



**UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, DC 20555 - 0001**

September 22, 2004

MEMORANDUM TO: Jack Strosnider, Director
Office of Nuclear Materials Safety and Safeguards

FROM: Renée Pedersen, Acting Differing Professional Opinions **/RA/**
Program Manager
Office of Enforcement

SUBJECT: DIFFERING PROFESSIONAL OPINION APPEAL CONCERNING
MODELING CHEMICAL CONSEQUENCES EFFECTS FOR
DETERMINING SAFETY REQUIREMENTS AT THE PROPOSED
MIXED OXIDE (MOX) FUEL FABRICATION FACILITY
(NMSS-DPV-2002-03)

On September 9, 2004, I responded to a Differing Professional Opinions (DPO) review request by an Office of Nuclear Materials Safety and Safeguards (NMSS) employee on the referenced subject. In the memorandum, I told the individual that if they wanted to pursue their safety concerns that they could pursue them under revised Management Directive (MD) 10.159, "Differing Professional Views or Opinions," guidelines, including the submittal of a completed NRC Form 690, "Differing Professional Opinion -- Appeal." I also told the individual that he had until September 30, 2004 (21 calendar days) to file a DPO appeal.

In a memorandum dated September 21, 2004, the NMSS employee expressed his desire to file a DPO appeal and included a completed NRC Form 690. Consistent with a discussion that we previously had on this subject, I am requesting that you review the attached memorandum and NRC Form 690 and provide me with a written statement of views on the contested issue by September 29, 2004 (14 calendar days).

I will then forward the individual's appeal, as well as your written statement of views on the contested issue to the EDO for review. The EDO will review the DPO appeal package and will provide the submitter with a decision and the rationale for that decision. After a decision on the DPO appeal has been made by the EDO, the matter will be considered closed.

Because your written statement of views will become part of the DPO appeal case file, consistent with the guidance in the MD, please do NOT put it in ADAMS when you send it to me. When the case is closed, all documents included in the appeal file should be forwarded to me and I will take actions to have them appropriately dispositioned in ADAMS.

Please feel free to contact me if you have any questions (x2742).

Attachment: September 21, 2004 Memorandum and NRC Form 690

cc: L. Reyes, EDO
E. Merschoff, DEDR

DISTRIBUTION:

W. Dean, AO

F. Congel, OE

J. Luehman, OE

C. Mohrwinkel, OE

NMSS-DPV-2002-03

DPO Day File

FILE NAME: G:\DPO Program\DPV-2003-001\Memo to Strosnider.wpd

ML051090158

OFFICE	OE	OE
NAME	R. Pedersen	F. Congel
DATE	09/22/04	09/22/04

OFFICIAL RECORD COPY