

From: Bobleyse@aol.com
Sent: Friday, February 04, 2011 3:04 PM
To: Burns, Stephen
Cc: CHAIRMAN Resource; Bajorek, Stephen
Subject: Bajorek Reference to OGC: ACRS Subcommittee, October 18, 2010

Bajorek Reference to OGC: ACRS Subcommittee, October 18, 2010

Sir:

Please fill me in on the details of communications between Bajorek and perhaps others and yourself and/or your staff regarding the timing of the NRC's evaluation of PRM-50-73. I was quite surprised to learn at the October 18, 2010, meeting of the Advisory Committee on Reactor Safeguards Thermal Hydraulic Phenomena Subcommittee that you advised that the evaluation of PRM-50-93 could be delayed. According to Bajorek, you advised that the date of August 2010, that is specified in the User Need Request, Leeds to Sheron, April 26, 2010, ML 100770117, could be delayed by about as long as the NRC decided to delay that evaluation.

Bajorek reported, "But because they amended their own petition, and submitted another petition, **OGC decided to lump it together** and that window of time has moved out."

Following is from the transcript of that meeting:

Page 468 follows:

CHAIR BANERJEE: Yes so they are getting
13 marginal that right now. This will give them more
14 margin probably. Anyway, so with that I would like to
15 thank -- do you have another point?

16 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.

7 (Whereupon the meeting was adjourned at
8 6:55 p.m.)

End, Page 471

I note that prior to Bajorek's reference to your ruling, Consultant Wallis
remarked, "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 --**

And following the earlier presentations by Mark Leyse and Robert Leyse,
the Chairman of the Committee stated:

Page 191 of the transcript.

CHAIR BANERJEE: Thank you both very much.

16 We appreciate your comments, and we will certainly
17 take them into account.

However, following the above cited remarks by Bajorek, the ACRS has
dropped all discussion of the Leyse submittals. Following the first cited
remark by Bajorek:

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.**

Although Bajorek as well as the members of the subcommittee were on the
scene during the Leyse presentations, they made no remarks while the
Leyses were on the bridge line. Instead, the remarks by Bajorek and the
subcommittee came at the end of the meeting when neither Leyse could
respond.

In closing, I repeat, please fill me in on the details of communications
between Bajorek and perhaps others and yourself and/or your staff
regarding the timing of the NRC's evaluation of PRM-50-73.

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