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UNITED STATES NUCLEAR REGULATORY COMMISSION

NIAGARA MOHAWK POWER CORPORATION

NINE MILE POINT NUCLEAR STATION, UNIT NO. 1

DOCKET NO. 50-220

ISSUANCE OF FINAL DIRECTOR'S DECISION UNDER 10 CFR 2.206

Notice is hereby given that the Director, Office of Nuclear Reactor Regulation, has taken action with regard to a letter dated May 24, 1999, as supplemented by letter dated August 10, 1999, (Petition) filed by Tim Judson (Petitioner) of the Syracuse Peace Council, on behalf of himself and others, pursuant to Section 2.206 of Title 10 of the *Code of Federal Regulations* (10 CFR 2.206). The Petitioner requested that the U.S. Nuclear Regulatory Commission (Commission or NRC) suspend the operating license issued to Niagara Mohawk Power Corporation (NMPC or licensee) for Nine Mile Point Nuclear Station, Unit 1 (NMP1) 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.

In a letter dated June 11, 1999, the Director of the Office of Nuclear Reactor Regulation acknowledged receipt of the Petition of May 24, 1999, and addressed the actions under 10 CFR 2.206 that Petitioner requested to be taken before restart of NMP1 from its 1999 refueling outage (RFO-15). In the letter of June 11, 1999, the staff explained that the issues and concerns addressed in the Petition do not warrant deferring restart of NMP1 and that a meeting to provide for public review of the shroud reinspection results need not be held before restart.

In the supplemental letter dated August 10, 1999, Petitioner reiterated the request for the meeting to provide for public review of the shroud reinspection data and repair, even though the meeting would take place after restart. Petitioner stated that the need for the meeting had increased because cracks were identified in the main drain line and control rod stub tubes during the hydrostatic testing of the reactor vessel during RFO-15. Petitioner stated that these cracks from the hydrostatic tests raise two concerns: (1) that the NRC's "leak-before-break" model for assessing the safety of aging reactors is inadequate and (2) that the problem of cracking is not confined to the core shroud, but may be spreading throughout the reactor internals, pipes, and other systems, representing an unanalyzed condition that is only being identified piecemeal through certain incidental cases that, together, reveal a pattern of degradation of reactor components and systems and overall embrittlement of the reactor. Petitioner also expressed concern in the letter of August 10, 1999, that the core shroud inspection during RFO-15 indicated that shroud vertical weld V10 is growing at a rate in excess of the NRC's accepted crack growth rate limit of 22 microinch/hr (1.55×10^{-8} centimeter/second), whereas he believes the measured rate should be at least 2 sigma below the limit.

The Director of the Office of Nuclear Reactor Regulation has concluded that the 1999 shroud reinspection results, reviewed by the NRC staff since receipt of the Petition, support NMPC's conclusion, reached before restart, that the structural integrity of the core shroud will be maintained during at least the current operating cycle in its present configuration. The additional issues raised by Petitioner in the supplement to the Petition were previously known and addressed by the NRC. These issues were resolved consistent with approved Boiling Water Reactor Vessel Internals Project programs, codes and standards, plant technical specifications, and the Commission's regulations. The crack growth rate for shroud vertical weld V10 did not exceed the NRC staff's accepted limit and its repair has diminished concern

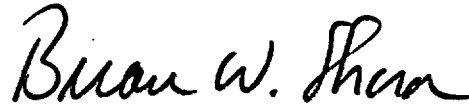
for its current and future behavior. Some of the issues of concern to the Petitioner were discussed during the Plant Performance Meeting at the NMP site on October 22, 1999, and the NRC staff remained in the area after the meeting to discuss issues of interest with the public and the local press. For these reasons, the NRC staff concludes the additional meeting requested by the Petitioner is not warranted. The Director of the Office of Nuclear Reactor Regulation has concluded that the issues raised in the Petition do not represent a significant safety issue and do not warrant any NRC staff action to modify, suspend, or revoke operation of NMP1 for the reasons that are explained in the "Final Director's Decision Pursuant to 10 CFR 2.206" (DD-99- 14). Therefore, the Petition is not granted.

The complete text of the Final Director's Decision follows this notice and is available for public inspection at the Commission's Public Document Rooms located in the Gelman Building, 2120 L Street, NW., Washington, DC, and accessible electronically through the ADAMS Public Electronic Reading Room link at the NRC Web site (<http://www/nrc.gov>).

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) of the Commission's regulations. As provided for 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.

Dated at Rockville, Maryland, this 29 th day of November 1999.

FOR THE NUCLEAR REGULATORY COMMISSION



Brian W. Sheron, Acting Director
Office of Nuclear Reactor Regulation

Distribution for Director's Decision dated November 29, 1999

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November 29, 1999

T. Judson

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We recognize your effort to bring these issues to our attention and appreciate your interest in and concern for ensuring public health and safety and the continued operational safety of nuclear power reactors. Please feel free to contact Darl Hood, Project Manager, at 301-415-3049 (e-mail dsh@nrc.gov) to discuss these or any future concerns you have regarding NMPC or the Nine Mile Point Nuclear Station.

Sincerely,

Original signed by:

Brian W. Sheron, Acting Director
Office of Nuclear Reactor Regulation

Docket Nos. 50-220 and 50-410

Enclosures: 1. Director's Decision 99- 14
2. Federal Register notice

cc w/encls: See next page

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Tim Judson
Syracuse Peace Council

et al.

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2.206 -- NIAGARA MOHAWK POWER CORP. REQUEST FOR
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