/93

