DISTRIBUTION
Docket File
NRC PDR
Local PDR
ORB 1 File
D. Eisenhut
OELD
E. L. Jordan
D. Neighbors
C. Parrish
ORAB
EQB
NSIC
J. M. Taylor
ACRS (10)
J. Heltemes

APR 4 1983

Docket Nos. 50-280
and 50-281

Mr. W. L. Stewart
Vice President - Nuclear Operations
Virginia Electric and Power Company
Post Office Box 26666
Richmond, Virginia 23261

Dear Mr. Stewart:

SUBJECT: CLARIFICATION OF ENVIRONMENTAL QUALIFICATION SAFETY EVALUATION REPORT

On January 26, 1983, the NRC staff issued a Safety Evaluation (SE) for Surry Power Station, Unit Nos. 1 and 2 on the environmental qualification of safety-related electrical eqipment. The SE was based on Technical Evaluation Reports (TERs) prepared by our contractor, Franklin Research Center.

Appendix D of the above TER provides a technical review of your statements regarding the justification for continued operation (JCO) that was submitted in the 90-day response to an earlier staff safety evaluation (published in mid-1981). Appendix D is not necessarily applicable to the deficiencies identified in the referenced TER. It is our understanding that you reviewed all JCOs submitted to date to ensure that a JCO exists for all equipment which may not be qualified.

The thirty (30) day response required by the current SE was to address equipment items in NRC Categories I.B, II.A and IV (note that Category IV was not mentioned in the previous SER) for which justification for continued operation was not previously submitted to the NRC or Franklin. Guidelines for justification for continued operation are provided in paragraph (i) of 10 CFR 50.49.

Your thirty (30) day response was submitted to NRC on March 9, 1983, and you are requested to review your response in accordance with this clarification and notify the NRC of any changes. Any changes to your response are due withinn thirty (30) days of receipt of this letter.

Category II.B items of the SER were addressed by your letters dated February 23, March 1, and March 9, 1983. Our letter dated March 25, 1983, provided our safety evaluation of the II.B items.

The ninety (90) day response required by the above referenced SE transmittal letter regarding the schedule for accomplishing proposed corrective actions has been superseded by the requirements of 10 CFR 50.49. Paragraph (g) of the rule requires that by May 20, 1983, licensees identify electrical equipment important to safety, within the scope of the rule, that is already qualified, and submit a schedule for the qualification or replacement of the remaining electrical equipment within the scope of the rule in accordance with the qualification deadline specified in paragraph (g). The submittal required by the

OFFICE ▶					
SU...					

rule should specifically indicate whether your previous submittals comply with paragraphs (a) and (b) of 10 CFR 50.49. In addition, you are requested to describe in your submittal the methods used to identify the equipment covered by paragraph 10 CFR 50.49(b)(2) and to establish any qualification programs not previously described for such equipment.

The Technical Evaluation Report contains certain identified information which you have previously claimed to be proprietary. We request that you inform us as indicated in the proprietary review section of the Safety Evaluation whether any portions of the identified pages still require proprietary protection. It should be noted that the NRC's policy on proprietary information, as specified in SECY 81-119 is that summary data on equipment qualification testing will not be treated as proprietary by the NRC. This information shall be submitted within thirty (30) days of receipt of this letter. A general guideline is enclosed.

Sincerely,

Original signed by:
S. A. Varga

Steven A. Varga, Chief
Operating Reactors Branch No. 1
Division of Licensing

Enclosure:
Proprietary Review Information

cc w/enclosure:
See next page

OFFICE	ORB#1	ORAB	EQB	ORB#1			
SURNAME	DNeighbors/rs	IRPolito		SVarga			
DATE	3/31/83	3/ /83	3/ /83	3/ /83			

Mr. W. L. Stewart
Virginia Electric and Power Company

cc: Mr. Michael W. Maupin
Hunton and Williams
Post Office Box 1535
Richmond, Virginia 23213

Mr. J. L. Wilson, Manager
P. O. Box 315
Surry, Virginia 23883

Donald J. Burke, Resident Inspector
Surry Power Station
U. S. Nuclear Regulatory Commission
Post Office Box 166
Route 1
Surry, Virginia 23883

Mr. J. H. Ferguson
Executive Vice President - Power
Virginia Electric and Power Company
Post Office Box 26666
Richmond, Virginia 23261

James P. O'Reilly
Regional Administrator - Region II
U. S. Nuclear Regulatory Commission
101 Marietta Street, Suite 3100
Atlanta, Georgia 30303

PROPRIETARY REVIEW GUIDELINES

It is the policy of the Nuclear Regulatory Commission that the records of the agency are available for inspection and copying in the NRC Public Document Room, except for matters that are exempt from public disclosure pursuant to the nine exemptions of the Freedom of Information Act. (See 10 C.F.R. 2.790)

Recently, the NRC has had its contractor, Franklin Research Center (FRC), prepare Technical Evaluation Reports for all 10 CFR Part 50 licensees. These reports evaluate and comment upon the references cited by the licensee as evidence of qualification in accordance with the documentation reference instructions established by IE Bulletin 79-01B.

In a typical evaluation, FRC generates a report of approximately 750 pages. Any page which mentions or comments upon a licensee's referenced material that was marked or claimed to be proprietary is marked at the top of the page with the legend "Proprietary Information". FRC has used this marking in a liberal manner and has not fully investigated the licensee's claim to determine whether portions of proprietary reports that they reproduced or mentioned were in fact "proprietary". A report typically contains 15 to 25 pages that are marked "Proprietary Information". Usually, no more than 4 licensee proprietary references are so discussed. In order to make any of the reports available to the public, FRC has produced two versions of each: those containing proprietary information and those having the proprietary information removed. The NRC now seeks the assistance of licensees in reviewing the proprietary versions of the FRC reports to determine whether still more information can be made available to the public.

For this reason, each licensee has been sent the Staff Equipment Qualification SER and a copy of the proprietary version of the FRC TEchnical Evaluation Report. It is believed that the licensee can review the few pages containing proprietary information in a relatively short period of time. The licensee is to send the third party owner of the reference report, which has been claimed to be proprietary, a copy of those pages from the FRC report that relates to its test report. The third party owner can quickly review these pages and determine whether the information claimed to be proprietary must still be so categorized. All reviewers should be aware of the NRC's policy, as specified in SECY-81-119, that summary data on Equipment Qualification testing will not be treated as proprietary by the NRC. If the review identifies no data that requires protection, the NRC should be notified and that portion of the report will be placed in the Public Document Room. If, however, the licensee identifies to the NRC portions that are still claimed to require proprietary protection, then compliance must be made with the requirements for withholding under 10 C.F.R. 2.790. This can be accomplished in two ways: (1) If the reference proprietary report has previously been submitted to the NRC pursuant to 10 C.F.R. 2.790 and the NRC has made a determination that portions are proprietary, then

those same portions can be protected again simply by notifying the NRC that this material is covered in the NRC's acceptance letter of a given date. If the reference proprietary report has not previously been submitted to the NRC pursuant to 10 C.F.R. 2.790, then the licensee and the proprietary owner must at this time make such an application and request for withholding from public disclosure.

The NRC recognizes that this proprietary review places an administrative burden upon its licensees and any third party owners. However, it is the policy of the NRC to make all non-proprietary information public, and the only way to protect the owner of proprietary information is to insure that the Franklin reports have been appropriately scrutinized.

The NRC will grant extensions of time for these reviews if necessary, on a case-by-case basis. If you have any further questions regarding this review, please contact either Edward Shomaker, OELD, at 492-8653 or Neal Abrams, Patent Counsel, at 492-8662.