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

ENCLOSURE 1

DEC 13 1983

MEMORANDUM FOR: Brian W. Sheron, Chief
Reactor Systems Branch, DSI

FROM: G. Norman Lauben, Section Leader, Section A
Reactor Systems Branch, DSI

SUBJECT: TRANSMITTAL OF DIFFERING PROFESSIONAL OPINION (DPO)
REGARDING MCGUIRE TECHNICAL SPECIFICATIONS

References: 1. Letter from R. B. A. Licciardo to G. N. Lauben,
"Differing Professional Opinion Related to
Technical Specification for McGuire Unit 2 (and
proposed for McGuire Unit 1), dated December 7,
1983 (attached).
2. Letter from G. N. Lauben to R. B. A. Licciardo,
"Acknowledgement of Receipt of DPO, dated December
13, 1983.

In accordance with Manual Chapter NRC-4125-035f, I am forwarding to you the attached subject Differing Professional Opinion (DPO). Manual Chapter NRC Appendix 4125 paragraph c strongly recommends that the DPO statement include 4 elements:

1. A summary of the originators perception of the prevailing staff view.
2. Description of the originators opinions.
3. A statement of the originators assessment of the resulting consequences.
4. Status of related efforts.

The referenced DPO briefly includes some aspects of element 2, however, I do not believe that enough information is presented to make any decision on the technical merits. The content related to element 3 is

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DEC 13 1983

brief and vague. No direct statements regarding elements 1 and 4 are contained in the DPO.

In accordance with Manual Chapter NRC-4125-035d,e, I have acknowledged receipt of Mr. Licciardo's DPO (ref. 2).

G. N. Lauben

G. N. Lauben, Section Leader
Section A
Reactor Systems Branch, DSI

cc: R. Licciardo
R. Houston
R. Mattson
Licciardo DPO File



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50-369
50-376

DEC 13 1983

MEMORANDUM FOR: Robert B. A. Licciardo, Nuclear Engineer
Reactor Systems Branch, DSI

FROM: G. Norman Lauben, Section Leader, Section A
Reactor Systems Branch, DSI

SUBJECT: ACKNOWLEDGEMENT OF RECEIPT OF DIFFERING PROFESSIONAL
OPINION FROM ROBERT B. A. LICCIARDO REGARDING MCGUIRE
TECHNICAL SPECIFICATIONS.

Reference: Letter from Robert B. A. Licciardo to G. Norman Lauben,
subject: "Differing Professional Opinion Related to
Technical Specifications for McGuire Unit 2 (and
proposed for McGuire Unit 1) dated December 7, 1983
(attached)

I hereby acknowledge receipt of a Differing Professional Opinion (DPO) related to McGuire Technical Specifications (see referenced memo). This acknowledgement is in compliance with Manual Chapter NRC-4125-035d.

Manual Chapter NRC Appendix 4125 paragraph C strongly recommends that the DPO statement include 4 elements:

1. A summary of the originators perception of the prevailing staff view.
2. Description of the originators opinions.
3. A statement of the originators assessment of the resulting consequences.
4. Status of related efforts.

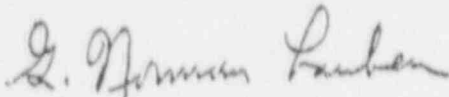
The referenced DPO briefly includes some aspects of element 2, however, I do not believe that enough information is presented to make any

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DEC 13 1953

decision on the technical merits. The content related to element 3 is brief and vague. No direct statements regarding elements 1 and 4 are contained in the DPO.

Should you desire further assistance in this matter please feel free to contact me.



G. Norman Lauben, Section Leader
Section A
Reactor Systems Branch, DSI

cc: B. Sheron
R. Houston
R. Malcolmson
E. Adensam
R. Birkel
T. Novak



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50-369
50-370

DEC 07 1983

MEMORANDUM FOR: G. Norman Lauben, Section Leader
Section A
Reactor Systems Branch, DSI

FROM: R. B. A. Licciardo, Nuclear Engineer
Section A
Reactor Systems Branch, DSI

SUBJECT: DIFFERING PROFESSIONAL OPINION RELATED TO TECHNICAL
SPECIFICATION FOR MCGUIRE UNIT 2 (AND PROPOSED FOR
MCGUIRE UNIT 1)

This memorandum constitutes formal submission of a Differing Professional Opinion (DPO) in accordance with NRC Manual Chapter NRC-4125 and NRC Appendix 4125.

This DPO relates to the operation of McGuire Unit 2 (also proposed for McGuire Unit 1) safety systems necessary to provide assurance of public health and safety.

Disparities existing between current Technical Specifications relating to these systems and the safety analyses of record within the existing licensing basis, suggest that the existing regulatory requirements identified in 10 CFR Parts 50.36, 50.46 and 50, Appendix A could be compromised. This compromise could manifest itself in increased risk to public health and safety beyond that intended in the existing licensing basis. As an example, the mitigating effects of the Emergency Core Cooling System (ECCS) could be compromised.

In accordance with NRC Appendix 4125 G.2.a, I request that this DPO be presented to an impartial peer review group for review, evaluation and comment.

R. B. A. Licciardo, Nuclear Engineer
Section A
Reactor Systems Branch, DSI
U.S. Nuclear Regulatory Commission

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50-369
50-370

DEC 14 1983

MEMORANDUM FOR: Robert B. A. Licciardo, Nuclear Engineer
Reactor Systems Branch, DSI

FROM: Brian W. Sheron, Chief, Reactor Systems Branch, DSI

SUBJECT: DIFFERING PROFESSIONAL OPINION REGARDING MCGUIRE
TECHNICAL SPECIFICATIONS; ADDENDUM TO G. N. LAUBEN'S
MEMORANDUM TO YOU DATED DECEMBER 13, 1983

The following statement was inadvertently omitted from Mr. Lauben's acknowledgement memorandum to you:

Your statement of a Differing Professional Opinion regarding the McGuire Technical Specifications is being forwarded through direct management channels to the Director, Office of Nuclear Reactor Regulation for appropriate action to resolve the matter pursuant to NRC Appendix 4125.

I am transmitting it to you at this time in Mr. Lauben's absence on travel.

Brian W. Sheron, Chief
Reactor Systems Branch
Division of Systems Integration

cc: R. W. Houston
R. Mattson
G. N. Lauben
E. Adensam
R. Birkel
T. Novak

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ENCLOSURE 2

B. Sheron comments on R. Licciardo DPO regarding McGuire Technical Specifications.

I have reviewed Mr. Licciardo's DPO regarding the McGuire Technical Specifications. Based on my review of the Manual Chapter guidance, I concur with Mr. Lauben's assessment that the DPO as submitted does not address most of the elements that should be contained in a DPO. As such, I cannot ascertain the technical merits of Mr. Licciardo's DPO.

I point out that I had a number of discussions on this subject with Mr. Licciardo prior to his formal issuance of the DPO. When I first learned of the problem and his plan to issue a DPO, I asked him to defer its issuance until I could assess the situation and possibly find a resolution path that would resolve his concerns without going the DPO route. He agreed. However, at a December 5, 1983 step one grievance meeting among Mr. Licciardo, his NTEU steward J. Halapatz, J. Jackson of LRB, and me, in which Mr. Licciardo's performance appraisal grievance was being discussed, Mr. Halapatz announced that Mr. Licciardo decided to go forward with his DPO issuance. Subsequent to that meeting but before his DPO was dispatched, I told him I had completed the assessment I had promised to do, and outlined my proposed resolution to him. Again, I asked him to reconsider issuing his DPO and attempt resolution using my proposed resolution plan. He declined and issued the DPO. My resolution plan was documented in a December 9, 1983 memo to Mr. Licciardo and is attached to this enclosure, along with his December 13 response.