



STATE OF VERMONT
DEPARTMENT OF PUBLIC SERVICE
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MONTPELIER VT 05602
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August 22, 1990

License DPR-28
(Docket No. 50-271)

Morton Fairtile, Project Manager
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Subject: State Comments in Accordance with 10 C.F.R. § 50.91

Reference: (1) NRC Letter dated September 7, 1989, "Issuance of Amendment 115 to Facility Operating License No. DPR-28 - Vermont Yankee Nuclear Power Station

(2) Vermont Letter dated February 9, 1989, "Comments on Proposed Modification to Appendix A of the Operating License -- Valve Testing

Dear Mort:

We have completed our review of Amendment 115 as described in Reference (1). We are concerned that our comments, provided in Reference (2) appear not to have been addressed. The cover letter of Reference (1) includes the following statement:

"By letter dated February 9, 1989, the State of Vermont made comments on the proposed license amendment. The NRC staff considered these comments in their review. Our enclosed Safety Evaluation reflects this consideration of the State's comments."

However, a review of the "enclosed Safety Evaluation" does not yield, even by the most generous interpretation, any inkling that the State's comments have been addressed.

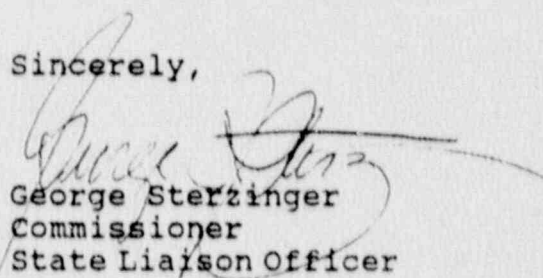
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As you know, the State Consultation provisions of 10 C.F.R. § 50.91 are an important component of the State/Federal interface in the area of radiological health and safety. We are keenly aware that the State consultation procedures do not give the State the right to veto the Commission's proposed or final determination (10 C.F.R. § 50.91(c)). Yet without thoroughly and clearly resolving comments when provided, a State is left with litigation as the only alternative for resolution of its concerns.

We feel our comments in Reference (2) are well-founded, serious concerns regarding the proposed amendment and the NRC staff's control of primary containment isolation valve testing on the subject pages of the amendment, and we have yet to be informed regarding the resolution of these comments. Consequently, we request an explanation of the statement from Reference (1): How did "[t]he NRC staff consider[] these comments in their review"? Further, what is the resolution of each of Vermont's comments in Reference (2)?

We appreciate your attention regarding this important matter. Should you have questions please call Mr. William Sherman of our staff.

Sincerely,


George Sterzinger
Commissioner
State Liaison Officer

TYPE A - Containment Leak Test
TYPE B - Containment Penetration LT
TYPE C - Valve LT



Background

STATE OF VERMONT
DEPARTMENT OF PUBLIC SERVICE
120 STATE STREET
STATE OFFICE BUILDING
MONTPELIER 05602
TEL. 802 828-2811

February 9, 1989

License DPR-28
(Docket No. 50-271)

Morton Fairtile, Project Manager
U. S. Nuclear Regulatory Commission
Washington, D.C. 20555

Subject: Comments on Proposed Modification to Appendix A
of the Operating License -- Valve Testing

Dear Mr. Fairtile:

We have reviewed the licensee request for modification of Appendix A to the Operating License (Vermont Yankee letter--BVY 89-14, dated February 2, 1989), and make the following comments pursuant to Section 50.91 of the Commission's Rules and Regulations.

The proposed modification is a request to delete three RHR systems valves from Technical Specification Table 4.7.2.b pertaining to primary containment isolation valves not subject to Type C leakage tests. The proposed modification is characterized as an administrative follow-up to previously approved physical modifications.

Our review of this proposed modification encompassed Technical Specification Tables 4.7.2.a and 4.7.2.b which define Type C testing applicability, and the appropriate portions of Technical Specification 3.7/4.7 which refer to the above mentioned Tables. Our comments are as follows:

1. If approval is granted to remove valves RHR-32, RHR-33 and Valve 10-29 from Table 4.7.2.b, the penetration should be listed on Table 4.7.1 and made subject to Type B testing.
2. The relationship between Tables 4.7.2.a and 4.7.2.b, and their consistency with FSAR Table 5.2.2 is unclear. No Bases is provided to explain why any of the valves listed in Table 4.7.2.b are excluded from Type C tests. A number of valves are identified in FSAR Table

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5.2.2 as containment isolation valves which do not appear on either Tables 4.7.2.a or 4.7.2.b.

Our review concentrated specifically on core spray inlet valves to the reactor (CS-13A, B; CS-12A, B), which appear in FSAR Table 5.2.2, but not in Technical Specification Tables 4.7.2.a and 4.7.2.b. A canvas of other Mark I BWR's (Pilgrim, Duane Arnold) indicated that core spray valves are included in their Type C programs. Further review indicated an unresolved regulatory history (Vermont Yankee Proposed License Change 121, 2/26/84; NRC Request for Additional Information, 2/14/86; Vermont Yankee Response, 10/10/86).

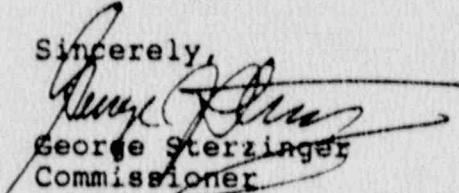
We believe that, coincident with this proposed modification, NRC should require the licensee to: 1) establish consistency between Technical Specifications and FSAR, 2) assure that all appropriate valves are included within the Type C program, and 3) require that exceptions to the Type C program (Table 4.7.2.b) are documented in the Bases section.

3. Technical Specifications 3.7.D.1, 4.7.D.1.a (1), 3.7.D.2, and 4.7.D.2 refer to Table 4.7.2, which does not exist. This should be corrected with the proposed modification.

We urge your consideration of these comments, and specifically Comment No. 2. We are concerned that certain valves which should be included within the Type C program may not be included, leading to greater than measured leakage. We are further concerned about the application of Technical Specification 3.7.4, regarding acceptable leakage during operation, and that operation may continue if valves not included on Tables 4.7.2.a or 4.7.2.b are leaking at levels greater than this LCO.

We appreciate the opportunity to provide comments. If you have questions, please call Mr. William Sherman of our staff at (802) 828-2811.

Sincerely,


George Sterzinger
Commissioner

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cc: Mrs. M. Miller, NRC Region I
Mr. G. Grant, NRC Resident, VY
Mr. W. Murphy, VY