

June 4, 2001

Mr. Loren L. Bush, Jr.  
7716 Falstaff Ct.  
McLean, VA 22102

Dear Mr. Bush:

I am responding to your letter of May 4, 2001, to Samuel J. Collins, Director of Nuclear Reactor Regulation. Your letter addressed the NRC's April 24, 2001, letter in which we responded to your original letter of April 2, 2001. You requested in your original letter that the performance objective contained in 10 CFR 26.10(c) be restored.

As stated in our April 24, 2001, letter, the NRC believes it would be inappropriate to handle your request to restore the language of 10 CFR 26.10(c) as a petition for rulemaking under the provisions of 10 CFR 2.802, because the proposed final rule has not yet been published. However, as you are aware, other interested parties have raised a number of substantive concerns regarding implementation of the revision to 10 CFR Part 26 that was approved by the Commission on December 4, 2000. The NRC staff conducted public workshops on March 20-22, and May 8, 2001, when these concerns were discussed. Transcripts from the meetings are available on the NRC web site at [www.nrc.gov/NRC/REACTOR/FFD/index.html](http://www.nrc.gov/NRC/REACTOR/FFD/index.html). The staff plans to address your concern regarding 10 CFR 26.10(c) along with the other stakeholders concerns. The NRC staff's recommendations and the Commission's ultimate decision referencing your concern will be made available in accordance with NRC procedures and any Commission direction on the release of the staff's recommendation.

Thank you for the insights you provided on this matter in your recent letter. Please do not hesitate to contact Messrs. Garmon West (301)415-1044 or Brad Baxter (301)415-1088 of my staff regarding this issue.

Sincerely,

*/RA/*

Glenn M. Tracy, Chief  
Operator Licensing, Human Performance  
and Plant Support Branch  
Division of Inspection Program Management  
Office of Nuclear Reactor Regulation

Mr. Loren L. Bush, Jr.  
7716 Falstaff Ct.  
McLean, VA 22102

Dear Mr. Bush:

I am responding to your letter of May 4, 2001, to Samuel J. Collins, Director of Nuclear Reactor Regulation. Your letter addressed the NRC's April 24, 2001, letter in which we responded to your original letter of April 2, 2001. You requested in your original letter that the performance objective contained in 10 CFR 26.10(c) be restored.

As stated in our April 24, 2001, letter, the NRC believes it would be inappropriate to handle your request to restore the language of 10 CFR 26.10(c) as a petition for rulemaking under the provisions of 10 CFR 2.802, because the proposed final rule has not yet been published. However, as you are aware, other interested parties have raised a number of substantive concerns regarding implementation of the revision to 10 CFR Part 26 that was approved by the Commission on December 4, 2000. The NRC staff conducted public workshops on March 20-22, and May 8, 2001, when these concerns were discussed. Transcripts from the meetings are available on the NRC web site at [www.nrc.gov/NRC/REACTOR/FFD/index.html](http://www.nrc.gov/NRC/REACTOR/FFD/index.html). The staff plans to address your concern regarding 10 CFR 26.10(c) along with the other stakeholders concerns. The NRC staff's recommendations and the Commission's ultimate decision referencing your concern will be made available in accordance with NRC procedures and any Commission direction on the release of the staff's recommendation.

Thank you for the insights you provided on this matter in your recent letter. Please do not hesitate to contact Messrs. Garmon West (301)415-1044 or Brad Baxter (301)415-1088 of my staff regarding this issue.

Sincerely,

Glenn M. Tracy, Chief  
Operator Licensing, Human Performance  
and Plant Support Branch  
Division of Inspection Program Management  
Office of Nuclear Reactor Regulation

Distribution:

IRSS r/f            S. Collins/ J. Johnson            B. Borchardt            B. Boger            B. Dean  
V. Ordaz            G. Mizuno            D. Allison

ADAMS ACCESSION NUMBER:

DOCUMENT NAME: g:\C:\Program Files\Adobe\Acrobat 4.0\PDF Output\Bushletter2.wpd

**\* See Previous Concurrence**

To receive a copy of this document, indicate in the box: "C" = Copy without enclosures "E" = Copy with enclosures  
"N" = No copy

OFFICE	DIPM/IOLB/RSS	E	DIPM/IQMB:SC	E	DIPM/IOLB:BC	OGC	
NAME	B Baxter/G West *		D Dorman *		G Tracy		S Treby
DATE	05/30/01		05/30/01		06/06/01		06/04/01

OFFICIAL RECORD COPY

## IOLB COVER PAGE

DOCUMENT TITLE: C:\Program Files\Adobe\Acrobat 4.0\PDF Output\Bushletter2.wpd

ORIGINATOR: Brad Baxter

SECRETARY: Kelly Grimes

DATE:

### ●●● ROUTING LIST ●●●

	NAME	DATE
1.	B.Baxter/West	05/ /01
2.	D.Dorman	05/ /01
3.	G. Mizuno	05/ /01
4.	G.Tracy	05/ /01
5.	S.Treby	05/ /01
6.		
7.		

DOCUMENT DISPATCHED:

**ADAMS ACCESSION #: ML**

**TEMP=NRR-**

<p><input checked="" type="checkbox"/> DRAFT      or      <input type="checkbox"/> FINAL</p> <p>Folder: <input checked="" type="checkbox"/> DIPM  <input type="checkbox"/> IOLB  <input type="checkbox"/> IRSS  <input type="checkbox"/> IOHS  <input type="checkbox"/> Other _____</p>	<p>Security Rights:</p> <p>Owner = <input checked="" type="checkbox"/> NRR-DIPM SECRETARIES  <input type="checkbox"/> Other</p> <p>Viewer = <input type="checkbox"/> NRC Users  <input type="checkbox"/> Restricted to _____</p> <p>Author = <input type="checkbox"/>  <input type="checkbox"/> Others _____</p>
<p>Document Type:</p> <input type="checkbox"/> Memo <input checked="" type="checkbox"/> Letter <input type="checkbox"/> Technical Input Document <input type="checkbox"/> Other SECY PAPER	<p>Case/Reference #: (TAC, WITs, Yellow Ticket, etc.)</p>
<p>Availability: <input type="checkbox"/> Non-Publicly Available  OR  <input checked="" type="checkbox"/> Publicly Available</p>	<p>Document Sensitivity:</p> <input checked="" type="checkbox"/> Non-Sensitive <input type="checkbox"/> Sensitive (pre-decisional) ( <input type="checkbox"/> Copyright)
<p>Keywords: (Include Template #)  TEMP=NRR-106</p>	<p>Comments:</p>

Quality Control Check by: \_BSB 05/ /01 \_\_\_\_\_  
Initials & Date

IRSS Profiler check by:  
Initials & Date