



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

August 24, 1998

Mr. David A. Lochbaum
Nuclear Safety Engineer
Union of Concerned Scientists
Suite 310
1616 P Street, NW
Washington, DC 20036-1495

Dear Mr. Lochbaum:

Thank you for your letter of August 17, 1998, in which you indicated that the staff inappropriately closed your 10 CFR Part 21 Westinghouse reportability concern of allegation NRR-98-A-0011. I have reviewed the staff's letter, and I agree that the staff erred in closing the allegation prior to receiving Westinghouse's response to Inspection Report No. 99900404/98-02. This is contrary to established processes for handling allegations, and the staff should have waited until Westinghouse formally provided the results of its 10 CFR Part 21 evaluation and the staff review of this evaluation was complete. The staff would then have had adequate information to determine the validity of your allegation. This part of your allegation has been reopened, and the review is ongoing for the remainder of your concerns.

I will remind the staff to not close out allegations until all the facts are formally received and evaluated. Thank you for bringing this to my attention.

Sincerely,

for Samuel J. Collins, Director
Office of Nuclear Reactor Regulation

cc:

Hubert Bell, NRC Inspector General *HJB*
Edward Baker, NRC Agency Allegation Advisor
John Stang, NRC Senior Project Manager
and DC Cook Petition Manager

6/22