

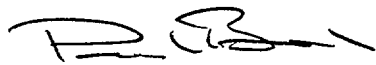


UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

August 24, 2001

DPO - 2001 - 02

MEMORANDUM TO: Carol Ann Reed
Freedom of Information/Privacy Act Team
Office of the Chief Information Officer

FROM: Paul E. Bird, Director 
Office of Human Resources

SUBJECT: FREEDOM OF INFORMATION REVIEW ACT REVIEW OF
DIFFERING PROFESSIONAL OPINION, SUBJECT "DIFFERING
PROFESSIONAL OPINION CONCERNING THE STARTUP OF
D.C. COOK UNITS 1 AND 2"

Attached for your review is a copy of the completed file for Differing Professional Opinion (DPO), "Differing Professional Opinion Concerning the Startup of D.C. Cook Units 1 and 2". Please coordinate the review of the documents for their release to the public as you would under a Freedom of Information Act request.

Upon completing the review, return a statement of your findings, a list of the documents that are releasable to the public, a redacted version of the DPO case file that can be made publicly available in the Agencywide Documents Access and Management System (ADAMS), and pertinent background materials..

This request is in accordance with the provisions of NRC Management Directive 10.159, "Differing Professional Views or Opinions", section (C)(4)(b), to determine the identity of documents, or portions thereof, that can be released to the public. Should you have any questions, direct them to Pam Easson at 415-7082 or e-mail PXE.

Attachments: As stated



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

August 17, 2001

MEMORANDUM TO: Paul E. Bird, Director
Office of Human Resources

FROM: William D. Travers */RA/*
Executive Director for Operations

SUBJECT: CASE FILE FOR DIFFERING PROFESSIONAL OPINION (DPO) -
CONCERNING THE STARTUP OF D.C. COOK, UNITS 1 AND 2

In accordance with Management Directive (MD) 10.159, I am forwarding the completed case file on the DPO concerning the startup of D.C. Cook, Units 1 and 2. This DPO was initiated pursuant to a Differing Professional View (DPV) on the same subject. An Ad-Hoc DPO panel was formed, and they concluded that the staff's actions were reasonable and appropriate from both process and technical perspectives and that the licensee's commitments for its corrective actions is consistent with the guidance in GL91-18, Revision 1. I agreed with the panel's conclusions and recommendations and determined that the issues that were raised in the DPO were adequately dispositioned.

By memorandum dated April 2, 2001, to Samuel J. Collins, Director, Office of Nuclear Reactor Regulation (NRR), I requested that NRR take the lead in addressing issues related to level of detail and possible inconsistencies in agency documentation that were identified by the Ad Hoc DPO Panel. I also requested that NRR determine what changes, if any, are warranted and provide a plan and schedule for addressing the issues. By memorandum to me dated May 17, 2001, NRR provided the plan and schedule and by memorandum dated June 25, 2001, NRR provided the results of their review.

I have reviewed the DPO documents in the file, and determined they may be released to the public subject to a routine Freedom of Information Act review. The author of the DPO was contacted (March 5, 2001 e-mail) regarding this case file and has no objection to release of his name with these documents (March 12, 2001 e-mail). These e-mails are included in the attached case file.

The documents comprising the case file are listed below in chronological order: (please note: Documents 1-26 relate to the DPV; Documents 27-40 relate to the DPO)

1. June 6, 2000, Memorandum on "Differing Professional View Concerning the Startup of D.C. Cook, Unit 2," to J.E. Dyer, Regional Administrator (RA), from Ross Landsman, Project Engineer, Division of Materials and Nuclear Safety, Region III.
2. June 7, 2000, Memorandum on "Resolution of Degraded CEQ Fan Room Wall," to J.A. Grobe, Chairman, Manual Chapter 0350 Panel for D.C. Cook, from J.E. Dyer, RA, Region III, U.S. NRC.

3. June 7, 2000, e-mail to Bruce Berson, from Jim Dyer, Subject: "DPV on D.C. Cook CEQ Fan Room Concrete Walls,".
4. June 12, 2000, Memorandum on "Resolution of Degraded CEQ Fan Room Wall," to John A. Grobe, Chairman, Manual Chapter 0350 Panel for D.C. Cook, from S. Singh Bajwa, Director, Project Directorate III, Division of Licensing Project Management, NRR.
5. June 12, 2000, Letter to Robert P. Powers, Senior Vice President, Indiana Michigan Power Group, Nuclear Generation Group, from John F. Stang, Senior Project Manager, Section 1, Project Directorate Management, NRR.
6. June 13, 2000, Memorandum on "Commission Staff Requirements Memoranda (SRM), M000110B," to William D. Travers, Executive Director for Operations (EDO), from J.E. Dyer, RA, Region III.
7. June 13, 2000, Letter to R.P. Powers, Senior Vice President, Nuclear Generation Group, American Electric Power Company, from J.E. Dyer, RA, Region III, subject: "Closure of NRC Inspection Manual Chapter 0350 Restart Action Plan for Restart of the Donald C. Cook Nuclear Plant - Unit 2.
8. June 23, 2000, Memorandum on "DPV File" to File, from J.L. Caldwell, Deputy RA, Region III.
9. June 23, 2000, Memorandum, on "Ad Hoc Review Panel for DPV: CEQ Fan Room Wall Operability (D.C. Cook Unit 2 Startup) to G.E. Grant, Director, Division of Reactor Projects, from J.E. Dyer, RA, Region III.
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11. July 14, 2000, e-mail to Geoffrey Grant, from plh, ysk, Subject: "DPV."
12. July 25, 2000, e-mail to rbl, from Geoffrey Grant, Subject: "DPV."
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16. October 13, 2000, Letter to Robert P. Powers, Senior Vice President, Indiana Michigan Power Company, from John F. Stang, Senior Project Manager, Division of Licensing Project Management, Region III, Subject: Donald C. Cook -Summary of September 27, 2000 Public Meeting Regarding Update on Containment Structures.
17. October 15, 2000, Letter to Document Control Desk, U.S. NRC, from M.W. Rencheck, Vice President Nuclear Engineering, Indiana Michigan Power Company, subject: D.C. Cook Nuclear Power Plant Units 1 and 2, "Resolution of Containment Structural Issues."
18. November 1, 2000, Response to Freedom of Information Act (FOIA)/Privacy Act (PA) Request #2001-0003, to Matthew S. Galbraith, from Carol Ann Reed, U.S. NRC.
19. November 3, 2000, Letter to R. P. Powers, R.P. Powers, Senior Vice President, Nuclear Generation Group, American Electric Power Company, from Geoffrey E. Grant, Director, Division of Reactor Projects, Region III, subject: Resolution of Containment Structural Issues at D.C. Cook Plan Units 1 and 2.
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21. November 9, 2000, e-mail to Jim Dyer, from Bruce Berson, Subject: Fwd: Corrective Actions for D.C. Cook Degraded CEQ Fan Room Wall.
22. November 18, 2000, Letter to Mr. G. Grant, Director, Division of Reactor Projects, Region 3, U.S. NRC, from M.W. Rencheck, Vice President Nuclear Engineering, Cook Nuclear Power Plant, Indiana Michigan Power Company, subject: D.C. Cook, Units 1 and 2 Resolution of Containment Structural Issues.
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26. Time Line for D.C. Cook Containment Structural Issues
27. December 4, 2000, Memorandum on "Differing Professional Opinion Concerning the Startup of D.C. Cook, Units 1 and 2," to William D. Travers, EDO, from Ross B. Landsman, Project Engineer, Division of Nuclear Materials Safety, Region III.

28. December 6, 2000, Memorandum on "Differing Professional Opinion Concerning the Startup of D.C. Cook, Units 1 and 2," to William D. Travers, EDO, from J.E. Dyer, RA, Region III.
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33. January 30, 2001, Memorandum on "Differing Professional Opinion Panel," to William D. Travers, EDO, from Nilesh C. Chokshi, Division of Engineering Technology, RES.
34. March 2, 2001, Memorandum on "DPO Concerning the Startup of D.C. Cook, Units 1 and 2," to William D. Travers, EDO, from Nilesh C. Chokshi, Division of Engineering Technology, RES.
35. March 5, 2001 e-mail to Ross Landsman, from Isabelle Schoenfeld and March 12, 2001 e-mail to Isabelle Schoenfeld, from Ross Landsman, Subject: Re: D.C. Cook DPO.
36. April 2, 2001, Memorandum on "Differing Professional Opinion Concerning the Startup of D.C. Cook, Units 1 and 2, to Ross B. Landsman, Project Engineer, Division of Nuclear Materials Safety, Region III, from William D. Travers, EDO.
37. April 2, 2001, Memorandum on "Follow-Up Activity to Differing Professional Opinion Concerning the Start-Up of D.C. Cook, Units 1 and 2, " to Samuel J. Collins, Director, NRR, from William D. Travers, EDO.
38. April 6, 2001, Office of the Executive Director for Operations, Items of Interest, Week Ending April 6, 2001, "Startup of D.C. Cook, Units 1 and 2, Differing Professional Opinion (DPO) Dispositioned."
39. May 17, 2001, Memorandum on "WITS Item 200100030 - Follow-up Activity to Differing Professional Opinion Concerning the Start-Up of D.C. Cook, Units 1 and 2," to William D. Travers, EDO, from Samuel J. Collins, Director, NRR.

40. June 25, 2001, Memorandum on "Closeout of WITS Item 200100030 - Differing Professional Opinion Concerning the Start-Up of D.C. Cook, Units 1 and 2," to William D. Travers, EDO, from Samuel J. Collins, Director, NRR.

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UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

August 17, 2001

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Office of Human Resources

FROM: William D. Travers 
Executive Director for Operations

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CONCERNING THE STARTUP OF D.C. COOK, UNITS 1 AND 2

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Attachment: DPO case file



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION III
801 WARRENVILLE ROAD
LISLE, ILLINOIS 60532-4351

June 6, 2000

MEMORANDUM TO: J. E. Dyer, Regional Administrator *Rec'd 6/6 Budget*

FROM: Ross Landsman, Project Engineer
Division of Materials and Nuclear Safety *Ross Landsman*

SUBJECT: DIFFERING PROFESSIONAL VIEW CONCERNING THE
STARTUP OF D.C. COOK, UNIT 2

The licensee's operability of the CEQ Fan Room walls is very unconservative due to the following:

- There was either no and/or inadequate QC/QA on this containment as evidenced by the construction discrepancies that have been identified. These discrepancies have resulted in the following uncertainties:
 - Depth of cover of the reinforcing steel
 - Spacing of the reinforcing steel
 - Undocumented cutting of the reinforcing steel
 - Quality of the grout
 - Quality of the concrete
 - The thickness differences identified on various pours
- These uncertainties have resulted in a reduction in conservatism which results in no margin left on the CEQ wall. The licensee calculations, minus our questions on the concrete strength and dynamic load factors, have resulted in a 1.047 margin.
- In addition, in view of the undocumented findings on these walls, we do not know the extent of the condition of the balance of the containment. What confidence do we have that the other concrete structures are built as designed and meet their intent?
- Westinghouse, in a 4/27/00 letter to AEP, recommended at least a 40% margin on pressure walls since the pressure inputs were not exact. This is a long way from 4.7% that we have.

AT

G.L. 91-18 allows a licensee to resume operation provided the necessary equipment is operable within some reasonable assurance of safety with the following guidelines:

- Availability of redundant or backup equipment -- we have none.
- Compensatory measures -- the licensee has stated that we would over pressurize the upper containment and possibly release radioactivity.
- Conservatism and margins -- already explained above.
- G.L. 91-18 refers to impact on core damage frequency. The containment is not needed for core damage frequency, but it is needed for the large early release frequency (LERF).
- G.L. 91-18 refers to timeliness. The licensee first identified problems with this wall on February 11, 1998. They did not start working on it in earnest until I became involved - over two years later. G.L. 91-18 allows the licensee to declare operability providing they implement corrective action at the first available opportunity, not to exceed the next fueling outage (usually 18 months). We are considerably past that time limit. Currently, the licensee has no plans to do any more on these walls than we have seen (calculations), as told to us during the June 1st meeting.

In summary, allowing a plant to start up without an intact containment does not meet the intent of our regulations. There is an unreviewed safety question on the containment which must be resolved prior to startup.