



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

November 6, 1996

Mr. Paul M. Blanch
135 Hyde Road
West Hartford, CT 06117

Dear Mr. Blanch:

This letter responds to your Petition of April 13, 1994, in which you requested that the NRC take action with all power reactor licensees regarding the potential for failure of spent fuel stored in spent fuel pools. This Petition was filed pursuant to 10 CFR 2.206 of the U.S. Nuclear Regulatory Commission's (NRC's) regulations. You asked the NRC to (1) immediately issue an information notice or other appropriate notification forwarding all information in its possession to all power reactor licensees regarding the potential failure of fuel in spent fuel pools, and reminding licensees of their responsibilities to perform timely operability determinations in accordance with their technical specifications and NRC Generic Letter 91-18; (2) direct each licensee to immediately perform an evaluation of this potential deficiency to determine compliance with its current licensing basis; (3) deny all requests for license amendments for the expansion of spent fuel pool capacity until these safety concerns are fully resolved; and (4) after evaluation by each licensee, if the NRC determines there is little or no risk to public health and safety, the NRC may issue a Notice of Enforcement Discretion (NOED), which represents a determination by the NRC not to enforce an applicable technical specification or license condition.

In a letter dated May 5, 1994, the Director of the Office of Nuclear Reactor Regulation acknowledged receipt of the Petition and denied your requests for immediate relief. He also stated that the Petition was being evaluated under 10 CFR 2.206 of the Commission's regulations, and that action would be taken in a reasonable time.

The staff has completed its review of issues regarding the potential for failure of spent fuel stored in spent fuel pools described in the April 13, 1994, Petition and the associated requests for action. For the reasons given in the enclosed Final Director's Decision (DD-96-18), Requests 1 and 2 of the Petition are partially granted. With regard to Request 4, I have determined that there has been no need for issuance of NOEDs regarding potential failure of fuel in spent fuel pools.

The third action requested in your Petition, denial by the NRC of all requests for license amendments for the expansion of spent fuel pool capacity until the safety concerns asserted in the Petition are resolved, is outside the scope of the 10 CFR 2.206 process. The scope of that process is limited to requests for enforcement action. Because the third action requested by your Petition was a licensing-type action, not an enforcement-type action, I have determined that, consistent with Management Directive 8.11, "Review Process for 10 CFR 2.206 Petitions," this third request is outside the scope of 10 CFR 2.206. The NRC staff will evaluate license amendments for expansion of spent fuel pool capacity using NUREG-0800, "Standard Review Plan for the Review of Safety

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PDR ORG NRR
PDR

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96-146
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P. Blanch

- 2 -

Analysis Reports for Nuclear Power Plants" (SRP) as guidance to identify appropriate design acceptance criteria for matters related to the removal of decay heat from the spent fuel pool. Although the staff, in a report dated July 26, 1996, has recently identified areas in which the SRP can be improved with regard to spent fuel pool decay heat removal, the staff considers the current SRP acceptance criteria adequate and will continue to use the SRP to determine whether the specific license amendment requests should be granted.

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). As provided by that regulation, the Decision will constitute the final action of the Commission 25 days after the date of its issuance unless the Commission, on its own motion, institutes a review of the Decision within that time.

I have also enclosed a copy of the notice of "Issuance of Final Director's Decision Under 10 CFR 2.206" (including the complete text of DD-96-18) that is being filed with the Office of the Federal Register for publication.

Sincerely, **Original signed by**

Frank J. Miraglia

Frank J. Miraglia, Jr., Acting Director
Office of Nuclear Reactor Regulation

Enclosures: 1. Final Director's Decision (DD-96-18)
2. Federal Register Notice

cc w/encls: See next page

Distribution: See attached list

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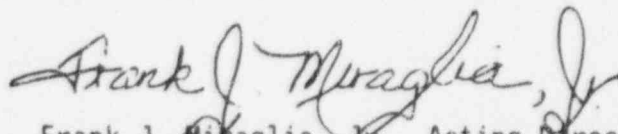
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Analysis Reports for Nuclear Power Plants" (SRP) as guidance to identify appropriate design acceptance criteria for matters related to the removal of decay heat from the spent fuel pool. Although the staff, in a report dated July 26, 1996, has recently identified areas in which the SRP can be improved with regard to spent fuel pool decay heat removal, the staff considers the current SRP acceptance criteria adequate and will continue to use the SRP to determine whether the specific license amendment requests should be granted.

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I have also enclosed a copy of the notice of "Issuance of Final Director's Decision Under 10 CFR 2.206" (including the complete text of DD-96-18) that is being filed with the Office of the Federal Register for publication.

Sincerely,

A handwritten signature in dark ink, reading "Frank J. Miraglia, Jr." with a stylized flourish at the end.

Frank J. Miraglia, Jr., Acting Director
Office of Nuclear Reactor Regulation

- Enclosures: 1. Final Director's Decision (DD-96-18)
2. Federal Register Notice

cc w/encls: See next page

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Maine Yankee

Distribution of DD-96-18

Docket Files (All Docket Nos.
See attached list)

PUBLIC

EDO #9968

EDO Reading

PDI-2 Reading

J. Taylor

J. Milhoan

H. Thompson

J. Blaha

C. Paperiello

T. Martin

J. Lieberman, OE

F. Miraglia

H. Miller, RI

S. Ebnetter, RII

A. B. Beach, RIII

L. J. Callan, RIV

F. Gillespie

R. Zimmerman

A. Thadani

B. Grimes

S. Varga

J. Zwolinski

J. Stolz

M. O'Brien

J. Shea

G. Hubbard

L. Marsh

S. Jones

K. Bohrer

OPA

OCA

C. Norsworthy

NRR Mailroom (EDO#9968) (12G18)

J. Goldberg, OGC

R. Hoefling, OGC

ASLBP

Director, OCAA

ACRS

V. Yanez, ADM/PUB (2)

C. Cater, SECY

EMail - J. Kennedy

PET_BBS

cc: Licensees for all power reactors