

RAS 12826

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD

DOCKETED 01/05/07

SERVED 01/05/07

Before Administrative Judges:

Alex S. Karlin, Chairman
Dr. Anthony J. Baratta
Lester S. Rubenstein

In the Matter of

ENTERGY NUCLEAR VERMONT YANKEE
L.L.C.
and
ENTERGY NUCLEAR OPERATIONS, INC.

(Vermont Yankee Nuclear Power Station)

Docket No. 50-271-OLA

ASLBP No. 04-832-02-OLA

January 5, 2007

ORDER

(Ruling on Objections to Transcript Corrections and Transmitting Errata Sheet)

On September 13 and 14, 2006, the Board held the evidentiary hearing in this proceeding. A transcript of the hearing was prepared, and parties to the proceeding had the opportunity to provide transcript corrections in late September and October.¹ This process has generated an unexpected controversy.

On November 3, 2006, Entergy Nuclear Vermont Yankee L.L.C. and Entergy Nuclear Operations, Inc. (collectively, Entergy) filed objections to some of the transcript corrections proposed by the New England Coalition (NEC), the intervenor in this proceeding.² In the brief accompanying its list of objections to specific NEC corrections, Entergy noted that transcript corrections are “not an opportunity for a party to delete statements it wishes its witness had not

¹ See NRC Staff’s Proposed Transcript Corrections (Oct. 4, 2006); Entergy’s Proposed Transcript Corrections (Oct. 5, 2006); New England Coalition’s Proposed Corrections to the Transcript for the Evidentiary Hearings of September 13, 14, 2006 (Oct. 30, 2006).

² Entergy’s Objections to New England Coalition’s Proposed Hearing Transcript Corrections (Nov. 3, 2006).

made, correct or improve on statements the witness actually made, or add statements the witness did not make.” *Id.* at 2. On November 9, 2006, the NRC Staff filed what it labeled as an “answer” to NEC’s proposed corrections, in which the Staff objected to some but not all of the same proposed corrections that appear in Entergy’s list of objections.³ On November 13, 2006, NEC responded with an “answer” of its own, in which it claimed that the documents submitted by Entergy and the Staff provided no way to determine “what Entergy and NRC Staff might agree to be a universally applicable standard for determining if proposed corrections cross the line, as it were, from proposed corrections to the transcription and proposed changes to the record of the . . . proceeding.”⁴

The Board agrees that whatever standard applies in these matters should apply equally to all parties, and we have determined that the only completely impartial way to resolve these squabbles is to rely on what was actually said in the hearing room. In order to apply this rule, we have adopted the following procedure. We have accepted without further review all proposed corrections involving spelling errors (Ballala/Valalla), homonyms (where/wear), misidentification of speakers, capitalization of proper names, conventions for naming and numbering the documents in the case, and transcription errors where the correct transcription is obvious from context (NSIB/MSIV). To resolve those corrections that appear to represent more substantive changes – including those proposed by Entergy, the NRC Staff, and the members of the Board in addition to those submitted by NEC – we have directed our law clerk to listen to the recordings made by the court reporter, focusing on what was actually said, and to provide us with recommendations for resolving challenges to the transcript.

³ NRC Staff’s Answer to New England Coalition’s Proposed Corrections to the Transcript for Evidentiary Hearings of September 13, 14, 2006 (Nov. 9, 2006).

⁴ New England Coalition’s Answer to Entergy and NRC Staff’s Objections to New England Coalition’s Proposed Corrections to the Transcript for Evidentiary Hearings of September 13, 14, 2006 at 2 (Nov. 13, 2006).

We have accepted our law clerk's recommendations. Using the recording of what was actually said as our lodestar, we have rejected the majority of the proposed transcript corrections. We recognize that spoken language and written language are different, and that people may be tempted to "improve" on the way they actually speak after they see their spoken words taken down in writing. Although the Board believes that most changes of this nature are insignificant, we discourage this tendency. The function of a transcript is to reflect what was actually said at the hearing. The purpose of transcript correction is to catch errors in transcription, especially of names and technical terms, not to edit or improve spoken language so that it resembles written language.

Attachment 1 to this order contains the official errata list for the transcript in this proceeding. Attachment 2 contains two pages of text that were omitted from the bound transcript, plus the pages on either side of the omission. As mentioned in the errata list, these pages should be inserted at line 20 of page 1140.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD⁵

/RA/

Alex S. Karlin
ADMINISTRATIVE JUDGE

Rockville, Maryland
January 5, 2007

⁵ Copies of this order were sent this date by Internet e-mail transmission to representatives for (1) licensees Entergy Nuclear Vermont Yankee L.L.C., and Entergy Nuclear Operations, Inc.; (2) intervenor New England Coalition of Brattleboro, Vermont; and (3) the NRC Staff.

Attachment 1

Transcript Errata – Vermont Yankee Extended Power Uprate Proceeding

Docket No. 50-271-OLA; ASLBP No. 04-832-02-OLA
Transcript Pages 1094-1578 and 1608-1614

PAGE / LINE	DELETE	INSERT
1095/--	RAYMOND SHADIS, ESQ.	RAYMOND SHADIS
1103/05	Panel	
1103/19	record	record,
1104/18	Marsha	Marcia
1104/22	Willkie	Welkie
1105/06	Scrinchi	Screnci
1105/09	Ballala	Valalla
1120/12	9:2619	
1125/19		MR. TURK:
1131/20	Board is to	bodies that
1132/01	and need	and the tests need
1132/20	transits	transients
1136/04	Staff's	Staff has
1137/01	as	is
1137/23	POP	BOP
1140/20		<i>insert pp. 1140-A and 1140-B</i>
1169/07	transcribing	transcribe them
1179/14	AGBWR	AGBWR 4
1179/21	past	fast
1180/11	for example	for an example
1194/08	balancing	balance of the
1195/11	necessarily targeted	necessarily been targeted
1195/16	examined is	examined are

1195/19	originate	originates
1196/01	then	they
1201/19	sanction	ascension
1205/12	in	and
1206/08	an	on
1213/06	they	that
1216/10	events	advanced
1220/18	know events	know of events
1224/06	precision	position
1230/12	where	wear
1251/03	later	rated
1255/14	ICRC	RCIC
1259/05	CHAIR KARLIN:	WITNESS CASILLAS:
1273/23	low	local
1274/23	moderated	moderater
1276/04	limiters	limits
1280/04	a	in
1284/05	Betty	Betti
1287/16	drier	dryer
1287/18	threading	shedding
1287/19	drier	dryer
1288/04	dynamics	dynamics
1288/12	driers	dryers
1288/18	drier	dryer
1288/19	drier	dryer
1293/02	REDDY	REDY
1300/14	initial	dimensional
1300/20	if	is

1304/06	Marshall	Marcia
1309/05	older	all the
1317/17	This	Tees
1324/13	do	
1337/18	code, was	code, or was
1338/24	cod	code
1340/02	not	
1344/10	bleed	feed
1346/08	assertion	ascension
1363/02	regulation	Regulation
1363/20	office of nuclear reactor	Office of Nuclear Reactor
1363/21	regulation	Regulation
1364/09	Wallace	Wallis
1364/20	CHAIR KARLIN	MR. HAMRICK
1364/23	regulatory	Regulatory
1364/24	guide, RG 1.68, initial test	Guide, RG 1.68, Initial Test
1364/24	programs for water cooled	Programs for Water-Cooled
1364/25	nuclear power plants	Nuclear Power Plants
1367/13	Kay	K.
1368/08	Wancyk	Wanczyk
1370/04	closing	enclosing
1373/22	Staff 22	Staff Exhibits 22
1386/06	supplemental licensing	supplemental reload licensing
1386/07	fig.	figure
1386/08	about event	about the MSIV closure event
1387/10	of event	of the event
1387/10	MSIV	MSIVs
1387/12	MSIV	MSIVs

1387/15	MSIV	MSIVs
1387/16	FSO	vessel
1387/18	out	up
1387/21	pact	fact
1387/24	MSIV	MSIVs
1387/25	It's finite	It's a finite
1388/01	– meanwhile	occur. Meanwhile
1388/07	isolating	isolation
1388/11	ever	every
1388/25	responds	response
1389/02	field	fuel
1389/20	servers	SRLR
1391/09	faction	fraction
1391/09	decreased	increased
1391/21	occurs	occur
1393/10	the water	the feed water
1398/16	SIP	SRP
1398/20	that they	that if they
1400/20	design scram	design's to scram
1401/14	whether this	whether it
1401/25	10CFR50 (34) B6-3	10 CFR 50.34(b)(6)(iii)
1404/01	offers	occurs
1406/07	generate a	generator
1408/01	high riding	hydriding
1408/21	high riding	hydriding
1408/24	high riding	hydriding
1409/02	would generate a	or generator
1409/15	an	in

1415/04	control	controlled
1415/07	contains a	has been a certain
1417/19	168	1.68
1417/19	168	1.68
1418/02	develop	developed
1418/17	NSIB	MSIV
1419/08	is	versus
1420/24	important	importance
1425/09-10	you need	continued
1425/22	balanced	balance of
1429/03	tech and	technical
1429/25	Travans	Thomas
1430/04	efficiencies	deficiencies
1430/18	SRP	SRVs
1430/22	SRB	SRV
1431/01	SRBs	SRVs
1431/05	scram but	scram,
1431/05	lock	occur
1432/01	relive	relieve
1432/12	what	what,
1412/13	that certainty	is that uncertainty,
1433/03	big	bigger
1433/16-17	inside enclosure	MSIV closure
1434/05	peak went	peak power went
1434/05	SRB went	SRV vented
1434/13	on	and
1434/18	more than frequency	a moderate frequency
1439/--	RAYMOND SHADIS, ESQ.	RAYMOND SHADIS

1453/18	risk	RS
1456/04	pre-risk	pre-RS
1456/20	INC	I and C
1457/02	168	1.68
1457/03	168	1.68
1457/08	168	1.68
1462/11	WITNESS ENNIS	CHAIR KARLIN
1462/11	is	
1463/21	fails	falls
1463/25	allowed	allows
1464/15	second	
1465/04	piece	point
1472/21	out	up
1475/10	is boiling pressure	is the boiler and pressure
1476/03	amount margin	amount of margin
1476/07	percent was 499PSIG	pressure was 499 [sic,1328] PSIG
1476/10	assumption when	the assumption, one
1476/21	measure	measurement
1477/08	where	what
1478/22	talk	talking
1479/23	exemption	ascension
1480/01	containments	components
1480/25	boiler pressure	boiler and pressure
1482/13	SC	SE
1482/16	CCPU	CPPU
1484/12	repeated	EPU
1485/09	MSIC	MSIV
1490/14	livestock	Liebstadt

1492/19	upright	uprate
1493/05	energies	Entergy's
1499/11	my	why
1499/17	212	2.12
1502/19	generated	generator
1506/21	G-STAR-2	GESTAR-II
1511/25	inadequate	an adequate
1514/10	loads	flows
1515/25	stead	steady
1517/18	stubbers	snubbers
1519/20	free water	feedwater
1520/16	flowing use	flow-induced
1522/23	MR. SHADIS	DR. HOPENFELD
1523/17	knowledges	analogies
1541/12	signals	sigmas
1541/16	CHAIR KARLIN	ADMINISTRATIVE JUDGE BARATTA
1547/10	fuel level go	fuel go down
1547/19	not abnormalities	no abnormalities
1548/8	statement to say,	statement, to say
1549/20	You see abnormality	You see the abnormalities
1551/07	OPWR	CPWR
1551/07	DNV	DNB
1613/03	hearing obligations	hearing file obligations
1613/05	hearing.	hearing file.

1 In addition you will also hear about
2 another factor, from 14.2.1, the transient analysis
3 that were performed using the ODYN code. You will
4 hear that the ODYN code has been approved by the NRC
5 for use in performing transient analyses and based
6 upon its comparison to actual transients at BWRs.

7 In conclusion the Staff's testimony will
8 demonstrate that it approved Entergy's test program
9 even without large transient testing because it has
10 found that large transient testing is not required in
11 this case to demonstrate that structures, systems and
12 components, important to safety, will perform
13 satisfactorily in service.

14 Thank you.

15 CHAIR KARLIN: Thank you, Mr. Hamrick.
16 Mr. Shadis?

17 MR. SHADIS: The performance of large
18 transient testing was first included in General
19 Electric's format for the constant pressure power
20 uprate,
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1 their so-called constant pressure power uprate,
2 licensing topical report, which was adopted after
3 review by NRC.

4 General Electric then came back to NRC and
5 requested a generic exemption to the requirements for
6 full transient testing. NRC Staff reviewed that
7 request and denied the generic exemption offering,
8 instead, that exemption to full transient testing
9 requirements would be considered on a case by case
10 basis.

11 This requirement originally stemmed from
12 original license requirements, original license
13 testing. We believe this progression of review
14 indicates the importance of the question of full
15 transient testing.

16 In this instance Entergy proposes that
17 their Vermont Yankee Nuclear Power Station should be
18 exempt from the requirement based on a collection of
19 considerations, the industry experience, experience at
20 lesser levels of power operation at Vermont Yankee,
21 some adaptation of testing of individual components,
22 as opposed to steam system, which would be tested in
23 a full transient test.

24 And, also, the application of computer
25 modeling. New England Coalition's testimony, today,

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1 depending on how we can answer the Panel's questions,
2 for our purposes would focus on the use of computer
3 modeling for the entire full transient test, in order
4 to determine all of the parameters and effects of that
5 full transient testing.

6 And we note that Entergy has relied,
7 heavily, on the ODYN code, computer code. This code
8 was developed in the late 1970s, at a time before
9 Pacman, before the Commodore 64 computer, and there is
10 no marked evidence that the code itself has been
11 greatly improved upon in issuance of revisions since
12 then.

13 It is largely a one dimensional code. The
14 application of it depends, largely, on attempting to
15 correlate its limited production of information, its
16 limited answers that the code provides, limited data,
17 with events that have taken place in various nuclear
18 power stations that have used the code.

19 Did the event comport with what had been
20 predicted.

21 New England Coalition, in reviewing
22 Entergy's approach, has come to the conviction, in
23 consultation with our expert, Dr. Hopenfeld, that
24 large transient testing must be conducted at extended
25 power uprate conditions,

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in order to demonstrate that systems, structures, systems and components will perform as intended, and as required under NRC regulation.

Specifically we are looking at 10CFR Part 50, the Appendix B, Criterion 11, that sets the requirement for such demonstration. The major

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)
)
)
(Vermont Yankee Nuclear Power Station))

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB ORDER (RULING ON OBJECTIONS TO TRANSCRIPT CORRECTIONS AND TRANSMITTING ERRATA SHEET) have been served upon the following persons by deposit in the U.S. mail, first class, or through NRC internal distribution.

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Docket No. 50-271-OLA
LB ORDER (RULING ON OBJECTIONS TO
TRANSCRIPT CORRECTIONS AND
TRANSMITTING ERRATA SHEET)

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[Original signed by Adria T. Byrdsong]

Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this 5th day of January 2007