

May 13, 2005

Mr. Michael Kansler  
President  
Entergy Nuclear Operations, Inc.  
440 Hamilton Avenue  
White Plains, NY 10601

SUBJECT: VERMONT YANKEE NUCLEAR POWER STATION - REQUEST FOR  
INFORMATION RE: REVISION TO UPDATED FINAL SAFETY ANALYSIS  
REPORT, APPENDIX F (TAC NO. MC5541)

Dear Mr. Kansler:

The Nuclear Regulatory Commission (NRC or the Commission) has determined that it needs certain information to determine whether the Updated Final Safety Analysis Report (UFSAR) for Vermont Yankee Nuclear Power Station (Vermont Yankee) has been maintained in compliance with Title 10 of the *Code of Federal Regulations* (10 CFR) Section 50.71(e).

## **Background**

The original Appendix F to the UFSAR documented how Vermont Yankee conformed to the proposed General Design Criteria (GDC) published by the Atomic Energy Commission (AEC) in July of 1967. Vermont Yankee was issued a construction permit in December 1967. In 1971, the AEC published the final version of the GDC as Appendix A to 10 CFR Part 50. In approving the final GDC, the Commission stated that they were not new requirements but were promulgated to more clearly articulate the licensing requirements and the practices in effect at that time. In 1982 the licensee for Vermont Yankee notified the NRC of a revision to Appendix F. The purpose of the 1982 revision of Appendix F to the UFSAR was to document how the design of Vermont Yankee met the intent of the final GDC because NRC guidance was not clear at the time regarding the treatment of plants with construction permits granted prior to issuance of the final GDC. In a letter dated September 28, 1999, the licensee clarified that Vermont Yankee was explicitly licensed to the requirements of the draft GDC. This letter was prompted by a Commission decision in 1992 that the staff would not apply the final GDC to plants with construction permits issued prior to May 21, 1971. With the clarification by the Commission that pre-GDC plants, such as Vermont Yankee, do not need exemptions to the final GDC, the licensee notified the NRC that it intended to reinstate the original version of Appendix F in the UFSAR. The September 28, 1999, letter did not indicate that Vermont Yankee intended to mark this appendix as historical. The NRC's November 12, 1999, response to the licensee's September 28, 1999, letter stated that, because the licensee did not indicate that the proposed change involved a Technical Specification change or an unreviewed safety question, the staff did not intend to review Vermont Yankee's position regarding reinstatement of the original Appendix F. However, the letter stressed that the NRC's decision not to review did not indicate agreement or disagreement with the licensee's position. By letter dated November 2, 2001, the licensee submitted Revision 17 to the UFSAR, including a revised Appendix F with a footnote marking the appendix as historical.

**Applicable Regulations:**

Section 50.71(e) of 10 CFR requires operators of nuclear power plants to “update periodically...the final safety analysis report originally submitted as part of the application for the operating license, to assure that the information included in the report contains the latest information developed.” Regulatory Guide (RG) 1.181, “Content of the Updated Final Safety Analysis Report in Accordance With 10 CFR 50.71(e),” was written in response to a recognition that additional guidance regarding compliance with 10 CFR 50.71(e) was necessary. As stated in RG 1.181, “The objectives of 10 CFR 50.71(e) are to ensure that licensees maintain the information in the UFSAR to reflect the current status of the facility and address new issues as they arise, so that the UFSAR can be used as a reference document in safety analyses.” RG 1.181 endorses the methods described in Nuclear Energy Institute (NEI) report, NEI 98-03, “Guidelines for Updating Final Safety Analysis Reports,” dated June 1999, as acceptable for complying with the provisions of 10 CFR 50.71(e).

NEI 98-03 provides the following definition of historical information:

Historical information is that which was provided in the original FSAR [final safety analysis report] to meet the requirements of 10 CFR 50.34(b) and meets one or more of the following criteria:

- information that was accurate at the time the plant was originally licensed, but is not intended or expected to be updated for the life of the plant
- information that is not affected by changes to the plant or its operation
- information that does not change with time.

NEI 98-03 explicitly states that the plant’s design bases should not be designated as historical because “the original design bases continue to be part of the overall design bases for the facility, and new information may warrant their update.”

The staff recognizes that NEI 98-03 is not a regulatory requirement and that the NRC may determine the acceptability of other methods to meet the criteria of 10 CFR 50.71(e) on a case-by-case basis. However, Entergy specifically stated that it followed the guidance in NEI 98-03 in its determination that Appendix F could be made historical and believed that it fully complied with the industry guidelines (see Entergy's September 29, 2004, response to the New England Coalition's Request for a Hearing). By marking the appendix historical, the licensee made the decision not to maintain the information current. The NRC staff needs additional information to determine if, in this case, the licensee has met the intent of 10 CFR 50.71(e).

**Request:**

The NRC requests Entergy to provide the following information:

1. Explain how the designation of Appendix F as historical meets the guidance contained in NEI 98-03 and meets the intent of 10 CFR 50.71(e) regarding maintenance of design basis information.

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2. If a determination is made that the historical designation for Appendix F is not consistent with the regulations, provide a plan and schedule for revising the UFSAR to include current information on the overall design and licensing bases for the facility.

The requested information should be provided to the NRC within 30 days after receipt of this letter. If you have any questions, or if the requested information can not be collected within 30 days, please contact Rick Ennis, the Vermont Yankee Project Manager, at 301-415-1420.

Sincerely,

*/RA/*

Ledyard Marsh, Director  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

Docket No. 50-271

cc: See next page

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 Division of Licensing Project Management  
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