



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

RELEASED TO THE PDR

April 14, 1987

MEMORANDUM FOR: Robert M. Bernero, NMSS
Edward L. Jordan, AEOD
Thomas T. Martin, Region I
Denwood F. Ross, RES
Joseph Scinto, OGC
James H. Snizek, NRR

THRU: J. Zerbe, Assistant for CRGR Issues
Office for Analysis and Evaluation
of Operational Data

FROM: M. Taylor, Technical Assistant
Office of the Executive Director
for Operations

SUBJECT: SUMMARY AND ISSUE IDENTIFICATION FOR
CRGR MEETING NO. 1123

Enclosed for your information and use is the staff summary associated with a proposed generic letter by NRR to all licensees and applicants advising of a non-compliance matter where "mass-point" calculations are solely being used for the containment integrated leakage rate tests (CILRTs) required by Appendix J to 10 CFR 50. This matter is scheduled for CRGR review at Meeting No. ~~112~~ on Friday, April 17, 1987 in Room 6507 NMBB, ~~2:00-4:00~~ p.m.

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10:00 - 12:00

Mat Taylor
M. Taylor, Technical Assistant
Office of the Executive Director
for Operations

Enclosure:
As stated

cc w/enclosure:
E. Jordan
J. Pulsipher
M. Taylor
T. Cox

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Summary and Issue Identification
CRGR Review Item - Meeting No. 112
April 17, 1987

Identification

Proposed generic letter to all LWR applicants and licensees addressing non-compliance with the requirements of Appendix J to 10 CFR 50 where mass-point calculations have been solely used to determine results of containment integrated leakage rate tests (CILRTs).

Objective

The CRGR is being requested to recommend in favor of issue of the proposed generic letter that would advise applicants and licensees that the strict interpretation of Appendix J to 10 CFR 50 does not permit use of mass point methods [ANSI/ANS-56.8 (1981)] for CILRTs as is now being widely done. In effect, the generic letter would "forgive" past CILRTs carried out with use of the mass-point method but would not "forgive" the same non-compliance actions for future CILRTs.

Background

As CRGR can note from the many memorandums enclosed to the review package submitted via the March 11, 1987 memorandum from H. Denton to J. Sniezek, there has been considerable confusion generated over the wide use of the mass-point method and the OGC finding that this method is not legally permissible under the current Appendix J CILRT requirements unless specific exemptions are requested and granted. The CRGR submittal package contained a number of varying views on how this matter of non-compliance to Appendix J should be resolved. A reading of the various memorandums (cited on pages 1 and 2) in the package would clearly indicate that there does not exist unanimous support for resolution of this matter via the proposed generic letter.

Contacts:

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T. Cox, CRGR Staff X29855

Issues

1. Although the language in the proposed letter does not clearly state so, it is evident that the staff would intend to use discretionary enforcement and grandfather ("forgive") past non-compliances for licensees that used the mass-point method. CRGR may wish to determine if the language contained in the next to the last paragraph on page 2 of the proposed generic letter is in need of revision to:
 - (a) make the staff's safety judgment on past mass-point CILRT results unambiguously clear;

- (b) make clear the staff's intent to use discretionary enforcement on these past CILRT results; and
 - (c) make clear the need for licensee exemptions to Appendix J where sole reliance on mass-point methods are anticipated for future CILRTs, otherwise licensees must comply with the currently cited methods.
2. CRGR may wish to explore with OGC and the NRR staff the potential downside risks of shutdown and revalidation of CILRTs where licensees have had sole reliance on the mass-point methods. For example, could a repeat of the Zion plant CILRT revalidation be forced through petition or could hearings be reopened on this issue? How many plants might be involved with these downside risks if CILRT validity is challenged? In this regard, CRGR may wish to consider certain ongoing challenges to the validity of CILRTs and to staff's integrity on these matters (see enclosures to this issue sheet).
 3. CRGR may wish to further explore staff's decision rationale favoring the proposed generic letter as opposed to an immediately effective Appendix J rule change to legally sanction use of the mass-point method for CILRTs rather than promote a number of plant-specific exemptions interim to the currently planned Appendix J revisions. CRGR may also wish to seek staff views on the nature of public comments that have been received and staff projections as to when the planned Appendix J revision will become final.

Enclosures: Staff Issue Summary for CRGR Meeting No. 112

1. Memorandum from J. Hoyle to NRC Commissioners dated March 24, 1987 transmitting letter of Dr. Zinovy V. Reytlatt requesting Commission review of petition denial.
2. FOIA-86-483; response to Dr. Zinovy Reytlatt from D. Grimsley dated September 26, 1986.