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

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MEMORANDUM FOR: Robert Licciardo, Nuclear Engineer  
Reactor Systems Branch  
Division of Systems Integration  
Office of Nuclear Reactor Regulation

FROM: William J. Dircks  
Executive Director for Operations

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

This memorandum is in response to your memorandum of November 14, 1984, same subject.

The requirements of NRC Appendix 4125, Section F, have been met with respect to the Differing Professional Opinion (DPO) you transmitted on December 7, 1983. A written record was created and is being maintained on your DPO. You were advised of the outcome by memorandum dated March 20, 1984 and both the DPO and the response of NRC management have been placed in the NRC Public Document Room in accordance with Section G.1.

NRC Appendix 4125, Section L calls for a special review panel on an annual basis. A special review panel was convened in late 1982 and made recommendations which were included in a proposed revisions to Manual Chapter 4125. As part of the Commission's review of the proposed Manual Chapter, it has asked for a review of the DPO process by the Office of Inspector and Auditor. About nine months after the Commission approves the revised Manual Chapter, a Special Review Panel will be convened to consider experience gained under the new manual chapter as well as DPOs submitted since the last panel review. Your DPO will be reviewed by this panel at that time.

I trust this memorandum is responsive to your request. If not, please do not hesitate to contact me.

William J. Dircks  
Executive Director for Operations

cc: Chairman Palladino  
Commissioner Roberts  
Commissioner Asselstine  
Commissioner Bernthal  
Commissioner Zech  
SECY ✓  
OGC  
OPE

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

NOV 14 1984

MEMORANDUM FOR: William J. Dircks, Executive Director for Operations

FROM: Robert B. A. Licciardo, Nuclear Engineer  
Reactor Systems Branch, Division of Systems Integration  
Office of Nuclear Reactor Regulation

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

By memorandum for G. Norman Lauben, Section Leader, Section A, RSB, DSI, dated December 7, 1983, the writer submitted a "Differing Professional Opinion Related to Technical Specification for McGuire Unit 2 (and Proposed for McGuire Unit 1)."

By memorandum for D. G. Eisenhut, Director, Division of Licensing and R. J. Mattson, Director, Division of Systems Integration, dated March 21, 1984, Subject: Differing Professional Opinion of Mr. R. Licciardo Regarding McGuire Technical Specifications, H. Denton, Director, Nuclear Reactor Regulation, proposed that "Pursuant to the procedures for resolving a Differing Professional Opinion, Manual Chapter 4125, I consider the DPO resolved."

NRC Manual Chapter NRC Appendix 4125, Section F, entitled "Written Record of Actions on Differing Professional Opinions," requires that:

"Once a signed differing professional opinion has been submitted, a written record must be maintained to provide accountability for all subsequent actions taken to resolve that differing professional opinion on its merits. This record will consist of signed notations of all supervisory and managerial determinations and actions based upon the differing professional opinion. Changes in the original documentation that are requested by the originator will also be made a part of this written record. All pertinent documentation will be retained for a minimum of 10 years."

Additionally, NRC Appendix 4125 Section F requires that:

"The resolution process is complete only when the originator has been informed of the decision or action of NRC management and, consistent with security classification policy, both the statement of differing professional opinion and the response of NRC management have been placed in NRC's Public Document Room."

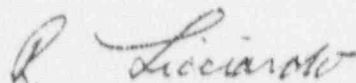
The writer wishes to be informed by your office of the current status of completion of those requirements in respect of the aforementioned D.P.O. on the McGuire Technical Specifications.

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NRC Manual Chapter NRC Appendix 4125 in Section K provides for the appointment annually of "a Special Review Panel for Follow-up on Functioning of Differing Professional Opinion Procedures" and that all NRC employees will receive, a copy of the letter appointing the members there-of and, a copy of their findings and recommendations. Also, NRC Manual Appendix 4125, Section L, requires that this Special Review Panel has an additional responsibility concerning "Recognition of Originators of Significant Differing Professional Opinions" in that the Panel:

"will [also] annually review all differing professional opinions submitted during the prior year to identify employees whose differing professional opinions made significant contributions to the agency or to public safety but who had not been recognized by his or her supervisor for this contribution. It is anticipated that employees who provide significant contributions to the agency or to public health and safety will be recommended for appropriate awards by their immediate supervisors. Where award recommendations have not been made, they may be made by this Panel in accordance with provisions of NRC's Incentive Awards Program (Chapter NRC-4154). Copies of such recommendations for award will be included in the Special Review Panel's written report to the EDO and the Commissioners."

Please advise the writer on the details of completion of the above NRC requirements of Manual Chapter 4125, Sections K and L, and especially relative to the aforesaid Differing Professional Opinion concerning the McGuire Technical Specifications.



Robert B. A. Licciardo  
Nuclear Engineer  
Reactor Systems Branch  
Division of Systems Integration  
Office of Nuclear Reactor Regulation

cc: N. J. Palladino  
H. R. Denton  
R. M. Bernero  
R. W. Houston



MAY 08 1985

DC-016

MEMORANDUM FOR: Robert Licciardo, Reactor Systems Branch, DSI  
FROM: Brian Sheron, Chief, Reactor Systems Branch, DSI  
SUBJECT: MCGUIRE TECHNICAL SPECIFICATIONS

Reference: (1) Memorandum, Licciardo to Sheron, "McGuire Technical Specifications," dated April 24, 1985  
(2) Memorandum, Bernero to Eisenhut, "Concerns on McGuire Technical Specifications," dated August 30, 1984  
(3) Memorandum, Sheron to Licciardo, "McGuire Tech Spec Assignment," dated April 11, 1985

I am writing in response to your reference (1) memorandum in which you observe that, due to the language of reference (2), you interpreted it to mean that all of your concerns would be reviewed by DL, rather than the subset that resulted from the RSB management categorization. You also conclude in your reference (1) memorandum that review of the remaining 160 items by DL is "necessary to ensure a valid, safe, and complete action."

In response to the first item, I believe that the language in reference (1) was clear and self explanatory regarding which of your items would be forwarded to DL and which ones wouldn't. A copy of the cover letter of reference (2) is provided as Enclosure (1).

Regarding your second item, RSB management spent a considerable amount of time and resources reviewing your approximately 380 concerns. Notwithstanding this latest expression of your desire to have DL review the concerns for which we found no merit, I must advise that our previous review of your work and our conclusions stand as is.

/s/

Brian Sheron, Chief  
Reactor Systems Branch  
Division of Systems Integration

Enclosure:  
As Stated

cc: H. Denton  
D. Eisenhut  
R. Bernero  
R. W. Houston  
G. N. Lauben

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et

enclosure

AUG 30 1984

MEMORANDUM FOR: Darrell G. Eisenhut, Director Division of Licensing  
FROM: Robert M. Bernero, Director Division of Systems Integration  
SUBJECT: CONCERNS ON MCGUIRE TECHNICAL SPECIFICATIONS  
Reference: Memorandum, Sheron to Denton, "Review Status of Technical Issues on McGuire Tech Specs" dated June 25, 1984

In the reference memorandum, Mr. Denton was advised that the RSB management would review the concerns of R. Licciardo on the McGuire technical specifications as he clarified them in his June 11, 1984, memorandum and forward the results to DL. RSB has completed its review and categorization of the concerns, and this memorandum forwards the results to your office for disposition.

In summary, we identified no concerns of safety significance that required immediate action, and all concerns could be addressed as part of the process described later on in this memo.

Our categorization process eliminated those concerns that RSB management felt were either not appropriate for technical specifications or still did not clearly specify the issue. The remaining concerns were categorized as either category A, those concerns that were plant specific within the scope of the standard Technical Specifications and were appropriate to ask an applicant, and category B, concerns that were felt to be philosophic in nature, questioning the scope and content of the technical specifications.

The category A concerns are provided in enclosure (1) and the category B concerns are provided in enclosure (2).

With regard to the category A items, these are questions which the RSB management felt were appropriate to be asked of an applicant, but not necessarily considered to be final "positions." Based on the response, the staff would have to decide whether it was acceptable or if changes to the McGuire and standard technical specifications were warranted. If it were the latter, we would follow the Office Letter 38 guidance.

We also note that the categorization process was done by 5 managers. Different judgments could result in some differences in categorization. You should therefore feel free to recategorize those items you believe are miscategorized.

We have worked with Cecil Thomas of your staff and have agreed on the following approach to final resolution:

~~CHILL~~ 2PP.

AUG 30 1984

1. DL will review the category A and B items and identify those for which they believe acceptable answers already exist for the Technical Specifications. These concerns and the answers will be documented by DL.
2. Of the remaining concerns, DL will review the categorization and revise them as necessary into items which are plant specific to McGuire, items which are generic, and items which are applicable to both.
3. For those items that are generic, they will be returned to DSI by DL for consideration by DSI for incorporation in the next periodic update of the standard technical specifications in accordance with the provisions of Office Letter 38.
4. For those items that are plant specific, DL will determine how to address them with the McGuire licensee.

DSI (RSB) will assist DL as necessary in carrying out these final steps of the resolution plan.

Original Signed By:  
Robert M. Bernero

Robert M. Bernero, Director  
Division of Systems Integration

Enclosure:  
As stated

cc: H. Denton  
 E. Case  
 D. Crutchfield  
 C. Thomas  
 F. Miraglia  
 D. Brinkman  
 R. Birkel  
 T. Novak  
 E. Adensam  
 RSB S/L's

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DSI: DIR  
 RBernero  
 08/30/84



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

May 17, 1985

Dircks  
Roe  
Rehm  
Stello  
Denton  
Taylor  
GCunningham  
Murley  
Grace  
EDO 14742  
EDO 632  
EDO R/F

The Honorable Edward J. Markey, Chairman  
Subcommittee on Energy Conservation and Power  
Committee on Energy and Commerce  
United States House of Representatives  
Washington, DC 20515

Dear Mr. Chairman:

Recently, Mr. Licciardo, an NRC staff member, met with me under NRC's Open Door Policy regarding the Commission's letter to you dated December 20, 1984 on the subject of erroneous McGuire Technical Specifications. He felt that the December 20, 1984 letter mischaracterized his involvement in the review of the McGuire Technical Specifications and that his actions were inaccurately cited as the main cause for delay in resolving his differing professional opinion (DPO) on these same specifications. This letter is intended to correct any mischaracterizations or misrepresentations regarding Mr. Licciardo in our December 20 letter.

Our December 20 letter should not have inferred that Mr. Licciardo introduced unnecessary delays nor that the detailed attention provided during the staff's review resulted in unwarranted or avoidable delays. The problem is complex and, as such, is not subject to singling out one cause of delay. Due to the sheer magnitude of his concerns, over 300 in all, it took a significant amount of time for Mr. Licciardo to provide the required bases for each item. Likewise, a significant and lengthy staff effort was necessary to evaluate each item.

Based on my conversation with Mr. Licciardo and his subsequent discussions with my personal staff, I believe the pace of the staff's review is acceptable to Mr. Licciardo. The staff found in February 1984 that none of the McGuire concerns presented an imminent public health or safety problem. Given this finding and the increased attention afforded by the staff to this matter, I believe that the McGuire Technical Specification evaluation is proceeding at a satisfactory pace.

Mr. Licciardo also indicated that the December 20, 1984 letter to you mischaracterized the present state of the McGuire Technical Specifications. However, I have not been able to confirm Mr. Licciardo's claim. As I noted above, the staff made an initial finding that there was no imminent safety

*Jesse Fuchs send*  
*We shall let you*  
*cc of license letter*  
*to OCA when it is sent*  
*to license.*  
5/22

*8546060077*



problem with the Technical Specifications. The 380 items identified by Mr. Licciardo were evaluated by a team of reactor systems technical managers. That team concluded that 160 of the items did not warrant further attention either because:

- (1) Mr. Licciardo's assessment of the issue was incorrect, or
- (2) the management team (all of whom were experienced reactor systems reviewers) could not understand Mr. Licciardo's description of the issue.

The management team concluded that the remaining 220 did warrant additional NRC evaluation. The present schedule calls for completion of the staff evaluation and categorization of those 220 items by late spring of this year. Upon completion of this categorization a letter will be forwarded to the licensee requesting his response to plant specific issues within three months. The remaining issues of the 220 items which are generic in nature will be handled as part of our generic issues program with a target date for final resolution by the end of this year. This letter and all subsequent letters, will be a matter for the public record, and, as such, will be docketed. If any information becomes available which causes us to reconsider the staff's initial finding, the schedule will be accelerated.

I appreciate Mr. Licciardo's sincerity and conscientiousness in bringing his concerns to my attention. I trust that this letter will further clear the air on his involvement in the schedule of resolving the concerns arising from his Differing Professional Opinion.

Sincerely,

  
Nunzio J. Palladino

cc: Rep. Carlos Moorhead