




OFFICE OF THE
GENERAL COUNSEL

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

September 6, 1996

MEMORANDUM TO: William T. Russell, Director
Office of Nuclear Reactor Regulation

FROM:  Jack R. Goldberg
Deputy Assistant General Counsel
for Enforcement

SUBJECT: 2.206 PETITION OF PATRICK SEARS REGARDING MAINE
YANKEE AND ALL OTHER NUCLEAR POWER PLANTS USING
THE RELAP CODE FOR ECCS ANALYSIS

Attached is a copy of a Petition dated August 19, 1996, addressed to the Executive Director for Operations and submitted by Patrick M. Sears (Petitioner), requesting that the NRC take action with regard to the Maine Yankee Nuclear Power Station and all users of the RELAP computer code for Emergency Core Cooling Systems (ECCS). Petitioner requests that the NRC fine Maine Yankee Atomic Power Company (MYAPCo) and Yankee Atomic Electric Company (YAEC) if computer runs have not been kept in accordance with YAEC's computer code Quality Assurance procedures, and that the NRC inspect all users of RELAP and fine those users not operating within required computer code verification procedures.

As the basis for his request, Petitioner states that: the May 5, 1989, statement of Steve Nichols of Maine Yankee (then Licensing Supervisor), that RELAP5YA was "operable" and would be used for subsequent reloads was false; no computer code inspections were performed by NRC before a 1992 inspection at YAEC by Mr. Sears when he was an employee in the NRC Vendor Inspection Branch and not again until 1995; Mr. Sears was told not do any more computer code inspections; RELAP is widely used; RELAP has been shown to have serious deficiencies; and the RELAP problem is not confined to the Maine Yankee Atomic Power Plant but is endemic to the industry as a whole.

I have attached a draft letter of acknowledgment to the Petitioner for your signature. I am also attaching a Notice of Receipt of the Petition for publication in the *Federal Register*.

If you want the licensee to respond regarding these matters, we will assist your staff in drafting an appropriate letter. If you want more information from the Petitioner, we will be glad to assist your staff in drafting a letter requesting the information.

Contact: Giovanna M. Longo
415-3568

Please inform me of the technical contact who will be involved in preparing a response to the Petition. Please ensure that I am provided copies of all correspondence related to the Petition and that I am asked to concur on all staff correspondence.

Attachments: 1. Copy of Petition
 2. Draft Letter of Acknowledgement
 3. Draft *Federal Register* Notice

cc w/atts: M. Malsch, OGC
 S. Burns, OGC
 W. Olmstead, OGC
 L. Chandler, OGC
 J. Goldberg, OGC
 H. Miller, RI
 K. Smith, RI
 S. Ebnetter, RII
 C. Evans, RII
 A. Beach, RIII
 B. Berson, RIII
 L. Callan, RIV
 W. Brown, RIV

Mr. Patrick M. Sears
Box 13
Fairfield, Pennsylvania 17320

Dear Mr. Sears:

This letter is to acknowledge receipt of your Petition dated August 19, 1996, addressed to the Executive Director for Operations of the U. S. Nuclear Regulatory Commission (NRC). The Petition requests that the NRC take action with regard to the Maine Yankee Nuclear Power Station and all users of the RELAP computer code for Emergency Core Cooling Systems (ECCS). The Petition requests that the NRC fine Maine Yankee Atomic Power Company (MYAPCo) and Yankee Atomic Electric Company (YAEC) if computer runs have not been kept in accordance with YAEC's computer code Quality Assurance procedures, and that the NRC inspect all users of RELAP and fine those users not operating within required computer code verification procedures.

As the basis for this request, the Petition states that: the May 5, 1989, statement of Steve Nichols of Maine Yankee, that RELAP5YA was "operable" and would be used for subsequent reloads was false; no computer code inspections were performed by NRC before a 1992 inspection at YAEC by Petitioner when he was an employee in the NRC Vendor Inspection Branch and not again until 1995; Mr. Sears was told not to do any more computer code inspections; RELAP is widely used; RELAP has been shown to have serious deficiencies; and the RELAP problem is not confined to the Maine Yankee Atomic Power Plant but is endemic to the industry as a whole.

The Petition has been referred to me pursuant to 10 C.F.R. § 2.206 of the Commission's regulations. As provided by Section 2.206, action will be taken on your request within a reasonable time.

I have enclosed for your information a copy of the notice that is being filed with the Office of the Federal Register for publication.

Sincerely,

William. T. Russell, Director
Office of Nuclear Reactor Regulation

Enclosure: As stated

cc w/encl: Maine Yankee Atomic Power Company
Yankee Atomic Electric Company

96100:BUS

U.S. NUCLEAR REGULATORY COMMISSION

Maine Yankee Atomic Power Company
Yankee Atomic Electric Company

RECEIPT OF PETITION FOR DIRECTOR'S DECISION
UNDER 10 C.F.R. § 2.206

Notice is hereby give that by Petition dated August 19, 1996, Patrick M. Sears (Petitioner) has requested that the U. S. Nuclear Regulatory Commission (NRC) take action with regard to the Maine Yankee Nuclear Power Station and all users of the RELAP computer code for Emergency Core Cooling Systems (ECCS). Petitioner requests that the NRC fine Maine Yankee Atomic Power Company (MYAPCo) and Yankee Atomic Electric company (YAEC) if computer runs have not been kept in accordance with YAEC's computer code Quality Assurance procedures, and that the NRC inspect all users of RELAP and fine those users not operating within required computer code verification procedures.

As the basis for his request, Petitioner states that: the May 5, 1989, statement of Steve Nichols of Maine Yankee, that RELAP5YA was "operable" and would be used for subsequent reloads was false; no computer code inspections were performed by NRC before a 1992 inspection at YAEC by Mr. Sears when he was an employee in the NRC Vendor Inspection Branch and not again until 1995; Mr. Sears was told not to do any more computer code inspections; RELAP is widely used; RELAP has been shown to have serious deficiencies; and the RELAP problem is not confined to the Maine Yankee Atomic Power Plant but is endemic to the industry as a whole.

The request is being treated pursuant to 10 C.F.R. § 2.206 of the Commission's regulations. The request has been referred to the Director of the Office of Nuclear Reactor

Regulation. A copy of the Petition is available for public inspection at the Commission's Public Document Room at 2120 L Street, N.W., Washington, D.C. 20555.

FOR THE NUCLEAR REGULATORY COMMISSION

William T. Russell, Director
Office of Nuclear Reactor Regulation

Dated at Rockville, Maryland

This ____ day of _____ 1996.

