

From: "Michael Stein" <michael.stein@ferc.fed.us>
To: <MTL@nrc.gov>
Date: 5/15/01 9:26AM
Subject: Re: Petition for Rulemaking

Thank you so much for this information. My issue with the Millstone enforcement actions seems like ages ago.

I'm also not surprised to be ignored by OE. Since Jim Lieberman stepped down as Director, that was always the case. After more than eleven years at the NRC and over seven years in enforcement (OGC & OE) you would think a simple thank you wouldn't have been too painful for the agency.

I was simply curious to know if anybody at the NRC cared to do the right thing and give some protection and due process to alleged wrongdoers.

Given that I've moved on, am very happy at FERC, and have no special interest in improving the NRC's enforcement program (or internal DPO process) any longer, here is a gift to the NRC and to the former Director of the NRR's Office of Special Projects (Millstone) I've put on cc: to this e-mail. I formally withdraw my Petition for Rulemaking PRM 2-12. It is obvious to me that there is little interest in offering such hearings to NOV recipients.

Michael, I wish you all the best in your new position at the NRC. Given the state of our national energy programs I have no doubt you will be very busy in the years to come.

Be well,

Mike Stein
Attorney-Advisor (Labor)
FERC

>>> "Michael Lesar" <MTL@nrc.gov> 05/15/01 07:59AM >>>
Mike,

Thank you. It has been an interesting transition.

Concerning your petition for rulemaking (PRM-2-12), it hasn't been unusual for petitioners to wait for more than a year to hear on a petition. We are trying to correct that. Our focus has been on NMSS and NRR who are responsible for the vast majority of our current petitions, many of which have been around for much longer than 18 months. PRM-2-12 is the responsibility of the Office of Enforcement and, as they do not routinely handle petitions and were not included in the most recent drill, they haven't contacted you.

As indicated in the most recent NRC Regulatory Agenda (NUREG-0936, Vol. 19, No. 2), your petition remains under consideration. An official resolution determination has not been made as to the nRC's ultimate course of action as yet. Essentially, this means that the appropriate decisionmaker (Commission or EDO) has not approved either a rulemaking plan or a notice of denial. When more definitive information becomes available, you will be informed.

Mike

>>> "Michael Stein" <michael.stein@ferc.fed.us> 05/14/01 04:20PM >>>
Michael,

I never had a chance to congratulate you on becoming the Branch Chief in the Rules and Directives Branch. Congratulations.

I was going over some old NRC paperwork and came across my very old DPO, 2.206 Petition, and Petitions for Rulemaking, one of which was dealing with amending the regulations to permit NOV recipients to ask for a hearing under 10 CFR Part 2. When I read the NRC's Unified Agenda this morning it reminded me to write to you to ask for the status of this Petition. November of 2000 would have been one year. Is it usual for Petitioners to wait over a year to hear back from the NRC on the status of their petitions?

Thank you,

Mike

CC: <WDT@nrc.gov>

Mail Envelope Properties

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Creation Date: 5/16/01 9:39AM
From: Michael Lesar
Created By: MTL@nrc.gov

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