



# Union of Concerned Scientists

October 2, 2001

Mr. John A. Zwolinski, Director  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation  
United States Nuclear Regulatory Commission  
Washington, DC 20555-0001

**SUBJECT: COMMENTS ON PROPOSED DIRECTOR'S DECISION (DD-00-04)**

Dear Mr. Zwolinski:

I received your letter dated September 28, 2001, letter transmitting the proposed Director's Decision for our 2.206 petition dated April 24, 2001. I have the following comments:

1. Although the time frame is consistent with the guidance contained in Management Directive 8.11, I feel it is unfair for the NRC to request my comments in only 14 days. While I consider it a compliment that the NRC recognizes that I am more proficient and capable than its licensees and can therefore easily respond in half the time normally allotted by the staff for responses to its inquiries, I feel it is an unfair burden on the public. Unlike your licensees and me, most members of the public have to review NRC documents and provide comments in the spare time of their jobs and lives. Yet you are asking members of the public to accomplish in 14 days what you give your Commissioners 25 days to do — complete a review of the Director's Decision. I recommend that Management Directive 8.11 be revised to indicate that a 30-day review time is the norm with shorter and longer periods permissible when circumstances dictate. The staff's confidence in my capability was not misplaced, as evidenced in my responding within five days, counting the two-day weekend.
2. I went to great lengths in our petition to indicate that the concerns applied to all plants using Wackenhut contract security personnel even though the events at Indian Point 2 prompted our interest in the matter. I was therefore disappointed when the NRC's evaluation, as reflected in the proposed Director's Decision, was based on only that single licensee. The staff therefore has no basis to determine if its findings from Con Ed are typical or atypical, unique or universal. In other words, the extent of condition assessment by the staff for this problem was weak in my view.
3. On page 7 of proposed Director's Decision, the staff has mischaracterized the concerns expressed in my petition. The staff stated that I was concerned that employment arrangements such as those practiced by Wackenhut "can potentially discourage employees from reporting that they are not fit for duty because of fatigue." That's a valid concern, but it is not mine. My

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concern, as articulated within the petition, is that security personnel employed by Wackenhut at NRC-licensed facilities who feel that their performance may be impaired and report it to their supervisors will have their fatigue concerns dismissed and be forced to work. Does the NRC really want security personnel, impaired by fatigue, protecting Americans from radiological sabotage? I would hope not.

4. Comments (2) and (3) notwithstanding, the conclusion of the proposed Director's Decision is marginally reasonable in that, as the staff points out, the question of self-declared fatigue is broader than security personnel employed by Wackenhut. UCS would have preferred that the staff opted for a more aggressive tact than meekly issuing an Information Notice or Regulatory Issue Summary. Hopefully, the Commission will address those loose ends in the ongoing working hour limit rulemaking process.

UCS appreciates the opportunity to review this proposed Director's Decision and comment upon it.

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  
Washington Office