

July 26, 2000

MEMORANDUM TO: John A. Grobe, Director
Division of Reactor Safety
Region III

FROM: Suzanne C. Black, Deputy Director */RA/*
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

SUBJECT: D. C. COOK - TASK INTERFACE AGREEMENT (TIA) 2000-05:
EVALUATION OF THE OPERABILITY DETERMINATION AND
SUPPORTING CALCULATIONS FOR A CONCRETE CONTAINMENT
WALL (TAC NO. MA8786)

By memorandum dated May 1, as supplemented May 9, 2000, Region III requested technical assistance from the Office of Nuclear Reactor Regulation (NRR) in evaluating the operability determination and supporting calculations for a concrete containment wall at D.C. Cook, Unit 2. The licensee identified that segments of concrete and several reinforcing bars had been removed from the upper portion of the CEQ fan room wall during initial construction. The wall forms part of the boundary between upper and lower containment which is designed to force the steam blowdown from a loss-of-coolant accident or a main steam-line break through the ice condenser to reduce containment pressure buildup. The licensee initiated a modification to replace the missing concrete with grout and restore the wall to a degraded, but operable, condition.

The staff's evaluation of the technical questions associated with the containment wall was documented in Attachment 7 (RAM Issue R.3.17) to my memorandum to you dated June 9, 2000. The staff concluded that the licensee's technical basis for determining operability of the Unit 2 containment and ice condenser structures, containment divider barrier seal assembly, and containment fan-accumulator walls is reasonable and acceptable for Unit 2 restart.

By electronic mail from you to J. Zwolinski on May 30, 2000, Region III also asked the following questions:

- (1) Can a licensee declare the containment operable and restart the plant under a Generic Letter (GL) 91-18 analysis concluding that the containment is degraded but operable? Related to this question is whether GL 91-18 requires the licensee to implement compensatory measures for the degraded but operable condition of containment.
- (2) Can a licensee restart the plant when an outstanding Differing Professional View has been filed that concerns the safety of the plant?

CONTACT: John Stang, NRR
(301) 415-1345

J. Grobe

A licensee may use the guidance in GL 91-18 to evaluate a condition related to a nonconformance with the licensing basis for the facility to determine if the system or component continues to ensure public health and safety and is operable in terms of technical specifications and other regulatory requirements. The use of the GL guidance can be applied to containment as well as to other safety related or non-safety-related systems, structures and components (SSC). A licensee may proceed with a plant startup provided that the following conditions are satisfied:

- (A) the evaluation concludes that the containment is operable,
- (B) other requirements specified in the technical specifications as mode constraints are satisfied, and
- (C) the compensatory measures and/or corrective actions taken by the licensee in response to the degraded/nonconforming condition do not in and of themselves constitute an unreviewed safety question per 10 CFR 50.59 that requires prior Nuclear Regulatory Commission (NRC) review and approval prior to implementation.

It is my understanding that in the case of D. C. Cook, Unit 2, the licensee has concluded that each of the above conditions is satisfied, and the NRC staff has assessed the licensee's evaluations and found that the licensee has provided reasonable justifications for their conclusions.

Given that the containment is a safety-related SSC, the licensee is required, in accordance with Criterion XVI of Appendix B to 10 CFR 50, to implement corrective actions for the identified nonconformance. Whether or not the licensee needs to implement compensatory measures (in terms of physical changes or procedure changes) is dependent on the identified condition and an evaluation of what may be required to justify operability. In this particular case, the licensee has made repairs to specific parts of containment subcompartments and performed analyses to reflect the new as-built plant condition and to correct long-standing problems in the supporting design and licensing documentation. Under the existing 10 CFR 50.59 rule, the licensee has determined that the re-analysis constitutes an unreviewed safety question and plans to submit a license amendment request. While the repairs made to the SSCs within containment are now integral to the re-analysis efforts, NRR does not believe that the repairs require the staff's prior approval under condition C above.

As stated in GL 91-18, the NRC's consideration of the timeliness of corrective actions (including the submittal of license amendments or other documents to correct licensing basis documentation) will include factors such as the time needed for analysis, review, and approval. Time frames longer than refueling cycles are expected to be explicitly justified by the licensee as part of the deficiency tracking documentation.

Regarding the second question, guidance is provided in Management Directive 10.159, "Differing Professional Views or Opinions." Within that process, the NRC should make every attempt to hear and resolve technical concerns using the informal discussions between management and the potential filer of a differing view. There is nothing in MD 10.159 that would prevent a licensee from restarting a plant simply because an employee has filed a DPV

concerning the safety of the plant. Obviously, if the substance of the DPV raises legitimate safety concerns that bring into question the advisability of the restart, restart could be delayed on that basis. The delay would be on the basis of the safety concerns, not the fact that a DPV was filed. If the agency determines that a licensee has satisfied regulatory requirements and that restart does not introduce an undue risk to public health and safety, the restart should not be delayed because of internal differences of opinion. NRC processes provide various forums for the filer to express their views and I would recommend that you engage the individual as early as possible to determine if the matter can be resolved to everyone's mutual satisfaction. Questions about the handling of differing professional views should be directed to the Office of Human Relations.

This completes NRR's review and evaluation efforts under TIA 2000-05 and TAC No. MA8786. If you have any questions regarding this issue, please contact J. Stang of my staff at (301) 415-1345.

Docket No. 50-316

cc: W. Lanning, Region I
C. Casto, Region II
A. Howell, Region IV

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*Concurrence by memo dated 6/9/00; no major revisions.

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