

NON-CONCURRENCE PROCESS

SECTION A - TO BE COMPLETED BY NON-CONCURRING INDIVIDUAL

TITLE OF DOCUMENT St. Lucie Inspection Report 05000389/2010003	ADAMS ACCESSION NO.
DOCUMENT SPONSOR Mark Franke	SPONSOR PHONE NO. 404-997-4436
NAME OF NON-CONCURRING INDIVIDUAL Walt Rogers	PHONE NO. 404-997-4619

DOCUMENT AUTHOR DOCUMENT CONTRIBUTOR DOCUMENT REVIEWER ON CONCURRENCE

TITLE Senior Reactor Analyst	ORGANIZATION DRS/EB2
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REASONS FOR NON-CONCURRENCE

As discussed in detail in the attached document, the performance deficiency associated with inadequate licensee engineering causing a Reactor Coolant Pump failed seal line weld is being improperly classified as to safety significance. The safety significance of the performance deficiency are the consequences of the performance deficiency which includes the additional reduced inventory condition incurred by the repair activities.

In addition this matter was briefly discussed with the SRAs in attendance at the 6/10 Counterpart Meeting with no indication of disagreement with my perspective.

CONTINUED IN SECTION D

SIGNATURE 	DATE 6/28/10
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SUBMIT FORM TO DOCUMENT SPONSOR AND COPY TO YOUR IMMEDIATE SUPERVISOR AND DIFFERING VIEWS PROGRAM MANAGER

NON-CONCURRENCE PROCESS

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**SECTION B - TO BE COMPLETED BY NON-CONCURRING INDIVIDUAL'S SUPERVISOR
(THIS SECTION SHOULD ONLY BE COMPLETED IF SUPERVISOR IS DIFFERENT THAN DOCUMENT SPONSOR.)**

NAME Rebecca L. Nease

TITLE Chief, Engineering Branch 2	PHONE NO. 404-997-4530
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ORGANIZATION Division of Reactor Safety, Region II
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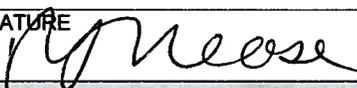
COMMENTS FOR THE DOCUMENT SPONSOR TO CONSIDER

- I HAVE NO COMMENTS
- I HAVE THE FOLLOWING COMMENTS

I have reviewed the attached documentation, and it appears that all parties have acted in good faith, to consider all views with respect to the subject of this non-concurrence. At issue is whether is is appropriate to use the shutdown operations significance determination process (SDP) or the at-power SDP for the described performance deficiency. While a conclusion was reached that shutdown risk was not to be considered, it appears that this was not a consensus view among the staff in NRR and Region II. In addition, it appears that the guidance could have supported either view, depending on which part of the guidance was referenced. This ambiguity does not speak well for our principals of good regulation, especially the principal of clarity.

Having reviewed the documents attached herein, and read each view, either methodology (shutdown risk or at-power risk) appears to meet at least some parts of the guidance. However, in using shutdown risk to conclude a higher risk level, we would have had the opportunity (within the guidance) to send a strong message to the licensee that repeatedly entering a risk-significant plant configuration to fix the same or similar degraded condition is not in the interest of safety. I believe the confusing guidance bears revision to provide clarity to the process and to permit such latitude in egregious cases, such as this one.

CONTINUED IN SECTION D

SIGNATURE 	DATE 7/23/10
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SUBMIT THIS PAGE TO DOCUMENT SPONSOR

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SECTION C - TO BE COMPLETED BY DOCUMENT SPONSOR

NAME Mark Franke	
TITLE Branch Chief	PHONE NO. 404-997-4436
ORGANIZATION DRS/EB3	

ACTIONS TAKEN TO ADDRESS NON-CONCURRENCE (This section should be revised, as necessary, to reflect the final outcome of the non-concurrence process, including a complete discussion of how individual concerns were addressed.)

The issue at the heart of this non-concurrence is whether it is appropriate to assess shutdown risk (use IMC 0609 Appendix G) for the attached RCP 2B2 failed seal line finding.

I believe that all parties have made a good faith effort over the last several months to gather and discuss all perspectives related to the SDP treatment of this finding. The parties in discussion included, but were not limited to, Region 2 DRS and DRP, and NRR DIRS and DRA.

On March 3, 2010, after a review, Lois James, Chief of PRA Operational Support concluded that IMC 0609 Appendix G, Shutdown Operations Significance Determination Process, should not be used to evaluate this finding and stated that NRR/DRA did not believe this performance deficiency affected operations during shutdown conditions. Lois James referenced IMC 0609, the RASP Handbook, and a review of past findings as the basis for this decision. Her email of 3/3/2010 describes this argument and it is attached.

Additional meetings and conference calls were held with Region, NRR PRA and DIRS staff to discuss all views and perspectives. It became evident that a number of experienced staff, working with the same facts and using current guidance, came to substantially different conclusions on the SDP treatment of this finding. Rani Franovich, Chief of Performance Assessment Branch, expressed concern over the whether it was programmatically appropriate and consistent to use Appendix G for this finding considering that the finding occurred At-power.

On April 30, 2010, after considering all of the perspectives, John Lubinski (acting DRS director) determined that it was consistent with our process and practice to process to treat this as an At-Power finding. In other words, we would not view this as a finding warranting an Appendix G risk assessment. It would screen out per IMC 0609 Phase 1 screening. To perform maintenance to correct the leak, the licensee shutdown and entered reduced inventory operation. We did not identify performance deficiencies associated with the licensee's shutdown operations or maintenance risk management. (Reference Lubinski email 4/30/10, attached). Rani Franovich, Chief of Performance Assessment, agreed with this decision via email on 6/4/2010.

I have reviewed this non-concurrence documentation in detail. It illustrates the numerous important arguments and counter-arguments that the staff discussed and highlights several areas for potential SDP guidance clarification. Because I believe that these arguments were thoughtfully considered in the April 30 decision, I do not propose reversing that decision. The performance deficiency was not viewed to extend into the licensee's decisions to shutdown and repair. To address staff division and concerns over this, DIRS initiated an effort to examine whether changes were needed in NRC procedures to ensure clarity, reliability, and efficiency going forward. DIRS initiated an ROP feedback form to track this effort. (Reference Franovich email 6/4/10) I believe, on balance, that the decisions to treat this finding as an At-Power finding and to conduct a review of our guidance are in the interests of ROP reliability and clarity, which are in the the public interest. This path also provides for additional stakeholder participation and communication should SDP guidance revisions occur.

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SIGNATURE - DOCUMENT SPONSOR 	DATE 7/23/10	SIGNATURE - DOCUMENT SIGNER 	DATE 7/26/10
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NON-CONCURRING INDIVIDUAL (To be completed by document sponsor when process is complete, i.e., after document is signed):

- | | |
|---|---|
| <input type="checkbox"/> CONCURS | <input checked="" type="checkbox"/> WANTS NCP FORM PUBLIC |
| <input checked="" type="checkbox"/> NON-CONCURS | <input type="checkbox"/> WANTS NCP FORM NON-PUBLIC |
| <input type="checkbox"/> WITHDRAWS NON-CONCURRENCE (i.e., discontinues process) | |

Lois James
email

Franke, Mark

From: Nease, Rebecca
Sent: Friday, March 05, 2010 2:34 PM
To: Franke, Mark; Vargas, Alexandra
Subject: FW: SDP Phase 3 Analysis Of St. Lucie RCP Seal Leak-Off Line Leak

NRR's basis for not using App G.

From: James, Lois
Sent: Wednesday, March 03, 2010 6:00 PM
To: Nease, Rebecca
Cc: Cunningham, Mark; Galloway, Melanie
Subject: SDP Phase 3 Analysis Of St. Lucie RCP Seal Leak-Off Line Leak

Rebecca,

The Probabilistic Risk Assessment Operational Support Branch (APOB) was requested by Engineering Branch 2 in the Division of Reactor Safety in Region II to perform a Phase 3 Significance Determination Process (SDP) analysis to estimate the risk significance of a performance deficiency causing a Technical Specification (TS) required unit shutdown and entry into an unplanned reduced inventory at St. Lucie Unit 2 during the month of July 2009. The performance deficiency was a failure to correct and prevent the recurrence of RCS pressure boundary leakage through the Reactor Coolant Pump (RCP) seal line J-weld. APOB staff forwarded the Phase 3 SDP to Region II staff on February 24, 2010.

During the peer review of this Phase 3 SDP analysis, questions were raised regarding the appropriateness of considering the risk incurred during reduced inventory where the repair of the RCS seal leak-off line took place. Clearly, the performance deficiency caused a TS require unit shutdown, however, the performance deficiency, in and of itself, did not cause the shutdown, including the reduced inventory, to be more risk significant. Therefore, NRR/DRA does not believe that IMC 0609 Appendix G, Shutdown Operations Significance Determination Process, should be used to evaluate this finding.

In addition, NRR/DRA believes that this performance deficiency does not affect the operations during shutdown conditions and that available guidance provides that IMC 0609, Appendix G, is applicable to finding that affect the operations during shutdown conditions.

- IMC 0309 Appendix G, Shutdown Operations Significance Determination Process (IMC 0609, App G), states that:
 - For deficiencies occurring above the RHR entry conditions, the full power SDP tools should be used...[section 2.1]
 - An initiating event at shutdown is defined as an event that causes a loss or interruption of the decay heat removal function. [section 4.0]
- IMC 0609 Attachment 4 provides guidance that performance deficiencies during shutdown modes to be evaluated using Appendix G:
 - IF the finding affects: the safety of a reactor during refueling outages, forced outages, and maintenance outages starting, when the licensee has met the entry conditions for RHR and RHR cooling has been initiated, THEN STOP. Go to IMC 0609, Appendix G.
- The RASP Handbook provides a specific exception when repair time should not be included in the exposure time to deal with this type of finding:
 - If the plant is shutdown and the deficiency only affects an at-power condition, then repair time should not be included

Further, NRR/DRA performed a quick search of findings on the Dynamic Webs Page to identify findings that were found at-power and included risk insights from IMC 0609 Appendix G, Shutdown Operations Significance Determination Process. No findings were identified that applied IMC 0609 Appendix G to an at-power finding. We could only locate items that used IMC 0609 Appendix G when the items were identified during shutdown.

In conclusion, while the PRA analysis completed that was forwarded to your staff on February 24, 2010, is technically adequate in calculating the risk associated with reduced inventory, NRR/DRA does not believe that IMC 0609 Appendix G, Shutdown Operations Significance Determination Process, should be used to evaluate this finding.

If you would like to discuss this further, please feel free to contact me.

Lois James, Chief
PRA Operational Support (APOB)
Division of Risk Assessment (DRA)
Office of Nuclear Reactor Regulation (NRR)

301-415-3306
lois.james@nrc.gov

Rani Franovich;
email

3 Franke, Mark

From: Franovich, Rani
Sent: Friday, June 04, 2010 9:01 AM
To: Lubinski, John
Cc: Rogers, Walt; Vargas, Alexandra; Zoulis, Antonios; James, Lois; Laur, Steven; Ashley, MaryAnn; Circle, Jeff; Franke, Mark; Kennedy, Kriss; Christensen, Harold; Sykes, Marvin; Wert, Leonard; Munday, Joel; Cheok, Michael; Cunningham, Mark; Galloway, Melanie; Nease, Rebecca
Subject: RE: St Lucie RCP seal weld SDP discussion
Attachments: Draft ROPFF for St Lucie
Importance: High

Hey John,

Good seeing you yesterday. As I mentioned at the All Supervisors' Meeting, DIRS agrees with Region II's significance characterization of the St. Lucie finding involving the RCP lower cavity seal line J-weld failure. We also agree with the sentiments you expressed below and recognize the need to examine governing guidance. We have initiated a feedback form to capture lessons learned and determine how and where that guidance can be clarified to ensure regional consistency/reliability. Paul forwarded the feedback form to Walt (see attached) for his review before I approve... just wanted folks in HQ and RII to be aware.

I'm sure you enjoyed Atlanta and RII; welcome back to HQ...
Rani

John Lubinski;
email

From: Lubinski, John
Sent: Friday, April 30, 2010 2:24 PM
To: Franovich, Rani; Rogers, Walt; Vargas, Alexandra; Zoulis, Antonios; James, Lois; Laur, Steven; Ashley, MaryAnn; Circle, Jeff
Cc: Franke, Mark; Kennedy, Kriss; Christensen, Harold; Sykes, Marvin; Wert, Leonard; Munday, Joel; Cheok, Michael; Cunningham, Mark; Galloway, Melanie; Nease, Rebecca
Subject: St Lucie RCP seal weld SDP discussion

My thanks to everyone for participating in yesterday's conference call to discuss your perspectives on SDP treatment for a potential St. Lucie RCP seal weld leak finding.

After considering all views presented, and after additional discussion with Mark Franke, I believe it is consistent with our process to move forward to treat this as an At-Power finding. In other words, we would not view this as a finding warranting an Appendix G risk assessment. To perform maintenance to correct the leak, the licensee shutdown and entered reduced inventory operation. We did not identify performance deficiencies associated with licensee shutdown operations or maintenance risk management as they affected repairs.

The next steps for this action will be for Mark Franke to provide written input to DRP Branch 3 for inclusion in the next resident's quarterly report.

In addition, our review of this finding clearly demonstrates that our SDP procedures and processes need to be examined. As our guidance is currently written, a number of experienced staff, working with the same facts, came to substantially different conclusions on the appropriateness of the process used. Specifically, there was disagreement on whether it was appropriate to include risk associated with the licensee's actions to fix the leak. In the interests of program reliability, we believe that NRR should examine whether changes are needed to clarify or change our policy going forward. I will talk with NRR/DIRS about the next steps for such an examination.

Franke, Mark

From: Lubinski, John
Sent: Friday, April 30, 2010 2:24 PM
To: Franovich, Rani; Rogers, Walt; Vargas, Alexandra; Zoulis, Antonios; James, Lois; Laur, Steven; Ashley, MaryAnn; Circle, Jeff
Cc: Franke, Mark; Kennedy, Kriss; Christensen, Harold; Sykes, Marvin; Wert, Leonard; Munday, Joel; Cheok, Michael; Cunningham, Mark; Galloway, Melanie; Nease, Rebecca
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SECTION D: CONTINUATION PAGE

CONTINUATION OF SECTION

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