

OCT 15 1980

MEMORANDUM FOR: John G. Davis, Director
Office of Nuclear Material Safety
and Safeguards

FROM: Robert B. Minogue, Director
Office of Standards Development

SUBJECT: DIFFERING PROFESSIONAL OPINION OF RONG C. SHIEH

The purpose of this memorandum is to inform you of the action that has been taken since receipt of your request to form a peer review group on the subject. I named Dr. P. N. Randall, Structures and Components Standards Branch, to be Chairman of the peer review group, but did not name the other members, because Dr. Randall found that he first needed to clarify the issues that constituted DPOs (differing professional opinions). This plan was reported to you in my memorandum of August 22 and concurred in by you on August 28.

Your initial request quoted Mr. MacDonald as stating that Dr. Shieh's memoranda (3 of which accompanied your request) contained one or more differing professional opinions. That situation has now changed as a result of correspondence between Dr. Randall and Dr. Shieh and between Dr. Randall and Mr. MacDonald. Summarizing: In his letter of September 17, Dr. Shieh withdrew one DPO that Dr. Randall had identified in his letter of August 26 to Dr. Shieh. Dr. Randall concluded from Dr. Shieh's letter that the heart of the problem between Dr. Shieh and his management lay in the fact that firm criteria were not in place. After reading Dr. Shieh's September 17 letter, Mr. MacDonald concluded that he is unable to determine if there are any DPOs in Dr. Shieh's memoranda. Dr. Randall has made a serious effort to clarify Dr. Shieh's statement of his views, and (considering that Dr. Shieh is no longer an NRC employee) it does not seem likely that another round of correspondence would improve the situation.

In sum, there now appear to be no clear cut issues that can be classified as a DPO to be resolved by the procedures given in SECY 80-164. Therefore, I conclude that it would serve no useful purpose to form a peer review group. Instead, I feel strongly that the action required of our two offices is to expedite the establishment of criteria for fracture toughness and puncture

140-12

THIS DOCUMENT CONTAINS
POOR QUALITY PAGES

8011060 013

To: John G. Davis

- 2 -

OCT 15 1980

resistance requirements for shipping containers. I think you will agree that drafting criteria and implementation statements is not a proper task for a peer review group.

Dr. Shieh's memoranda will be given full consideration in the effort already underway in the Structures and Components Standards Branch to draft Regulatory Guides on these subjects. In fact, the memorandum that Dr. Shieh gave to Mr. Dircks -- the one that precipitated this activity -- was a recommendation for developing Regulatory Guides. Mr. MacDonald agrees that such guides need to be expedited. Dr. Randall is a member of SCSB and will contribute to the effort.

In conclusion, I should note that this recommended method of resolution follows that described in the footnote to paragraph 8.a.(5) of SECY 80-164. (Footnote 1 on Page 4 of Chapter NRC 4125, approved September 19, 1980). It insures that any potential safety issues are resolved, and it should assure Dr. Shieh that his opinions have been heard and considered by NRC management. If you agree with this proposed course of action, I will instruct the SCSB to work out the necessary changes in task priorities and schedules with your people.

Original signed by:
ROBERT B. MINOGUE

Robert B. Minogue, Director
Office of Standards Development

Enclosures:
As stated

cc: R. C. Shieh
C. E. MacDonald
H. Matters
W. J. Dircks

bcc: RBMinogue
GAArletto
WMMorrison
WFAnderson
PNRRandall

TASK No. SC 026-8

OFFICE	DES:SCSB	DES:SCSB	ADGES	DES:DIR	SD:DIR
SURNAME	PNRRandall:jp	Anderson	WMMorrison	GAArletto	RBMinogue
DATE	10/10/80	10/10/80	10/11/80	10/14/80	10/15/80