



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

50-320

April 3, 1996

Ms. Jane A. Fleming  
8 Oceanwood Drive  
Duxbury, MA 02332

Dear Ms. Fleming:

In your letter dated January 25, 1996, you state, "I also anticipate that if this request is considered within 2.206 process, I will request public hearing to be held as defined within the 2.206 process." NRC Management Directive (MD) 8.11, "Review Process for 10 CFR 2.206 Petitions," defines an "informal public hearing" as a public meeting to provide an opportunity to the petitioner to supply information.

MD 8.11 also states that the informal public hearing is not automatic and will not be offered simply at the petitioner's request. NRC policy, as defined in MD 8.11 is to hold an informal public hearing if the 2.206 petition meets either of the following criteria:

- The petition provides new information with reasonable supporting facts that raise the potential for a significant safety issue.
- The petition alleges violations of NRC requirements involving a significant safety issue for which new information or a new approach has been provided and presents reasonable supporting facts that tend to establish that the violation occurred.

For a nuclear reactor, a significant safety issue is an issue that, if validated could lead to an occupational exposure dose equivalent exceeding 10 REM, could cause significant core damage, or could otherwise result in a significant reduction in protection. The staff finds that the issues raised in your 2.206 petition do not meet these criteria.

According to MD 8.11, information is considered "new" if it has not been previously evaluated, or presents new information regarding or a new approach for evaluating a significant safety issue. The staff has concluded that the information provided by you does not meet these criteria. Finally, your petition does not allege any violations of NRC requirements by the licensee.

MD 8.11 states that the intent of the informal hearing process is to give the petitioner an opportunity to provide information to the staff. I believe that the NRC has given you a reasonable opportunity, by virtue of the numerous conference calls that we have had with you, to provide information to the staff.

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Ms. Jane A. Fleming

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Thus, the NRC does not intend to hold an informal public hearing regarding the 2.206 petition submitted by your letter dated January 25, 1996.

Sincerely,

Original signed by

Frederick J. Hebdon, Director  
Project Directorate II-3  
Division of Reactor Projects - I/II  
Office of Nuclear Reactor Regulation

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Docket File (50-390)

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