

November 8, 2006

MEMORANDUM TO: Renée Pedersen, Differing Professional Opinions  
Program Manager  
Office of Enforcement

FROM: Luis A. Reyes */RA/*  
Executive Director for Operations

SUBJECT: APPROVED EXTENSION REQUEST FOR DIFFERING  
PROFESSIONAL OPINIONS INVOLVING OCONEE ECCS SUMP  
SCREENS (DPO-2006-002) AND OCONEE USE OF LEAK BEFORE  
BREAK IN ECCS (DPO-2006-003)

The purpose of this memorandum is to inform and advise you that I have reviewed the extension requests that I received from you for the subject Differing Professional Opinions (DPOs) and that I approve the new timeliness goals to disposition DPO-2006-002 to December 18, 2006, and DPO-2006-003 to December 4, 2006.

cc: M. Virgilio, DEDMRT

**DISTRIBUTION:**

M. Johnson, AO  
W. Kane, DEDR  
J. Dyer, NRR  
J. Grobe, DPO Panel Chair  
DPO Panel members  
DPO Submitter  
DPO-2006-002 file  
DPO-2006-003 file  
DPO Day File  
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FILE NAME: G:\DPO Program\DPO-2006-002\Approved Extension Request Memo from EDO.wpd

**ML063110520**

OFFICE	DPOPM/OE	EDO
NAME	R. Pedersen	L. Reyes
DATE	11/7 /06	11/08 /06

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Source: NRC Weekly Information Report (Week of March 9, 2007, SECY-2007-053)

#### Office Director Decision on a Differing Professional Opinion

On February 17, 2007, the NRR Director issued his decision on a Differing Professional Opinion (DPO) regarding the use of leak-before-break (LBB) technology in the design of a facility modification involving installation of new emergency core cooling system (ECCS) recirculation sump strainers at Oconee, Units 1 and 2 (DPO-2006-002).

On May 3, 2006, an NRC employee submitted a DPO that focused on the concern that ECCS sump strainer modification should not have been approved by the NRC nor implemented by the licensee. This contention stemmed from the submitter's interpretation of Commission policy that LBB technology cannot be used if the dynamic effects of the pipe rupture adversely affect ECCS and containment. On November 13, 2006, an Ad Hoc Review Panel provided the results of its independent review to the NRR Director. The panel concluded that the submitter's concern regarding inappropriate application of LBB technology in the ECCS recirculation sump strainer modification at Oconee, Units 1 and 2, was based on an incorrect understanding of the Commission's regulations and policy on the use of LBB technology in the design of the ECCS.

The regulations and policy support the staff's decision to authorize the application of LBB technology to this modification. The panel also recommended that the staff should develop a knowledge management document clearly describing the NRC's policy and practice on the application of LBB. The submitter did not have any comments with regards to the panel's report issued on November 13, 2006. Based on the review of the panel's report and other background information, including the submitter's comments when the panel met with the submitter on July 20, 2006, to obtain clarification on certain details of his concerns and his confirmation on the panel's summary of the issues, the NRR Director agreed with the panel's conclusions and recommendations.