

June 8, 2000

David A. Lochbaum
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1616 P Street NW Suite 310
Washington, DC 20036-1495

SUBJECT: BASIS FOR RETRACTION OF AN EVENT REPORT

Mr. Lochbaum:

This letter is in response to your April 13, 2000, letter in which you questioned the retraction of a report (verbal notification) to NRC regarding the reactor core isolation cooling (RCIC) system at the FitzPatrick Nuclear Plant (Daily Event Report No. 36757). In this instance the New York Power Authority (NYPA) had reported to NRC on March 4, 2000 that the RCIC system had been found inoperable during a quarterly surveillance test, but then retracted the report on April 12 after concluding that it was not reportable based on the "RCIC system is not required by the plant accident analysis." Your letter noted that the "basis for retracting this event is not clear..."

We agree that the basis for the retraction was not clear. Nonetheless, after subsequent review we have concluded that there was an appropriate basis for the retraction. The regulation applicable to such reports (10CFR50.72(b)(2)(iii)) requires licensees to report: "Any event or condition that alone could have prevented the fulfillment of the safety function of structures or system that are needed to: ... (B) remove residual heat." Initially, NYPA had considered that RCIC had a condition which could have prevented the fulfillment of its safety function, but later NYPA determined that RCIC, although degraded, could have performed its safety function. This represented an acceptable basis for the retraction of the event report. Whether RCIC was "required by the plant accident analysis" is irrelevant to this determination.

To be complete on this issue, we should note that despite retracting the event report, NYPA reported their evaluation of the RCIC condition of March 4 in Licensee Event Report LER-00-004 dated April 28, 2000. Under 10CFR50.73 (a)(2)(i)(B), an LER is required on "any operation or condition prohibited by the plant's technical specifications." Clearly, because RCIC is covered under the FitzPatrick technical specifications and the flow irregularities did not meet the technical specifications, an LER was required.

I regret that our response to your letter took an extended time period, but I hope that we have answered your question. Should you have any further questions or concerns related to this issue, please contact me at 610-337-5211.

Sincerely,

/RA/

Glenn W. Meyer, Chief
Projects Branch 3
Division of Reactor Projects

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