

September 6, 2007

MEMORANDUM TO: Michael Weber, Director
Office of Nuclear Material Safety and Safeguards

FROM: Renée M. Pedersen, Differing Professional Opinions
Program Manager */ra/*
Office of Enforcement

SUBJECT: DIFFERING PROFESSIONAL OPINION APPEAL INVOLVING
MANAGEMENT POLICY ON LICENSING NEW FUEL CYCLE
FACILITIES (DPO-2006-005)

The purpose of this memorandum is to advise you of an appeal that was submitted to me on August 29, 2007, for Differing Professional Opinion (DPO)-2006-005 involving concerns that management's policy for licensing new fuel cycle facilities is inconsistent with the requirements of 10 CFR Part 70 and the Standard Review Plan (NUREG-1520).

The employee's DPO appeal (enclosed) raises concerns about the DPO Decision that you issued on July 24, 2007. In accordance with the guidance in Handbook section E.1.(b) of Management Directive (MD) 10.159, "The NRC Differing Professional Opinions Program," you are required to provide a written statement of views on the contested issue to the Executive Director for Operations (EDO) through the DPOPM. In providing your written views, please keep in mind that the scope of the DPO appeal is dictated by the scope of the DPO. Thus, notwithstanding any additional issues addressed in other documents (e.g., DPO Panel's report, DPO Decision, DPO appeal submittal), the DPO appeal evaluation conducted by the EDO will focus on the scope of the DPO.

In accordance with the EDO-approved milestones and timeliness goals for DPO appeals, please submit your written statement of views on the DPO appeal to me within 14 calendar days of receiving this request.

I will subsequently send the EDO the DPO appeal, your written statement of views, and the DPO case file. The EDO is 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.

Because DPO documents have specific handling instructions based on the MD guidance, please have your staff profile your response in ADAMS as follows:

ADAMS Document Profile Properties for DPO Core Case Documents	
Property Name	Data to be Entered
Class	Draft
Document Type	Differing Professional Opinion Case File
Availability	Non-Publically Available
Title	ODs Statement of Views on Contested Issues
Case/Reference Number	DPO-2006-005
Keyword	OE-011
Document Sensitivity	Sensitive
Security Access Rights for DPO Core Case Documents	
Name	Access Level
Employee(s) from originating NRC office	Owner
DPO Staff	Owner

Please have your staff send an email to DPOPM@nrc.gov with a link to the new record and the document will be moved into the proper DPO case folder in ADAMS until a decision has been made about the releasability of the documents.

DPO documents are packaged in ADAMS according to the DPO number. Therefore, it is important that your response include the DPO number in the subject line.

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

Enclosure: As stated

cc: (w/o enclosure)
M. Virgilio, DEDMRS
V. Ordaz, AO

M. Weber

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Distribution:

DPO-2006-005 file w/o enclosure

DPO Day File w/o enclosure

B. O'Connell, NMSS w/enclosure

T. Bergman, NRO w/enclosure

ADAMS, Non-Public, Limited NRC viewer rights=DPO Staff

FILE NAME: G:\DPO Program\DPO-2006-005\Request for ODs Statement of Views on Contested Issues.doc

ADAMS Package: Request for ODs Statement of Views on Contested Issues **ML072480627**

Request for ODs Statement of Views on Contested Issues **ML072480619**

DPO Appeal Submittal **ML072430218**

OFFICE	DPOPM:OE	DD:OE
NAME	R. Pedersen	S. Magruder
DATE	9/06/07	9/06/07

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