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

April 2, 2001

MEMORANDUM TO: Ross B. Landsman, Project Engineer
Decommissioning Branch
Division of Nuclear Materials Safety, Region III

FROM: William D. Travers
Executive Director for Operations

SUBJECT: DIFFERING PROFESSIONAL OPINION CONCERNING THE STARTUP OF D.C. COOK, UNITS 1 AND 2

On June 6, 2000, you filed a Differing Professional View (DPV) concerning the startup of D.C. Cook, Unit 2. By memorandum dated December 4, 2000, you initiated a Differing Professional Opinion (DPO) in which you state that two issues from your DPV remain: "(1) agency policy with respect to not following our own guidance in GL 91-18; and (2) continuing to allow the licensee to use assumptions in their analysis with which the staff does not agree."

By memorandum dated December 15, 2000, I tasked Nilesh Chokshi, Chief, Materials Engineering Branch, Division of Engineering Technology, Office of Nuclear Regulatory Research, to chair an ad-hoc panel to review the concerns expressed in your DPO. The DPO panel completed its review of your concerns on March 2, 2001, and the report from the panel is attached.

I have reviewed the report from the DPO panel, their conclusions and recommendations, and agree with them, as follows:

<u>Agency Policy with respect to Guidance in GL91-18 "Information to Licensees Regarding NRC Inspection Manual Section on Resolution of Degraded and Nonconforming Conditions"</u>

- Concerning the need for back-up equipment and/or compensatory measures, the DPO Panel found that the licensee's Operability Determination Evaluation (ODE) for the Unit 2 containment subcompartment walls and the staff's analyses demonstrated that each wall in question was operable with some amount of margin. Since the containment walls, although degraded, are considered operable, there is no need for the licensee to provide backup equipment or implement compensatory measures to satisfy the guidance in GL91-18, Rev.1.

- Concerning the timeliness of licensee actions, the DPO Panel conducted a documentation review; interviewed cognizant individuals including yourself; and observed a February 15, 2001, meeting of Region III, Office of Nuclear Reactor Regulation (NRR), and licensee staff, at the D.C. Cook site. The DPO Panel found that the licensee's plans, schedule and the status of actions for correcting the degraded containment walls prior to the next refueling outage, is consistent with the guidance in GL91-18, Rev. 1.

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Acceptablility of Licensee's Analyses of Containment Error Recirculation-Hydrogen Skimmer System (CEQ) Fan Room Walls

- Concerning the acceptability of the licensee's analyses of CEQ fan room walls, the staff's assessment found that the licensee's operability evaluation was reasonable due to the inherent conservatisms in the transient mass distribution (TMD) analysis. The DPO Panel explored the credit given for the inherent conservatisms in the TMD analysis. They concluded that it was reasonable and appropriate for the staff to rely on the conservatisms in the TMD analysis in its assessment of the licensee's ODE and they agree that the subject walls were operable with some amount of margin. The Panel also agrees with the decision to allow plant restart.

The DPO Panel's review of the issues through documentation, interviews, analysis, and observation provides sufficient support for their conclusions that the staff followed appropriate processes to assess the operability of the subject walls. Based on GL91-18, Rev. 1, there was no need for back-up equipment and/or compensatory measures. Furthermore, the licensee's plans and schedules for corrective actions for the degraded containment walls prior to the next refueling outage, and the staff's plans for following up on these licensee commitments for corrective actions, provides assurance that they will be addressed in a timely way. I, therefore, conclude that the issues you raised have been adequately dispositioned, and I consider the DPO to be closed.

The DPO Panel pointed out some weaknesses in documentation, specifically:

(1) the level of detail in staff's assessment of the inherent conservatism in the TMD analyses and of the licensee's use of verified as-built plant specific information as inputs to its new TMD analyses, to support its determination of acceptability of the licensee's ODE, and

(2) possible inconsistencies in GL91-18, Rev. 1 and its attachment (NRC Inspection Manual, Part 9900:Technical Guidance), and NRC Inspection Manual Chapter (MC) 0350 "Staff Guidelines for Oversight of Operating Reactor Facilities in an Extended Shutdown as a Result of Significant Performance Problems," may warrant updating to reflect current processes and staff positions and to ensure that they are consistent with one another.

By memorandum (attached), I have requested that NRR take the lead in coordinating with Region III to review the documentation issues that the DPO Panel identified in section 2.1.2 of the report and also undertake a review of the documentation issues described in (2) above, determine what changes, if any, are warranted, and provide a plan and schedule to address these issues.

I wish to thank you for bringing your concerns to my attention. Although the staff's safety decisions were determined to be correct, as a result of your concerns and the independent review of your issues by the DPO panel, several insights surfaced related to agency documentation.

If you have any questions, please contact Isabelle Schoenfeld, OEDO, at 301 415-8705.

Attachments: As stated