

**From:** Michael Weber  
**To:** Marian Zobler; Michael Waterman; Thomas Bergman  
**Date:** 4/6/2007 12:44:52 PM  
**Subject:** **RESPONSE** - Please review 'DPO-2006-005 Final Report'

Thanks for the opportunity to review the report and for your work in carefully reviewing the concerns, assessing the merits, researching background, and reaching conclusions and making recommendations. I have no substantive comments on report. The report accurately and completely characterizes the staff position at issue and is responsive to the charge to the panel from Jack Strosnider. Please proceed to finalize the report after 11 April (I understand that the submitters also have an opportunity to conduct a limited review of the report and offer comment by 11 April).

Minor comments for your consideration in finalizing the report are as follows:

1. I noted your reference to the Maintenance Rule for power reactors in 10 CFR 50.65 as an example of NRC requirements for setting performance criteria (cf. 1st full paragraph on Page 3). Is such a reference necessary or are the requirements for licensing fuel facilities in Subpart H of Part 70 sufficient to establish the pertinent performance criteria?
2. You might want to caveat the opening sentence of the 1st full paragraph on Page 3 that Subpart H of 10 CFR Part 70 is a risk-informed, performance based regulation.
3. In the Appendix that provides a more detailed response to each of the concerns, under Concern 10, is the memo at issue a public document (i.e., posted in the ADAMS public library and available for public access and review)? Although I understand the panel's assessment of the concern, it would help me in considering this concern to know whether it is now and has been a public document.

Thanks

>>> Thomas Bergman 03/30/2007 5:43 PM >>>

Attached is the DPO Ad Hoc Panel Report for DPO-2006-005 for your review and comment.

In accordance with MD 10.159, please provide your comments within 10 days. The purpose of your review is to ensure that the report completely and accurately characterizes the existing staff position and DPO issues. Subsequent to reviewing your comments, we will notify Mike Weber that this version of the report is final, or we will issue a revised final report if the Panel believes it is warranted.

Please provide your comments electronically if possible, using Word. Please make sure that you have Word set to track changes. You can do this by going to the "Tools" menu and selecting the "Track Changes" item.

We'd like to thank everyone for the time they spent with us helping us understand the issues.

**CC:** Christopher Tripp; Eric Leeds; Frederick Burrows; Melanie Galloway; Renee Pedersen; Roman Shaffer

Enclosure 2

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**From:** Michael Weber  
**Created By:** MFW@nrc.gov

**Recipients**

nrc.gov

OWGWPO01.HQGWDO01  
FHB CC (Frederick Burrows)  
TAB (Thomas Bergman)

nrc.gov

TWGWPO01.HQGWDO01  
EJL CC (Eric Leeds)  
MAM CC (Melanie Galloway)

nrc.gov

TWGWPO02.HQGWDO01  
CST CC (Christopher Tripp)  
RAS3 CC (Roman Shaffer)

nrc.gov

TWGWPO03.HQGWDO01  
RMP CC (Renee Pedersen)

nrc.gov

TWGWPO04.HQGWDO01  
MEW1 (Michael Waterman)  
MLZ (Marian Zobler)

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