**UNITED STATES**
**NUCLEAR REGULATORY COMMISSION**
**REGION I**
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January 6, 2011

Mr. David A. Heacock
President and Chief Nuclear Officer
Dominion Resources
5000 Dominion Boulevard
Glen Allen, VA 23060-6711

RI-2009-A-0092

Subject: NRC Office of Investigations Case No. 1-2009-052

Dear Mr. Heacock:

The Region I Field Office, NRC Office of Investigations (OI), initiated an investigation (Case No. 1-2009-052) on September 24, 2009, to determine if Dominion officials failed to provide complete and accurate information regarding a weld repair on a safety-related component in the reactor coolant system at Millstone Unit 2. Based on the evidence developed during the course of the investigation, the NRC was unable to substantiate that licensee officials failed to provide complete and accurate information to the NRC.

On July 13, 2009, Dominion identified a leak in the 2A Reactor Coolant Pump (RCP) seal cooler tubing, and determined that the leak was due to a cracked weld. Dominion initially determined that the ASME Code would require radiographic testing (RT) of the weld repair. On July 14-16, 2009, Dominion attempted to conduct RT in order to establish a Code compliant technique to use after the repairs were complete. However, the RT attempts were unsuccessful due to the configuration of the seal cooler. As a result, Dominion informed the NRC to be ready to receive a request for relief from the Code requirement for the RT. Also during this timeframe, several Dominion engineers and welding specialists examined the leaking component to plan the repairs.

On July 17, 2009, a focused engineering team met to discuss the leak. The team consensus determined that, based on their reviews, the repair was a weld repair and not a base metal repair, even though the defect extended through the base metal. Unlike a base metal repair, a weld repair does not require an RT by the ASME Code. Consequently, during a conference call conducted with the NRC later that day, the licensee informed the NRC that it would not need to submit a code relief request. After the repair was completed, Millstone Unit 2 was restarted during the week of July 20, 2009.

On August 11, 2009, because Dominion felt the Code was unclear for defects of the type encountered with the 2A RCP, the licensee sent a letter to ASME to verify that its determination that the repair was a weld repair was correct. In a letter dated August 17, 2009, ASME informed Dominion that its interpretation was not correct and that the repair should have been performed in accordance with the requirements for both a weld repair and a base metal repair. Dominion submitted an “after-the-fact” relief request to the NRC on September 22, 2009.

During its investigation, OI identified that some members of the focused engineering team had disagreed with the licensee's determination that was provided to the NRC in the teleconference on July 17, 2009, that it would not need to submit a code relief request determination because the repair was a weld repair and not a base metal repair. However, OI did not develop any evidence to substantiate that Dominion failed to provide complete and accurate information to the NRC during the conference call on July 17, 2009. Even those engineers that had disagreed with the focused engineering team's decision did not believe that Dominion was deliberately trying to avoid submitting a relief request. The engineers pointed out to OI that Dominion was preparing the relief request in parallel to the repair work, and was even prepared to replace the entire RCP if deemed necessary.

The technical aspects of this matter were previously provided to you in NRC Integrated Inspection Report 05000336/2010004 and 05000423/2010004, dated November 3, 2010. The NRC issued a Severity Level IV Non-Cited Violation of 10 CFR 50.55a(2)(c)(1) and 10 CFR 50.55a(3), for Dominion's failure to perform an ASME Code-compliant RT before returning the system to service. Dominion was out of compliance between July 24 and November 10, 2009, until the NRC granted verbal relief. As noted in the NRC inspection report, the violation was not willful.

Please note that final NRC investigation documents, such as the OI report described above, may be made available to the public under the Freedom of Information Act (FOIA) subject to redaction of information appropriate under the FOIA. Requests under the FOIA should be made in accordance with 10 CFR 9.23, Requests for Records, a copy of which is enclosed for your information.

Also, in accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records (PARS) component of NRC's document system (ADAMS). ADAMS is accessible from the NRC Web site at http://www.nrc.gov/reading-rm/adams.html (the Public Electronic Reading Room). Should you have any questions regarding this letter, please contact Mr. Donald Jackson of my staff at (610) 337-5306.

Sincerely,

/RA Dentel for/

James W. Clifford, Acting Director
Division of Reactor Projects

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