



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, DC 20555 - 0001

November 23, 2004

MEMORANDUM TO: Thomas Scarbrough, Mechanical Engineer
Division of Engineering
Office of Nuclear Reactor Regulation

John Fair, Mechanical Engineer
Division of Engineering
Office of Nuclear Reactor Regulation

David Fischer, Mechanical Engineer
Division of Engineering
Office of Nuclear Reactor Regulation

FROM: *Renée M. Pedersen*
Renée M. Pedersen, Acting Differing Professional
Opinions Program Manager
Office of Enforcement

SUBJECT: STAFF CONCERNS WITH 10 CFR 50.69 RULE

The purpose of this memorandum is to inform you that by memorandum dated November 19, 2004, the Executive Director for Operations (EDO) forwarded the e-mail you sent to the Commission technical assistants on November 9, 2004, to Chairman Diaz and Commissioners McGaffigan and Merrifield.

I understand by your e-mail that you have concerns with the Commission's decision on SECY-04-109. However, this issue is not being treated as a Differing Professional Opinion (DPO) under the revised DPO Program since it comments on a Policy Decision made at the Commission level.

As the NRC's Acting DPO Program Manager, I want to thank you for your dedication and professionalism in raising your concerns. I'm sure that you are aware that the Commission and the EDO have been very vocal in their support of employee's feeling comfortable in raising concerns. The NRC truly is a stronger agency when management has all the information available to help make an informed decision.

Your actions have demonstrated that you understand that raising concerns is not just an employee right-but an employee responsibility. Please accept the enclosed DPO baseballs as a small token of appreciation and recognition that you are "Team Players" at the NRC.

B-12

In the event you wish to raise concerns in the future, please do so in accordance with the guidance included in Management Directive (MD) 10.159, "The NRC Differing Professional Opinions Program."

If you have any questions or comments related to this memorandum, please feel free to contact me at (301) 415-2741 or email DPOPM@nrc.gov.

cc: E. Merschoff, DEDR
W. Dean, AO
F. Congel, OE