



**UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION IV
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ARLINGTON, TEXAS 76011-8064**

August 4, 2000

EA-98-317

William T. Cottle, President and
Chief Executive Officer
STP Nuclear Operating Company
P.O. Box 289
Wadsworth, Texas 77483

**SUBJECT: DISPUTED VIOLATION OF 10 CFR 50.59 (NRC INSPECTION REPORT
50-498/98-04; 50-499/98-04)**

Dear Mr. Cottle:

This is in reference to a violation of 10 CFR 50.59 which was issued on April 20, 1998, as an enclosure to the subject NRC inspection report. STP Nuclear Operating Company disputed this violation in a letter dated May 13, 1998, from L. E. Martin, Vice President, Nuclear Assurance & Licensing. Mr. Martin's letter also asserted that the violation represented a new position being taken by the NRC on issues of this type, and stated that the basis for the violation should be subjected to a backfit analysis.

The specific violation involved a change to the facility's Updated Final Safety Analysis Report (UFSAR) to address revised estimates of radiation doses to control room workers in the event of a loss of coolant accident. STP made this change to correct an error in the original accident analysis. The violation asserted that this change to the facility as described in the UFSAR required prior Commission approval because it involved an unreviewed safety question (a small increase in the dose consequences of an accident).

The NRC initially delayed its response to Mr. Martin's May 13, 1998, letter because the agency was in the process of revising the 10 CFR 50.59 rule and believed that the revised rule might affect how this and other disputed 10 CFR 50.59 violations would be resolved. As you probably know, the revised 10 CFR 50.59 was published in the Federal Register on October 4, 1999 (64 FR 53582) but is not expected to become effective until approximately January 2001 when joint agency and industry guidance will be issued.

The NRC does not believe that keeping this issue open until the new rule becomes effective will serve any purpose. We have considered your arguments in denying this violation and still believe that the change to the UFSAR was a violation of the 10 CFR 50.59 rule as it existed at the time of the change. However, we also believe that the change that was made involved a very small increase in dose consequences (from 22.67 rem to 23.26 rem) and upon reconsideration have determined that the violation that occurred should be recharacterized as a minor violation. In addition, we have concluded that such a small change would not require Commission approval under the revised rule expected to take effect in several months.

Given the minor significance the NRC attaches to this issue, as well as the fact that the new rule would not consider this a violation, the NRC sees no further need to spend additional resources to consider the backfit implications. Thus, the NRC considers this matter closed and plans no further action.

Should you have any questions about the resolution of this issue, please contact Mr. Joe Tapia.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter and its enclosure will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records (PARS) component of NRC's document system (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/NRC/ADAMS/index.html> (the Public Electronic Reading Room).

Sincerely,

/RA/

Kenneth E. Brockman, Director
Division of Reactor Projects

Docket Nos.: 50-498

50-499

License Nos.: NPF-76

NPF-80

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