Ziev, Tracey

From: Modes, Michael NRR
Sent: Friday, May 07, 2010 7:32 AM
To: Conte, Richard; OHara, Timothy
Cc: Ennis, Rick; Burritt, Arthur; DeFrancisco, Anne; Farrar, Karl; Lupold, Timothy
Subject: RE: Salem Violation Consensus

Disclaimer. My response addresses the need to cite the licensee's egregious failure to implement a Code requirement. I still have no reasonable technical basis to question the integrity of the U2 AFW piping. I am not suggesting, in any way, the U2 should be shut down and the piping tested. I am only addressing our regulatory response to the licensee's omission.

I vote Nah. In sum, I am not sure the Aye votes fully appreciate the ramifications of being beyond the structural integrity LCO when we all agreed it is ok to wait for them to do the test next outage.

On what technical basis is it okay to wait for them to do the test next outage? The only thing I have heard is we "think" it is okay.

Using the NOED process which will be forced on the licensee since they do not plan to shutdown sounds like bureaucratic response to this issue as unnecessary.

We obviated the need for a NOED by citing the violation and demanding a response. However a NOED is not an un-necessary bureaucratic response. It is a necessary , orderly, process to force the licensee to address the likelihood the AFW piping at Unit 2 may have no structural integrity. In this case it seems the licensee has prejudged the U2 AFW piping to be okay, that they don't need a relief request, and they are now doing a root cause to prove their case.

I am guided by 50.55a and the code not the TS with all of its nuisances for which there is a TS amendment to fix it.

Fixing the TS does not fix the U2 AFW pipe nor does it prove the pipe has integrity.

The operability guidance presumes operability and gives examples of not meeting code as examples of degraded, not being beyond the limits of the LCO.

TI9900, which I helped write, does not, like the constitution, presume innocent until proven guilty. The TIA was originally written to give guidance to an inspector in the gray area between the technical specifications and the ASME. That is ... when you fail the design requirements of ASME the system may still be able to perform its function, and within the more general constraints of the regulations you may still be able to run the plant. In the absence of any valid test of the U2 AFW I have no choice but to assume it fails the pressure test, that in turns means it fails its design requirements, which then gets me into TI9900. Although I may be able to use the guidance in TI9900 to justify continued operation (and we have) I can not use it as a basis to over look a violation of Code and Tech Spec requirements.

We have a TIA that confirms ISI is not a surveillance requirement. The pressure drop test is clearly an NDE or ISI process.

Agreed.

Structural integrity is determined by meeting design, doing preservice NDE and testing, and maintaining it by Inservice. A failure to meet one test does not necessarily invalidate structural integrity.

It does, indeed, invalidate the structural integrity when it is the only test to determine the structural integrity in ASME Section XI. Using the same logic I can say: "The reactor nozzle that just failed ultrasonic testing, under the authority of Section XI, does not necessarily loose its structural integrity because I did preservice NDE, etc.". ASME assumes if you fail the acceptance criteria in Section XI then you do not meet the design. In the case of the AFW U2 piping, in the absence of any testing at all, we have to conservatively assume the pressure test fails, and the piping no longer meets its design.

C/139

As Harold said, even a failure of the test as noted by leak does not necessarily imply a loss of structural integrity, thus the IWA 4160 to evaluate for suitability in this case structural integrity which we told the license at the outbrief.

That is assuming the piping has enough integrity to only leak at one location. You have no basis to assume the pipe will do that nor do you have a single measurement of the pipe wall in U2 to make any determination about integrity. These are arguments that apply to an immediate safety concern. We are taking about a violation of ASME Section XI and tech specs.

Salem TS is confusing in the above point; so how can we say it is violated.

You are correct it is confusing. That, however, is not a basis to avoid it. We cite it because we are the ultimate interpreter of the tech spec and in concert witht the TS branch we have decided what it says.

We all anticipate this test when done is going to pass. It would have passed at Unit 1 with the known external degradation.

We have no basis, none, to predetermine the state of the pipe they have not examined. NONE.

From: Conte, Richard
Sent: Friday, May 07, 2010 6:13 AM
To: OHara, Timothy; Modes, Michael
Cc: Ennis, Rick; Burritt, Arthur; DeFrancisco, Anne; Farrar, Karl; Lupold, Timothy
Subject: RE: Salem Violation Consensus

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We all anticipate this test when done is going to pass. It would have passed at Unit 1 with the known external degradation.

I do agree they need a code relief to cover the situation from now to the next outage - this appears to be the main issue in all of this as a reasonable next step.

That is the relief is not to cover the failure to do the test in the first two periods of the interval, that would condone the violation and turn it into acceptable status should the relief be approved on those grounds..

Since I have the alternate view and Darrell loves listening to alternate views I will try to set up something today with Darrell. Harold and Tim it sounds like you will be available to to discuss with him so I don't prejudice any view.

I will let you know what time. How is this; Darrell is acting RA.

I do agree with Rick Ennis; this is all as clear as mud; but thanks for your help.

In an open collaborative work environment I would propose we get guidance form the Acting RA and bring the views to Lupold and company on Monday. I would not set up anything with PSEG just yet.

I plan to call Len Rajkowski today to better understand what they view are the degraded LCOs

Art Burritt if you are in the office today, you are welcome to join us.

I still don't have an immediate safety issue; nothing indicates otherwise in these emails.

I added Tim Lupold as a heads up.

From: OHara, Timothy
Sent: Thursday, May 06, 2010 9:42 PM
To: Modes, Michael; Conte, Richard
Cc: Ennis, Rick; Burritt, Arthur; DeFrancisco, Anne; Farrar, Karl
Subject: RE: Salem Violation Consensus

Rich,

I think this is the best way to handle the situation and address all the possibilities.

I propose we arrange a call with PSEG on Monday to communicate the following:

(1) "clarify" the preliminary violation we informed them about at the Debrief on Wednesday with the details (below), i.e. add that they are in violation of the structural integrity tech. spec. and,

(2) inform PSEG that a relief request explaining the missed "inservice inspections (pressure tests)" will be needed to eventually restore compliance (when approved by NRR).

I'll be working at home on Monday and I'll be available to lead the call or participate. I can call Howard Berrick on Friday to ask him to coordinate the PSEG people for a Monday call if you want. Please keep me involved in what happens on this so that I get the violation and report correct.

Tim OHara

From: Modes, Michael
Sent: Thursday, May 06, 2010 4:15 PM
To: Conte, Richard

Cc: OHara, Timothy; Ennis, Rick; Burritt, Arthur; DeFrancisco, Anne; Farrar, Karl
Subject: Salem Violation Consensus

We are going to site the regulation 50.55a

In turn the ASME requirement they did not comply with.

This will then result in a failure to show structural integrity.

We will cover the absence of a NOED by also citing, concurrently, the tech spec violation as a subtier of the violation.

We will issue an NOV (with 30 day reply) if they have not submitted the relief request by the time we issue the report in order to faciliate the correct behavior.

If NRR has the request in hand we will issue this as non-cited.

As a secondary benefit we establish a precident for pressure testing and structural integrity for buried piping that will stand in the absence of the tech spec requirement. This tech spec requirement does not exist in Standard Tech Specs, nor will it last long in the Salem tech specs.

All in favor say "Aye".

The ayes have it ... the motion carries.