

**RESPONSE TO FREEDOM OF
INFORMATION ACT (FOIA) / PRIVACY
ACT (PA) REQUEST**

2001-0003

3

RESPONSE
TYPE

FINAL



PARTIAL

REQUESTER

Matthew S. Galbraith

DATE

DEC 03 2000

PART I. -- INFORMATION RELEASED

- ☐ No additional agency records subject to the request have been located.
- ☐ Requested records are available through another public distribution program. See Comments section.
- ☐ APPENDICES
Agency records subject to the request that are identified in the listed appendices are already available for public inspection and copying at the NRC Public Document Room.
- ☒ APPENDICES
C Agency records subject to the request that are identified in the listed appendices are being made available for public inspection and copying at the NRC Public Document Room.
- ☐ Enclosed is information on how you may obtain access to and the charges for copying records located at the NRC Public Document Room, 2120 L Street, NW, Washington, DC.
- ☒ APPENDICES
C Agency records subject to the request are enclosed.
- ☐ Records subject to the request that contain information originated by or of interest to another Federal agency have been referred to that agency (see comments section) for a disclosure determination and direct response to you.
- ☐ We are continuing to process your request.
- ☐ See Comments.

PART I.A -- FEES

AMOUNT *

\$

* See comments
for details

- ☐ You will be billed by NRC for the amount listed. ☐ None. Minimum fee threshold not met.
- ☐ You will receive a refund for the amount listed. ☐ Fees waived.

PART I.B -- INFORMATION NOT LOCATED OR WITHHELD FROM DISCLOSURE

- ☐ No agency records subject to the request have been located.
- ☐ Certain information in the requested records is being withheld from disclosure pursuant to the exemptions described in and for the reasons stated in Part II.
- ☐ This determination may be appealed within 30 days by writing to the FOIA/PA Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. Clearly state on the envelope and in the letter that it is a "FOIA/PA Appeal."

PART I.C COMMENTS (Use attached Comments continuation page if required)

SIGNATURE - FREEDOM OF INFORMATION ACT AND PRIVACY ACT OFFICER

Carol Ann Reed

APPENDIX C
RECORD BEING RELEASED IN ITS ENTIRETY

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)</u>
1.	6/7/00	E-Mail from J Dyer, RIII to B Berson, RIII, Subject: DPV on DC Cook CEQ Fan Room Concrete Walls (1 page)

From: Jim Dyer
To: Bruce Berson
Date: Wed, Jun 7, 2000 2:18 PM
Subject: DPV on D.C. Cook CEQ Fan Room Concrete Walls

On June 6, 2000, Ross Landsman sent me a Differing Professional View on the resolution of the D.C. Cook degraded CEQ Fan Room Concrete Walls. This item was identified in the D.C. Cook Restart Action Matrix Item R.2.13.3 and was the subject of a public meeting in NRC Headquarters on June 1, 2000. At a June 5, 2000, public MC 0350 Oversight Meeting, the NRC staff stated that this item was tentatively closed pending final review and that the staff agreed with the licensee's overall conclusion that the wall was degraded, but operable under Generic Letter 91-18. Mr. Landsman disagreed and summarized his technical reasons in a memo to me dated June 6, 2000.

I reviewed the memo and decided that a better approach for resolution would be to have the MC 0350 oversight panel address his concerns as part of their final closeout review of the item. The next internal MC 0350 Oversight Meeting was scheduled for today, Wednesday, June 7, 2000, and startup could be within the next 7-10 days. The schedule for DPV resolution in accordance with MD 10.159 calls for me to establish an independent panel within 5 calendar days to complete the review within the following 30 days. This would not be timely for restart decisionmaking. Mr. Landsman could review the written bases for closeout of the item which address his issues and decide whether to proceed with the DPV.

Since this deviated from the Management Directive 10.159 guidance for DPV resolution I spoke to Paul Bird, OHR, on the acceptability of my approach. He agreed that my approach appeared to be the best method for resolution of the technical issues, but that Mr. Landsman should be consulted on this approach and advised on the impact on resolution of his DPV.

On June 7, 2000, I spoke to Mr. Landsman on the phone (since he was at Dresden on an inspection) and explained my proposal for resolution of his technical concerns. He explained that the concerns he documented in the memo were the same that he had when he participated in the public meeting on June 1, 2000, in NRC headquarters so there should be no surprises to the staff. He is genuinely concerned about the safety of the wall under design bases accident conditions. He agreed with providing his technical information to the D.C. Cook MC 0350 Oversight Panel for consideration in their final closeout review and would accept a delay of about a week in addressing the DPV. Mr. Landsman explained to me that if the NRC staff decided that the CEQ fan room walls were considered degraded, but operable and the licensee was allowed to restart with the walls in their current condition, that he would pursue the DPV.

Based on these discussions, I drafted a memo to the D.C. Cook MC 0350 Oversight Panel to address Mr. Landsman's technical issues. His specific memo was not forwarded to the oversight panel to prevent its release to the PDR with the other MC 0350 oversight meeting minutes. My memo will become part of the meeting minutes and the disposition of the concerns will be documented in the meeting minutes.

This e-mail should become part of the DPV records maintained by Region III.

CC: James Caldwell, Paul Bird, Ross Landsman

CH