

Conte, Richard

From: Modes, Michael *RI*
Sent: Friday, May 07, 2010 5:05 PM
To: Conte, Richard
Subject: RE: Salem Unit 2/1 AFW Pipe Degradation

Referring to 1. b. of your agenda.

The agency can not give relief from code requirements retro-actively. The agency has no authority to relieve Salem of their failure to implement the Code requirement. Salem can only request to be relieved of the requirement in the future and we can allow them to use an acceptable alternate per the following references:

50.55a (a) (3) Proposed alternatives to the requirements of paragraphs (c), (d), (e), (f), (g), and (h) of this section or portions thereof may be used when authorized by the Director, Office of Nuclear Reactor Regulation, or Director, Office of New Reactors, as appropriate. The applicant shall demonstrate that:

- (i) The proposed alternatives would provide an acceptable level of quality and safety, or
- (ii) Compliance with the specified requirements of this section would result in hardship or unusual difficulty without a compensating increase in the level of quality and safety.

50.55a (G) (5) (iii) If the licensee has determined that conformance with certain code requirements is impractical for its facility, the licensee shall notify the Commission and submit, as specified in § 50.4, information to support the determinations.

From: Conte, Richard *RI*
Sent: Friday, May 07, 2010 4:10 PM
To: Burritt, Arthur; Ennis, Rick; Lupold, Timothy; Manoly, Kamal; OHara, Timothy; Patnaik, Prakash; Schroeder, Daniel; Schulten, Carl; Tsao, John
Cc: DeFrancisco, Anne; Balian, Harry; Bowman, Eric; Brown, Michael; Cahill, Christopher; Chernoff, Harold; Gardocki, Stanley; Gray, Harold; Hardies, Robert; Hoffman, Keith; Holston, William; Modes, Michael; Pelton, David; Robinson, Jay; Sanders, Carleen; Schmidt, Wayne; Thorp, John; Taylor, Robert
Subject: Salem Unit 2/1 AFW Pipe Degradation

We need another Conference to discuss developments since the April 28 telecon. See attached file for summary and actions along with residual actions. I am looking for Monday pm since Region I is in a counterparts meeting for Tues thru Thursday, can do Thursday pm. I am off Friday.

Some of you may have gotten emails today on entering the TS LCO related to structural integrity and how well it does or does not mesh with rule and code per 10 CFR 50.55a. These residual issues are right after the problem summary in the attached file. During the call we can summarize discuss point and counterpoint.

1. Does the licensee need a code relief request to cover:
 - a. Time from now to the outage in 2011 IAW 10 CFR 50.55a (g) (5) (iii) as impractical to perform?
 - b. Cover the first two periods of the current 10 year interval IAW 10 CFR 50.55a (g) (5) (iii) impractical to perform (they could have done it during there outages) or (iv), post ISI interval review?
2. Should staff inform PSEG they are violating TS LCO on structural integrity regardless of how ambiguously it is written. Do we really understand the consequence of this action.
3. For this case, do the rule/code requirements stand alone and what are they – evaluation of suitability for service in light of not doing the pressure drop test for Unit 2.

I hope to have a conference bridge all afternoon. Hopefully key players as noted in addressee list can communicate their availability in the pm preferably 300pm but I am open to 1 2 or 3pm. If you want to be considered as a key player let me know.