

From: Jack Strosnider  
To: [James@readsay.com](mailto:James@readsay.com); [jsalsman@gmail.com](mailto:jsalsman@gmail.com)  
Date: 8/17/2006 1:48 PM  
Subject: Petition Review Board

Dear Mr. Salsman:

In response to your e-mail communications of August 15, 2006, to me and to John Cordes, I want to correct a misunderstanding about your telephone conference with the Petition Review Board on August 10, 2006.

Your e-mail to me stated that you would file a complaint in court unless you hear by the afternoon of August 17, 2006, that the Nuclear Regulatory Commission's Petition Review Board (PRB) is reconsidering the rejection of your July 12, 2006, request for treatment of your concerns about depleted uranium munitions as a 10 CFR 2.206 petition, and the PRB agrees to use a standard dictionary definition of the word "significant" in doing so.

Despite your impression to the contrary, the NRC has not rejected your request of July 12, 2006, for treatment of your concerns in the 10 CFR 2.206 process. Your request is still under consideration.

After your first teleconference with the PRB on August 7, 2006, and pursuant to NRC Management Directive 8.11, "Review Process for 10 CFR 2.206 Petitions", Handbook, Sections III.E and F, Joseph DeCicco and Paul Goldberg informed you by telephone on August 8, 2006, of the PRB's initial recommendation that your July 12, 2006, request did not meet the criteria for acceptance as a Section 2.206 petition and met the criteria for rejection, and the PRB's initial recommendation that your concerns about the safety of Depleted Uranium munitions would be considered in the rulemaking proceeding initiated by your petition, PRM 20-26. You were offered a second teleconference with the PRB in order to provide any additional relevant information and explanation to support your request, to be considered by the PRB before making a final recommendation on the treatment of your request.

A second teleconference with the PRB was held on August 10, 2006. As was indicated during the two teleconferences on August 7 and August 10, 2006, the purpose of the teleconferences was to provide you with an opportunity to submit any additional relevant information and explanation in support of your request. The PRB would then meet after the teleconferences to discuss your request and determine whether to make a final recommendation of acceptance or rejection of your concerns for treatment in the 10 CFR 2.206 process. The teleconferences were not intended to function as vehicles for reaching a final recommendation.

The transcript of the August 10, 2006, teleconference was reviewed as soon as possible after receipt. At page 20 of the transcript Ms. Federline did remark that your petition had been rejected. This remark referred to the PRB's initial recommendation that your petition did not meet the criteria for acceptance. As evidenced by the entire transcript, the PRB made an initial recommendation to reject your petition, but has not made its final recommendation whether to accept or reject your concerns as a Section 2.206 petition. The transcript, moreover, reflects the PRB's willingness to accept additional information. We regret that you were left with any impression to the contrary. As provided in Management Directive 8.11, supra, the PRB will meet to consider the need to modify its initial recommendation. Before that meeting and before making a final recommendation whether to accept or reject your request for treatment under Section 2.206, the PRB will review all information submitted by you, including the July 12, 2006, request, transcripts of the telephone conferences, and any additional information submitted by you. As provided by Management Directive 8.11, supra, the determination whether to accept or reject your request for treatment of your concerns in the Section 2.206 process will be documented and provided to you in a letter.

With respect to your request that the PRB define the word "significant", your views on the definition and usage of the word "significant" are in the record and will be considered before the PRB makes its final recommendation whether to accept or reject your request for treatment as a petition pursuant to 10 CFR 2.206.

In order to ensure that you receive a response to your August 15, 2006, e-mails before the afternoon of August 17, 2006, I am responding by e-mail with a letter to follow by overnight mail.

Jack R. Strosnider  
Director  
Office of Nuclear Material Safety & Safeguards  
U.S. Nuclear Regulatory Commission

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