

NRR-PMDAPem Resource

From: Samuel Miranda <sm0973@gmail.com>
Sent: Friday, April 07, 2017 10:57 AM
To: Broaddus, Doug
Cc: Wiebe, Joel; Case, Michael; Banic, Merrilee; Dave Lochbaum; Brett Chase; Cole, Levar; Gonzalez Lainez, Deyanara; McCree, Victor
Subject: [External_Sender] Re: A supplement to my comments

Doug,

It's been one week since we talked about my concerns, and I must state that they remain unresolved.

I remind you that NRC Management Directive 8.11, "Review Process for 10 CFR 2.206 Petitions", clearly specifies how Petition Review Board (PRB) chairmen are to be selected. It states, "Because 10 CFR 2.206 petitions request enforcement-related action, petitions are assigned to the Office of Nuclear Reactor Regulation, the Office of Nuclear Material Safety and Safeguards, the Office of Enforcement, or the Office of the General Counsel. Therefore, most of the actions described in this directive and the associated handbook apply only to those offices."

Last week, I again questioned how Mike Case, who is an employee of the Office of Research, an Office that is conspicuously absent from the list in MD 8.11, was selected to serve as Chairman of the PRB that is evaluating my petition. (I believe he should not even be serving as a member of this PRB!) I also asked how he was preferred, over all the other possible candidates, in NRR, for this assignment. I didn't get a credible response. So, I must reiterate my request for a signed letter of appointment that traces a path from the EDO, through NRR, and out to Research, to find Mike Case. (If such a letter does not exist, then I suggest that this issue is important enough to write one.) Again, I cannot believe that Mike Case could somehow be deemed to be better suited to chair my PRB than everyone else in NRR. Frankly, this doesn't pass the smell test.

I realize that, as the Petitioner, I can't veto a decision to select the chairman of my PRB; but I, like any member of the Public, can (and do) demand that the NRC follow its own, written procedures. Accordingly, I am justified in my expectation that Mike Case be replaced by someone who is eligible for appointment, as Chairman, under the specifications, and clearly defined intent of MD 8.11!

Sincerely,
Sam Miranda, PE

On Wed, Mar 29, 2017 at 11:09 AM, Broaddus, Doug <Doug.Broaddus@nrc.gov> wrote:

Mr. Miranda (Sam),

I understand you have some questions regarding the selection of the Petition Review Board (PRB) Chairman for your petition related to the Byron and Braidwood Stations. Program ownership of the 2.206 petition process was transferred to the Division of Operating Reactor Licensing a few months back, and currently resides in my branch. I have spoken to Michael Case about your concerns, and we would like to call you this afternoon to discuss and provide answers to your questions concerning the process that was followed to identify the PRB Chair for your petition.

Please let me know if you are available at either 1 pm or 3pm this afternoon to talk with us?

Thank you.

Doug

Douglas A. Broaddus

Chief, Special Projects and Process Branch
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

US Nuclear Regulatory Commission
Phone: [301-415-8124](tel:301-415-8124)

From: Samuel Miranda [<mailto:sm0973@gmail.com>]
Sent: Monday, March 20, 2017 9:12 AM
To: Wiebe, Joel <Joel.Wiebe@nrc.gov>
Subject: [External_Sender] Re: A supplement to my comments

Joel,

I should clarify my questions regarding Mike Case's role as Petition Review Board Chairman. He is an SES-level employee of the Office of Research, not NRR or NMSS, or Enforcement, or OGC. Research is not one of the offices that are specified in MD 8.11. Research has no interest in enforcement. Therefore, I think it is legitimate to ask why he is even a member of the PRB, let alone chairman.

Mike Case said he was appointed by Bill Dean, the Director of NRR. So, I would like to see his letter of appointment and his instructions from Bill Dean.

I have a lot of respect for Bill Dean, and also for his judgment. I don't understand why he had to reach into the Office of Research to find Mike Case, when he could have appointed an SES-level employee from one of the offices that are specified in MD 8.11.

Please give me this information, and include it into the record.

Again, this petition is a stand-alone request, which should be considered without regard to the recent backfit, and its reversal. Using the backfit (and reversal) to justify a rejection of the petition will not be acceptable, for many reasons. BTW, I will deal with the backfit through other channels.

On Mon, Mar 20, 2017 at 7:34 AM, Wiebe, Joel <Joel.Wiebe@nrc.gov> wrote:

Thanks Sam.

Joel

From: Samuel Miranda [<mailto:sm0973@gmail.com>]
Sent: Saturday, March 18, 2017 9:46 AM
To: Wiebe, Joel <Joel.Wiebe@nrc.gov>
Subject: [External_Sender] A supplement to my comments

Joel,

I would like to add the attached paper to the comments I made, on February 1st and March 15th, regarding my 10 CFR 2.206 petition. This is a peer-reviewed technical paper, published by the ASME in its Proceedings of the 24th International Conference on Nuclear Engineering (ICONE24, June 28-29, 2016, in Charlotte, NC). I call attention to the paper's annex, which outlines a history of many of the issues I raised in my petition.

I was reluctant to mention this paper, in my remarks, since it's copyrighted by the ASME. I believe that the ASME may allow it to be entered into the record, since it is in the public interest; not for commercial gain. I suggest you refer this question the NRC Library.

In any case, I believe I'm permitted to supply a copy for use by you, and the members of the Petition Review Board.

Sincerely,

Sam Miranda

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Sent Date: 4/7/2017 10:57:02 AM
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From: Samuel Miranda

Created By: sm0973@gmail.com

Recipients:

"Wiebe, Joel" <Joel.Wiebe@nrc.gov>
Tracking Status: None
"Case, Michael" <Michael.Case@nrc.gov>
Tracking Status: None
"Banic, Merrilee" <Merrilee.Banic@nrc.gov>
Tracking Status: None
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"McCree, Victor" <Victor.McCree@nrc.gov>
Tracking Status: None
"Broaddus, Doug" <Doug.Broaddus@nrc.gov>
Tracking Status: None

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