

From: Inverso, Tara
Sent: Wednesday, November 24, 2010 12:32 PM
To: Bobleyse@aol.com
Subject: Response: TECHNICAL ANALYSIS OF PETITION FOR RULEMAKING ON 10 CFR 50.46

Mr. Leyse,

The NRC received PRM-50-93 in November 2009. This petition is technically complex, and references various experiments. (Thus, the need for the User-Need request you refer to in your e-mail).

In June 2010, Mr. M. Leyse and R. Shadis submitted a petition pursuant to 10 CFR 2.206 requesting the NRC lower Vermont Yankee's licensing basis peak cladding temperature. A petition review board convened, and determined that the petition did not request enforcement action, but rather an amendment to the current regulations which govern operating nuclear power facilities. Additionally, the review board noted that Mr. Leyse had an open petition (filed pursuant to 10 CFR 2.802) on the same topic. As such, the petition requesting enforcement action was referred to the NRR rulemaking group, and docketed as PRM-50-95. In order to ensure a thorough review, and efficient use of resources, the petitions were filed under the same docket, and will be evaluated in parallel.

As noted in the transcripts you provide, a working group is currently evaluating the two petitions. This evaluation, when final, will be published in the Federal Register.

Thank you,

Tara Inverso

Tara Inverso, Project Manager
Rulemaking and International Projects Branch
O12-D21 / (301)-415-1024 / Tara.Inverso@nrc.gov

From: Bobleyse@aol.com [<mailto:Bobleyse@aol.com>]
Sent: Friday, November 19, 2010 3:31 PM
To: Rothschild, Trip
Subject: TECHNICAL ANALYSIS OF PETITION FOR RULEMAKING ON 10 CFR 50.46

Sir:

We just talked.

Question: Did OGC really tell NRR and/or RES that a one year extension beyond September 30, 2010 was appropriate in the case of PRM-50-93?

Following are excerpts from User Need Request and ACRS transcript:

ML100770117

April 26, 2010

MEMORANDUM TO: Brian W. Sheron, Director
Office of Nuclear Regulatory Research

FROM: Eric J. Leeds, Director */RA/*
Office of Nuclear Reactor Regulation

**SUBJECT: USER NEED REQUEST FOR TECHNICAL ANALYSIS OF
PETITION FOR RULEMAKING ON 10 CFR 50.46**

This memorandum describes the Office of Nuclear Reactor Regulation (NRR) user need request for a technical analysis of a petition for rulemaking [reference 1] that addresses emergency core cooling system (ECCS) performance requirements.

Technical Issue, Regulatory Application, Deliverables and Schedule

As noted above, the petitioner asserts that several aspects of the existing regulations are non conservative. The petitioner cites extensive data from numerous multi-rod experiments as the basis for his assertions. We therefore request that RES perform a technical analysis of the cited experimental data and assess the relevance and validity of the petitioner's interpretation and conclusions relative to the proposed rulemaking. **We will use your technical assessment to prepare the agency decision on the petition.**

The requested deliverable for this user need is a technical letter report. Your office provided an outstanding technical analysis [reference 2] of a similar rulemaking petition, and we request the final deliverable for this user need be in this same format. **We also request that a draft of your report be provided for comment by August 31, 2010 and the final report by September 30, 2010.** We will provide comments on the draft within one week of receipt.

Priority

NRR has ranked this user need request according to the Planning, Budgeting, and Performance Management process. **The priority of this request for assistance was determined to be a high priority.** My staff has used this priority value in their discussions with members of your staff to determine whether your office can support our schedule requirements. These discussions indicate that RES can support the scope and proposed schedule identified in this user need request.

Title: Advisory Committee on Reactor Safeguards
Thermal Hydraulic Phenomena Subcommittee

Docket Number: (n/a)

Location: Rockville, Maryland

Date: Monday, October 18, 2010

NOTE: Following is copied from transcript pages 468 through 470:

CONSULTANT KRESS: I found it very unusual
17 that public comments are made to the subcommittee.
18 Those usually go to the full committee. I don't know
19 what your obligation is with respect to those.

20 CHAIR BANERJEE: I think to report it to
21 the full committee and ask if -

22 CONSULTANT KRESS: Just report it to the
23 full committee.

24 CHAIR BANERJEE: ask if they wish it to be
25 made to the full committee. I don't think that we can
act on it.

2 CONSULTANT KRESS: No. That was my point.
3 It has to be acted by the full committee.

4 CONSULTANT WALLIS: But if you want a
5 comment, it looked as if there could be a significant
6 point here, I mean it's something that is not trivial
7 to look at and see is there a question here and what's
8 the evidence for -

9 CHAIR BANERJEE: Has the comments been made
10 to the staff or is it just to the subcommittee?

11 MR. BAJOREK: This is Steve Bajorek.
12 Actually there are two petitions in play right now.
13 The petition they talked about brings up the point
14 that they Baker-Just is possibly not conservative. He
15 has the same comment on Cathcart-Pawel. Asks to look
16 at some of these other test data that he claims we
17 have not looked at before.
18 He also submitted -

19 CHAIR BANERJEE: Particularly bundle data.

20 MR. BAJOREK: Bundle, yes. The staff has
21 put together a small group to start to evaluate these
22 concerns. We started to take a look at it and another
23 petition came in, this one on the behalf of
24 Connecticut or Yankee, it's a plant that's been up for

25 relicensing. There are --
CONSULTANT WALLIS: Vermont Yankee?

2 MR. BAJOREK: Vermont Yankee, that's right.
3 Vermont Yankee is being relicensed. They have also put
4 in a petition on their behalf where they cite many of
5 the same concerns. Because these petitions are over
6 lapping, the staff decided they were not going to look
7 at them individually, they were going to put them
8 together. We went through our OGC. They said that was
9 an appropriate thing to do and now the window of time
10 for evaluating those petitions and those concerns has
11 been reopened and I think we have another -- I think
12 we have a year to go through and reevaluate
13 everything. So there's a group that is looking at
14 that.

15 CHAIR BANERJEE: So I think we can report
16 that to the full committee.

17 CONSULTANT WALLIS: But just report that.
18 That's all we have to do.

19 MEMBER ABDEL-KHALIK: And I think from the
20 committee's perspective, we await the staff's
21 evaluation and we will review the staff's evaluation.

22 MR. BAJOREK: He did make the point that
23 while there was a user need letter, point out and the
24 research was supposed to have responded by I think the
25 end of August. That was the original schedule. But
because they amended their own petition, and submitted
2 another petition, OGC decided to lump it together and
3 that window of time has moved out.

4 CHAIR BANERJEE: Okay. Well with that, I
5 think I'd like to thank you all and adjourn the
6 meeting.

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E-mail Properties

Mail Envelope Properties ()

Subject: Response: TECHNICAL ANALYSIS OF PETITION FOR RULEMAKING
ON 10 CFR 50.46
Sent Date: 11/24/2010 12:28:53 PM
Received Date: 11/24/2010 12:31:00 PM
From: Inverso, Tara

Created By: Tara.Inverso@nrc.gov

Recipients:

Bobleuse@aol.com (Bobleuse@aol.com)

Tracking Status: None

Post Office:

Files	Size	Date & Time
MESSAGE	28985	11/24/2010

Options

Expiration Date:

Priority: olImportanceNormal

ReplyRequested: False

Return Notification: False

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Recipients received: