

50-289/320



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

April 14, 1997

Mr. Henry R. Myers
Post Office Box 88
Peaks Island, ME 04108

Dear Mr. Myers:

Your letter of February 13, 1997, to Chairman Jackson has been referred to me for reply.

In your letter, you express an underlying concern that in lieu of compliance with TMI [Three Mile Island] Action Plan Items II.K.3.30 and II.K.3.31 (which provide regulatory guidance for analysis of small-break loss-of-coolant accidents) the NRC accepted, as a basis for Maine Yankee Atomic Power Station (MYAPS) operation, "calculations of a kind that, in the aftermath of the TMI accident, were found to be unreliable predictors of physical parameters following a small-break loss-of-coolant accident (SBLOCA)."

The "Confirmatory Order Suspending Authority for and Limiting Power Operation and Containment Pressure (Effective Immediately) and Demand for Information" (Order), dated January 3, 1996, issued to Maine Yankee Atomic Power Company (MYAPCo) accounts for the SBLOCA modeling uncertainties addressed by TMI Action Plan Items II.K.3.30 and II.K.3.31. The NRC relied on NRC-approved SBLOCA methods used in previous cycles (e.g., Cycle 4) in determining the maximum power at which MYAPS may operate pending review of the analysis submitted in response to the Demand for Information portion of the Order. These SBLOCA methods (as used for Cycle 4) contain some modeling uncertainties that were addressed in NUREG-0737, Clarification of TMI Action Plan Requirements. The uncertainties were taken into consideration in issuing the January 3, 1996 Order. As explained in the Order, the substantial margin in these previous calculations and the additional margin provided by the power reduction to 2440 MWt accounts for these modeling uncertainties. As explained in Chairman Jackson's January 31, 1997 letter to you, the licensee subsequently performed analyses (one of which used a Combustion Engineering method approved for use for SBLOCA analysis by the NRC after the TMI accident) that confirmed that there is substantial margin to the criteria specified in 10 CFR 50.46. That letter enclosed NRC Inspection Report No. 50-309/96-01, which documented the staff's review of the licensee's analyses.

In your February 13 letter, you raised a question regarding calculations pursuant to TMI Action Items II.K.3.30 and II.K.3.31 at power levels below those specified in licenses. You stated that "[t]he implication is that the SBLOCA analysis pursuant to TMI Action Items II.K.3.30 and II.K.3.31 was not necessary in these circumstances." With respect to the MYAPS, these TMI Action Items were considered as explained above and in letters to you dated June 18, July 9, August 9, October 18, and December 5, 1996, and January 31 and February 14, 1997. As discussed in the January 3, 1996 Order, the staff

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considered the uncertainties in the SBLOCA analysis that used pre-TMI methods for analyzing the MYAPS at 2440 MWt. The staff concluded that the margins in the SBLOCA analysis using pre-TMI methods bounded the uncertainties and provided reasonable assurance that the large-break loss-of-coolant analysis results at 2700 MWt were bounding for operation at 2440 MWt. As explained in Chairman Jackson's letter to you of October 18, 1996, and in the staff's letters of June 18, 1996, and August 9, 1996, the Order did not relax regulatory requirements. Moreover, the Order clearly restricted operations by the imposition of the 90% restriction on power level.

Your letter of February 13, 1997, states that the NRC seems to admit that the staff did not rely upon 10 CFR 50.46(a)(2) in formulating the January 3, 1996 Order, and asserts that the discussion between the staff and Commission prior to issuance of the January 3 Order was inadequate. In your letter, you ask "how can the Commission support the action of the Director of NRR in issuing the January 3, 1996 Order, when, as the lack of documentation indicates, the Commission has conducted no significant review of this Order?" First, as explained in letters to you dated October 18 and December 5, 1996, and January 31, 1997, the Director, Office of Nuclear Reactor Regulation (Director), appropriately issued the Order pursuant to his authority under 10 CFR 50.46(a)(2). Second, there is no NRC requirement that the Director consult with the Commission prior to issuance of orders pursuant to 10 CFR 50.46(a)(2). Furthermore, you are incorrect in assuming that the discussion between the staff and the Commission prior to issuance of the January 3, 1996 Order was inadequate. The staff informed the Commission regarding the Order before it was issued.

As noted in the Chairman's letter to you of January 31, 1997, Chairman Jackson will continue to monitor the staff's actions related to Maine Yankee, including your correspondence. Therefore, my assignment for responding to you on these matters should not be misinterpreted to mean that your concerns will not receive proper attention and consideration. Finally, you assert in your letter that the NRC staff has a vested interest in the rationale stated in defense of the Order. A copy of your letter will be forwarded to the NRC's Office of the Inspector General for whatever action the Inspector General deems appropriate.

I trust that this information is responsive to your concerns about the MYAPS.

Sincerely,

(Original Signed By)

John A. Zwolinski, Deputy Director

Division of Reactor Projects

Office Of Nuclear Reactor Regulation

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*See Previous Concurrence

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April 10, 1997

EDO -

Attached is the proposed response to Henry Myers' letter dated February 13. I have made the changes suggested by the Chairman. If the staff questions or determines that the edits or comments should not be included in the response, they should directly advise the Chairman's office. There is no need for further Commission review.

Doris Mossburg, SECY
415-1964

Att.

OFFICE OF THE SECRETARY
CORRESPONDENCE CONTROL TICKET

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AUTHOR: HENRY MYERS
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ADDRESSEE: CHAIRMAN JACKSON

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