

February 4, 2005

Mr. Frederick P. Schiffley, II
Chairman, Westinghouse Owners Group
Exelon Nuclear
Engineering Design
Cornerstone II at Cantera
4300 Winfield Road
Warrenville, Illinois 60555

SUBJECT: RESPONSE TO YOUR REQUEST FOR MEETING WITH NRC STAFF TO
DISCUSS WCAP-16168-NP, REV. 0, "RISK-INFORMED EXTENSION OF
REACTOR VESSEL IN-SERVICE INSPECTION INTERVAL"

Dear Mr. Schiffley:

This is in response to your letter number WOG-05-19, dated January 18, 2005, requesting a meeting with the Nuclear Regulatory Commission (NRC) staff to discuss the Westinghouse Owners Group (WOG) topical report (TR) WCAP-16168-NP, Rev. 0, "Risk-Informed Extension of Reactor Vessel In-Service Inspection Interval." As requested, a meeting has been arranged on February 9, 2005, to discuss the TR. However, this letter provides our response to the points made in your letter.

In summary, the TR was submitted for the NRC review on October 31, 2003. Subsequent to a meeting between the WOG and the NRC staff on June 24, 2004, the WOG withdrew the TR on August 20, 2004. In a letter dated August 18, 2004, the NRC staff documented the staff's expectations for addressing the technical issues associated with the TR, if the WOG decides to resubmit the TR for staff review at a later date. That letter also stated that, "The NRC plans to consider the possibility of granting reliefs to permit a one operating fuel cycle deferral of the subject inspections for these "near-term" facilities under the provisions of 10 CFR 50.55(a)(3)(I). However, it will be incumbent upon each licensee to provide an adequate technical basis to support the approval of such a relief request for their facility. The NRC technical staff will support a continuing dialogue with the WOG or any individual licensee who wishes to pursue such a relief request."

Thereafter, the NRC staff expected to receive plant-specific relief requests or to have the industry initiate a dialog about the relief requests. However, no relief requests were received and no contacts were made either by the WOG or potentially interested licensees between August through December 2004. Hence, during this period, the NRC staff had no opportunity to, and did not, provide any specific guidance to the WOG regarding what could constitute an acceptable technical basis for such relief requests. In late December 2004, in response to direction from the NRC management subsequent to your discussion with them, the NRC staff discussed this issue with Jim Molkenthin and Cheryl Boggess of the WOG staff, who are the industry leads for this issue. The WOG staff confirmed that they had no record or recollection of any licensee being interested in pursuing such a relief request in the Fall of 2004.

Further, a WOG representative has informed the NRC staff that in October 2004 there were internal discussions between the WOG and the licensees who could potentially be candidates for such relief requests. At that time, a decision was made by the WOG members to not expend the WOG and/or NRC resources in a dialogue about potential relief requests at that time since no licensee was immediately interested in pursuing such a relief request. Therefore, it is reasonable to conclude that the industry made no attempt to either request or discuss such relief requests with the NRC staff prior to late December 2004.

Your letter stated that "On December 15, 2004, the WOG Chairman discussed this issue with Brian Sheron and Richard Barrett and they indicated that they were unaware of any misunderstanding between the Staff and the WOG regarding the Staff's interpretation of "adequate technical basis." They stated that they would go back to their organization for further discussions. Subsequently, there have been several discussions with technical staff and management, none of which have brought clear resolution."

Contrary to your letter's above statement, at the WOG's request, the NRC staff held a teleconference on January 13, 2005, with cognizant WOG representatives during which the NRC staff went over, in detail, what we believe to be the framework which could support a one-cycle inspection relief request. The WOG representatives appeared to be in unanimous agreement that the NRC staff had provided a clear, well-defined, and achievable technical basis for their consideration when preparing requests for a one-cycle inspection relief request. The framework discussed with industry in that teleconference has been provided to the WOG in a teleconference summary dated January 27, 2005.

Your letter also stated that, "Please note, if there is continued delay of the PTS [pressurized thermal shock] rule-making, we would hope that the Staff will allow the WOG to resubmit this topical report as soon as possible upon resolution of the FAVOR programming concerns associated with the PTS effort. The WOG notes that other items identified to date impacting PTS Rule-making would have little or no impact on the review of the topical report. The re-submittal of this WCAP would provide an example of the industry's application of the revised PTS information and serve to enhance the regulatory review of the upcoming request for Rule-making."

Our expectations are for the WOG to address the technical issues associated with the TR, which have been provided to the WOG in a letter dated August 18, 2004, prior to resubmitting it for staff review. The WOG is welcome to resubmit the TR for staff review after the supporting work being performed by the NRC's Office of Nuclear Regulatory Research to develop a technical basis for revising Title 10 of the Code of Federal Regulations Part 50 Section 61 (10 CFR 50.61) is completed and reviewed by the NRC's Office of Nuclear Reactor Regulation, provided the resubmitted TR meets the staff's expectations outlined in the letter dated August 18, 2004.

We would be glad to discuss your letter further in the February 9, 2005 meeting.

F. Schiffley

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If you have any questions, please contact Mr. Girija Shukla at 301-415-8439.

Sincerely,

/RA/

Brian W. Sheron, Associate Director
for Project Licensing & Technical Analysis
Office of Nuclear Reactor Regulation

Project No. 694

cc:

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