

507
50-247

**UNION OF
CONCERNED
SCIENTISTS**

September 24, 1999

Mr. Jefferey F. Harold, Project Manager
United States Nuclear Regulatory Commission
Washington, DC 20555-0001

SUBJECT: TRANSCRIPT, BUT NOT FROM PETITION REVIEW BOARD MEETING

Dear Mr. Harold:

I received your letter dated September 24, 1999, and the enclosed transcript of the September 22, 1999, telecon that I had with the NRC staff concerning our September 15, 1999, petition.

You characterized the transcript as being from the Petition Review Board meeting. That characterization conflicts with my understanding of what happened.

I was told that I had called into a gathering of NRC staff, including a patch with staffers at the Region I offices. I was told that after my participation in the phone call ended, the Petition Review Board meeting would be conducted. I call your attention to page three of the transcript, lines 16 through 19:

Mr. Burke (a.k.a. Mr. Berkow): "Immediately following this phone call, the PRB will have its regular meeting where we will discuss your petition and decide how it is going to be handled. Do you have any questions on the process that we are going through?"

My response to Mr. Burke appears on page 3, line 20:

Mr. Lochbaum: "Not at the moment, no."

Since you are now characterizing my telephone conversation with NRC staff members as being part of the Petition Review Board meeting itself, I have a few questions:

1. Does the NRC staff consider the telephone conversation that I participated in to have been a formal part of the Petition Review Board meeting?
 2. If so, why could I not listen in to the remainder of the meeting?
 3. If not, why does the transcript and transmittal label it as such?
- 1/0

If the NRC staff thinks that I participated in the Petition Review Board meeting itself, then I vehemently protest having been excluded from the remainder of the meeting. After all, the meeting did not discuss proprietary or safeguards information. On what grounds was my participation in the meeting terminated, other than the NRC staff's fancy?

YEO3

9910050103 990924
PDR ADDCK 05000247
P

September 24, 1999
Page 2 of 2

If the NRC staff does not think that I participated in the Petition Review Board meeting itself, then I insist that the transcript and transmittal letter be corrected.

As this is probably the first exercise of a Petition Review Board meeting under the new and improved Management Directive, let me add that from my perspective, THE NRC'S PROCESS FOR DEALING WITH PETITIONERS HAS NOT, REPEAT NOT, IMPROVED. IT IS STILL DEPLORABLE.

Sincerely,

A handwritten signature in black ink, reading "David A. Lochbaum". The signature is written in a cursive, flowing style.

David A. Lochbaum
Nuclear Safety Engineer
Union of Concerned Scientists