

August 31, 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 from 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. On August 10, 2005, I informed and advised you about an extension request that I received on behalf of the Region II RA for the subject DPO. On August 15, 2005, you approved the extension request to September 1, 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 he has sufficient time to develop and issue a DPO Decision (including a rationale for the decision). The Region II RA was notified on August 19, 2005, that the Panel report previously provided to the Region II RA should be considered final. The Region II RA was also provided with comments from the submitter in helping him to make an informed decision.

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 15, 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 rlmp@nrc.gov).

Attachments:

1. DPO-2005-003 Chronology & Status Oconee Pipe Whip Restraint Issue from July 2005 DPO Monthly Status Report
2. Email from W. Travers, Region II RA: Extension Request for DPO-2005-003 dated 8/29/05

cc: M. Virgilio, DEDMRS

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

Date

L. Reyes

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DISTRIBUTION:

W. Dean, AO
M. Johnson, OE
J. Luehman, OE
W. Travers, RII
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R. Arrighi, OE
DPO-2005-003
DPO Day File

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

OFFICE	OE	OE
NAME	R. Pedersen	M. Johnson
DATE	8/31/05	8/31/05

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: William Travers
To: Renee Pedersen
Date: 8/29/05 2:50PM
Subject: Extension Request DPO-2005-003

Due to minor schedular problems (Summer schedule) we would like to request a 2 week extension to ensure thorough disposition of the DPO. Thanks