




UNITED STATES  
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

November 4, 2008

MEMORANDUM TO: Marissa Bailey  
Kenneth Karwoski  
Robert Tregoning

FROM: Eric J. Leeds, Director   
Office of Nuclear Reactor Regulation

SUBJECT: AD HOC REVIEW PANEL - DIFFERING PROFESSIONAL  
OPINION CONCERNING CLOSURE PROCESS FOR GENERIC  
SAFETY ISSUE -191 (DPO-2008-001)

In accordance with Management Directive (MD) 10.159, AThe NRC Differing Professional Opinions Program, @ I am appointing you as members of a Differing Professional Opinion (DPO) Ad Hoc Review Panel (DPO Panel) to review a DPO that raises concerns about the NRC staff closure process for Generic Safety Issue (GSI) -191, including associated activities such as review of Generic letter (GL) 2004-02. The submitter believes that the process has resulted in a review that is unnecessarily focused on compliance versus a determination that the underlying safety issue has been satisfactorily addressed. A copy of the DPO is included as Enclosure 1.

I have designated Marissa Bailey chairman of this DPO Panel and Ken Karwoski as a DPO Panel member. Rob Tregoning was proposed by the DPO submitter and serves as the third member of the DPO Panel. In accordance with the guidance included in MD 10.159 and consistent with the DPO Program objectives, I task the DPO Panel to do the following:

- Review the DPO submittal to determine if sufficient information has been provided to undertake a detailed review of the issue.
- Meet with the submitter, as soon as practicable, to ensure that the DPO Panel understands the submitter's concerns and scope of the issues.
- Promptly after the meeting, document the DPO Panel's understanding of the submitter's concerns, provide the Statement of Concerns (SOC) to the submitter, and request that the submitter review and provide comments, if necessary.
- Maintain the scope of the review to not exceed those issues as defined in the original written DPO and confirmed in the SOC.
- Consult with me as necessary to discuss schedule-related issues, the need for technical support (if necessary), or the need for administrative support for the DPO Panel's activities.
- Perform a detailed review of the issues and conduct any record reviews, interviews, and

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discussions you deem necessary for a complete, objective, independent, and impartial review. The DPO Panel should re-interview individuals as necessary to clarify information during the review. In particular, the DPO Panel should have periodic discussions with the submitter to provide the submitter the opportunity to further clarify the submitter's views and to facilitate the exchange of information.

- Analyze the "alternative approach" described in the DPO submittal, compare and contrast it to the established approach, and make a recommendation on whether the established approach needs to be changed to incorporate the alternative approach or aspects of the alternative approach. Provide pros and cons to the alternatives.
- Provide monthly status updates on your activities via email to Trent Wertz the NRR Differing Views Office Liaison (DVOL) no later than noon the last day of the month. The DVOL will forward this information to Renée Pedersen, the Differing Views Program Manager (DVPM) the last day of the month. This information will be reflected in the Milestones and Timeliness Goals for this DPO and included in the Monthly Status Report on the DPO Program that is forwarded to the Commission. Please provide a copy of email status updates to me.
- Issue a DPO Panel report, including conclusions and recommendations to me regarding the disposition of the issues presented in the DPO. The report should be a consensus product and include all DPO Panel member's concurrence. Follow the specific processing instructions for DPO documents.
- Consult me as soon as you believe that a schedule extension is necessary to disposition the DPO.
- Recommend whether the DPO submitter should be recognized if the submitter's actions result in significant contributions to the mission of the agency.

Disposition of this DPO should be considered an important and time sensitive activity. The EDO-approved timeliness goal to disposition a DPO is 190 calendar days (April 14, 2009). DPO timeliness is calculated beginning the on the day the DPO is accepted for review until the day the DPO Decision is issued. Process Milestones and Timeliness Goals for this DPO are included as Enclosure 2. The timeframes for completing process milestones are identified strictly as goals—a way of working towards reaching the DPO timeliness goal of 190 calendar days. The timeliness goal identified for your DPO task is 150 calendar days. (Please charge your DPO-related activities to Activity Code ZG0007.)

Although timeliness is an important DPO Program objective, the DPO Program also sets out to ensure that issues receive a thorough and independent review. The overall timeliness goal should be based on the significance and complexity of the issues and the priority of other agency work. Therefore, if you determine that your activity will result in the need for an extension beyond the overall 190 day timeliness goal, please send me an email with the reason for the extension request and a new completion date. I will subsequently forward this request to the DVPM who will forward it to the EDO for approval.

Because the DVPM has developed additional implementing procedures, not all guidance may

be in MD 10.159. Therefore, the DVPM will be meeting and communicating with all parties during the process to ensure that everyone understands the process, goals, and responsibilities. The DVPM has prepared a DPO Equipment Bag that includes information intended to aid you and support staff in implementing the DPO process. In particular, because DPO records have special handling requirements, please ensure that all correspondence associated with this case be processed in accordance with the special instructions included in the DPO Equipment Bag.

An important aspect of our internal safety culture includes respect for differing views. As such, you should exercise discretion and treat this matter sensitively. Documents should be distributed on an as-need basis. In an effort to preserve privacy, minimize the effect on the work unit, and keep the focus on the issues, you should simply refer to the employee as the DPO submitter. Avoid conversations that could be perceived as "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.

I appreciate your willingness to serve and your dedication to completing an independent and objective review of this DPO. Successful resolution of the issues is important for NRC and its stakeholders. If you have any questions, you may contact me, Trent Wertz, NRR DVOL, or Renée Pedersen, DVPM, at (301) 415-2742 or email [Renee.Pedersen@nrc.gov](mailto:Renee.Pedersen@nrc.gov).

I look forward to receiving your independent review results and recommendations.

Enclosures:

1. DPO-2008-001
2. Milestones and Timeliness Goals

cc w/o Enclosure:

Ralph Architzel  
DVPM

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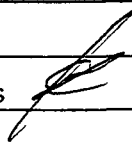
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cc w/o Enclosure:

Ralph Architzel  
DVPM

ADAMS Package: ML082910823

OFC	D:NRR
NAME	E. Leeds 
DATE	11/15/08