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March 15, 2004
BVY 04-30

U.S. Nuclear Regulatory Commission
ATTN: Document Control Desk
Washington, DC 20555

**Subject: Vermont Yankee Nuclear Power Station
License No. DPR-28 (Docket No. 50-271)
Technical Specification Proposed Change No. 261 – Supplement 1
Missed Surveillances and Adoption of a Technical Specification Bases Control
Program using the Consolidated Line Item Improvement Process – Revised No
Significant Hazards Consideration Determination**

In accordance with the provisions of 10 CFR 50.90, Vermont Yankee (VY) is supplementing the request for an amendment to the Technical Specifications that would add requirements for missed surveillances.

The initial request for amendment, submitted on September 16, 2003¹, conformed with the model application for amendment published in the *Federal Register* on September 28, 2001 (66 FR 49714). Subsequently, the Staff identified that since our request involved administrative changes to the specifications in addition to the technical changes identified within the model application, the no significant hazards consideration, which was adopted by reference into our submittal, warranted revision. Accordingly, a revised determination of no significant hazards is provided in support of the Staff's review of our September 16, 2003 submittal. The supplement does not change the scope or conclusion in the original submittal.

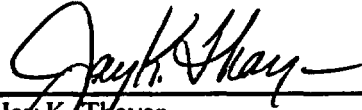
The Attachment contains the revised determination of no significant hazards consideration prepared in accordance with 10 CFR 50.92.

¹ Reference VY Letter to USNRC, BVY 03-57, "Technical Specification Proposed Change No. 261, Missed Surveillances and Adoption of a Technical Specification Bases Control Program using the Consolidated Line Item Improvement Process (IST)," dated September 16, 2003.

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Should there be any questions on this transmittal, please contact Mr. James M. DeVincentis at (802) 258-4236.

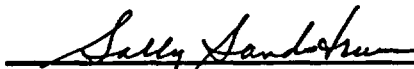
Sincerely,



Jay K. Thayer
Site Vice President – Vermont Yankee

STATE OF VERMONT)
)ss
WINDHAM COUNTY)

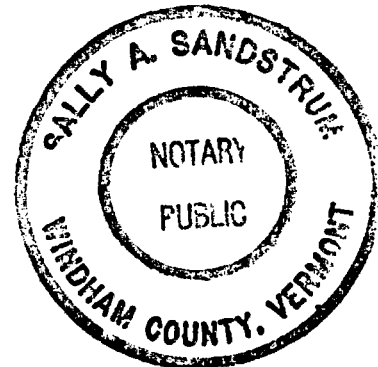
Then personally appeared before me, Jay K. Thayer, who, being duly sworn, did state that he is Site Vice President of Vermont Yankee Nuclear Power Station, that he is duly authorized to execute and file the foregoing document and that the statements therein are true to the best of his knowledge and belief.



Sally Sandstrum, Notary Public
My Commission Expires February 10, 2007

Attachment

cc: USNRC Region 1 Administrator
 USNRC Resident Inspector - VYNPS
 USNRC Project Manager - VYNPS
 Vermont Department of Public Service



Docket No. 50-271
BVY 04-30

Attachment

Vermont Yankee Nuclear Power Station

Supplement to Proposed Technical Specification Change No. 261

**Missed Surveillances and Adoption of a Technical Specification Bases Control
Program using the Consolidated Line Item Improvement Process**

Revised No Significant Hazards Consideration Determination

Determination of No Significant Hazards Consideration

Description of amendment request:

Vermont Yankee (VY) is proposing to insert new sections 3.0, "Limiting Condition for Operation (LCO) Applicability," and 4.0, "Surveillance Requirement (SR) Applicability," into the Technical Specifications (TS). Sections 3.0 would be identified as "Reserved." The first paragraph of the current definition of Surveillance Frequency would be relocated to new Section 4.0.2 (SR 4.0.2). This wording is very similar to the first paragraph of Standard Technical Specifications (STS) SR 3.0.2, however, since VY's TS do not utilize the term "once," the remaining portions of STS SR 3.0.2 are not applicable and therefore will not be added to TS 4.0.2. The corresponding applicable portions of the STS BASES for SR 3.0.2 will be added to the Bases of SR 4.0.2.

The remaining portions of the current definition of Surveillance Frequency (paragraphs 2, 3 & 4) will be relocated to new Section 4.0.3 (SR 4.0.3) and then modified to recognize the treatment of missed surveillances. The STS BASES, including the wording for the Consolidated Line Item Improvement Process (CLIIP) item is being added to the Bases for SR 4.0.3. The current definition of Surveillance Frequency will be modified to state that the definition has been relocated to Specifications 4.0.2 and 4.0.3.

The current definition of Surveillance Interval (Definition 'Z') is being slightly re-worded to be consistent with STS SR 3.0.1 and relocated to new Section 4.0.1. The rewording of this definition is administrative only in that it does not revise the content or meaning of the definition. Appropriate Bases, consistent with NUREG 1433, are being adopted for the new Section. Minor changes to the Bases from that contained within the STS are being made to reflect content, format and usage of the current TS. The current definition of Surveillance Interval will be modified to state that the definition has been relocated to Specification 4.0.1.

An editorial change is proposed to TS 6.7.C which references the current definition of Surveillance Frequency to reference Section 4.0.2. Additionally, VY is adding the requirements for a Bases Control Program as TS Section 6.7.E. This addition is consistent with the STS and is also a change recognized by the CLIIP.

It is noted that the technical change associated with this amendment request would revise the treatment for missed surveillances consistent with that previously approved through the CLIIP as published in the *Federal Register* on September 28, 2001 (66FR49714). The previously approved determination of no significant hazards consideration for the technical change is appropriate for VY's proposed change, and therefore is provided.

Basis for no significant hazards determination:

Pursuant to 10CFR50.92, Vermont Yankee (VY) has reviewed the proposed change and concludes that the change does not involve a significant hazards consideration since the proposed change satisfies the criteria in 10CFR50.92(c).

1. **The operation of Vermont Yankee Nuclear Power Station in accordance with the proposed amendment will not involve a significant increase in the probability or consequences of an accident previously evaluated.**

The proposed technical change relaxes the time allowed to perform a missed Surveillance. The time between Surveillances is not an initiator to any accident previously evaluated.

Consequently, the probability of an accident previously evaluated is not significantly increased. The equipment being tested is still required to be OPERABLE and capable of performing the accident mitigation functions assumed in the accident analysis. As a result, the consequences of any accident previously evaluated are not significantly affected.

The revised administrative requirements related to the use of surveillance requirements do not affect any accident initiator, and as such, will have no effect on the probability of an accident. The proposed changes do not involve physical changes to the plant or introduce any new modes of operation. Accordingly, continued assurance is provided that the process variables, structures, systems, and components are maintained such that there will be no degradation of any fission product barrier which could increase the radiological consequences of an accident.

Therefore, the proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. The operation of Vermont Yankee Nuclear Power Station in accordance with the proposed amendment will not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed change does not involve a physical alteration of the plant (no new or different type of equipment will be installed) or a change in the methods governing normal plant operation. Thus, this change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. The operation of Vermont Yankee Nuclear Power Station in accordance with the proposed amendment will not involve a significant reduction in a margin of safety.

The relaxed time allowed to perform a missed Surveillance does not result in a significant reduction in the margin of safety. As supported by the historical data, the likely outcome of any Surveillance is verification that the LCO is met. Failure to perform a Surveillance within the prescribed Frequency does not cause equipment to become inoperable. The only effect of the additional time allowed to perform a missed Surveillance on the margin of safety is the extension of the time until inoperable equipment is discovered to be inoperable by the missed Surveillance. However, given the rare occurrence of inoperable equipment, and the rare occurrence of a missed Surveillance, a missed Surveillance on inoperable equipment would be very unlikely. This must be balanced against the real risk of manipulating the plant equipment or condition to perform the missed Surveillance. In addition, parallel trains and alternate equipment are typically available to perform the safety function of the equipment not tested. Thus, there is confidence that the equipment can perform its assumed safety function. Therefore, this change does not involve a significant reduction in a margin of safety.

The proposed administrative changes do not alter the basic operation of process variables, systems, or components as described in the safety analysis. No new equipment is introduced. Accordingly, the proposed changes do not involve a significant reduction in a margin of safety.

Based on the above, VY concludes that the proposed amendment presents no significant hazards considerations under the standards set forth in 10CFR50.92(c), and, accordingly, a finding of "no significant hazards consideration" is justified.