Bartley, Jonathan

From: Bartley, Jonathan
Sent: Wednesday, May 18, 2011 10:40 AM
To: Khanna, Meena; Kulesa, Gloria; Wilson, George
Cc: Wert, Leonard; Croteau, Rick; Jones, William
Subject: Oconee External Flood Path Forward - OUO/SRI

Gloria, Meena, George,

I wanted to make sure that NRR was reviewing the OCO April 29 CAL response letter and start a dialogue on the path forward.

I spoke with Kent Alter, OCO Reg Compliance Manager, on Monday (5/16) about their April 29 CAL response letter and their plans to move forward on completing the calculations to demonstrate that there proposed strategy is viable and the modifications. I requested that they provide a timeline for when they will complete the calculations and when they will have the design change packages for the modifications complete. I will forward the timelines to you when I get them. I also confirmed that they are not waiting for anything from the NRC to move forward with their plans. During the phone call we also discussed the statement that they consider the Jocassee Dam failure to be a beyond design basis event (DBE). I told Kent that, based on what we know today, the NRC believes that protection against a Jocassee Dam failure should be subject to GDC 2 and be within the design basis. As you are aware, to this point flooding caused by a failure of the Jocassee Dam has been a beyond DBE.

OCO made it clear in the letter that they plan to complete modifications and update the FSAR for the new design features. They also stated that they consider the issue to be beyond design basis and will not build the structures to the criteria for SSCs to meet the GDC. This ties the Region's hands a little because we inspect and enforce to their current licensing and design basis. For OCO their current licensing basis (and design basis for GDC 2) is that they don't have to consider a failure of the Jocassee dam for external flood. If the NRC wants to require them to protect against a Jocassee Dam failure then they need to change their licensing basis to reflect that protection against a Jocassee dam failure is required to meet GDC 2. This will require a backfit. I believe this falls under NRR purview as a licensing action not under Region II as an inspection action.

I see the following three options moving forward:

1. Let the licensee continue their plan as outlined in the April 29 letter. This would result in the modifications being completed and the site being protected. However, the features and strategy will be considered (and documented in the FSAR) as being for a beyond DBE. This means the features will not be considered to be required to meet GDC 2 and they may not be built as QA-1. Also, this complicates matters for us in the inspection and enforcement arena if there are future issues issued with the construction and maintenance of the features or the implementing procedures.

2. Send the licensee a letter acknowledging receipt of the April 29 letter which clearly states that the NRC considers protection against a Jocassee Dam failure to be required by GDC 2 and see if they get the message. If not, move forward with the adequate protection order.

3. Bypass option 2 and issue the adequate protection order to require them to protect against a external flood caused by a failure of the Jocassee Dam as required by GDC 2. Some things to consider:
    a. Issue an order just telling them they have to protect the site against an external flood caused by the failure of Jocassee under GDC 2 without listing the strategy/modifications? If so the order can require them to continue the ICMs, submit a LAR documenting how they will do it, and complete necessary modifications.....or

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b. Issue order as in 3.a. but also require them to take the actions outlined in the April 29 letter. Before this order could be issued, a judgment must be made on the acceptability of their proposed strategy. I believe this would be an NRR action because it is essentially requiring a change to their licensing and design basis.

Thanks,
Jonathan

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