



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

July 20, 2009

MEMORANDUM TO: William H. Ruland, Director  
Division of Safety Systems  
Office of Nuclear Reactor Regulation

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

SUBJECT: TASKINGS AS A RESULT OF DIFFERING PROFESSIONAL  
OPINION DECISION CONCERNING CLOSURE PROCESS FOR  
GENERIC SAFETY ISSUE -191 (DPO-2008-001)

Due to an administrative error, this memorandum is being re-issued. This memorandum supersedes the Tasking Memorandum dated June 26, 2009.

On May 27, 2009, a closeout memorandum was issued stating the results of my decision regarding DPO-2008-001. One of the issues resulting from this Differing Professional Opinion (DPO) submittal is a concern that the staff's review process is inefficient and may result in focusing on non-safety significant issues. The DPO Panel indicated that the staff's approach has been inefficient as detailed guidance has evolved as staff and licensees have learned from ongoing industry and Nuclear Regulatory Commission (NRC) sponsored testing. Staff guidance has only stabilized over the last year or so. However, the Panel also found that the staff's approach resulted in improved plant safety because it required that licensees enact some initial, rapid improvements to address the risk associated with the potential for inadequate safety system performance. I am concerned that the staff's review was not as efficient as it could be and that we should improve our process based on lessons learned from our review of Pressurized Water Reactor (PWR) sump performance. One of the Agency's strategic objectives is that Nuclear Regulatory Commission's actions are high quality, efficient, timely and realistic, to enable the safe and beneficial use of radioactive materials.

Also, a proposed alternative approach was provided which would assess whether the plants have adequately resolved the risks associated with GSI-191, without making clear-cut compliance determinations. It is possible a rigorous risk assessment was necessary but that the staff was more likely to find issues with Boiling Water Reactor (BWR) sump performance and its impact on Emergency Core Cooling Systems (ECCS) systems than the staff had found with Pressurized Water Reactors. I believe this approach should be considered.

The DPO Panel also recommended the staff consider two additional activities to ensure that the risk associated with GSI-191 related issues is acceptable. In short, the Panel recommended, (1) that the staff perform an integrated review of the test results from all licensees to ensure that the results are as consistent as practical given the differences in testing approaches and (2) that the staff assess the consequences associated with inoperability.

CONTACT: Trent L. Wertz, NRR  
301-415-1568

A-15

Therefore, I am assigning the following tasks to the Director, Division of Safety System (DSS), in consultation with appropriate staff and management in NRR and RES:

1. Review and revise, as necessary and appropriate, NRC's guidance to its technical review staff in its review of issues relating to GSI-191, to ensure that the guidance follows the intent of the Commission's direction in its June 30, 2004, and November 16, 2006, Staff Requirements Memoranda (SRM). In particular, evaluate whether and how focus can be increased on realistic scenarios, for example by using risk tools.
2. Conduct an interim lessons learned from the staff's review of GSI-191 to determine improvements to the process that can be incorporated into the ongoing review of PWR sump issues and in going forward with the review of BWR sump performance.
3. Consider the Panel's recommendations that the staff perform an integrated review of the test results from all licensees to ensure that the results are as consistent as practical given the differences in testing approaches and that the staff assesses the consequences associated with ECCS inoperability.
4. Provide a memorandum to me, through the Associate Director for Engineering and Safety Systems, and with a copy to you and the DPO submitter, providing the results of the three assigned actions by date September 30, 2009.

cc: B. Sheron, RES  
R. Pedersen, OE