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

March 25, 1997

Mr. Charles Pratt, President  
Ms. Mary Metcalf, Vice President  
Ms. Jane Doughty, Staff  
Seacoast Anti-Pollution League  
93 High Street  
Post Office Box 1136  
Portsmouth, NH 03802

Dear Mr. Pratt, Ms. Metcalf, and Ms. Doughty:

Your letter of February 24, 1997, to Chairman Jackson of the U.S. Nuclear Regulatory Commission (NRC), has been referred to me for reply. In your letter, you expressed your support of comments and requested the answers to questions raised in a letter to the NRC from Dr. Henry R. Myers dated December 13, 1996.

The NRC staff responded to Dr. Myers' December 13 request in a letter dated February 14, 1997, which has been enclosed for your information. Please note that the February 14 letter references a previous letter to Dr. Myers dated January 31, 1997, which is also enclosed. These two letters refer to several other letters that the NRC sent to Dr. Myers and which include additional detail on the issues that concern you, particularly with regard to the NRC's analysis of the 2440 MWt power limit imposed on the Maine Yankee Atomic Power Station (MYAPS) by the NRC's "Confirmatory Order Suspending Authority for and Limiting Power Operation and Containment Pressure (Effective Immediately), and Demand for Information" (Order), dated January 3, 1996. Please find enclosed copies of two letters (those dated October 18 and December 5, 1996) and a copy of the Order, which fully explain the basis for the Order.

In your letter, you expressed concern that nuclear plants are being allowed to operate absent a clear finding that the plants are in conformance with their design and licensing bases, and without a finding of substantial compliance with all applicable NRC regulations. The four letters sent to Dr. Myers identified above address your concern, both with respect to the industry in general and with regard to MYAPS in particular. As a result of the defense-in-depth philosophy, which is described in the enclosed letter of February 27, 1997, to David A. Lochbaum of the Union of Concerned Scientists, the NRC has reasonable assurance that public health and safety is being adequately protected at operating facilities. I believe this addresses your concern regarding the standards the staff considers for allowing continued operation of nuclear power plants.

In addition, you expressed concern that there was apparently "no analysis that demonstrates that the net effect of the 2440 MWt limitation imposed in lieu of compliance with Items II.K.3.30 and II.K.3.31 at Maine Yankee is indeed a restriction rather than a relaxation of regulatory requirements." In evaluating the condition prior to issuing the enclosed Order to Maine Yankee dated January 3, 1996, the NRC staff found that, with the imposed power penalty, the licensee's approved large-break loss-of-coolant accident analysis bounded credible design-basis accidents. The Order contains an extensive

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discussion of the safety basis for the staff's conclusion that power operation with the imposed restrictions did not pose an undue risk to public health and safety.

You also expressed concern about the apparent after-the-fact development of a legal rationale by the NRC for continued operation of Maine Yankee in that you believe that the staff did not consider 10 CFR 50.46(a)(2) until nearly 4 months after issuance of the January 3, 1996 Order. The specific regulation that authorized the restrictions imposed on the operation of Maine Yankee by the Order is 10 CFR 50.46(a)(2). Although not specifically referenced by the Order, the Order was explicitly issued under the authority of Sections 103, 161b, 161i, 161o, 182, and 186 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR 2.202 and 10 CFR Part 50. Furthermore, as previously stated the Order provides an extensive discussion of the safety basis for the staff's conclusions.

The regulatory rationale underlying the action taken on January 3, 1996 was developed prior to that action.

I trust that this information is responsive to your concerns.

Sincerely,

John A. Zwolinski, Deputy Director  
Division of Reactor Projects  
Office of Nuclear Reactor Regulation

Enclosures: As stated

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