
**UNION OF
CONCERNED
SCIENTISTS**

50-247

April 25, 2000

Mr. Samuel J. Collins, Director
Office of Nuclear Reactor Regulation
United States Nuclear Regulatory Commission
Washington, DC 20555-0001

**SUBJECT: ACKNOWLEDGEMENT THAT NRR SNAIL IS POINTED IN RIGHT
DIRECTION**

Dear Mr. Collins:

In your letter dated April 21, 2000, you expressed concern that my comments about the 10 CFR 2.206 petition process to the NRC Commission on March 31, 2000, did not acknowledge recent interactions between members of your staff, other petitioners and myself.

I have reviewed my letter dated March 31, 2000, and the oral presentation to the Commissioners that same day and reaffirm each and every one of those statements. My written testimony and oral presentation implied that the efforts to fix the 2.206 petition process were progressing at a snail's pace. Your letter did not contest that implication, but suggested that I should have given the NRC staff credit for pending changes. **Okay, I agree that the snail is pointed in the right direction.** I remain concerned about the "speed" of the oft-promised fixes to the petition process.

The NRC staff seems to think that the proposed ability to review and comment on draft Director's decisions will magically resolve our concerns about the lack of an appeal process. That scheme is better than what we've had thus far, but it is still not fair. During the December 15, 1999, public meeting on 2.206 petition process problems, I pointed out that plant owners seeking license renewal have five (5) steps in their appeal process, including two (2) above the Director level. Plant owners can appeal Director's decisions to the Executive Director for Operations and to the Commission. Public petitioners cannot appeal anything, but we may be given the privilege of commenting on the draft decision. I call your attention to the attached April 11, 2000, letter to me from Mr. Stuart A. Richards in which he acknowledges that the NRC staff did not address my comments. Perhaps you can understand, if not agree, with our skepticism about the opportunity to provide the NRC staff with comments on a draft Director's decision. The NRC track record in this area is not good.

The petition process is unfair to public petitioners in other ways. For example, Mr. James Riccio, Mr. Paul Gunter, Mr. Ed Smeloff, and I met with the NRC staff on April 7, 2000, to present our concerns regarding a 2.206 petition we filed on the steam generators at Indian Point Unit 2. We had asked for a public meeting in our petition and the NRC staff granted us that opportunity. The licensee was afforded a

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seat at the table and equal time during the meeting, although the licensee's representative did not consume as much time as we did. When the licensee requests a public meeting with the NRC staff, we can attend and observe. We are not automatically given equal time. But when petitioners seek and obtain an opportunity to present our concerns to the NRC staff, the licensee automatically gets, without asking, equal time. Perhaps you can understand, if not agree, with our view that this practice is unfair.

Your letter also discusses how the Petition Review Board meetings are being held in accordance with Management Directive 8.11. Your letter stated: "However, the staff believes it has implemented this process improvement consistently since it was instituted. Variations in the timing of the calls and the number of observers have been based on petitioners' initiatives rather than changes in NRC policy or procedures." The NRC staff is free to hold any beliefs it wants. Perhaps we can agree to disagree.

UCS has accepted an invitation to present our views on the 2.206 petition process to the NRC Commissioners on May 25, 2000. I will remember to tell them that the snail is headed in the right direction. Perhaps you will understand why my presentation will devote more time to the pace rather than the direction of the snail.

Sincerely,



David A. Lochbaum
Nuclear Safety Engineer

Attachment: Letter from Stuart A. Richards, Nuclear Regulatory Commission to David Lochbaum,
Union of Concerned Scientists, April 11, 2000

cc: Ms. Suzanne Black