



**UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION II
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ATLANTA, GEORGIA 30303-8931**

November 27, 2000

Mr. David Lochbaum
Nuclear Safety Engineer
Union of Concerned Scientists
1707 H Street NW Suite 600
Washington DC 20006-3919

SUBJECT: RESIGNATION FROM INITIAL IMPLEMENTATION EVALUATION PANEL

Dear Mr. Lochbaum:

I have received your resignation from the Initial Implementation Evaluation Panel of November 6, 2000, and am disappointed that you have decided to resign because you provided valuable perspective to this panel and the previous Pilot Program Evaluation Panel. Although you have formally resigned from the panel, I encourage you to continue to contribute your views on the reactor oversight process to the staff and the current panel.

I would also like to respond to several concerns in your letter. With respect to your concern regarding the balance of the panel, the current panel's representation is comparable to the previous panel in which you participated. The differences consist of adding an NRC Senior Resident Inspector and Senior Reactor Analyst, which is consistent with the Commission's direction, increasing the State government representatives from one to two, and deleting a member from the NRC program office that is responsible for the reactor oversight process. The Commission directed that this panel include a cross section similar to the previous panel, and I believe that we have achieved this. This panel also provides more balance toward those who implement the process (users) versus those establishing the process.

Regarding your belief that you were the "lone voice" representing the goal of maintaining safety, I am convinced that all of the panel members would disagree. As we discussed during the first meeting, the panel will use all of the four agency performance goals of the NRC's Strategic Plan to evaluate the reactor oversight program, but maintaining safety remains our first and foremost performance goal. Since the first meeting was focused on establishing panel operating procedures and understanding the status of the program from the NRC staff we did not plan for substantive discussion on detailed program issues. Many members deferred expressing their views on the specific issues discussed in your letter in the interest of staying with the agenda. Your conclusion, that the lack of substantive discussion on some issues raised at the first meeting meant that there were no differing opinions, is not appropriate or fair to the other members. The only decisions made by the panel during this meeting were

those regarding panel bylaws and schedules. I am confident that future meetings will show that there are varied views on the issues. In addition, to ensure that all views are considered, the panel adopted the operating procedures during the first meeting that allow minority views to be provided in our final report, although we will strive to reach a consensus on all of the panel recommendations.

With respect to placing issues in the “parking lot,” as you are aware, this is a common method used during group meetings to ensure that important issues raised are not lost, but eventually revisited to be addressed. The intent is to keep the current discussion on track and then to come back to other topics that members raised. This ensures that issues are not lost, but are properly addressed and accounted for. During the NRC staff presentation to the panel, I believe that the issues raised by all panel members, including yourself, were placed in the “parking lot” for discussion at a future panel meeting. Therefore, stating that the panel would not have discussed or addressed these issues was premature.

Your letter raised several other issues, some of which are unrelated to the panel activities. The staff has informed me that many of these issues have been addressed in previous correspondence or are being currently addressed. I also believe that the staff intends to pursue the suggestion about a meeting that you and Chip Cameron of our Office of the General Counsel have been discussing, which will focus on many of these concerns. If you have any questions regarding the Initial Implementation Evaluation Panel activities, please contact me at (404) 562-4501.

Sincerely,

//RA//

Loren R. Plisco, Director
Division of Reactor Projects

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