

# VERMONT YANKEE NUCLEAR POWER CORPORATION

185 Old Ferry Road, Brattleboro, VT 05301-7002  
(802) 257-5271

DOCKET NUMBER  
PROPOSED RULE PR 50  
(64FR9035)

4

1999 MAR 25 11:54 March 24, 1999  
BVY 99-41

Secretary, U.S. Nuclear Regulatory Commission  
Washington, DC 20555  
Attention: Rulemaking and Adjudications Staff

ADJUDICATIONS

References: (a) Federal Register, Vol. 64, No. 35, pages 9030 through 9037, 10CFR Part 50, RIN 3150-AG-20, "Changes to Quality Assurance Programs," dated February 23, 1999.

Subject: Vermont Yankee Nuclear Power Station  
License No. DPR-28 (Docket No. 50-271)  
Comments Regarding Proposed Amendments to 10CFR50.54(a)(3)

Pursuant to instructions in Reference (a), Vermont Yankee (VY) is submitting the following comments and questions regarding the subject rulemaking, which is scheduled to become effective on April 26, 1999.

1. It is clear from the Section-by-Section Analysis on page 9032 of Reference (a) that section 10CFR50.54(a)(3)(i) of the proposed rule is intended to apply to programmatic quality assurance standards, such as ANSI N45.2 and its daughter standards, endorsed by NRC Regulatory Guides. However, a licensee may have referred to other national codes or standards in its Quality Assurance (QA) program, either as primary references or approved alternatives, that contain specific QA guidance although they are not endorsed by Regulatory Guides. An example in VY's case would be ANS-22, "Nuclear Safety Criteria for the Design of Stationary Boiling Water Reactor Plants," which includes criteria for safety classification of plant systems and which has been superseded by ANS-52.1, a later standard with the same title. ANS-22 was approved for this purpose by the NRC for use at VY as an acceptable alternative to adherence to Regulatory Guide 1.26.

Are such non-programmatic QA standards intended to come under the purview of section 10CFR50.54(a)(3)(i) of the proposed rule if earlier editions are presently included by reference in a licensee's approved QA program?

2. Section 10CFR50.54(a)(3)(i) of the proposed rule allows later editions of QA standards currently referenced in a licensee's QA program to be adopted by that licensee if they have been found acceptable by the NRC with respect to the requirements of 10CFR50 Appendix B.

Does inclusion of a later edition by reference in a licensee's approved licensing bases constitute acceptance by the NRC for adoption by other licensees under 10CFR50.54(a)(3)(i)? [Note that 10CFR50.54(a)(3)(ii) allows use of a QA alternative or exception approved by the NRC in a Safety Evaluation Report for another facility as long as applicability to the adopting licensee's facility is demonstrated; however, this is not addressed in 10CFR50.54(a)(3)(i)]

1/0

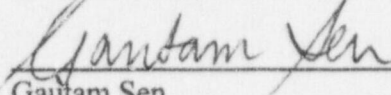
9903290231 990324  
PDR PR  
50 64FR9035 PDR

DS10

Please direct any questions regarding this correspondence to Mr. Wayne M. Limberger at (802) 258-4237.

Sincerely,

VERMONT YANKEE NUCLEAR POWER CORPORATION



Gautam Sen  
Licensing Manager

cc: USNRC Region I Administrator  
USNRC Resident Inspector - VYNPS  
USNRC Project Manager - VYNPS  
Vermont Department of Public Service