



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

May 18, 1995

Mr. J. P. O'Hanlon
Senior Vice President - Nuclear
Virginia Electric and Power Company
5000 Dominion Blvd.
Glen Allen, Virginia 23060

SUBJECT: SURRY POWER STATION, UNITS 1 AND 2 - PERMANENT EXEMPTION REQUEST
FROM 10 CFR PART 50, APPENDIX J, SECTION III.A.5(b)(2) (TAC NOS.
M86083 AND M86084)

Dear Mr. O'Hanlon:

By letter dated March 1, 1993, the Virginia Electric and Power Company requested a permanent exemption from the requirements of Section III.A.5(b)(2) of 10 CFR 50, Appendix J. Section III.A.5(b)(2) requires that "The leakage rate L_m shall be less than 0.75 L_a ." The term L_a equals 1.0 weight percent per 24 hours at the calculated peak containment pressure.

In Commission Paper SECY-94-036, "Staff Plans For Revising 10 CFR Part 50, Appendix J, 'Containment Leakage Testing,' and For Handling Exemption Requests," dated Feb. 17, 1994 (Attachment 1), the staff stated its policy for handling exemption requests placed before the NRC in the interim until the Appendix J revision was completed. On page 5 of the subject SECY paper, it is stated:

3. Contingency exemptions: These exemptions are not needed at the time application is made, and may never be needed in the future, but a licensee requests them in anticipation of a potential need. An example is an exemption to increase the allowable leak rate for the whole containment (the integrated leak rate or Type A test) before any repairs or modifications have been made to the components. There is good technical justification for this exemption, and the staff plans to put this change into the new rule, but we plan to discourage these requests unless there is an actual need at a particular plant. A half-dozen plants have already requested this exemption, and it is better to focus limited staff resources on the rulemaking effort than to process these exemptions.

In accordance with that policy, we suggest that you withdraw the subject request.

On February 21, 1995, the proposed revision to 10 CFR Part 50, Appendix J (Attachment 2) was published for public comment in the Federal Register (Vol. 60, No. 34, pages 9634 to 9645). The public comment period ended May 8, 1995. The final rule is scheduled to be issued by October 1995. Draft Regulatory Guide DG-1037, "Performance-Based Containment Leak Test Program," dated

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Mr. J. P. O'Hanlon

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May 18, 1995

February 1995 (Attachment 3), has also been published for public comment. The Draft Regulatory Guide endorses, with exceptions, Nuclear Energy Institute draft guidance document NEI 94-01, "Industry Guideline For Implementing Performance-Based Option of 10 CFR Part 50, Appendix J," Revision D, dated October 25, 1994 (Attachment 4). The proposed rule, in concert with these guidance documents, will provide the relief that the licensee has requested; that is, the as-found acceptance criterion for the Type A test will be La and the as-left acceptance criterion will be 0.75 La.

Sincerely,

(Original Signed By)

David B. Matthews, Director
Project Directorate II-1
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation

Enclosures: As stated

cc w/enclosures: See next page

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Mr. J. P. O'Hanlon

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Sincerely,



David B. Matthews, Director
Project Directorate II-1
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation

Enclosures: As stated

cc w/enclosures: See next page

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