



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

February 9, 2004

MEMORANDUM TO: Ross Landsman
Division of Nuclear Materials Safety
Region III

FROM: J. E. Dyer, Director *[Signature]*
Office of Nuclear Reactor Regulation

SUBJECT: RECEIPT OF PROPOSED DIFFERING PROFESSIONAL VIEW

This is to acknowledge that I have received your memorandum of January 29, 2004, containing a potential Differing Professional View (DPV) regarding a license amendment request submitted by D.C. Cook to address degraded containment walls. I have discussed your memorandum with my staff and the Differing Professional Opinion Coordinator in the Office of the EDO, and believe that it would be premature to accept it as a DPV at this time. Management Directive 10.159, "Differing Professional Views or Opinions," indicates that Differing Professional Views must in all cases include:

- i A summary of the prevailing staff view, existing management decision or stated position, or the proposed or established agency practice
- ii A description of the submitter's views and how they differ from any issues discussed in item (i) above
- iii An assessment of the consequences should the submitter's position not be adopted by the agency

As the NRC staff is in the process of reviewing the license amendment request in question, there is not yet a prevailing staff view, existing management decision or stated position, or proposed or established agency practice regarding the acceptability of the license amendment request. The NRC staff reviewing the license amendment request are aware of the technical concerns that you have raised.

If at any time in the future you choose to submit a DPV, please ensure that it briefly discusses the three items listed above.

Please note that I share your concern about the timeliness of the licensee's corrective actions regarding the degraded containment walls. In response to this concern, I have directed the staff to develop an action plan outlining how resolution will be achieved.

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