

November 29, 2006

MEMORANDUM TO: Those on the Attached List

FROM: Luis A. Reyes */RA/*  
Executive Director for Operations

SUBJECT: ISSUANCE OF DRAFT MANAGEMENT DIRECTIVE 10.158, "NRC  
NON-CONCURRENCE PROCESS," AS INTERIM POLICY

I am issuing the enclosed draft Management Directive and Handbook 10.158, "NRC Non-Concurrence Process," as interim policy to provide agency-wide instructions and guidance for processing non-concurrences on documents in the concurrence process. NRC staff should follow the requirements in the draft directive and handbook until a final management directive is issued. This interim guidance supercedes any existing office-level non-concurrence procedures.

The Non-Concurrence Process (NCP) complements the Open Door Policy and the Differing Professional Opinions Program and should be viewed as a routine option in the NRC's document concurrence process. The NCP not only enables the timely assessment of employee concerns regarding draft documents, but will, if effectively used, improve the overall quality of documents prior to signature. To assure the overall effectiveness of the document concurrence process, I remind all employees of their responsibility to raise concerns as early as possible in the document preparation and review process, engage in discussions, and seek solutions before non-concurrences are initiated.

I encourage employees to visit the new NCP web site on the NRC internal web for more information on the NCP. To access the NCP web site, go to **NRC@Work**, click on **Employee Resources**, and look under **Employee Concerns**. The NCP web site includes the management directive and handbook, the NCP Form which facilitates the process, Frequently Asked Questions (FAQs) on the NCP, and an NCP Comment Form that employees can use to comment on the process. I anticipate maintaining this policy in effect for approximately one year to gain experience in its use before finalizing MD 10.158. Thus, it is important that employees use the NCP Comment Form to provide comments and feedback on the NCP so that this information can be considered in modifying the directive.

Enclosures:

1. Draft Management Directive 10.158, "NRC Non-Concurrence Process"
2. NRC Form 757, "Non-Concurrence Process"

CONTACT: Renée Pedersen, OE  
(301) 415-2742; [rmp@nrc.gov](mailto:rmp@nrc.gov)

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OFFICIAL RECORD COPY

MEMORANDUM TO THOSE ON THE ATTACHED LIST DATED: 11/29/06

SUBJECT: PROPOSED NON-CONCURRENCE PROCESS (MD 10.158)

John T. Larkins, Executive Director, Advisory Committee on Reactor Safeguards/Advisory Committee on Nuclear Waste	<u>E-Mail Mail Stops</u> RidsAcrsAcnwMailCenter
G. Paul Bollwerk, III, Chief Administrative Judge, Atomic Safety and Licensing Board Panel	RidsAslbpManagement
Karen D. Cyr, General Counsel	RidsOgcMailCenter
John F. Cordes, Jr., Director, Office of Commission Appellate Adjudication	RidsOcaaMailCenter
Jesse L. Funches, Chief Financial Officer	RidsOcfoMailCenter
Hubert T. Bell, Inspector General	RidsOigMailCenter
Janice Dunn Lee, Director, Office of International Programs	RidsOipMailCenter
Rebecca L. Schmidt, Director, Office of Congressional Affairs	RidsOcaMailCenter
Eliot B. Brenner, Director, Office of Public Affairs	RidsOpaMail
Luis A. Reyes, Executive Director for Operations	RidsEdoMailCenter
William F. Kane, Deputy Executive Director for Reactor and Preparedness Programs, OEDO	RidsEdoMailCenter
Martin J. Virgilio, Deputy Executive Director for Materials, Research, State and Compliance Programs, OEDO	RidsEdoMailCenter
Jacqueline E. Silber, Deputy Executive Director for Information Services and Administration, and Chief Information Officer, OEDO	RidsEdoMailCenter
Michael R. Johnson, Assistant for Operations, OEDO	RidsEdoMailCenter
Timothy F. Hagan, Director, Office of Administration	RidsAdmMailCenter
Cynthia A. Carpenter, Director, Office of Enforcement	RidsOeMailCenter
Guy P. Caputo, Director, Office of Investigations	RidsOiMailCenter
Edward T. Baker, Director, Office of Information Services	RidsOis
James F. McDermott, Director, Office of Human Resources	RidsHrMailCenter
Jack R. Strosnider, Director, Office of Nuclear Material Safety and Safeguards	RidsNmssOd
Charles L. Miller, Director, Office of Federal and State Materials and Environmental Management Program	RidsFsmeOd
Jim E. Dyer, Director, Office of Nuclear Reactor Regulation	RidsNrrOd <b>Info. Items</b> RidsNrrWpcMail <b>Action Items</b>
Brian W. Sheron, Director, Office of Nuclear Regulatory Research	RidsResOd
Corenthis B. Kelley, Director, Office of Small Business and Civil Rights	RidsSbcrMailCenter
Roy P. Zimmerman, Director, Office of Nuclear Security and Incident Response	RidsNsirOd <b>Info. Items</b> RidsNsirMailCenter <b>Action Items</b>
Samuel J. Collins, Regional Administrator, Region I	RidsRgn1MailCenter
William D. Travers, Regional Administrator, Region II	RidsRgn2MailCenter
James L. Caldwell, Regional Administrator, Region III	RidsRgn3MailCenter
Bruce S. Mallett, Regional Administrator, Region IV	RidsRgn4MailCenter