

January 16, 2003

Mr. Mike Mulligan  
P.O. Box 161  
Hinsdale, NH 03451

Dear Mr. Mulligan:

I am responding to your e-mails dated December 13 and 19, 2002. In your e-mails, directed to Geoffrey Grant in Region III, you expressed concerns about the Nuclear Regulatory Commission's (NRC's) ongoing evaluation of a suppression pool cooling (SPC) issue at LaSalle County Station and about the adequacy of the wording in the plant's Technical Specifications (TS) and Updated Final Safety Analysis Report (UFSAR).

As discussed in NRC Inspection Report 50-373/01-10(DRP);50-374/01-10(DRP), LaSalle personnel operated the Residual Heat Removal (RHR) system in the SPC mode of operation continuously for an extended period of time. As you know, this inspection report is publicly available in ADAMS under accession number ML012610129. Due to a concern regarding the operability of the RHR system following an anticipated waterhammer as a direct consequence of a loss-of-offsite-power (LOOP) followed by a loss-of-coolant-accident (LOCA), Unresolved Item (URI) 50-373/2001010-02 was opened. Based on the low initiating event frequency of a simultaneous LOOP and LOCA, this URI has a low risk significance and remains open while Region III considers enforcement-related action.

Based on the low risk significance, the time required to perform thorough evaluations, and the iterative nature of the risk-informed enforcement process between the NRC and the licensee, this issue has taken considerable time to evaluate and resolve. Pre-decisional information is not normally released to the public. However, all relevant information related to this URI was previously disclosed to you publicly in our November 29, 2001, response (ML013020117) to your 10 CFR 2.206 petition dated September 27, 2001. Additionally, a Task Interface Agreement response to Region III (TIA 2001-14, ML021220399) that you reference was recently made publicly available to allow the licensee and the industry's Boiling Water Reactor Owner's Group to formally respond to the NRC technical staff's evaluation prior to Region III taking enforcement-related action. As we previously told you in our response to your petition, these ongoing discussions primarily involve regulatory interpretations and do not involve any new technical issues which have not already been the subject of NRC staff review and evaluation. Neither your previous petition request nor your latest e-mails present any significant new information which is relevant to these discussions.

Regarding your concern about the adequacy of TS and UFSAR wording at LaSalle and other plants, the staff recognizes that some minor discrepancies may exist and we endeavor to correct these differences where practical through the licensing and enforcement processes. However, the staff is confident that current operating licenses are adequately documented and meet regulatory requirements to maintain safety. Where nuclear reactor safety is concerned, risk-significant operating requirements specified in a plant's TS and UFSAR are conservative, thoroughly analyzed, and unambiguously defined. Your assertion at one point that the TS and UFSAR wordings have been "politically arranged by the utilities" and that "the industry is

M. Mulligan

- 2 -

making the regulatory control wording more ambiguous" is unsupported. One of the NRC's performance goals is to reduce unnecessary regulatory burden, and the staff actively works with all stakeholders to focus attention on those areas of highest safety priority and make more realistic decisions using risk-informed and performance-based approaches. This is a public process conducted in full compliance with NRC regulations and subject to independent oversight by the Advisory Committee on Reactor Safeguards (ACRS) and the Atomic Safety and Licensing Board (ASLB).

The NRC's primary obligation is to ensure adequate protection of the public health and safety. Only if this goal is satisfied is there consideration of other goals, such as the goal to avoid regulatory burden.

Thank you for your interest in this matter.

Sincerely,

**/RA by L. Raghavan for/**  
Anthony J. Mendiola, Chief, Section 2  
Project Directorate III  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

Docket Nos. 50-373, 50-374

M. Mulligan

- 2 -

making the regulatory control wording more ambiguous" is unsupported. One of the NRC's performance goals is to reduce unnecessary regulatory burden, and the staff actively works with all stakeholders to focus attention on those areas of highest safety priority and make more realistic decisions using risk-informed and performance-based approaches. This is a public process conducted in full compliance with NRC regulations and subject to independent oversight by the Advisory Committee on Reactor Safeguards (ACRS) and the Atomic Safety and Licensing Board (ASLB).

The NRC's primary obligation is to ensure adequate protection of the public health and safety. Only if this goal is satisfied is there consideration of other goals, such as the goal to avoid regulatory burden.

Thank you for your interest in this matter.

Sincerely,  
**/RA by L. Raghavan for/**  
Anthony J. Mendiola, Chief, Section 2  
Project Directorate III  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

Docket Nos. 50-373, 50-374

**DISTRIBUTION:**

PUBLIC

PD3-2 Reading

S. Collins/W. Borchardt

(RidsNrrOd)

J. Zwolinski/L. Marsh

(RidsNrrDlpm)

B. Sheron

(RidsNrrAdpt)

L. Raghavan

(RidsNrrDlpmLpdiii1)

A. Mendiola

(RidsNrrDlpmLpdiii2)

W. Macon

(RidsNrrPMWMacon)

C. Rosenberg

(RidsNrrLACRosenberg)

L. Cox

LCC

B. Burgess, RIII

(RidsRgn3MailCenter)

NRR Mailroom (YT020020292 & 93)

(RidsNrrWpc)

**ADAMS Accession Number: ML030090023**

\*Concurred by e-mail dated 1/13/03

**Incoming #1: ML030160644**

**Incoming #2: ML030160638**

**Package # : ML030160854**

OFFICE	PM:LPD3-2	LA:LPD3-2	SC:RIII/DRP	SC:LPD3-2
NAME	WMacon, Jr.	CRosenberg	BBurgess*	AMendiola
DATE	1/15/03	1/15/03	1/13/03	1/16/03

**OFFICIAL RECORD COPY**