APR 11 1989

In Reply Refer To:
Dockets: 50-313/88-47
50-368/88-47

Arkansas Power & Light Company
ATTN: Mr. Gene Campbell
Vice President, Nuclear
Operations
P.O. Box 551
Little Rock, Arkansas 72203

Gentlemen:

Thank you for your letter of March 7, 1989, in response to our letter and Notice of Violation dated February 7, 1989. Your letter is being forwarded to the Office of Nuclear Reactor Regulation (NRR) for their review and evaluation. We will contact you again on this matter after receipt of the results of NRR review.

Sincerely,
Original Signed By
T. F. Westerman
for L. J. Callan, Director
Division of Reactor Projects

cc:
Arkansas Nuclear One
ATTN: J. M. Levine, Executive
Director, Nuclear Operations
P.O. Box 608
Russellville, Arkansas 72801

Arkansas Radiation Control Program Director

bcc to DMB (IE01)
bcc distrib. by RIV:
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I. Barnes
C. Harbuck, NRR Project Manager (MS: 13-D-18)
C. Poslusny, NRR Project Manager (MS: 13-D-18)
R. Stewart

RIV:C:MQPS	D:DRS	D:DRP
IBarnes/cjg	JLMilhoan	LJCallan
4/10/89	4/11/89	4/11/89

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ARKANSAS POWER & LIGHT COMPANY

March 7, 1989

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L. J. Callan, Director
Division of Reactor Projects
U. S. Nuclear Regulatory Commission
Region IV
611 Ryan Plaza Drive, Suite 1000
Arlington, Texas 76011

SUBJECT: Arkansas Nuclear One - Units 1 and 2
Docket Nos. 50-313/50-368
License Nos. DPR-51 and NPF-6
Response to Inspection Report
50-313/88-47 and 50-368/88-47

Dear Mr. Callan:

AP&L has reviewed the violation cited in the subject inspection report. As discussed between Mr. Dwight Chamberlain of your staff and Mr. Don Lomax of my staff March 6, 1989, we are unable to respond to the violation as it is currently written for reasons stated in the enclosure. We request you review our concerns and provide additional bases clarifying the violation or consider rescinding the violation.

Very truly yours,

J. M. Levine
Executive Director
Nuclear Operations

JML:PLM:vgh
enclosure

cc w/encl: U. S. Nuclear Regulatory Commission
Document Control Desk
Mail Station P1-137
Washington, D. C. 20555

IC-89/100

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IE01

Notice of Violation

Failure to Perform a Type C Leakage Rate Test on Containment Isolation Valve Pursuant to 10 CFR Part 50, Appendix J

10 CFR Part 50, Section 50.54(O) requires that the primary reactor containment shall be subject to the requirements of 10 CFR Part 50, Appendix J.

Appendix J requires that periodic leak testing of the systems penetrating the primary containment be conducted.

Contrary to the above, the inside containment isolation Check Valve CS-26, associated with containment penetration P39, was found on December 15, 1988, to have not been subject to applicable Appendix J Type C testing.

This is a Severity Level IV violation. (Supplement I)(313/8847-05)

AP&L's Concerns With Violation 313/8847-05 as Written

10CFR, Part 50, Appendix J, Primary Reactor Containment Leakage Testing for Water-Cooled Power Reactors, Section II.H, defines "Type C Tests" as follows:

> "...tests intended to measure containment isolation valve leakage rates. The containment isolation valves included are those that:
>
> 1. Provide a direct connection between the inside and outside atmospheres of the primary reactor containment under normal operation, such as purge and ventilation, vacuum relief, and instrument valves;
>
> 2. Are required to close automatically upon receipt of a containment isolation signal in response to controls intended to effect containment isolation;
>
> 3. Are required to operate intermittently under post accident conditions; and
>
> 4. Are in main steam and feedwater piping and other systems which penetrate containment of direct-cycle boiling water power reactors."

NRC guidance for 10CFR50.54, dated 4/1/77, indicates that licensees can limit Type C testing to those valves as defined by Paragraph II.H of Appendix J.

Additionally, ANO-1 Technical Specification 4.4.1.2.1, items e, f, and g provide which reactor building isolation valves are within the scope of local leak rate tests as follows:

> "e. Reactor building isolation valves which provide a direct connection with the inside atmosphere of the reactor building.

f. Reactor building isolation valves which in the event of valve leakage on valve malfunction upon a reactor building isolation signal, may extend (outside of the reactor building) the boundary of the leakage-limiting barrier of the reactor primary containment beyond that included during the conduct of the tests required by specification 4.4.1.1 (includes instrument valves in lines connected to the reactor coolant pressure boundary).

g. Reactor building isolation valves in engineered safety systems penetrating the reactor building which, under post-accident conditions, are required to close following the termination of the safety function."

As AP&L has interpreted the Type C (Local Leak Rate) testing requirements per 10CFR, Part 50, Appendix J, and the ANO-1 Technical Specification, the subject check valve CS-26 is not subject to Type C testing. Valve CS-26 does not provide a direct connection to containment atmosphere, does not receive a containment isolation signal, is not required to operate intermittently under post accident conditions, is not in a BWR system penetrating containment, and is not in an engineered safety system subject to TS item "g" above. This interpretation has been supported by NRC concurrence and issuance of ANO-2 Technical Specifications Table 3.6-1, Containment Isolation Valves, which denotes check valve 2CVC-78, (the corresponding check valve on ANO-2 penetration 2P39) as not subject to Type C leakage testing. This position resulted from a series of ANO-2 initial licensing questions and answers as follows:

March 19, 1976	Draft Technical Specification included Table 3.6-1
October 29, 1976	NRC letter requested a list of containment isolation valves and justification for each not subjected to Type C leakage rate testing (Question 042.32)
January 11, 1977	AP&L responded to questions including Question 042.32
November 11, 1977	NRC's letter requested additional information regarding compliance to Appendix J, stating that the response to Question 042.32 was unacceptable because it was the NRC's position that check valves would operate intermittently and were therefore subject to Type C testing per paragraph II.H.3 of Appendix J.

February 10, 1978	AP&L responded with a list of check valves and which ones were considered to operate intermittently. For 2CVC-78, the position was that it does not operate intermittently and ... "THEREFORE WAS NOT SUBJECT TO TYPE C TESTING." (Note that this was presented as an interpretation as highlighted in the responding document, and not as a request for exemption.)
June 29, 1978	AP&L provided additional information which discussed systems with outside valves locally tested, with inside valves subject to Type A testing.
July 14, 1978	ANO-2 TS issued stating 2CVC-78 was not subject to Type C testing.
August 1978	ANO-2 SER, Supplement 1, ... "concluded that the proposed reactor containment leakage testing program complies with the requirements of Appendix J to 10CFR Part 50 with one exception" ... (the exception related to containment airlocks - an exemption from 10CFR50 Appendix J was received in Amendment 1 to the ANO-2 license).
November 6, 1978	NRC's "Summary of Meeting on Containment Leakage Testing" which occurred June 20, 1978, stating that the staff concluded that the program complies with Appendix J as stated in Supplement 2 to the ANO-2 Safety Evaluation Report issued August 1978.

Based on our previous interpretation of 10CFR50, Appendix J, and concurrence by the NRC for a comparable design, AP&L believes it is presently complying with regulatory requirements and that no exemption for not Type C testing CS-26 is required as stated in the Inspection Report.