



NRC NEWS

U.S. NUCLEAR REGULATORY COMMISSION

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NRC STAFF AND STAKEHOLDERS TO BRIEF COMMISSION ON MAY 25 ON NEW IMPROVEMENTS TO PUBLIC PETITION PROCESS

The Nuclear Regulatory Commission staff will brief the Commission on May 25 on a number of planned improvements for handling petitions submitted by the public requesting that the agency take enforcement action against a licensee. Members of public interest groups and the nuclear industry also will participate.

Section 2.206 of Title 10 of the Code of Federal Regulations describes the public petition process -- the primary mechanism for the public to request that the NRC take enforcement action against one of its licensees. The request shall be made in writing to NRC's Executive Director for Operations, specifying the basis for requesting the agency to take enforcement action. Unsupported assertions are not considered grounds for consideration as a 2.206 petition.

If the petition is accepted for review, NRC publishes a notice in the *Federal Register*, notifying the public of the matter to be reviewed. The NRC's official response to a 2.206 petition is a written director's decision that includes the technical staff's evaluation of the issues raised, results of any NRC investigation or inspection, and a decision on the petitioner's request for agency action.

Depending on its evaluation, the agency could modify, suspend or revoke an NRC-issued license or take any other appropriate enforcement action to resolve a problem. The NRC receives about 20 such petitions annually.

The planned changes to the staff's review process are the result of an effort to improve the public petition process which has been criticized as being too slow, providing little follow-up with petitioners and lacking public confidence. These changes are based on comments and recommendations from a variety of sources, including petitioners, citizens' groups and a report by the Center for Strategic and International Studies. The changes are designed to increase opportunities for meaningful petitioner participation in the staff's review of petitions and improve public confidence.

The staff plans to implement three significant changes:

-- Provide an opportunity for petitioners to meet with the NRC's Petition Review Board after it has discussed the petition. This would allow the petitioner to comment on the Board's recommendations regarding acceptance or denial of the petition and on any requested

immediate actions. The staff would retain the current option for a meeting between petitioners and the Petition Review Board before the petition is discussed.

-- Eliminate the criteria in Management Directive 8.11, "Review Process for 10 CFR 2.206 Petitions," that must be satisfied before a technical issues meeting can be offered during the NRC staff's review of the petition. Instead, the staff will hold technical meetings with the petitioner whenever it believes that such a meeting -- whether initiated by the petitioner or the staff -- would be beneficial to the staff's review.

-- Provide a copy of the proposed office director's decision to the petitioner and the licensee for comments. This would allow both the petitioner and the licensee an opportunity to review the proposed decision and identify any factual errors in the decision. The staff would then reconsider the proposed decision, making any changes considered appropriate.

The NRC plans to implement these changes on an interim basis starting in June. A revised management directive, taking into consideration comments at the May 25 meeting, will be published for comment at the end of July, with the final directive targeted for late October.

All director's decisions and the NRC management directive containing the guidelines for handling 2.206 petitions are available through the NRC Public Document Room, at 202-634-3273, and on the agency's web site, under the "Public Participation & School Programs" icon (<http://www.nrc.gov/NRC/public.html>).

A pamphlet describing the improved 2.206 process also will be made available on the agency's web site and from its Office of Public Affairs.

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