

August 8, 2007

MEMORANDUM TO: Luis A. Reyes
Executive Director for Operations

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

SUBJECT: DIFFERING PROFESSIONAL OPINION APPEAL INVOLVING RED OIL
EVENTS AT THE PROPOSED MIXED OXIDE (MOX) FUEL
FABRICATION FACILITY (DPO-2005-002)

The purpose of this memorandum is to advise you of an appeal that was submitted to me on April 18, 2007, for Differing Professional Opinion (DPO)-2005-002 involving concerns about potential red oil events and their safety controls at the proposed MOX facility. The employee's DPO appeal raises concerns about the DPO Decision that was issued by Jack Strosnider, former Director, Office of Nuclear Material Safety and Safeguards (NMSS) on March 23, 2007. In accordance with the guidance in Handbook section E.1.(b) of Management Directive (MD) 10.159, "The NRC Differing Professional Opinions Program," on April 27, 2007, I asked Michael Weber, current Director, NMSS to provide a written statement of views on the contested issues for your consideration. In an effort to understand the issues and ensure a credible review, Mike Weber, NMSS OD, determined that it was prudent to meet with the submitter before developing his statement of views on the contested issues. Due to scheduling issues, this meeting did not occur until July 19, 2007, thereby delaying Mr. Weber's statement of views.

In accordance with MD 10.159 Handbook section E.2, I am forwarding the DPO appeal package to you for your review and decision. The DPO appeal package includes the DPO appeal, Michael Weber's written statement of views, and the core documents from the DPO case file. You are responsible for reviewing the DPO appeal and providing the individual with a decision normally within 30 - 60 calendar days of the receiving the DPO appeal package. I am also forwarding both the DPO and DPO appeal milestones and timeliness goals for this case.

In addition, you are also responsible for subsequently including a summary of your decision in the Weekly Information Report.

As an administrative note, because DPO documents have specific handling instructions based on the MD guidance, I am forwarding guidance to your staff that they should follow when putting your DPO appeal decision in ADAMS. After you have issued your decision, I will consult with the submitter and take action to disposition the DPO records associated with this case in accordance with the MD guidance.

If you have any questions, please feel free to contact me at (301) 415-2741 or email DPOPM@nrc.gov.

cc: M. Virgilio, DEDMRT
V. Ordaz, AO

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