

May 10, 2001

Mr. Paul Gunter, Director
Reactor Watchdog Project
Nuclear Information and Resource Service
1424 16th Street NE, Suite 404
Washington, D.C. 20036

Dear Mr. Gunter:

I am responding to your April 27, 2001, letter to the Secretary and the Commission requesting a 120-day extension of time for public comment on the proposed rulemaking on "Changes to Adjudicatory Process," published in the *Federal Register* on April 16, 2001 (66 FR 19610). The basis for your request is the unavailability in the NRC's Public Document Room (PDR) of transcripts of an October 26-27, 1999, public meeting on NRC Hearing Processes. After due consideration, I have decided to extend the public comment period by 60 days.

Your letter states that on April 25, 2001, you called the PDR to request a copy of the transcripts in question. The Office of General Counsel (OGC) informed me that after discovering on April 25, 2001 that the transcripts were not available in the PDR, physical copies of the meeting transcripts were placed in the PDR on April 26, 2001, and electronic files of the transcripts were made available on the NRC Web Page on April 30, 2001. OGC has also informed us that the electronic files of the transcripts have been entered into ADAMS and are now available for downloading (Accession Nos. ML011160507, ML011160525).

Inasmuch as: (1) physical copies of the transcript were placed in the PDR on April 26, 2001, which was two days after your call to the PDR, and (2) the transcript files were made available for downloading from the NRC Web site on April 30, 2001, and are now available for downloading through ADAMS, I find the 10-day period of unavailability of the transcripts in the PDR to be a *de minimus* delay that does not warrant a 120-day extension of the public comment period for the proposed rulemaking. Nonetheless, recognizing that the transcripts were not available for a limited initial period after the notice of proposed rulemaking was published and the Commission's interest in obtaining public comments from a wide range of stakeholders, I am extending the public comment period by 60 days, or until September 14, 2001.

Sincerely,

/RA/

Annette L. Vietti-Cook