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SEP 0 8 1987

Docket No. 50-281
License No. DPR-37

Virginia Electric and Power Company
ATTN: Mr. W. L. Stewart, Vice President,
Nuclear Operations
P. O. Box 26666
Richmond, VA 23261

Gentlemen:

SUBJECT: NRC INSPECTION REPORT NO. 50-281/86-36

Thank you for your letter of April 8, 1987, in response to our Notice of Violation issued with Inspection Report 50-281/86-36 on March 2, 1987. We have evaluated your response and have concluded, on the basis identified in Enclosures 1 and 2 to this letter, that the violation is correct as issued.

Accordingly, please provide an additional response to the Notice of Violation pursuant to the provisions of 10 CFR 2.201 to this office within 30 days of the date of this letter.

Enclosure 3 to this letter discusses your containment integrated leak rate test status.

As indicated in our letter of March 2, 1987, the "as found" Containment Integrated Leak Rate Test (CILRT) is classified as a "failed" test. Pursuant to the requirements of Paragraph III.A.6(b) of Appendix J to 10 CFR 50, your plant remains on the accelerated integrated leak rate test schedule until you successfully pass two consecutive Type A leak rate tests.

If you request, and are granted, an exemption to the regulations by the Office of Nuclear Reactor Regulation (NRR) which will allow the exclusion of certain Type C tests results from the overall containment integrated leak rate, we will re-evaluate your test status and schedule.

Should you have any questions regarding this letter and the enclosure, please contact the Project Section Chief.

Sincerely,

ORIGINAL SIGNED
J. NELSON GRACE

J. Nelson Grace
Regional Administrator

Enclosures: (See page 2)

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PDR ADOCK 05000281
Q PDR

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Virginia Electric and Power Company 2

Enclosures:

1. Evaluation of Surry Denial of Violation
2. Explanation of the Elements in the NOV
3. Evaluation of the Containment Leak Rate Status

cc w/encls:

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ENCLOSURE 1

EVALUATION OF SURRY DENIAL OF VIOLATION

Our evaluation of your denial of Violation 50-281/86-36-02 dated April 8, 1987, indicates that you may have misunderstood the issue cited. The following paragraphs and Enclosure 2 clarify the statement of the violation and the regulations cited in support of the violation.

In your response you stated that you are in compliance with Paragraph III.A.1(d) of Appendix J to 10 CFR 50. Specifically, for Penetrations 46, 63, 64, and 66 through 71, you state that these penetrations are normally filled with water and operating under post-accident conditions. Therefore, according to Paragraph III.A.1(d): 1) these penetrations are not required to be vented and drained during the Type A test; 2) Type C tests must be performed on these penetration isolation valves; and 3) the Type C test results must be reported to the Commission. Our review indicates you met these conditions. We agree with your conclusion that you are not in violation of the above requirements of Paragraph III.A.1(d) of Appendix J.

The citation, as issued, was against the requirements of Paragraph II. Specifically, Paragraph II.E requires that the Type A overall integrated leakage rate test include a summation of leakage through all potential leakage paths. For the nine penetrations identified, you established a water seal during the Type A test and failed to adjust the Type A test result, using the Type C test results, to obtain the overall containment "as left" and "as found" leak rate.

As a basis for this position you state that the systems associated with these penetrations are normally filled with water and operating under post-accident conditions. While your assertion may be correct, it does not necessarily satisfy the requirements of a water sealed system specified in Paragraph III.C of Appendix J. Standard Review Plan 6.2.6 requires that NRR review the design of any system identified as a water sealed system to verify that, based on a single active failure of any system component, the system design is consistent with the requirements of Paragraph III.C. NRR would not normally review a system for a water seal unless it is specifically identified as such in the application. Technical Specification Table 3.8-2 indicates these nine penetrations are evaluated as potential air leakage paths. No additional documentation could be produced to support an NRR design review. Consequently, the NRC must conclude that these penetrations have not been qualified as water sealed penetrations.

In addition to the nine penetrations you consider water sealed, you also excluded leakage through penetration 38, which was corrected prior to the Type A test, from the "as found" containment integrated leakage rate.

In the exit interview at the conclusion of the inspection, your position was that the above leakages would be excluded from the final Type A test result and no further action would be taken. Your position was confirmed in your Integrated Leak Rate Test report which specified the official final leak rate excluding the above leakages. (This matter is also discussed in Enclosure 3.)

While we believe your Technical positions may have some merit, you have not established a legal basis on which to exclude leakage through the containment boundary, from the "as left" and "as found" containment integrated leak rate. Without a legal basis established by NRR review and approval on some other defined basis, the regulations require that the overall containment integrated leak rate include a summation of all potential air leakage paths and any leakage corrected prior to the Type A test.

We conclude that the violation is correct as issued.

ENCLOSURE 2

EXPLANATION OF THE ELEMENTS IN THE NOV

In that the regulations cited in the Notice of Violation may have led to a misunderstanding of the violation, we offer the following brief statements of our perception of the format used:

1. Paragraph II of Appendix J was stated first to identify the specific requirement that all potential leakage paths must be included in the final Type A leak rate.
2. Paragraph III.A.1.(d) was stated to highlight the fact that the penetrations are not required to be drained and vented but Type C tests must be performed.
3. Paragraph III.C was stated to point out that a penetration identified for a Type C test is normally considered as a potential air leakage path unless otherwise evaluated by NRR in accordance with the requirements of this paragraph for a water sealed system.
4. Technical Specification Table 3.8-2 was identified in that it indicates that NRR has not qualified the nine penetrations you identify as water sealed. No additional documentation indicating that NRR has reviewed the system design for these penetrations was provided during the inspection. If additional documentation has been identified which relates to this question, we will reevaluate our findings.
5. The statement of violation was worded to show that you had two options to achieve the requirements of Paragraph II: to vent and drain the penetrations or to use the Type C test results to adjust the overall integrated leak rate. The violation is that you did not implement either option.

ENCLOSURE 3

EVALUATION OF THE CONTAINMENT LEAK RATE STATUS

Your containment Integrated Leak Rate Test report submitted to the Commission on March 30, 1987, specifies the official overall containment integrated leak rate at the 95% Upper Confidence Limit (UCL) as 0.0638 wt.% per day ("as left") and 0.0728 wt.% per day ("as found"). This analysis excludes containment leakage for nine penetrations (46, 63, 64, 66, 67, 68, 69, 70, 71) which you consider water sealed post accident (discussed in IE Report 50-281/86-36, paragraph 2.a.(3)) and leakage through penetration 38 for which you consider your evaluation and corrective action as justification to exclude the corrected leakage (discussed in IE Report 50-281/86-36, paragraph 4.e). Since the above leak rates are less than the allowable leakage of 0.075 wt.% per day, you conclude that you have successfully passed both the "as left" and "as found" containment integrated leak rates.

The information provided to the inspector at the time of this inspection and documented in IE Report 50-281/86-36, indicates that NRR has neither reviewed nor approved the nine penetrations, listed above, as water sealed penetrations. Additionally, no record is available to indicate that the corrective action plan, system modifications and procedural changes you have implemented relative to penetration 38 have been evaluated and accepted by NRR as a sufficient basis on which to exclude the leakage corrected prior to the Type A test from the "as found" integrated leak rate. As indicated in Enclosure 1, you have not established a legal basis to exclude containment leakage measurements required by the regulations from the final "as left" and "as found" containment integrated leak rate.

Although not reported as the official test results, you provide in your report the containment integrated leakage rates, including the leakage through the above penetrations, as 0.065 wt.% per day ("as left") and 0.27 wt.% per day ("as found"). Based on the data presented in your report we concur that the "as left" containment leakage rate of 0.065 wt.% per day is within the allowable leakage limit of 0.075 wt.% per day. We, therefore, have no question regarding the startup and operation of the plant after the leak rate test. However, we disagree with your conclusion that you have passed the "as found" integrated leak rate. The "as found" leak rate of 0.27 wt.% per day exceeds the allowable leakage limit.

As indicated in our letter of March 2, 1987, your November 1986 Type A test has been classified as a failed test for the "as found" containment condition. Pursuant to the requirements of 10 CFR 50 Appendix J, Section III.A.6(b) your plant remains on the accelerated integrated leak rate test schedule.

The position embodied in our letter of March 2, 1987, and in this letter does not reflect a judgement as to the merit of your technical positions. Our inspector made no attempt to perform a license and system design review. The responsibility for reviews of this nature is assigned to NRR. If you choose

to obtain the appropriate review through NRR and are granted exemptions which establish a legal basis for exclusion of the penetration leakage discussed above, the Region will, based on the result of this review, reevaluate the status of your November 1986 "as found" leak rate and your integrated leak rate test schedule.