

*Adams
Gambrosi
Madden
Harold*

ORIGINAL DUE DT: 06/28/00

TICKET NO: 020000185

FROM:
George Mulley

DOC DT: 06/01/00

NRR RCVD DATE: 06/07/00

TO:
Sam Collins

FOR SIGNATURE OF : ** YEL **

DESC:
Referral of Allegation

ROUTING:
Zimmerman
Sheron
NRR Mailroom

ASSIGNED TO: CONTACT:
DLPM Zwolinski

SPECIAL INSTRUCTIONS OR REMARKS:



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

June 1, 2000

OFFICE OF THE
INSPECTOR GENERAL

YT ⇒ John Z

include R ZIMMERMAN
on distribution of
response to Dave
Lochbaum etc

MEMORANDUM TO: Samuel J. Collins, Director
Office of Nuclear Reactor Regulation

FROM: 
George A. Mulley, Jr., Senior Level Assistant
for Investigative Operations

SUBJECT: REFERRAL OF ALLEGATION

The Office of the Inspector General received the attached letter from David Lochbaum concerning a potential violation of NRC Management Directive 3.5 governing meetings between the NRC staff and external parties.

We are forwarding this matter to you for your consideration and appropriate action. Please keep us informed of any action you take and when responding refer to allegation 4215.

Attachment:
As stated



Union of
Concerned
Scientists

#4215
6/1/00

May 31, 2000

Mr. Hubert Bell, Inspector General
United States Nuclear Regulatory Commission
Washington, DC 20555-0001

SUBJECT: APPARENT VIOLATION OF MANAGEMENT DIRECTIVE 3.5, "PUBLIC ATTENDANCE AT CERTAIN MEETINGS INVOLVING THE NRC STAFF"

Dear Mr. Bell:

By memo dated May 26, 2000, from Jefferey F. Harold to Marsha Gamberoni, the NRC staff announced a meeting between with Consolidated Edison at Westinghouse Electric Company's offices in western Pennsylvania. The subject of this meeting according to the announcement:

Forthcoming meeting with Consolidated Edison Company of New York (Con Ed) Concerning Indian Point Nuclear Generating Unit No. 2 (IP2) Steam Generator Inspection Results.

The asterisked footnote on this announcement informed the public that: "However, this meeting and associated discussion related to a process which is proprietary." Consequently, the meeting was not open to the public.

Management Directive 3.5 (May 24, 1996) governs meetings between NRC staff and external parties. Page 3 of Handbook 3.5 Part I states:

Also note that meetings between staff and licensees or trade groups to discuss technical issues or licensee performance would normally be open because they may lead to a specific regulatory decision or action. However, should a meeting involving a general information exchange be closed and should discussions during such a meeting approach issues that might lead to a specific regulatory decision or action, the NRC staff may advise the meeting attendees that such matters cannot be discussed in a closed meeting and propose discussing the issues in a future open meeting.

Mr. Harold called me this afternoon to report that the June 1st meeting had been cancelled and would be rescheduled.

The purpose of this letter is to alert your office to a potential problem with the express intent of preventing the staff from violating MD 3.5 when the aforementioned meeting is rescheduled and held.

The stated subject of the meeting covers IP2 steam generator inspection results. While it is entirely possible that the proprietary inspection methodology employed by Westinghouse and/or other contractors at Indian Point 2 might be discussed during such a meeting, it seems extremely likely that any the discussions will "approach issues that might lead to a specific regulatory decision or action." After all, IP2 is currently shut down and NRC approval of the steam generator inspection results is required prior to restart. Therefore, it appears that extreme caution will have to be exercised to limit the discussion during any closed meeting to just the inspection methodology and to conduct an open public meeting to discuss the inspection results obtained using that methodology.

May 31, 2000
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UCS respectfully requests your office's immediate attention to this matter so that the meeting, when rescheduled, is conducted in accordance with Management Directive 3.5.

Sincerely,



David A. Lochbaum
Nuclear Safety Engineer
Washington Office