

August 13, 2009

MEMORANDUM TO: Jennifer L. Uhle, Director
Division of Systems Analysis
Office of Nuclear Regulatory Research

Gareth W. Parry, Senior Level Staff
Division of Risk Assessment
Office of Nuclear Reactor Regulation

Timothy E. Collins, Senior Level Staff
Division of Safety Systems
Office of Nuclear Reactor Regulation

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

SUBJECT: AD HOC REVIEW PANEL - DIFFERING PROFESSIONAL OPINION
INVOLVING FIRE PROTECTION (NFPA 805) ADDITIONAL RISK
ASSOCIATED WITH PREVIOUSLY APPROVED RECOVERY ACTIONS
(DPO-2009-001)

In accordance with Management Directive (MD) 10.159, "The Nuclear Regulatory Commission (NRC) Differing Professional Opinions Program," I am appointing you as members of a Differing Professional Opinion (DPO) Ad Hoc Review Panel (DPO Panel) to review two DPOs. The DPOs involve fire protection (NFPA 805) and assert additional risk associated with previously approved recovery actions. Copies of the DPOs are included as Enclosure 1.

I have designated Jennifer Uhle, chairman of this DPO Panel, along with Gareth Parry and Timothy Collins as DPO Panel members. In accordance with the guidance included in MD 10.159 and consistent with the DPO Program objectives, I task the DPO Panel to do the following:

- Review the DPO submittals to determine if sufficient information has been provided to undertake a detailed review of the issue.
- Meet with the submitters, as soon as practicable, to ensure that the DPO Panel understands the submitter's concerns and scope of the issues.

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

- ❑ Promptly after the meeting, document the DPO Panel's understanding of the submitter's concerns, provide the Statement of Concerns (SOC) to the submitters, and request that the submitters review and provide comments, if necessary.
- ❑ Maintain the scope of the review to not exceed those issues as defined in the original written DPO and confirmed in the SOC.
- ❑ Consult with me as necessary to discuss schedule-related issues, the need for technical support (if necessary), or the need for administrative support for the DPO Panel's activities.
- ❑ Perform a detailed review of the issues and conduct any record reviews, interviews, and discussions you deem necessary for a complete, objective, independent, and impartial review. The DPO Panel should re-interview individuals as necessary to clarify information during the review. In particular, the DPO Panel should have periodic discussions with the submitters to provide the submitters the opportunity to further clarify the submitter's views and to facilitate the exchange of information.
- ❑ Provide monthly status updates on your activities via email to Trent Wertz, the NRR Differing Views Office Liaison (DVOL), no later than noon the last day of the month. The DVOL will forward this information to the Differing Views Program Manager (DVPM) the last day of the month. This information will be reflected in the Milestones and Timeliness Goals for this DPO and included in the Monthly Status Report on the DPO Program that is forwarded to the Commission. Please provide a copy of email status updates to me.
- ❑ Issue a DPO Panel report, including conclusions and recommendations to me regarding the disposition of the issues presented in the DPO. The report should be a collaborative product and include all DPO Panel member's concurrence. Follow the specific processing instructions for DPO documents.
- ❑ Consult me as soon as you believe that a schedule extension is necessary to disposition the DPO.
- ❑ Recommend whether the DPO submitters should be recognized if the submitter's actions result in significant contributions to the mission of the agency.

Disposition of this DPO should be considered an important and time sensitive activity. The EDO-approved timeliness goal to disposition a DPO is 190 calendar days. DPO timeliness is calculated beginning on the day the DPO is accepted for review until the day the DPO Decision is issued. Process Milestones and Timeliness Goals for this DPO are included as Enclosure 2. The timeframes for completing process milestones are identified strictly as goals—a way of working towards reaching the DPO timeliness goal of 190 calendar days. The timeliness goal identified for your DPO task is 150 calendar days. (Please charge your DPO-related activities to Activity Code ZG0007.)

Although timeliness is an important DPO Program objective, the DPO Program also sets out to ensure that issues receive a thorough and independent review. The overall timeliness goal should be based on the significance and complexity of the issues and the priority of other agency work.

Therefore, if you determine that your activity will result in the need for an extension beyond the overall 190 day timeliness goal, please send me an email with the reason for the extension request and a new completion date. I will subsequently forward this request to the DVPM who will forward it to the EDO for approval.

Because the DVPM has developed additional implementing procedures, not all guidance may be in MD 10.159. Therefore, the DVPM will be meeting and communicating with all parties during the process to ensure that everyone understands the process, goals, and responsibilities. The DVPM has prepared a DPO Equipment Bag that includes information intended to aid you and support staff in implementing the DPO process. In particular, because DPO records have special handling requirements, please ensure that all correspondence associated with this case be processed in accordance with the special instructions included in the DPO Equipment Bag.

An important aspect of our internal safety culture includes respect for differing views. As such, you should exercise discretion and treat this matter sensitively. Documents should be distributed on an as-need basis. In an effort to preserve privacy, minimize the effect on the work unit, and keep the focus on the issues, you should simply refer to the employee as the DPO submitter. Avoid conversations that could be perceived as “hallway talk” on the issue. We need to do everything that we can in order to create an organizational climate that does not chill employees from raising dissenting views.

I appreciate your willingness to serve and your dedication to completing an independent and objective review of this DPO. Successful resolution of the issues is important for NRC and its stakeholders. If you have any questions, you may contact me, Trent Wertz, NRR DVOL, or Stewart Magruder, Deputy Director, Office of Enforcement, at (301) 415-8730.

I look forward to receiving your independent review results and recommendations.

Enclosures:

1. DPO-2009-001
2. Milestones and Timeliness Goals

cc w/o enclosures: Submitters
DVPM

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Enclosures:

- 1. DPO-2009-001
- 2. Milestones and Timeliness Goals

cc w/o enclosures: Submitters
DVPM

Publicly Available
ADAMS Package ML101590266 Memo: ML092240178

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DATE	8 / 12/ 09	8 /13/ 09

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