



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

August 21, 2001

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NOTE TO: Mary Jean Pool, FOIA
FROM: *Margo Bridgers*
Margo Bridgers, FOIA Coordinator, EDO
SUBJECT: FOIA/PA-2001-0324

Documents 1-40 listed in the attached 8/17/01 memo from William D. Travers, EDO, to Paul E. Bird, HR, are attached.

Documents 1-26 relate to the DPV. OEDO has no objection to release of these documents subject to clearance with RIII. Documents 27-40 relate to the DPO and can be released.

There is no search and review time associated with this request.

Attachments:
As stated

0-22

Documents in Case File for DPV/DPO Concerning the Startup of D.C. Cook, Units 1 and 2

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.
10. June 27, 2000, e-mail to Patrick Hiland, Ross Landsman, Yong Kim, from Geoffrey Grant, subject: "Re:DPV,"
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."

13. July 27, 2000, Memorandum on "Status of Ad Hoc Review Plan for Differing Professional View: CEQ Fan Room Wall Operability," to Geoffrey E. Grant, Director, Division of Reactor Projects, from J.E. Dyer, RA, Region III.
14. August 11, 2000, Memorandum on "Recommendations of Ad Hoc Review Panel for Differing Professional View: CEQ Fan Room Wall Operability, to J.E. Dyer, RA, Region III, from Geoffrey Grant, Director Division of Reactor Projects, Region III.
15. August 17, 2000, Memorandum on "Resolution of DPV on CEQ Fan Room Wall Operability (D.C. Cook Unit 2 Startup), to Ross Landsman, Project Engineer, Division of Nuclear Materials Safety, Region III, from J.E. Dyer, RA, Region III.
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.
20. November 8, 2000, e-mail to Bruce Bergson, from Anton Vegel, Subject: Corrective Actions for D.C. Cook Degraded CEQ Fan Room Wall.
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.
23. November 20, 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.
24. November 28, 2000, Letter to 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.

25. December 11, 2000, Memorandum on "Time Frame for Resolution of Degraded CEQ Fan Room Wall Issue (D.C. Cook)," to Ross Landsman, Project Engineer, Division of Nuclear Materials Safety, from J.E. Dyer, RA, Region III.
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.
29. December 8, 2000, Note to Commissioner Assistants, from John W. Craig, Assistant for Operations, OEDO, subject: Differing Professional Opinion Concerning the Startup of D.C. Cook Units 1 and 2.
30. December 12, 2000, Memorandum on "Readiness for Restart of the Donald C. Cook (D.C. Cook) Nuclear Power Plant-Unit 1," to William D. Travers, EDO, from J.E. Dyer, RA, Region III.
31. December 12, 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.
32. December 15, 2000, Memorandum on "Differing Professional Opinion Panel," to Nilesh C. Chokshi, Chief, Division of Engineering Technology, Office of Nuclear Regulatory Research (RES), K. Steven West, Division of Regulatory Improvement Programs, NRR, from William D. Travers, EDO.
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.

Attachment: DPO case file

From: FOIA
 To: RidsEdoMailCenter; RidsNrrWpcMail; RIIFFOIAPA
 Date: Fri, Aug 10, 2001 8:45 AM
 Subject: Action Item: FOIA/PA-2001-0324
 Place: RidsEdoMailCenter

*Isabelle: 8/10/01
 for your action
 Patty T.*

Because we use a FOIA e-mail "RESOURCE" we are providing you with the ADAMS accession number rather than providing (attaching) a pointer to your record copy of the above FOIA/PA.

SEE ACCESSION #: ML012110245

Offices Assigned Action
 EDO 08/10/2001
 NRR 08/10/2001
 Rgn III 08/10/2001

Since the requester has been granted a fee waiver, your initial estimates are not required.

The FOIA/PA Specialist for this request is indicated in the "cc" to this e-mail.

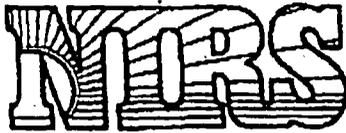
The FOIA/PA request should be processed in accordance with the standard FOIA/PA Case Processing Instructions.

Your initial estimate of search and review time and the volume of records is required within four (4) working days from the date of this transmittal e-mail.

NRC Form 496, "Report of Staff Resources for Processing FOIA/PA Requests" is now available on Informs for your use.

CC: Mary Jean Pool

*Isabelle,
 We have our 620000572
 file with correspondence
 from 12/4/000 - 4/9/01.
 the ACS does not have
 any of the DPV info.
 We can make copies from
 there if you need them.
 Patty.*



FOIA/PA REQUEST

Case No: 2001-0324
Date Rec'd: 7-26-2001
Action Off: Pool
Related Cases: _____

Nuclear Information and Resource Service

1424 16th St. NW, Suite 404, Washington, DC 20036; 202-328-0002; Fax: 202-462-2183; E-mail: niranet@nirs.org; Web: www.nirs.org

July 26, 2001

Branch Chief
Division of Freedom of Information and Publication Services
Office of Administration
U.S. Nuclear Regulatory Commission
Washington, DC 20555

BY FAX: (301) 415-5130

**Follow-up FOIA Request Regarding Differing Professional View on D.C. Cook
Reactor Containment Integrity**

To Whom It May Concern:

On behalf of Nuclear Information and Resource Service (NIRS), and pursuant to the Freedom of Information Act, 5 U.S.C. 552(b), et. seq., I hereby request that you make available copies of all documents in the U.S. Nuclear Regulatory Commission's possession which describe or discuss:

- 1) All documents subsequently docketed since August 22, 2000 to date regarding the differing professional view (DPV) filed by Mr. Ross Landsman on June 06, 2000 focused on a degraded fan room wall in containment at the D.C. Cook nuclear generating station.
- 2) All documents regarding a Differing Professional Opinion (DPO) arising out of the June 06, 2000 DPV filed by Mr. Ross Landsman on D.C. Cook containment integrity.

This request covers but is not limited to all draft and final reports, correspondence, memoranda, notes, records of telephone contacts, electronic communications including fax transmissions and Email, or other written records, whether in paper or computer files.

Pursuant to this request, please provide all documents and communications prepared or utilized by, in the possession of, or routed through the NRC related to items 1 and 2.

For any portion of the request that you deem appropriate to deny, NIRS requests that you describe the information that is denied, identify the exception to the FOIA on which you rely, and explain how that exception applies to the withheld information.

Pursuant to NRC regulations at 10 CFR 9.41, NIRS requests that any searching and copying fees incurred as a result of this search be waived, and provides the following information in response to the eight criteria listed in Section 9.41(b):

1) Purpose of request:

The purpose of the request is to gather information on the integrity of the reactor containment at D.C. Cook nuclear generating station. The requested information is currently not available in the NRC's Public Document Room and is not publicly posted on the NRC's Agency-wide Document Access and Management System (ADAMS).

2) Extent to which NIRS will extract and analyze the substantive content of the records:

NIRS is qualified to make use of the requested information. The staff has demonstrated the ability to interpret information and communicate that information in a form comprehensible to the general public. Members of the NIRS staff have published articles in such national journals as The Nation, The Progressive, Nuclear Times, Newsday, TIME and Bulletin of Atomic Scientists. NIRS is quoted as a reliable source of information on nuclear issues in newspapers across the country, including such papers as the Wall Street Journal, New York Times, Washington Post, and San Francisco Chronicle, and the Cleveland Plain Dealer.

NIRS has a working relationship with attorneys, physicists, nuclear engineers and other respected professionals who contribute to the full understanding of technical records relating to reactor containment integrity.

3) Nature of the specific activity or research in which the records will be used and NIRS's qualifications to utilize the information for the intended use in such a way that it will contribute to public understanding:

NIRS seeks the requested information solely to contribute to and help shape the public debate on public health and safety. NIRS intends to use the information in order to advance the concerns for public understanding of reactor containment integrity.

4) Likely impact on the public's understanding of the subject as compared to the level of understanding of the subject prior to disclosure:

NIRS seeks to translate the requested information into the layperson's understanding of containment integrity issues at nuclear power stations. The added attention will increase the public understanding and further a national debate on containment integrity standards.

5) **Size and nature of the public to whose understanding a contribution will be made:**

NIRS has an active subscribing membership of over 1500 throughout the United States. Several thousand additional members periodically receive mailings from NIRS. NIRS provides resource material to electronic and print media outlets with very broad outreach to a safety conscious audience. Additionally, NIRS has a web site (www.nirsnet.org) which receives on average of 1500 visitors per day where postings on this issue will be made available.

6) **Means of distribution of the requested information:**

NIRS will use its own newsletter publication The Nuclear Monitor and our media contacts in both the electronic and print media outlets to provide very broad outreach to the safety conscious public. Additionally, NIRS will post information on its web site (www.nirsnet.org) which receives on average of 1500 visitors per day.

7) **Whether free access to information will be provided:**

NIRS will provide the information without charge to all members of the public. Information prepared from the FOIA requested will be posted on the web site for downloading free of charge. NIRS will also provide information to traditional media outlets without charge.

8) **No commercial interest by NIRS or any other party:**

NIRS has no commercial interest in obtaining the requested information. This information is provided to all public requests without charge. The sole interest of NIRS is to promote a public safety policy debate on reactor containment integrity.

Sincerely,



Paul Gunter, Director
Reactor Watchdog Project