



NRC NEWS

U.S. NUCLEAR REGULATORY COMMISSION

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NRC ANNOUNCES ADDITIONAL IMPROVEMENTS TO PUBLIC PETITION PROCESS

The Nuclear Regulatory Commission has made significant improvements in its procedures for effectively handling petitions submitted by the public requesting that the agency modify, revoke or suspend a license it has issued.

Section 2.206 of Title 10 of the Code of Federal Regulations provides the primary mechanism for the public to request enforcement-related action by NRC in a public process. Depending on its evaluation, the NRC could take appropriate enforcement action and may grant the petitioner's request in whole or in part, or deny the request.

The changes to the public petition process are a result of an ongoing effort to improve the process and are based on staff experience as well as comments and recommendations made by petitioners and other stakeholders at public meetings and in writing. The changes are designed to increase opportunities for meaningful participation by the petitioner and to ensure the petitioner's concerns are fully understood and evaluated by the NRC.

The latest revision includes three significant improvements:

- (1) The provision of an opportunity for the petitioner to meet with the NRC's Petition Review Board (PRB) after it has discussed the petition. This is in addition to a similar existing opportunity afforded the petitioner prior to Board discussion. The post-PRB meeting will allow any relevant additional explanation and support for the petitioner's request to be offered in light of the Board's recommendations regarding whether the petition meets the criteria for review under Section 2.206, and whether any requested immediate action should be taken. The licensee is also invited to participate in these meetings.
- (2) The elimination of criteria that must be satisfied before a technical meeting can be offered during the staff's review of the petition.
- (3) The provision of a copy of the proposed director's decision to the petitioner and the licensee for comment before it is issued in final form. This allows the petitioner and licensee the opportunity to identify any potential errors or issues that have not been addressed by the staff.

Under the 2.206 process, a member of the public may submit a request in writing to the Executive Director for Operations, specifying the requested enforcement action and the basis for the request. 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 in the petition, 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-related action to resolve a problem. The NRC receives about 20 such petitions annually.

All directors' decisions and the "Review Process for 10 CFR 2.206 Petitions" are available in the NRC's Agencywide Documents Access and Management Systems (ADAMS), the agency web site, at <http://www.nrc.gov/NRC/PUBLIC/2206/index.html>, or the Public Document Room in Rockville, Maryland (telephone 301-415-4737). A brochure reflecting the recent changes, NUREG/BR-0200, Rev. 4, October 2000, will be available shortly by calling the agency's Office of Public Affairs, at 301-415-8200.

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