

From: Rick Ennis
To: Paul Blanch
Date: 6/30/04 4:24PM
Subject: RE: Compliance with NRC Regulatory compliance

Paul,

GL 97-04 was a request for information. It does not contain any review criteria or regulatory requirements.

In response to GL 97-04, licensees, in some cases, revised their NPSH analyses. Some of the licensees that revised their NPSH analyses proposed credit for containment accident pressure in the calculation of NPSH. The NRC reviewed all responses to GL 97-04 to have reasonable assurance that safety would be maintained. The NRC staff formulated and applied acceptance criteria for these reviews and included the criteria in Draft Regulatory Guide (DG) 1107, "Water Sources for Long-Term Recirculation Cooling Following a Loss-Of-Coolant Accident". Including regulatory positions on NPSH in this DG provided one reference for all regulatory positions related to pump suction issues (vortexing, air entrainment, debris blockage as well as NPSH). DG 1107 was finalized and published as Regulatory Guide (RG) 1.82, Revision 3 in November 2003.

The NRC's Review Standard for Extended Power Uprates, RS-001, was issued in December 2003. Due to the close timing of issuance of RS-001 and RG 1.82, the review standard listed DG 1107 as one of the guidance documents the NRC uses in evaluating the effects of the EPU on NPSH. However, the NRC is using the latest guidance (i.e., RG 1.82, Revision 3), for the Vermont Yankee review.

We issued our response to the letter from the State of Vermont on the NPSH issues on June 29, 2004. I expect it will be publicly available in ADAMS sometime late next week (ADAMS Accession No. ML040800004).

Note, I will be out of the office from July 1 through July 16. If you need assistance on Vermont Yankee issues during these timeframe, contact Donna Skay (dms6@nrc.gov) or Allen Howe (agh1@nrc.gov).

Thanks,

Rick

>>> "Paul Blanch" <pdblanch@comcast.net> 06/30/04 09:56AM >>>
Rick:

Thank you for the prompt response. I just downloaded the reference submitted on 01/31/2004. If I recall previous research, VY had committed to comply with the requirements of Generic Letter 97-04 for NPSH issues. My search of this document did not get any "hits" on 97-04 which is part of VY's licensing basis.

If I find this apparent omission on my first concern, how can anyone have any assurance that all regulatory requirements are being addressed?

-----Original Message-----

From: Rick Ennis [mailto:RXE@nrc.gov]

Sent: Tuesday, June 29, 2004 7:37 AM

To: pdblanch@comcast.net

Cc: shadis@ime.net; Anthony McMurtray; Allen Howe; Brian Holian; Cornelius Holden; Cliff Anderson; David Pelton; Donna Skay; Tad Marsh; Stuart Richards; William Ruland; arniegundersen@sailchamplain.net; dlochbaum@ucsusa.org

Subject: RE: Compliance with NRC Regulatory compliance

Paul,

As discussed in Section F.1 of the Appendix F of the VY UFSAR, the plant was designed and constructed based on the proposed (draft) GDC. Changes have been made to the facility over the life of the plant that may have invoked the final GDC.

I assume you are mostly concerned about the licensing bases related to the proposed EPU amendment. The specific regulatory requirements the NRC uses to review EPU amendments are shown in the template Safety Evaluation (SE) in Review Standard RS-001. For BWRs, the SE template is in RS-001, Section 3.2. The template is based on the final GDC in 10 CFR 50, Appendix A. However, since VY is a pre-GDC plant, we asked Entergy to revise the template to reflect the VY licensing bases. The revised template was provided in Attachment 4 to Entergy's Supplement 4 dated 1/31/04 (ADAMS Accession No. ML040360118). You may also want to look at Attachment 2 to Entergy's Supplement 1, dated 10/1/03 (ADAMS Accession No. ML032810447) which provided a AEC/GDC matrix. The draft GDC can be found on pages 13 to 17 of ADAMS Accession No. ML003674711.

If your question regarding the VY licensing bases was intended to pertain to more than just the EPU, the licensing bases, for any plant, are located in many documents (e.g., FSAR, Tech Specs, license, orders, QA program, emergency plan, security plan, etc.). A good reference document for this issue is NRR Office instruction LIC-100, "Control of Licensing Bases for Operating Reactors," which is in ADAMS at Accession No. ML033530249.

Thanks,

Rick
301-415-1420

>>> "Paul Blanch" <pdblanch@comcast.net> 06/25/04 08:54PM >>>
Rick:

Thanks for the response. I reviewed Appendix F of the USAR Revision 17 and I assume that VY is in compliance with the 70 draft GDC's unless specifically stated that they are taking exception to these criteria. Is this a proper assumption?

Could you please provide me with a copy of these 70 criteria which VY states it complies with, and is apparently a part of the plant's current licensing bases?

Where can I find a copy of the current licensing bases?

-----Original Message-----

From: Rick Ennis [<mailto:RXE@nrc.gov>]

Sent: Friday, June 25, 2004 3:37 PM

To: pdblanch@comcast.net

Cc: shadis@ime.net; Anthony McMurtray; Allen Howe; Brian Holian; Cornelius Holden; Cliff Anderson; David Pelton; Donna Skay; Tad Marsh; Mohammed Shuaibi; Robert Kuntz; Stuart Richards; William Ruland; arniegundersen@sailchamplain.net; dlochbaum@ucsusa.org
Subject: Re: Compliance with NRC Regulatory compliance

Paul,

A response has not yet been sent to the 12/8/03 letter from Bill Sherman. Here's a response to your other questions:

1) Did the VY SAR originally or at any time address compliance with regulatory criteria as required by RG 1.70 Chapter 1?

The VY UFSAR, Appendix F, addresses conformance to the 70 AEC General Design Criteria (proposed GDC's).

2) Where can I locate the latest requirements for the content of an SAR? (RG 1.70, NUREG 0800 or Harold Denton's letter to the Commission dated July 23, 1980)?

The requirements for the content of an SAR are contained in 10 CFR 50.34. RG 1.70 and NUREG 0800 do not contain requirements.

RGs are issued to describe and make available to the public such information as methods acceptable to the staff for implementing specific parts of the NRC's regulations, techniques used by the staff in evaluating specific problems or postulated accidents, and guidance to applicants. RGs are not substitutes for regulations, and compliance with RGs is not required. RG 1.70, Revision 3, provides guidance on the format and content of SARs.

The Standard Review Plan (SRP), NUREG-0800, provides guidance to the NRR staff reviewers in performing its safety reviews. Compliance with the SRP is not required.

3) How can I locate a copy of the original SAR Chapter 1 for VY?

I was unable to find it. Suggest you contact the PDR at 301-415-4737.

4) Why have Sections 1 and 2 seemed to have vanished from NUREG 0800?

The sections still exist, however, I'm not sure why they aren't shown on the NRC webpage at:

<http://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr0800/>

I asked the Project Manager who has been working on an office instruction related to the SRP process (Rob Kuntz) to look into this issue.

5) Where can I find the requirements for the SAR?

As stated above, the requirements for the content of an SAR are contained in 10 CFR 50.34. The requirements for SAR updates are contained in 10 CFR 50.71.

6) What design basis documentation and regulations will be used by the Engineering Assessment team?

The guidance for the team is contained in Temporary Instruction 2515/158 which is available in ADAMS at Accession No. ML041730177.

Thanks,

Rick
301-415-1420

>>> "Paul Blanch" <pdblanch@comcast.net> 06/15/04 12:58PM >>>
Rick:

First of all do you know if a response has been sent to Bill Sherman's letter of December 8, 2003?

The second questions relates to the compliance with regulatory requirements.

I noted the update to the Prairie Island SAR dated 1999. In Section 1 of this update, Prairie Island specifically addresses (Section 1.5) all 70 GDC's in effect at the time of the issuance of the license. Because VY and PI were licensed about the same time I would expect to find the same type of information contained within the VY SAR. This is addressed in Section 1.5 of the PI SAR.

I reviewed the most recent VY Amendment 18 to the VY SAR and found no comparable section addressing compliance with regulatory criteria.

I also note that the requirements published in RG 1.70 required that compliance with GDC's and Regulatory Guides be addressed.

The following is from From Reg Guide 1.70 obtained from ADAMS.

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VY's SAR does not seem to have a comparable section. 1.8 is titled summary of radiation effects.

I realize that RG 1.70 has been superseded by NUREG 0800 but when I access this in ADAMS, Sections 1 and 2 of this document are missing for some reason.

Would you be so kind as to provide answers to the following:

*

Did the VY SAR originally or at any time address compliance with regulatory criteria as required by RG 1.70 Chapter 1?

*

Where can I locate the latest requirements for the content of an SAR? (RG 1.70, NUREG 0800 or Harold Denton's letter to the Commission dated July 23, 1980)

*

How can I locate a copy of the original SAR Chapter 1 for VY?

*

Why have Sections 1 and 2 seemed to have vanished from NUREG 0800?

*

Where can I find the requirements for the SAR?

*

What design basis documentation and regulations will be used by the Engineering Assessment team?

A response to these questions would be greatly appreciated before the NRC's meeting with the State of Vermont to be held on June 28, 2004.

CC: Allen Howe; Anthony McMurtray; Arnie Gundersen; Brian Holian; Cliff Anderson; Cornelius Holden; Dave Lochbaum; David Pelton; Donna Skay; Margaret Gundersen; 'Peter Alexander'; 'Raymond Shadis'; shadis@ime.net; Stuart Richards; Tad Marsh; William Ruland

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Subject: RE: Compliance with NRC Regulatory compliance

Creation Date: 6/30/04 4:24PM

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Created By: RXE@nrc.gov

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