



STATE OF VERMONT
DEPARTMENT OF PUBLIC SERVICE

November 13, 1996

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

Mr. Craig Harbuck, Project Manager
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

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

- References:
- (1) Vermont Letter dated February 9, 1989, "Comments on Proposed Modification to Appendix A of the Operating License -- Valve Testing"
 - (2) NRC Letter dated September 7, 1989, "Issuance of Amendment 115 to Facility Operating License No. DPR-28 - Vermont Yankee Nuclear Power Station"
 - (3) Vermont Letter dated August 22, 1990, "State Comments in Accordance with 10 CFR 50.91"
 - (4) NRC Letter dated November 28, 1990, No Subject (Cowgill to Sterzinger)
 - (5) Vermont Yankee Letter dated October 15, 1996, "Core Spray and Residual Heat Removal Systems Containment Isolation Valves at Vermont Yankee"

Dear Mr Harbuck:

In recent letter, Ref. 5, Vermont Yankee identifies a change in the design basis for containment isolation of the residual heat removal (RHR) and containment spray (CS) systems, and provides information to support its claim that the redesignation may be made through 10 CFR 50.59. We believe that changing from two tested containment isolation valves to a single tested containment isolation valve is clearly a reduction in the safety margin of the plant. While this **change** may be acceptable, it cannot be made under 10 CFR 50.59, but rather requires full licensing review. Reasons and background for our position are state below.

Ref. 1, we commented on a proposed technical specification amendment related to containment leak testing. We stated:

"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...we believe that, coincident with this

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proposed modification, NRC should require the licensee to: 1) establish consistency between Technical Specifications and FSAR, 2) assure that all appropriate valves are included with 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." (emphasis added)

You responded to our concern in Ref. 4:

"FSAR Table 5.2.2 lists only principal penetrations and is not intended as a comprehensive list, thus there are penetrations listed in TS Tables 4.7.2 that do not appear in FSAR Table 5.2.2. The leak testing program at Vermont Yankee includes all the components and tests required by 10 CFR 50 - Appendix J. The basis for the valves not subject to Type C test and listed in Table 4.7.2.b are provided by the Vermont Yankee Leak Rate Testing Program. The program was approved by the NRC in our letter dated August 19, 1983."

Vermont Yankee's recent letter, Ref. 5, requests a change in design basis of the CS valves we identified in 1989, and the companion RHR valves. We believe the reason for this change is that these valves were not included in the Appendix J program but should have been.

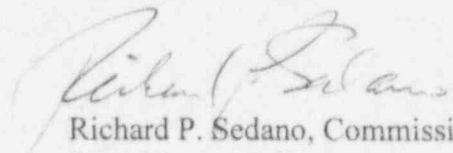
On its face, changing from two valve containment isolation to single valve containment isolation is a reduction in safety margin. In Ref. 5, Vermont Yankee provides *reasons* why this reduction of safety margin might be acceptable. However, Vermont Yankee does not show that reducing to single tested valve isolation is not a reduction in safety margin.

Therefore, we urge the following actions:

1. NRC should conclude that this change should not be made through 10 CFR 50.59.
2. As we requested in 1989, NRC should require the licensee to: a) establish consistency between Technical Specifications and FSAR, b) assure that all appropriate valves are included with the Type C program, and c) require that exceptions to the Type C program (Table 4.7.2.b) are documented in the Bases section. This should be done in conjunction with the proposed change and not delayed by including it in the update to standard technical specifications.

We appreciate your attention regarding this important matter. Should you have questions please call Mr. William Sherman of our staff at 802 828-3349.

Sincerely,



Richard P. Sedano, Commissioner
State Liaison Officer