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B&W on 05/10/78 0915 to 1200

Received from B&W 05-09-78

TVA has requested B&W to participate in a meeting with the #6 staff to discuss the Bellefonte docket - RPS-II relationship. In light of recent events culminating in R. S. Boyd's March 27, 1978 letter to TVA and phone conversations between NRC, TVA, and B&W, B&W is surprised and distressed that the staff would now consider delay of the Bellefonte application on the basis of review of RPS-II. We do not believe any docketing delay is justified because of RPS-II.

Our reasons for this position can best be understood by reviewing the past and current activities relative to the RPS-II review. The RPS-II chronology started with submittal of the RPS-II topical report, BAW-10085, in June, 1974. The staff subsequently transmitted questions in January, 1975; these were answered in a March, 1975 revision to the topical report. Additional questions were transmitted by the staff in January, 1976 and responses provided in letters of February and June, 1976. These responses were later incorporated in BAW-10085 in April, 1977.

We met with the staff in May, 1977 and again in August to discuss the staff's review of RPS-II and identify any additional information which you would require. During these meetings, the staff's review was characterized as a "two-phase" effort, the first phase being a "PDA-type" effort which would result in approval of RPS-II for reference on CP applications. The second phase was to be the "OL stage", in-depth review and parallel the Bellefonte application. Additional information cited as required by the staff for the "OL review" were BAW-10082 and BAW-10121, the topical reports on instrumentation qualification and RPS limits and setpoints.

The staff's schedule for the "PDA review" was to run from September, 1977 to completion in December, 1977. The "OL review" was planned to commence with docketing of the TVA FSAR and be completed prior to that application's ACRS meeting. These understandings were documented in a record of a telephone call of May 19, 1977 (May 23, 1977, T. H. Cox to R. C. DeYoung) stating that the "RPS-II topical report review probably would not be completed before the end of 1977...due to... three to four more man-months' effort on the staff's part and the unavailability of staff manpower...". Further, "...it was agreed that the Bellefonte FSAR (which references RPS-II) acceptance was not going to be contingent on the completion of the RPS-II topical report review." This is supported by J. H. Taylor's letter to R. C. DeYoung of May 26, 1977. Additional documentation of this schedule appears in the meeting summary transmitted by your J. N. Wilson on August 24, 1977.

Telephone calls during September indicated that the staff review of BAW-10085 was not proceeding, though a staff visit to our Lynchburg Research Center had been scheduled for early October for the purpose of observance of software verification testing.

B&W advised the staff by telephone on September 30, 1977, that changes would likely be made to the RPS-II software; this was noted again during an October 20 discussion between J. H. Taylor and T. Ippolito, along with the request that the staff continue to review the RPS-II hardware but de-emphasize their review of the software.

In a December 15, 1977 letter from R. C. DeYoung to M. W. Libarkin of the ACRS, the same two-stage review was described; however, the schedule for completion of the first stage was changed to April, 1978. This was represented as being "based on the latest information from B&W" and followed by the statement that "We have previously experienced schedule slips due to delays by B&W in submitting information." Please remember that the last previous question asked on our topical report was in January, 1976, and no outstanding information, except the two other topical reports mentioned earlier, had been identified despite efforts in the meetings and subsequent correspondence. Mr. DeYoung's letter again stated that the qualification and limits and setpoints topical reports (BAW-10082 and BAW-10121) were to be submitted by April, 1978. BAW-10082 was submitted in draft form January 10, 1978 and BAW-10121 was submitted February 27, 1978.

On December 21, 1977, a letter report describing the progress of the RPS-II Calculating Module Software verification was transmitted from J. H. Taylor to D. B. Vassallo. This was followed on January 11, 1978 with a meeting in Bethesda in which the software verification results and the planned software changes were presented to the staff. As requested by Mr. Ippolito, the schedule was documented for the software revision and verification testing in J. H. Taylor's letter of January 25, 1978 to D. B. Vassallo. The RPS-II qualitative and quantitative reliability analysis was provided March 15 (Taylor to Vassallo) in accordance with the schedule presented at the January meeting.

We have learned that the NRC staff reviewer has transferred off the project, and we are deeply concerned that the benefit of his review effort will be lost. To date, we have not received

any minutes of the January 11, 1978 meeting. We understand also that priorities have displaced the review of topical reports. This is apparently evidenced by the fact that even the revised schedule for completion of the first stage review has been missed.

On March 22, 1978, R. S. Boyd sent a letter to TVA stating, with regard to RPS-II, that in a February 21, 1978 letter, "You (TVA) informed us that final design information will not be submitted until October 15, 1978, and that verification test results will not be submitted until April, 1979. As such, you are proposing to submit essential final design information more than a year after tendering of the application, and only eight months prior to TVA's presently anticipated fuel load date of December 1, 1979." The attachment to this letter cited BAW-10121, "RPS Limits and Setpoints" and stated "This topical report has not been submitted for review," when, in fact, it had been submitted almost a month before. The attachment further stated that "Enclosure 2" itemized "those specific requests by the staff for additional information regarding BAW-10085 to which B&W has responded that the information would be available either in Topical Reports BAW-10082 and BAW-10121 or in the applicable plant safety analysis report." Enclosure 2, was later transmitted April 3 and did contain questions which had been asked on BAW-10085. We have reviewed these and find that in those portions of responses referencing other topical reports or the Bellefonte FSAR, the information indeed appears in the locations referenced. Interestingly, however, in many cases, the information requested by the questions in Enclosure 2 was provided in BAW-10085 and no reference made to any other document.

One could infer from your March 22, 1978 letter that the staff has inadequate information to start the review of RPS-II and that such information will not be submitted until October 1978. In fact, the staff already has the final design information necessary for their review. B&W has reviewed the Standard Format Regulatory Guide, the Standard Review Plans and the Branch Technical Positions and contends that the information required by the staff's regulations has been provided. The additional information to be submitted in October, 1978 and April, 1979 consists of the detailed software program listing and the verification test results. This cannot be considered design information and is not required either by the documents above or by the staff to perform a review of the adequacy of the RPS-II. While this information may aid the staff in finalizing their reviews, it would seem the present submittal schedule for these last two items is quite compatible with the current TVA fuel load schedule.

B&W has made every effort to keep review of the RPS-II on schedule by identifying what information was needed and supplying it promptly. We cannot understand the staff's position that information relative to only a portion of one system, the necessity of which is not specified by documented staff requirements, can

*cause the increasing delay of this entire project. We trust you will reevaluate your position and determine that your continuing review of RPS-II will not impact docket of the Bellfonte F.S.R.*