

August 10, 2005

MEMORANDUM TO: Luis A. Reyes
Executive Director for Operations

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

SUBJECT: DIFFERING PROFESSIONAL OPINION INVOLVING
OCONEE PIPE WHIP RESTRAINT ISSUE (DPO-2005-003)

The purpose of this memorandum is to inform and advise you about an extension request that I received on behalf of William Travers, Region II Regional Administrator (RA) for the subject Differing Professional Opinion (DPO). In accordance with Section (D)(5)(b) of the Handbook for Management Directive (MD) 10.159, "The NRC Differing Professional Opinions Program," all routine DPO cases are expected to be completed within 60 days of acceptance of the issue as a DPO, and all complex cases within 120 days. In accordance with Section 10.159-032(c) of MD 10.159, the 120-day time frame for dispositioning DPO cases may only be extended with the approval of the Executive Director for Operations (EDO) through the DPOPM. I informed the submitter of the acceptance of this DPO on January 22, 2005. The Chronology & Status on this DPO from the July 2005 DPO Monthly Status Report is included as Attachment 1.

The Region II RA seeks an extension in order to ensure that there is sufficient time to thoroughly complete the remaining DPO activities. Specifically,

- < The DPO Panel will consider the comments from the submitter (the Region II RA had no comments) and issue a revision, if necessary. Because of scheduling issues, the Panel notified me that they will not be available to address the comments as a group until the week of August 15th. I anticipate that they would generate a revised report (or a statement that the original report stands) by August 22nd.
- < The Region II Regional Administrator will issue a DPO Decision (including a rationale for the decision) normally 10 days after receipt of the Panel's final recommendations (September 1, 2005).

I have reviewed the extension request (Attachment 2), the circumstances of the case, and recommend that you approve the extension request for the disposition of this DPO to September 1, 2005.

In accordance with Section (D)(4) of the Handbook for MD 10.159, I will advise the submitter if the time frame is extended.

L. Reyes

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Please feel free to contact me if you have any questions or require any additional information (415-2742, email rmp@nrc.gov).

Attachments:

1. DPO-2005-003 Chronology & Status Force-on Force Evaluation Criteria from July 2005 DPO Monthly Status Report
2. Email from V. McCree, Acting Region II RA: Extension Request for DPO-2005-003 dated 8/9/05

cc: M. Virgilio, DEDMRS

Approved: _____
Luis A. Reyes, Executive Director for Operations

Date

L. Reyes

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DPO-2005-003
DPO Day File

FILE NAME: G:\DPO Program\DPO-2005-003\Extension Request Memo to EDO.wpd

ADAMS:

ML052240171

OFFICE	OE	OE
NAME	R. Pedersen	M. Johnson
DATE	8/10/05	8/10/05

OFFICIAL RECORD COPY

**DPO-2005-003 Chronology & Status
Oconee Pipe Whip Restraint Issue**

02/16/05 DPO submitted by Region II employee.

02/18/05 Email to L. Reyes, EDO, E. Merschoff, OEDO, W. Dean, OEDO, from DPOPM, Subject: New DPO.

02/22/05 Email to submitter from DPOPM, Subject: Acceptance of DPO.

02/25/05 Memo to W. Travers, Region II RA from DPOPM, Subject: DPO Involving Oconee Pipe Whip Restraint Issue (Tasking Memo).

03/11/05 Memo to DPO Panel from W. Travers, Region II, Subject: Appointment of Panel to Review DPO.

03/21/2005 Panel met with submitter the week of 03/21/2005.

03/28/2005 Submitter agreed with Panel's written summary of his safety concerns, which have been categorized into three areas.

04/2005 During the month of April, the members of the Panel continued to gather and review information.

05/2005 During the month of May, the Panel completed their reviews of the submitter's concerns. Written evaluations resulting from their reviews were generated and provided to the Panel chairman.

06/2005 During the month of June, the Panel continued to work on finalizing the report and recommendations. In particular, the Panel members focused on dispositioning several comments on the recommendations with the goal of reaching consensus and finalizing the report in July. **Note:** The Panel Chair was out of the office from 6/27/05 - 7/11/05.

07/19/2005 DPO Panel report issued to the Regional Administrator.

07/19/2005 DPOPM provided a copy of the report to the submitter and instructed the Regional Administrator and the submitter to review the report and to notify the Panel in the event that the Panel report is inaccurate or incomplete with respect to the staff position and submitter's concern's respectively.

07/25/2005 Submitter provided comments on the Panel report.

07/27/2005 Submitter provided additional comments on the Panel report.

07/27/2005 Regional Administrator notified DPOPM that he had no comments on the Panel report.

07/28/2005 Submitter provided additional comments on the Panel report.

Next Steps: Panel will consider the comments and issue a revision, if necessary. **Note:** Because of scheduling issues, the Panel will not be available to address the comments as a group until the week of August 15th.

Regional Administrator will issue a Decision (including a rationale for the decision) normally 10 days after receipt of the Panel's final recommendations.

From: Victor McCree
To: Pedersen, Renee
Date: 8/9/05 12:35PM
Subject: Re: ACTION: DPO Extension Request

Renee,

For the reasons you have outlined, I request an extension to disposition DPO-2005-003 to 9/1.

Thanks, Vic
>>> Renee Pedersen 08/09/05 11:20 AM >>>
Victor,

The purpose of this email is to have you request an extension to disposition DPO-2005-003. The current schedule has it due today. I apologize that this slipped through the cracks and I did not highlight it sooner.

The good news is that I don't believe that the timeliness will be viewed negatively in this case. The Panel needs to review comments from the submitter (Dr. Travers had no comments on the report) and decide collectively whether they need to issue a revised report. The Panel has told me that they will not be available to review the comments until the week of 8/15.

The MD (goal) is for the Panel to issue a revised report to the RA 7 calendar days after getting comments (if they believe it is warranted). Therefore, I would project that they would have a revised report (or a statement that the original report stands) by 8/22.

The MD (goal) is for the RA to issue a "DPO Decision" 10 calendar days later. 9/1

That having been said, I recommend that the RA request an extension to 9/1 (or later, if the DPO Decision will take longer).

MD 10.159 requires that all extension requests go to the EDO through the DPOPM. (MD Handbook D.(5)(b).)

Therefore, please send me an email as Acting RA that requests an extension to disposition DPO-2005-003 to 9/1 (or later).

I will explain in my memo to the EDO that scheduling issues have impacted the process and the time is necessary to ensure a thorough review. I don't expect any problems with the request.

Again, my apologies for not highlighting this sooner.

Call me if you have any questions. 301-415-2742.

Renee

P.S. I'm sending you a copy of last month's status report FYI.

CC: Loren Plisco; William Travers

Attachment 2