



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

Attachment 17

AUG 9 1979

MEMORANDUM FOR: File

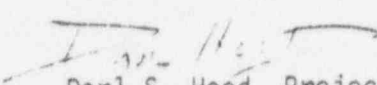
FROM: Darl Hood, Project Manager, Light Water Reactors Branch
No. 4, DPM

SUBJECT: NRR COMMENTS REGARDING ENFORCEMENT ACTION ON MIDLAND SOIL
DEFICIENCIES

An April 3, 1979 memorandum from J. Keppler to H. Thornburg identified five statements from the FSAR regarding the backfill deficiency at the Midland site which I&E considered to be false, and requested a determination as to the materiality of these statements. Following receipt of this memorandum by NRR on May 7, 1979, it was distributed to technical review branches for review and a meeting was held August 1 to provide NRR comments. Meeting attendees, listed by Enclosure 1, included both I&E and OELD. A summary of the NRR comments as to the materiality of the five same-numbered statements of the Keppler memo is given in Enclosure 2.

OELD defined "materiality" of FSAR statements. This definition served as the basis for judgments in the meeting. A statement was deemed to be "material" if, notwithstanding the fact that it was detected by the I&E investigation, it would or could have an influence upon a safety conclusion of the NRR staff (i.e., if it could have resulted in an improper finding or less probing analysis by the staff). The technical significance and willfulness of any such false statement is relevant to selection of the specific enforcement action deemed to be appropriate.

It was noted that some of the technical reviewers had not yet completed review of some of the relevant background material, and therefore only preliminary comments could be given at the meeting. A subsequent meeting on or about August 3, 1979 was scheduled to confirm or modify these preliminary comments.


Darl S. Hood, Project Manager
Light Water Reactors Branch No. 4
Division of Project Management

Enclosures:
As stated

cc: See next page

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cc: All Attendees

G. Gower
L. Rubenstein
S. Varga
D. Vassallo
W. Olmstead
H. Thornburg
J. Keppler
W. Haass
D. Skovholt
J. Murray

ENCLOSURE 1

ATTENDEES
August 1, 1979

R. Shewmaker	(I&E HQ)
T. Brockett	(I&E HQ)
D. Gillen	(NRR GSB)
J. Lieberman	(OELD)
D. Bachman	(OELD)
D. Hood	(NRR DPM)
L. Heller	(NRR GSB)
J. Gilray	(NRR QAB)
J. Spraul	(NRR QAB)
J. Knight	(NRR AD:Eng)
P. Baci	(I&E HQ)
R. Lipinski	(NRR SEB)
F. Schauer	(NRR SEB) (part-time)
C. Moon	(NRR LWR#4:Acting BC)
R. Jackson	(NRR GSB:Chief)

ENCLOSURE 2

NRR COMMENTS ON APRIL 3, 1979 KEPPLER MEMORANDUM

1. This statement is considered by NRR to be material; the fact that the Midland fill is of the wrong type (random fill verses structural fill) and was not sufficiently compacted is viewed by NRR as the core of the settlement problem. Other findings in the report appear to be subparts of (contributors to) this central problem and NRR suggested consideration be given to combining all five findings.
2. NRR stated that the difference between use of 3.0 KSF and 4.0 KSF for the load density for the Diesel Generator Building calculation would not or did not influence a safety conclusion by the NRR staff, and therefore, was not considered to be "material". Rather, the finding is viewed as an indicator of poor QA performance.
3. NRR stated that the difference between use of 0.001 and 0.003 for the index of compressibility for the Diesel Generator Building calculation would not or did not influence a safety conclusion by the NRR staff, and therefore, was not considered to be "material." Rather, the finding is viewed as an indicator of poor QA performance.
4. NRR recognizes the statements in FSAR sections 2.5.4.10.3.5 and 3.8.4.1.2 regarding the type of mat for the Diesel Generator Building to be inconsistent. However they are not false insofar as they reflect what was actually done. In its review, NRR interpreted the use of 41 points to represent a mat foundation, whereas FSAR section 3.8.4.1.2 accurately identified the building to have continuous footings. The improper calculation is viewed by NRR as an indicator of poor QA performance.
5. This statement is considered to be a subpart of statement 1. It also appears to be relevant to poor QA performance.