

Dr. Henry Myers, Science Advisor  
Committee on Interior and Insular Affairs  
United States House of Representatives  
Washington, D. C. 20515

Dear Dr. Myers:

The purpose of this letter is to respond to the inquiries contained in your note to Mr. Harold Denton dated January 27, 1987. In that note, you discussed Criterion 3 of the Sequoyah Restart Criteria. I note that TVA has submitted the criteria for evaluating which issues need to be evaluated prior to restart as part of the Sequoyah performance plan and the staff is currently completing its review of this criteria.

Criterion 3 is intended to ensure that deficiencies which result in non-compliances with regulations are corrected if the NRC has not approved an exemption. Of particular concern to you was the clarification of Criterion 3 contained in a December 23, 1986 memorandum from R. W. Cantrell. In that clarification it was stated that NRC regulations meant the Code of Federal Regulations, Title 10 (10 CFR) and not items such as Regulatory Guides or deviations from the Sequoyah Final Safety Analysis Report. As a result of your review of this information, you identified four questions the answers to which are provided in the enclosure.

I trust that this information resolves the concerns you identified.

Sincerely,

James G. Keppler, Director  
Office of Special Projects

Enclosure:  
As stated

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Docket File	SRichardson
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\*SEE PREVIOUS PAGE FOR CONCURRENCE

DTVA:AD/P*	DTVA:AD/TR*	DTVA:DD*
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Dear Dr. Myers:

The purpose of this letter is to respond to the inquiries contained in your note to Mr. Harold Denton dated January 27, 1987. In that note, you discussed Criterion 3 of the Sequoyah Restart Criteria. ~~These criteria are contained in an H. L. Abernethy memorandum dated December 1, 1986, and are used by the Tennessee Valley Authority to determine issues that need to be resolved prior to restart of Sequoyah.~~ Criterion 3 is intended to ensure that deficiencies which result in noncompliances with regulations are corrected if the NRC has not approved an exemption. Of particular concern to you was the clarification of Criterion 3 contained in a December 23, 1986 memorandum from R. W. Cantrell. In that clarification it was stated that NRC regulations meant the Code of Federal Regulations, Title 10 (10 CFR) and not items such as Regulatory Guides or deviations from the Sequoyah Final Safety Analysis Report. As a result of your review of this information, you identified four questions the answers to which are provided in the enclosure.

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1/1/87

INCOMING AND SIGNATURE TAB

Use this side of the sheet to precede the incoming material when assembling correspondence.

(USE REVERSE)

5/18

Tom

1. This is a reasonable explanation.
2. This is a far more expansive interpretation that apparently the one taken by T&A. "Criterion 3" and may result in considerable open endedness, i.e. stuff will be found, have to essentially repeat the review done at OL stage but to a greater depth perhaps on more than just the identified issues at hand.
3. Scott - how did this relate to the OSA/50.54 arguments - did table not? must

Hard to evaluate without incoming

1. Maps appears to be saying - How do you know the licensee did everything the FSAR says? - pushing us to a complete OL re-review I agree with your thought.
2. 50.59 discussion here is a general interpretation with a difference of opinion problem leads application to maintenance interpreting 50.59 activities. I don't see a strong relationship.

Scott

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CARLTON KAMMERER, DIRECTOR, OCA

1/29/87

2/5/87

PAD #5 #3

TO  
HAROLD R. DENTON

LTR MEMO REPORT OTHER

ORIG CC OTHER

ACTION NECESSARY  CONCURRENCE  DATE ANSWERED  
NO ACTION NECESSARY  COMMENT  BY 2/22/87

CLASSIF POST OFFICE  
REG NO

FILE CODE

DESCRIPTION (Must Be Unclassified)  
CONGRESSIONAL STAFF MEMORANDUM ON  
SEQUOYAH RESTART

REFERRED TO DATE RECEIVED BY DATE

B. B. YOUNGBLOOD

ENCLOSURES

REMARKS





K - copies to:

Novak  
Thompson  
Scinto

action

January 27, 1987

To Harold Denton  
From Henry Myers

Re: Sequoyah Restart Criteria

We have recently received information regarding interpretation of Criterion 3 of the Sequoyah Restart Criteria. Criterion 3, as presented in a December 1, 1986 memorandum from A.L. Abercrombie, stated that one consideration as to whether it would be necessary to resolve a particular item prior to startup was that:

The item identifies a specific deficiency that results in a failure to comply with NRC regulations and no variance has been approved by the NRC.

The foregoing item was clarified in an attachment to a December 23, 1986 memorandum from R.W. Cantrell (BO1 '86 1222 001):

The term "NRC regulations" as stated in this criterion is intended to be applied in the strict sense of the NRC Code of Federal Regulations. For example, if an item results in the failure to meet the regulations as stated in 10 CFR 50.49, Environmental Qualification, or 10 CFR 50.48, Fire Protection, the item must be resolved prior to restart or an exemption (variance) must be approved by the NRC.

The term "NRC regulations" is not intended to encompass items relating to deviations to the Sequoyah Final Safety Analysis Report (FSAR) or NRC Regulatory Guides. These type items should be processed following 10 CFR 50.59 requirements for an Unreviewed Safety Question Determination. These items are not normally required to be resolved prior to restart.

These memoranda raise the following questions:

1. Can the licensing basis be satisfied by compliance with the letter of 10 CFR 50 or is the licensing basis dependent upon FSAR commitments and interpretations of the regulations such as regulatory guides, the standard review plan and national standards? If the licensing basis cannot be satisfied by compliance with the letter of 10 CFR 50, which of such regulations require further elaboration to establish the licensing basis (or to support the restart decision)?

~~87122903911~~  
2 TP

2. How does the NRC obtain assurance that a plant would withstand adequately design basis accidents in circumstances where the NRC does not know the extent to which a licensee's commitments have been fulfilled beyond the general requirements stated in 10 CFR 50 which are made specific through regulatory guides and other regulatory documents?

3. Is the 10 CFR 50.59 review process intended to be used to make changes to FSAR commitments? Is the 10 CFR 50.59 review process intended to serve as a basis for meeting FSAR commitments?
  
4. Does NRC accept TVA's definition of Criterion 3, as clarified by the December 3 memorandum, as the basis for an NRC decision on restart of Sequoyah? What is the NRC's position with respect to whether the other criteria specified in TVA's December 1, 1986 memorandum are adequate and sufficient for determining whether particular issues need be resolved prior to restart?