



50-245

UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

July 25, 1996

Mr. Dean C. Baker
1948 Juno Isles Blvd.
North Palm Beach, FL 33408

Dear Mr. Baker:

I am responding to your letter of June 6, 1996, in which you expressed concerns regarding recent actions taken by the Nuclear Regulatory Commission (NRC) and staff in response to events at Northeast Utilities' Millstone plant. Your letter raises some timely issues that the Commission has directed the staff to assign a high priority.

As you are aware, the Commission directed the staff to evaluate lessons learned from the review of Millstone Unit 1 for possible revision to NRC oversight processes on both a plant-specific and a generic basis. Some of the topics being considered are the adequacy of 10 CFR 50.59, the staff's oversight of the 50.59 process, individual licensee's responsibilities for 50.59 reviews, monitoring of licensees' adherence to final safety analysis report (FSAR) requirements, and improving the quality and timeliness of the NRC's regulatory response.

In response to your concerns regarding spent fuel movement, the Commission staff recognizes that the consequences of a spent-fuel pool cooling event could be potentially high, but also recognizes that the probability of a failure to mitigate such an event is very low. The staff recently reviewed core offload practices for each operating reactor. On the basis of these reviews, the staff concluded that each plant has a spent-fuel pool cooling system and backup cooling capability that the NRC staff had reviewed and approved. System design features and licensee operating practices were found to be adequate for assuring protection of public health and safety.

In response to your concerns related to 10 CFR 50.59, the NRC has not reinterpreted definitions of the terms used in 50.59. Last October, Chairman Jackson asked the staff to evaluate licensee 50.59 implementation and staff oversight. In response to the Chairman's request, the staff committed to review previously issued guidance on implementation of the 50.59 process to define areas where the guidance needs to be amended and to develop a 50.59 action plan to identify actions for improving both the licensee's implementation and the NRC staff's oversight. Some items being reviewed include (1) defining the elements of safety evaluation reviews or screening processes within the context of various licensee design or change control processes to provide greater assurance that the effects of changes on plant safety, whether to equipment, procedures, or methods of system operation, are appropriately evaluated; (2) defining more specifically the scope of applicability of 50.59 (that is, to identify those changes, tests, or experiments that need to be evaluated to determine if NRC approval is needed); (3) establishing the process for resolving nonconforming conditions in such a

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way that differences from the FSAR are reconciled (from both safety and regulatory viewpoints) in a time frame commensurate with their safety significance; and (4) improving unreviewed safety question determinations.

As part of this action plan process, regulatory guidance (e.g., any revision to rules, development of regulatory guides and/or generic letters) will be developed and issued for public comment. New regulatory requirements and/or staff positions in generic communications will be reviewed in accordance with 10 CFR 50.109 "Backfitting" prior to implementation.

In response to your concerns about FSAR accuracy, the staff is evaluating licensees' adherence to their updated FSARs. The staff has been instructed to review relevant FSAR sections during inspections to verify that facility design and operation are consistent with the facility's updated FSAR.

In closing, many of the issues that you raise in your letter were discussed at a Commission Meeting on May 31, 1996. The transcript from this meeting is publicly available from the Public Document Room located at 2120 L St., NW, Washington, DC. I trust this reply responds to your concerns.

Sincerely,

Original Signed By
WILLIAM T. RUSSELL

William T. Russell, Director
Office of Nuclear Reactor Regulation

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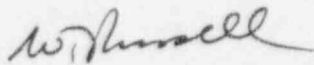
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Sincerely,



William T. Russell, Director
Office of Nuclear Reactor Regulation

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