

UNITED STATES  
NUCLEAR REGULATORY COMMISSION

OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

Before the Atomic Safety and Licensing Board

In the Matter of	)	
	)	
Entergy Nuclear Vermont Yankee, LLC	)	Docket No. 50-271-LR
and Entergy Nuclear Operations, Inc.	)	ASLB No. 06-849-03-LR
	)	
(Vermont Yankee Nuclear Power Station)	)	

**NEW ENGLAND COALITION, INC.'S (NEC) RESPONSE TO NRC STAFF'S  
ANSWER IN SUPPORT OF ENTERGY'S MOTION FOR SUMMARY  
DISPOSITION OF NEW ENGLAND COALITION  
CONTENTION 3 (STEAM DRYER)**

Pursuant to 10 C.F.R. §§ 2.1205(c) and 2.710(a) New England Coalition, Inc. (NEC) hereby responds to the NRC Staff's Answer In Support of Entergy's Motion for Summary Disposition of NEC's Contention 3 (Steam Dryer). NEC incorporates by reference its Opposition to Entergy's Motion for Summary Disposition (May 9, 2007), and makes the following additional arguments in response to the NRC Staff filing.

- A. Entergy makes no clear commitment to visual inspection of the steam dryer during the license renewal period.

The NRC Staff notes that the Board admitted NEC's Contention 3 in part because it found that NEC "identified sufficient ambiguity in Entergy's aging management plan for the steam dryer to meet the requirements for contention admissibility." See, *In the Matter of Entergy Nuclear Vermont Yankee, LLC, and Entergy Nuclear Operations, Inc. (Vermont Yankee Nuclear Power Station)*, 64 NRC 131, 191 (2006). Entergy's proposed plan remains ambiguous with respect to Entergy's commitment to *visual inspection* of the steam dryer during the license renewal period, an essential component of a valid aging

management plan. See, Declaration of Dr. Joram Hopfenfeld in support of NEC's Petition to Intervene ("Hopfenfeld Declaration 1") at ¶¶ 18-19 (visual inspection is key element of Vermont Yankee steam dryer aging management plan).

Entergy does not expressly state on motion for summary judgment that visual inspection will continue throughout the license renewal period. Rather, Entergy is careful not to commit to visual inspection during the renewed license term, referring only to its current-term program of visual inspection during some refueling outages through spring 2010. Entergy's ambiguity on the subject of *visual inspection* is readily apparent in contrast to its express commitment to *monitoring plant parameters* that may indicate steam dryer cracking throughout the renewed license term. Compare, Declaration of John R. Hoffman in Support of Entergy's Motion for Summary Disposition of NEC Contention 3 ("Hoffman Declaration") ¶ 23 ("[Monitoring of plant parameters] will continue for the entire license renewal period."); *Id.* at ¶ 22 ("VY is implementing . . . visual inspection guidelines in GE-SIL-644."); *Id.* at ¶ 28 ("Periodic visual examinations of the steam dryer in accordance with [VY License Amendment No. 229]<sup>2</sup> will continue to ensure that unacceptable flaw development or growth is not occurring.").

Instead of expressly committing to visual inspection during the renewed license term, Entergy refers, as it has in all previous Contention 3 filings, to a Vermont Yankee Facility Operating License Amendment (No. 229) that is irrelevant to the renewed license term. This license condition was developed in the proceedings for extended power uprate (EPU) of the Vermont Yankee plant, and requires visual inspection of the Vermont

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<sup>1</sup> Entergy concedes, however, that parameter monitoring is of limited utility. Hoffman Declaration, Exhibit 5 at 6 ("monitoring steam moisture content and other reactor parameters does not consistently predict imminent dryer failure nor will it preclude the generation of loose parts.").

<sup>2</sup> This license condition requires visual inspection of the steam dryer only through spring 2010, and will expire during the current license term.

Yankee steam dryer during refueling outages in spring of 2007, fall of 2008, and spring of 2010. As NEC has previously argued and the Board has acknowledged, this license condition will expire during the current license term, and does not constitute an aging management plan. See, NEC's Opposition to Entergy's Request for Reconsideration of NEC's Contention 3 at Part II(B); *In the Matter of Entergy Nuclear Vermont Yankee, LLC, and Entergy Nuclear Operations, Inc. (Vermont Yankee Nuclear Power Station)*, 64 NRC at 189 ("Steam dryer monitoring and inspection plans for the time period prior to 2012 are not directly relevant to, nor dispositive of, our ruling on NEC Contention 3, except to the extent that Entergy's license renewal application, or other material properly before this Board . . . indicates a commitment to continue existing program").

Entergy also refers to its recent licensing commitment to "continue inspections in accordance with the Steam Dryer Monitoring Program, Revision 3 ("SDMP") in the event that BWRVIP-139 is not approved prior to the period of extended operation." Hoffman Declaration ¶ 25, citing VY Relicensing Renewal Commitment List, Commitment No. 37. This also is not a commitment to conduct visual inspections during the renewed license term. The SDMP primarily describes the EPU power ascension test plan, and provides for visual inspection of the steam dryer only in spring of 2007, fall of 2008, and spring of 2010, as required under Operating License Amendment No. 229. See, ML061290566, Steam Dryer Monitoring Program, Revision 3 at 1 (The SDMP is "an initial power ascension test plan designed to assess steam dryer performance from 100% OLTP . . . to 120% OLTP . . . and to perform confirmatory inspections for a period of time following initial and continued operation at uprated power levels."); *Id.* at 6

(SDMP requires visual inspection only during the current license term, in spring of 2007, fall of 2008, and spring of 2010).

Facts regarding the nature and sufficiency of Entergy's visual inspection program during the renewed license term remain unclear and therefore in dispute, and Entergy's motion for summary judgment should be denied.

**The Board should not decide Entergy's motion for summary judgment before the release of post-EPU steam dryer inspection data.**

The NRC Staff filing clarifies Entergy's misleading statement on motion for summary judgment that "inspections conducted to date confirm that fatigue-induced cracking of the VY steam dryer is not occurring." In fact, there have been no inspections of the steam dryer since the plant commenced operation under EPU. Affidavit of Jonathan G. Rowley, Kaihwa R. Hsu and Thomas G. Scarbrough Concerning NEC Contention 3 at ¶ 10. The first such inspection is scheduled this month, May 2007, and will produce data that is highly relevant to NEC's Contention 3 arguments concerning the validity of Entergy ACM/CFD-based stress load analyses and assumptions, and the validity of its proposed aging management program (apparently consisting mainly or exclusively of plant parameter monitoring that Entergy concedes will not prevent the hazardous generation of loose parts).

The Board should not decide Entergy's motion for summary judgment until after the results of the May 2007 inspection are made available to the Board and all the parties.

10 C.F.R. § 2.710(c)(where party opposing summary judgment cannot present facts essential to justify the party's opposition, presiding officer may deny motion for

summary judgment, order a continuance, or make another appropriate order); Initial Scheduling Order ¶ 6.

C. The NRC Staff filing further demonstrates that material facts concerning whether the Vermont Yankee steam dryer is cracking are in dispute.

The NRC Staff filing further demonstrates the existence of a factual dispute regarding whether the Vermont Yankee steam dryer is in fact cracking. Entergy represented on motion for summary judgment that inspections to date confirm that there has been no fatigue-induced cracking of the steam dryer. Entergy Statement of Material Facts Regarding NEC Contention 3 On Which No Genuine Dispute Exists ¶ 7. NEC contested this claim, and further notes that the most relevant data is not yet available. See, Part B, above; NEC Statement of Disputed Material Facts and Response to Entergy Statement of Material Facts Regarding NEC Contention 3 On Which No Genuine Dispute Exists ¶ 7. The NRC Staff also disagrees with Entergy, apparently taking the position that there has been some fatigue-induced cracking, but not "such as would generate loose parts, or cracks or tears that would result in excessive moisture carryover." Affidavit of Jonathan G. Rowley, Kaihua R. Hsu and Thomas G. Scarbrough Concerning NEC Contention 3 at ¶¶ 9, 10. This factual dispute precludes summary judgment on Contention 3.

**WHEREFORE**, Entergy's Motion for Summary Disposition should be denied.

May 18, 2007

New England Coalition, Inc.

by:

  
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**UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION**

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and Entergy Nuclear Operations, Inc.	)	ASLBP No. 06-849-03-LR
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(Vermont Yankee Nuclear Power Station)	)	

CERTIFICATE OF SERVICE

I, Clara Cavitt, hereby certify that copies of the NEW ENGLAND COALITION, INC'S RESPONSE TO NRC STAFF'S ANSWER IN SUPPORT OF ENTERGY'S MOTION FOR SUMMARY DISPOSITION OF NEW ENGLAND COALITION CONTENTION 3 (STEAM DRYER), in the above-captioned proceeding were served on the persons listed below, by U.S. Mail, first class, postage prepaid; by Fed Ex overnight to Judge Elleman; and, where indicated by an e-mail address below, by electronic mail, on the 18<sup>th</sup> day of May, 2007.

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