

From: Ross Landsman
To: Jim Dyer
Date: 1/29/04 10:48AM
Subject: DPV - D.C. Cook

Here's another one.

B-14

MEMORANDUM TO: J. E. Dyer, Director, Office of Nuclear Reactor Regulation

FROM: Ross Landsman, Division of Nuclear Materials Safety, Region III

SUBJECT: DIFFERING PROFESSIONAL VIEW CONCERNING THE
NOVEMBER 12, 2003, AMENDMENT REQUEST FROM D.C. COOK
TO USE YIELD STRENGTH DETERMINED FROM MEASURED
MATERIAL PROPERTIES FOR REINFORCING BAR IN
STRUCTURAL CALCULATIONS FOR THE CONTROL ROD DRIVE
MISSILE SHIELD WALL

On June 6, 2000, I submitted a differing professional view (DPV) on the restart of D.C. Cook, Unit 2. One of my concerns related to the operability evaluation for the containment walls. On August 17, 2000, the DPV panel recommended that nothing be done about my concerns because everything was acceptable. On December 4, 2000, I submitted a differing professional opinion (DPO) on the same subject. On April 2, 2001, Dr. Travers responded to me in response to the DPO, agreeing with my technical concerns, stating that the corrective actions for the "degraded containment walls" will be corrected "prior to the next refueling outage." **THEY ARE STILL NOT CORRECTED.** Dr. Travers further stated that the other DPO panel issues noted in Section 2.1.2 of the DPO report, will be resolved. One of these issues was the unacceptable material strengths (concrete and reinforcing steel) used in the evaluation that I, other members of your NRR staff that were too frightened of their job to speak out, and finally, the DPO panel did not accept.

After the DPO report was issued, NRR Projects (without me or the NRR technical staff that agreed with me) had a final meeting with the licensee on June 11, 2001, that indicated again, that everything was okay, but documented nothing about the material strengths problem as Dr. Travers requested in the attached memorandum to NRR in the DPO response to me.

I was so upset when I saw the June 11, 2001, meeting summary, that I wrote you and Dr. Travers a personnel E-mail on September 17, 2001, stating my concerns about the containment one more time.

On December 12, 2001, in response to me, RIII requested that NRR Projects please review the licensee calculations to determine if the licensee used appropriate assumptions and inputs in determining that the containment structures comply with design basis requirements. Dr. Travers' assistant also responded to me in an E-mail dated December 17, 2001, stating that the staff plans to conduct a review of the license basis and the licensee's analysis methods and assumptions.

J. Dyer -2-

On April 17, 2002, in response to the above request, the Civil Engineering Branch of the Division of Engineering, NRR, responded to NRR Projects, stating that, "The staff did not consider the use of very limited test data to support higher yield strength values for the installed rebars to be an adequate justification for revising the licensing basis, and is, therefore, unacceptable."

On January 13, 2003, NRR Projects finally responded to RIII's 2001 request stating that, "The NRR staff does not, in principle, accept the use of material CMTR limits (e.g., yield strength) in lieu of nominal specified code properties." It went on to say that, the NRR staff will again follow-up with the licensee to resolve this unacceptable containment issue.

During the ensuing year, the NRR staff has tried, in vain, to make the containment walls acceptable, but couldn't. For example, in a March 21, 2003, letter to the licensee, NRR gave them 30 days "to restore the original design and licensing basis margins" in the containment walls. Their licensee's response, in 33 days, was that we will submit an amendment request by November 2003.

On November 12, 2003, the licensee submitted an amendment request to use the same measured material yield strengths, from limited data, that I, the NRR technical staff, the DPO panel, and now, additional NRC technical staff said was unacceptable numerous times. I was so upset again, that I wrote another E-mail to you and Dr. Travers on December 3, 2003, after seeing the amendment request stating my concerns about the containment one more time. Now, through the grapevine, I hear that the NRR staff is about to issue the amendment and I am filing this DPV in disgust.

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