

Mr. Michael Knapik, Chief Editor
Platts/Inside NRC
Suite 1100, 1200 G St., N.W.
Washington, D.C. 20005

Dear Mr. Knapik:

The U.S. Nuclear Regulatory Commission has scheduled a public meeting on November 21, 2002 to address matters related to the forthcoming rule 10 CFR 50.69 proposed by NRC Senior Management to satisfy NEI that was vocalized by a senior manager in a meeting to several members of the NRC staff and managers. This proposed rule was significantly changed from a previous version posted in NRC public website without providing the reasons for such changes and as a result both the public and the NRC staff were deprived of the opportunity to participate in the rule making process. Criticism about the lack of stakeholders participation is also addressed in last paragraph, page 5 of Mr. David Fischer's different professional view memorandum.

As you know, three members of the NRC staff had raised significant concerns about safety and the rule making process via the Differing Professional View process. These individuals are highly qualified professionals and outstanding performers and have been invited to present their differing views before the Commission on November 21, 2002. There are various documents including e-mails from these and other members of the NRC staff as well as managers in support of the concerns raised by these three individuals. Some of the NRC technical managers were either persuaded or pressured to concur on the proposed rule which is now with the Commission, even when immediately before concurrence, they were supporting their staff objections to the proposed rule. There is documented evidence in this regard.

The Chairman, other Commissioners, and Executive Director of Operations are aware of the potential conflict of interest with the regulated nuclear industry brought about by the concerns raised by these three NRC staff members. The Differing Professional View process has been put on hold pending a Commission's decision in this matter. Moreover, since the Advisory Committee on Reactor Safeguards was not aware of the extent and significance of the concerns raised by the three NRC staff members, it should deliberate the merits of these concerns and subsequently revisit its decision regarding the acceptance of the proposed rule prepared by NRC Senior Management to satisfy NEI.

Similar concerns regarding potential conflict of interest with the regulated nuclear industry were brought up by NRC staff and managers during focus interviews conducted by WPI, subcontractor to ISL, Inc. related to the lessons learned from NRC review of the risk-informed approach proposed by the South Texas Project licensee. These interviews were recorded on tape and a summary of the contents of the tapes are documented in a letter from WPI to NRC Senior Management, re. South Texas Project Request for Exemptions Evaluations Feedback, dated April 22, 2002. This letter should also assist interested parties in understanding why so many members of the NRC staff feel that NRC is no longer functioning as an independent agency. Moreover, this perceived agency's behavior surely does not promote public confidence of NRC.

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Yours truly,

P.S.: Your sources will confirm the above. It will be appreciated if you convey via an Inside NRC publication that you received this letter