From: Jean Lee (JXL3)
To: djv David J. Vito
Date: Wednesday, December 21, 1994 5:38 pm
Subject: OYSTER CREEK

Dave, I mentioned to you previously that we had an alleger call here with a security issue at OCreek.

My secretary will E-mail to you a copy of the ARB meeting summary for information. Ed King and Della Ratta participated in the NRR ARB meeting. We are still waiting for additional info from the alleger and we anticipate referring the info to RI when received. However, no details have been forthcoming from the alleger yet.

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Nuclear Information and Resource Service

1424 16th Street NW, Suite 601, Washington, DC 20036 202-328-0002; fax: 202-462-2183; e-mail: nirsnet@aol.com

January 6, 1995

The Honorable Bill Bradley
United States Senate
Washington, DC 20510

Dear Senator Bradley:

The Nuclear Information and Resource Service (NIRS) would like to thank you for your letters of October 7, 21, and November 3, 1994 to the United States Nuclear Regulatory Commission (NRC) forwarding concerns of your constituents regarding the Oyster Creek Nuclear Generating Station restart. We respectfully request your continued attention to this emerging issue.

NIRS and the New Jersey citizen group, Oyster Creek Nuclear Watch (OCNW), have been closely monitoring activities at the nuclear power station. Our efforts to further monitor General Public Utilities Nuclear's inspection of the Oyster Creek nuclear power station during its most recent refueling outage have revealed that new cracking of the top guide--a safety-related reactor internal component. This is in addition to the much publicized cracking of the core shroud discovered during this outage.

It is our concern that Mr. James Taylor, NRC Executive Director for Operations, did not report this finding nor the results of additional safety-related component inspections to your office in his responses dated December 15 and 16, 1994. Additionally, Mr. Taylor did not inform your office that despite a recent General Electric service alert, at least one safety-related reactor internal, the core plate, was deliberately not inspected because the licensee claimed that the component was inaccessible for inspection. Additional safety-related reactor internals inspections specified in a citizen petition before the NRC were not indicated by Mr. Taylor to have been performed by the licensee during the recent outage.

NIRS would like to take this opportunity to address these issues raised by Mr. Taylor's response.

As you may already be aware, NIRS and OCNW petitioned the NRC on September 19, 1994 under 10 CFR 2.206 for the suspension of the Oyster Creek operating license until

1) the completion of enhanced inspections for age-related deterioration of all safety-related reactor internals and 2) the completion of a safety analysis and evaluation of identified General Electric Boiling Water Reactor (BWR) design deficiencies on the irradiated fuel storage pool. On October 27, 1994, NRC denied our request to suspend the license until the requested actions had been completed. We have appealed the NRC denial and raised additional contentions regarding the inoperable and combustible Thermo-Lag fire barriers installed at Oyster Creek. The manufacturer of Thermo-Lag is under a seven count federal indictment.

Central to the petition, we requested the NRC to require enhanced inspections of all safety-class reactor internals subject to operation-related stress corrosion cracking as identified in the NRC document "Boiling Water Reactor Internal Aging Degradation Study" (NUREG/CR-5754) published September, 1993 and in viewgraphs presented to the NRC by the Boiling Water Reactor Owners Group during a June 28, 1994 meeting in Rockville, Maryland entitled "Core Shroud and Vessel Internals Concerns."

The petition filed by NIRS and OCNW focuses on safety concerns in that Oyster Creek is the oldest GE Mark I BWR operating in the United States and the core shroud, a safety-related reactor component, is subject to age-related deterioration, embrittlement and cracking, as discovered in younger reactors of the same model. The petition points out that the Boiling Water Reactor Owners Group in its presentation to the NRC on June 28, 1994, stated that "Shroud cracking is a signal to reevaluate, in more detail, the potential for cracking in other vessel internals." As you are aware, subsequent licensee inspections conducted during the recent refueling outage discovered that Oyster Creek's core shroud is cracked along at least one circumferential weld. It should be noted that while the licensee has installed tie-rod modifications to bind the cracked weld together, Swedish and German utilities, also experiencing cracking of BWR internals, have opted for the more expensive replacement of cracked core shrouds. However, it remains the petitioners contention that discovery of the cracking of the core shroud mandates an enhanced inspection of all safety class reactor internals.

Upon learning of extensive cracking of top guide and core plate reactor internals in an overseas BWR and in that these safety-related components at Oyster Creek were cited in the NIRS/OCNW petition, NIRS began a direct inquiry to the NRC and the licensee as to the status of inspections of those respective parts at Oyster Creek. The NIRS inquiry to the NRC identified that Oyster Creek's top guide component, whose safety-related function is to maintain proper spacing of fuel rod assemblies at the top of the reactor core, has been structurally cracked since at least 1991 and that new cracks were identified as a result of the Fall, 1994 inspection. While Oyster Creek had notified the NRC through an inspection report dated August 9, 1991, NRC officials told both NIRS and the trade publication *Inside NRC* that they were only recently made aware of the structural cracking.

We are concerned that Mr. Taylor is remiss in his report to your office on the status of reactor internal components vital to the safe operation of Oyster Creek:

1) NRC failed to identify to your office that structural cracking of the top guide had been documented by NRC since August 9, 1991, while NRC officials responsible for the materials

analysis and evaluation of Oyster Creek reactor internals claimed to only recently have been aware of the deteriorating part after the Oyster Creek reactor vessel was closed up and sealed to prepare for restart.

2) NRC failed to identify to your office that new cracking of at least one safety-class component, the top guide, was discovered as a result of the last refueling outage inspection.

3) NRC failed to inform your office that at least one safety-related reactor internal, the core plate, was deliberately passed over for inspection by the licensee, claiming that the reactor internal was inaccessible to inspection. The core plate provides guidance to control rod guide tubes and lateral support to the reactor core. General Electric in a service alert (RICSIL-071) dated November 19, 1994, notified Oyster Creek and other BWR operators that both the core plate and top guide are vulnerable to cracking as witnessed at the Wuergassen nuclear power plant in Germany.

4) NRC has failed to take reasonable action to require an analysis and evaluation of the synergistic effect of multiple reactor internal component cracking on the safe operation of Oyster Creek before allowing the reactor to operate under continued deteriorating conditions for an additional two years.

We believe that the NRC's response to your office and constituents was, at best, misleading regarding the conditions of the Oyster Creek reactor. Further investigation by your office into the NRC's response is warranted. In addition, we seek your support for a suspension of Oyster Creek's operating license until a full inspection of safety-related reactor core internals is carried out and any necessary modifications completed.

Please feel free to call upon our office if we can be of further assistance.

Sincerely,

Michael Mariotte
Executive Director

Paul Gunter, Director
Reactor Watchdog Project

CC
Ms. Helen Richmond, Berkley Township Environmental Commission
Ms. Janet Oliver deCamp
Office of the Inspector General, NRC

NUCLEAR INFORMATION AND RESOURCE SERVICE
1424 16TH NW SUITE 601, WASHINGTON, DC 20036

NEWS RELEASE

January 10, 1994
FOR IMMEDIATE RELEASE
Contact: PAUL GUNTER or MICHAEL MARIOTTE, NIRS, 202-328-0002
WILLIAM deCAMP, OCNW, 201-376-6629

NRC MISLEADS NEW JERSEY SENATORS BRADLEY AND LAUTENBERG ON SAFETY-RELATED CRACKING AT OYSTER CREEK

WASHINGTON, DC, Jan. 10 -- Even though the federal agency had received the first report of the cracking of a safety-related reactor component in August 1991, the Nuclear Regulatory Commission (NRC) failed to report this and additional cracking detected in Oyster Creek's top guide during the nuclear reactor's latest refueling outage in letters to New Jersey Senators Bill Bradley and Frank Lautenberg on the status of inspections of the cracking reactor.

The New Jersey Senators had inquired to the NRC in October 1994 on the status of inspections of Oyster Creek's reactor internals. The December 1994 response from James Taylor, Executive Director for Operations, NRC, made no mention of the cracking of the top guide, a reactor internal used to provide proper spacing of the top end of the nuclear fuel rod assemblies. The top guide cracking was first reported by General Public Utilities Nuclear (GPUN) to the NRC in an inspection report dated August 13, 1991. However, NRC regional and national officials responsible for the reactor's 1994 inspection said they were only recently made aware of problems with the deteriorating safety

component. New cracks in the reactor internal were revealed during the 1994 inspection. The top guide cracks are in addition to the cracking of Oyster Creek's safety-related core shroud.

"The NRC did not tell the whole story to the public and their representatives about cracking of safety parts in Oyster Creek before allowing the reactor to operate for two more years," said Paul Gunter, Director of the Reactor Watchdog Project. Gunter was referring to the letters from Taylor to Senators Bradley and Lautenberg dated December 15 and 16, 1994. "We think the NRC and the utility have, at best, mislead the public on safety conditions at the reactor," he said.

"We are concerned that Mr. Taylor is remiss in his report to your office on the status of reactor internal components vital to the safe operation of Oyster Creek," NIRS wrote to the Senators in a January 6, 1995 letter.

NIRS wrote to Senators Bradley and Lautenberg with concerns that

1) the NRC failed to identify to the Senators that structural cracking of the additional safety component had been documented since 1991, yet NRC officials responsible for the current inspection claim to only recently have become aware of the broken component.

2) the NRC failed to tell the Senators that new cracks were discovered on the top guide as a result of the Fall outage inspection,

3) the NRC failed to admit that GPUN did not inspect at least one safety-related component, the core plate, identified in a November, 1994 General Electric Service Alert as vulnerable to cracking, and

4) the NRC has failed to require GPUN to analyze the combined effect of multiple safety component cracking before allowing the reactor to operate under continued deteriorating conditions for another two years.

"The NRC is adding to its reputation as a lapdog regulator," said Michael Mariotte, executive director of NIRS. "First, they fail to disclose to two U.S. Senators the true condition of the Oyster Creek reactor. Second, they claim to have first learned of the top guide cracks when NIRS asked the agency about them a few weeks ago. But the utility found the first top guide cracks--a potentially serious generic safety problem--in 1991. Doesn't the NRC open its mail? Expecting the NRC to protect public safety seems no more promising than expecting GPUN to fix its failing reactor on its own. Without public pressure, neither is going to happen."

NIRS and the New Jersey citizens group, Oyster Creek Nuclear Watch, petitioned the NRC to suspend the operation license of the oldest GE nuclear reactor in the U.S. pending inspection of all safety-related parts. The petition was denied and is on appeal.

NIRS

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January 6, 1995

The Honorable Frank Lautenberg
United States Senate
Washington, DC 20510

Dear Senator Lautenberg:

The Nuclear Information and Resource Service (NIRS) would like to thank you for your letter to the United States Nuclear Regulatory Commission (NRC) forwarding concerns of your constituent regarding the Oyster Creek Nuclear Generating Station restart. We deeply appreciate your vigilance and respectfully request your continued attention to this emerging issue.

NIRS and the New Jersey citizens group, Oyster Creek Nuclear Watch (OCNW), continue to monitor activities at the nuclear power station. NIRS efforts to watchdog General Public Nuclear's inspection of the Oyster Creek nuclear power station during the most recent refueling outage have revealed that new cracking of the top guide--a safety-related reactor internal component--was detected during the Fall 1994 refueling and maintenance outage. This was in addition to the much publicized cracking of the core shroud

It is our concern that Mr. James Taylor, Executive Director for Operations, NRC, did not report this finding nor the results of additional safety-related component inspections in his responses dated December 15 and 16, 1994. Additionally, Mr. Taylor did not inform your office that despite a General Electric service alert, at least one safety-related reactor internal component, the core plate, was deliberately not inspected because the licensee claimed that the component was inaccessible for inspection. Additional safety-related reactor internals inspections specified in a citizen petition before the NRC were not indicated by Mr. Taylor to have been performed by the licensee during the recent outage.

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Electric Boiling Water Reactor (BWR) design deficiencies on the irradiated fuel storage pool. On October 27, 1994, NRC denied our request to suspend the license until the requested actions had been completed. We have appealed the NRC denial and raised additional contentions regarding the inoperable and combustible Thermo-Lag fire barriers installed at Oyster Creek. The manufacturer of Thermo-Lag is under a seven count federal indictment while an independent testing laboratory has pleaded guilty to making false statements regarding the quality of the product.

Central to the petition, we requested the NRC to require enhanced inspections of all safety-related reactor internals subject to operation-related stress corrosion cracking as identified in the NRC document "Boiling Water Reactor Internal Aging Degradation Study" (NUREG/CR-5754) published September, 1993 and in viewgraphs presented to the NRC by the Boiling Water Reactor Owners Group during a June 28, 1994 meeting in Rockville, Maryland entitled "Core Shroud and Vessel Internals Concerns."

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Upon learning of extensive cracking of top guide and core plate reactor internals in an overseas BWR and in as much as these same safety-related components at Oyster Creek were cited in the NIRS/OCNW petition, NIRS began a direct inquiry to the NRC and the licensee as to the status of inspections of those respective parts at Oyster Creek. This inquiry identified that Oyster Creek's top guide component, whose safety-related function is to maintain proper spacing of fuel rod assemblies at the top of the reactor core, has been structurally cracked since at least 1991 and that new cracks were identified as a result of the Fall, 1994 inspection. While Oyster Creek had notified the NRC through an inspection report dated August 9, 1991, NRC officials told both NIRS and the trade publication *Inside NRC* that they were only recently made aware of the structural cracking.

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Sincerely,

Michael Mariotte
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