July 9, 2009

MEMORANDUM TO: R. W. Borchardt
Executive Director for Operations

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

SUBJECT: STATEMENT OF VIEWS REGARDING APPEAL OF DIFFERING PROFESSIONAL OPINION CONCERNING GENERIC SAFETY ISSUE -191 (DPO-2008-001) APPEAL

On October 1, 2008, in accordance with Management Directive 10.159, "The NRC Differing Professional Opinions Program", a differing professional opinion (DPO) concerning the Nuclear Regulatory Commission staff closure process for Generic Safety Issue (GSI)-191, including associated activities to review licensee submittals in response to Generic letter (GL) 2004-02 was submitted. On November 4, 2008, I established a DPO Ad Hoc Review Panel (the Panel) and tasked them to meet with the submitter, review the DPO submittal, and issue a DPO report, including conclusions and recommendations, to me regarding the disposition of the issues presented in the DPO.

On March 29, 2009, after reviewing the applicable documents, completing internal interviews of relevant individuals and completing their deliberations, the Panel issued their report to me. On May 27, 2009, I issued a closeout memorandum to the submitter documenting my decision regarding the DPO. On June 18, 2009, the submitter submitted an appeal to you regarding the DPO and my decision. This memorandum is to provide you with my views regarding the statements in the appeal.

After reading the appeal, the submitter reiterated his stance on the reasons the DPO was originally submitted. The submitter did not include any new information that would cause me to alter my disposition of the DPO. Therefore, I find no compelling reason to alter any decision or actions started as a result of my memorandum closing out the DPO.

In the last paragraph of the appeal the submitter stated that the Panel incorrectly reported one of his Statements of Concern. During my interview with the submitter, we discussed that point and I took it under advisement when rendering my decision. Again, I find no compelling reason to change any decision or actions taken other than what is in the closeout memorandum.

cc: R. Pedersen, OE

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A-13