



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, DC 20555 - 0001

May 22, 2006

MEMORANDUM TO: James Dyer, Director
Office of Nuclear Reactor Regulation

FROM: Renée Pedersen, Differing Professional Opinions /RA/
Program Manager
Office of Enforcement

SUBJECT: DIFFERING PROFESSIONAL OPINION INVOLVING OCONEE USE
OF LEAK BEFORE BREAK IN ECCS (DPO-2006-003)

The purpose of this memorandum is to advise you of a Differing Professional Opinion (DPO) that was submitted to me on May 3, 2006. I received the DPO on May 3, 2006, and screened it in accordance with the guidance included in Management Directive (MD) 10.159, "The NRC Differing Professional Opinions Program." I have concluded that the preconditions for acceptance have been met and have accepted this issue as DPO-2006-003 within the DPO Program. The DPO (Attachment 1) raises concerns about the installation of an ECCS LPI cross tie header at the Oconee facility. The submitter contends that the licensee should not have been allowed to use Leak Before Break technology for ECCS.

In accordance with section (D)(3)(c) of the MD Handbook, I am forwarding this DPO to you for appropriate action. MD 10.159-036 specifically addresses your responsibilities as an Office Director. In brief, you are required to:

- Establish an independent ad hoc panel (DPO Panel) to review the issue, draw conclusions, and make recommendations to you regarding the disposition of the issues presented in the DPO.
- Provide appropriate oversight and support to the DPO Panel to ensure timely disposition of the DPO (while maintaining process independence).
- Approve DPO schedule extension requests that are forwarded to the DPOPM (for subsequent EDO for approval) and reflected in the DPO Monthly Status Report.
- Review the DPO Panel's report to ensure that it accurately reflects the existing staff position that is related to the DPO and that it is clear.
- Issue a DPO Decision to the submitter.
- Forward a summary of the DPO for inclusion in the Weekly Information Report.
- Take action to positively recognize the DPO submitter if the submitter's actions result in significant contributions to the mission of the agency.

B-5

- ❑ Identify appropriate followup actions, establish completion dates, and provide it to the submitter and the DPOPM (for tracking in the DPO Monthly Status Report).
- ❑ Notify the submitter and the DPOPM (for tracking in the DPO Monthly Status Report) of followup action schedule delays, including the reason for the delay and a revised completion schedule.

Disposition of this DPO should be considered an important and time sensitive activity. The DPO process begins on the day that I accept the DPO (May 12, 2006) and concludes on the day you issue a DPO Decision memorandum. In accordance with the goals in MD 10.159, all routine DPO cases are expected to be completed within 60 days and all complex cases within 120 days. In this case, **the timeliness goals based on working days are (August 8, 2006) and (November 2, 2006)**, respectively. Please note that the 120-day time frame may only be extended with the approval of the EDO through the DPOPM. Although timeliness is an important DPO Program objective, the DPO Program also sets out to ensure that issues receive a thorough and independent review. Therefore, if you or the DPO Panel determine that an extension is necessary, please send me an email with the reason for the extension request and a new completion date.

Because we are in the process of developing additional implementing procedures and are considering changes to the DPO Program, not all guidance may be in MD 10.159. Therefore, I will be meeting and communicating with all parties frequently during the process to ensure that everyone understands the process, goals, and responsibilities. I am sending you a DPO Equipment Bag that includes information intended to aid you, the DPO Panel, and support staff in implementing the DPO process.

Please take appropriate actions to ensure that all employees involved in the process to evaluate this DPO exercise discretion and treat this matter sensitively. Although this individual has not filed the DPO confidentially, all steps should be taken to treat the individual as if the submitter had. In other words, the person's name should not be used in discussions (the person may be referred to as the "DPO submitter"), documents should be distributed on an as-need basis, and managers and staff should be counseled against "hallway talk" on the issue. We need to do everything that we can in order to create an organizational climate that does not chill employees from raising dissenting views.

As a final administrative note, please ensure that all correspondence associated with this case include the DPO number in the subject line and is dispositioned in ADAMS in accordance with the specific ADAMS instructions included in the DPO Equipment Bag.

J. Dyer

3

If you or your staff have any questions, please feel free to contact me at (301) 415-2741 or email DPOPM@nrc.gov.

Attachments: As stated

cc: (w/o attachments)

M. Virgilio, DEDMRS

W. Dean, AO

M. Johnson, OE

W. Travers, RII

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