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 S. Bajwa
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June 11, 1999

MEMORANDUM TO: Rules and Directives Branch
 Division of Administrative Services
 Office of Administration

FROM: Receipt of Office of Nuclear Reactor Regulation
 SUBJECT: A Petition for DIRECTORS Decision TAC # MA5534

One signed original of the *Federal Register* Notice identified below is attached for your transmittal to the Office of the Federal Register for publication. Additional conformed copies (5) of the Notice are enclosed for your use.

- Notice of Receipt of Application for Construction Permit(s) and Operating License(s).
- Notice of Receipt of Partial Application for Construction Permit(s) and Facility License(s): Time for submission of Views on Antitrust matters.
- Notice of Consideration of Issuance of Amendment to Facility Operating License. (Call with 30-day insert date).
- Notice of Receipt of Application for Facility License(s); Notice of Availability of Applicant's Environmental Report; and Notice of Consideration of Issuance of Facility License(s) and Notice of Opportunity for Hearing.
- Notice of Availability of NRC Draft/Final Environmental Statement.
- Notice of Limited Work Authorization.
- Notice of Availability of Safety Evaluation Report.
- Notice of Issuance of Construction Permit(s).
- Notice of Issuance of Facility Operating License(s) or Amendment(s).
- Order.
- Exemption.
- Notice of Granting Exemption.
- Environmental Assessment.
- Notice of Preparation of Environmental Assessment.
- Receipt of Petition for Director's Decision Under 10 CFR 2.206.
- Issuance of Final Director's Decision Under 10 CFR 2.206.
- Other: _____

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DOCKET NO. 50-220

Attachment(s): As stated

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Contact: Sherri Little
 Telephone: 415-2025

DOCUMENT NAME: G: NMPINJUDSNAK.WPD

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June 11, 1999

T. Judson

- 4 -

I have enclosed for your information a copy of the notice that is being filed with the Office of the Federal Register for publication. I have also enclosed a pamphlet on the public petition process.

Sincerely,

Original signed by:

Roy P. Zimmerman, Acting Director
Office of Nuclear Reactor Regulation

Enclosures: 1. Federal Register Notice
2. Petition Process Pamphlet

cc: Licensee (w/copy of incoming 2.206 request)
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UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

June 11, 1999

Mr. Tim Judson
Syracuse Peace Council
924 Burnet Avenue
Syracuse, NY 13203

Dear Mr. Judson:

I have received your Petition requesting action under 10 CFR 2.206 that you sent to Dr. William Travers, Executive Director for Operations, U.S. Nuclear Regulatory Commission (NRC), on May 24, 1999. The Petition has been referred to me pursuant to 10 CFR 2.206 of the Commission's regulations. In your Petition, you requested that the NRC suspend the operating license issued to Niagara Mohawk Power Corporation (NMPC) for the Nine Mile Point Nuclear Station, Unit No. 1 (NMP1). The requested suspension would be in effect until (1) NMPC releases the most recent inspection data on the plant's core shroud; (2) a public meeting can be held in Oswego County, New York, to review this inspection data and the repair design to core shroud vertical welds V9 and V10; and (3) an adequate public review of the safety of the plant's continued operation is accomplished. You base this request upon the following issues and concerns:

1. You believe that the public cannot rely upon NMPC to accurately perform the data analysis necessary to calculate the extent and rate of cracking in the core shroud because of problems with NMPC's previous testing and analyses that were identified in letters to the NRC from Dr. Steven Penn. You state that the NRC has not responded to Dr. Penn's letters, and, therefore, you believe Dr. Penn's expressed concerns constitute unreviewed safety issues.
2. NMPC and NRC reported during the May 1999 inspection that cap screws in the bow spring mechanisms of the shroud tie rod assemblies were found to have suffered intergranular stress-corrosion cracking, resulting in the fracture of one of the cap screws. You state that this problem, and the tie rod problem corrected during the 1997 outage, indicates that NMPC's designs warrant in-depth review by the public and closer implementation scrutiny. You believe that NMPC's prior selection of poor cap screw material and the NRC staff's acceptance of it raises questions about the credibility of the NRC's approval of the vertical weld repair design and, thus, necessitates a public review of the level of safety before plant restart.
3. Data from the May 1999 inspection of the NMP1 core shroud are new and the NRC staff's review of the data will not be completed before plant restart. You state that previous NRC staff safety evaluations required future evaluations. You believe that subsequent NRC approval of an "unprecedented and unproven" repair design for vertical welds, issued before the inspection, does not preempt the previously determined need to assess the actual extent of cracking in the vertical welds and the structural integrity of the core shroud.

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4. NMPC has informed the NRC that supporting a meeting for public review of the core shroud inspection data during this refueling outage would place an undue regulatory burden on NMPC's manpower resources, and this burden could possibly compromise safety at NMP1. You consider inadequate licensee resources to be new information and an unreviewed safety issue. You contend that violations and a civil penalty issued against NMPC on November 5, 1997, involving inadequate management oversight and failure to monitor the effectiveness of maintenance activities are "directly pertinent to failure of the tie rod installation (1995), faulty design of the bow spring modification (1997), flawed studies on core shroud boat samples (1998), postponement of mid-cycle inspection (1998), and miscalibration of instruments for vertical weld inspection (May 1999)." You believe that, because the degree of cracking in the NMP1 shroud is precedent-setting, the question of regulatory burden is not relevant, as the NMP1 shroud requires the strictest regulatory oversight and a full public review. You state that postponing restart would eliminate this regulatory burden and ensure that outage work is properly reviewed.

As provided by 10 CFR 2.206, the NRC staff is reviewing the issues and concerns raised in your Petition, and we will inform you, within a reasonable time, of the action to be taken on your requests. In accordance with Management Directive 8.11, "Review Process for 10 CFR 2.206 Petitions," the NRC staff convened a Petition Review Board (PRB), consisting of NRC managers, to consider this Petition. The PRB determined that the Petition meets the criteria for a request under 10 CFR 2.206. However, the PRB determined that the issues and concerns addressed in the Petition do not warrant deferring restart of NMP1. The PRB also determined that a meeting to provide for public review of the shroud reinspection results need not be held before restart. Therefore, to the extent that you request a meeting and other actions before restart, your Petition is denied. In reaching this determination, the PRB has considered the following:

1. By letter dated May 28, 1999, the NRC staff responded to Dr. Penn's letters dated December 3, 1998; March 25, 1999; and April 15, 1999. In a letter dated April 30, 1999, NMPC has also responded to relevant concerns in Dr. Penn's letter of March 25, 1999. The responses indicate that testing and evaluations of the core shroud by NMPC and its contractors can be relied upon by the NRC with reasonable assurance as to their accuracy. Therefore, the issues in Dr. Penn's letters do not provide a sufficient basis to warrant suspension of the NMP1 operating license.
2. The bow spring modification to each of the four tie rod assemblies replaces the design function of the failed cap screw and other cap screws that have the potential for future failure. By letter dated May 28, 1999, NMPC confirmed that no additional modifications were needed other than the bow spring modification addressed in NMPC's letter of May 21, 1999. The tie rod bow spring does not affect the tie rod's function of maintaining a predetermined compressive force ("preload") on the shroud during power operation. In response to NMPC's letter dated May 21, 1999, the NRC staff reviewed and approved the modifications as an alternative repair pursuant to 10 CFR 50.55a(a)(3)(i) by letter dated June 7, 1999, and NMPC has implemented these

modifications. With the NRC staff's review and approval of this modification, we find no basis to consider enforcement action to suspend the operating license.

3. During the current refueling outage, NMPC has implemented preemptive repairs of shroud vertical welds V9 and V10, as approved by the NRC staff in a letter dated April 30, 1999. These repairs mechanically restore the vertical welds. NMPC has also verbally informed the NRC that the 1997 modifications to the tie rod assemblies have performed satisfactorily and that the tie rod assemblies have applied the appropriate preload on the shroud throughout the last operating cycle. Since vertical welds V9 and V10 have been restored and the tie rods are satisfactorily performing their preload function, the need for NRC staff review of reinspection data before restart is obviated.
4. NMPC will provide reinspection results and analyses to disposition these reinspection findings to the NRC within 30 days of completing the reinspection. This schedule is consistent with the guidelines established by the Boiling Water Reactor Vessel and Internals Project in its report BWRVIP-01, "BWR Core Shroud Inspection and Flaw Evaluation Guidelines," which the NRC staff reviewed and accepted by letter dated September 25, 1994. The NRC staff, noting the results of inspections to date and that NMPC has followed the BWRVIP generic criteria for inspection, evaluation, and repair, does not believe a public meeting is warranted prior to restart. Also, during telephone discussions with the NRC, NMPC has indicated that a meeting on reinspection results before restart would require significant participation and preparation by NMPC, involving some of the same key employees and contractors involved in outage activities. We recognize the value of public meetings, and to this end, a routinely scheduled meeting to discuss recent plant performance at the NMP site is planned for August 1999. This meeting will discuss a variety of topics related to licensee performance. A brief discussion on the NMP1 core shroud activities will be one of the agenda topics.

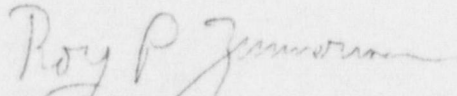
With regard to any new information that you believe should be considered by my staff in evaluating the issues in your Petition, please provide such information to Darl Hood, PDI-1, Mailstop O-8 C2, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

T. Judson

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Roy P. Zimmerman, Acting Director
Office of Nuclear Reactor Regulation

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