

# PUBLIC SUBMISSION

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**Docket:** NRC-2010-0242  
Notice of Comment and Opportunity to Provide Written Comments on Management Directive 8.11

**Comment On:** NRC-2010-0242-0001  
Review of Management Directive 8.11

**Document:** NRC-2010-0242-DRAFT-0002  
Comment on FR Doc # 2010-18739

*7/30/2010*  
*75 FR 44992*      *(1)*

## Submitter Information

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RULES AND DIRECTIVES  
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## General Comment

See attached file(s)

## Attachments

**NRC-2010-0242-DRAFT-0002.1:** Comment on FR Doc # 2010-18739

*SUNSI Review Complete*  
*Template = ADM-013*

*E-REDS = ADM-03*  
*add = T. Mensah (TME)*



# Union of Concerned Scientists

Citizens and Scientists for Environmental Solutions

September 17, 2010

Cindy Bladey, Chief RADB  
Office of Administration Mail Stop TWB-05-B01M  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

**Subject: Docket ID NRC-2010-0242, Comments for Review of Management Directive 8.11**

Dear Ms. Bladey:

Per notice published in the *Federal Register* (Vol. 75, No. 146, July 30, 2010, pp. 44992-44993), the Nuclear Regulatory Commission requested public comment on Management Directive 8.11, "Review Process for 10 CFR 2.206 Petitions." When we saw this notice, our initial decision was not to submit comments. We subsequently received an email dated September 16, 2010, from Ms. Tanya M. Mensah, 10 CFR 2.206 Coordinator & Generic Communications Program Manager at the NRC, reminding us of the solicitation for comment and indicating that no comments had yet been received. We decided to submit these comments explaining why it is pointless for us, or any other member of the public, to submit comments.

Any comments submitted in response to this solicitation outlining problematic areas within the existing procedure that should be remedied and/or recommending new procedural steps might actually result in corresponding revisions to the text of Management Directive 8.11. But absent reasonable assurance, or even the vaguest notion, that the NRC staff will actually follow the tenets of the procedure, this exercise is a complete and utter waste of time both for the public and the NRC staff.

Simply put, the NRC staff has repeatedly demonstrated that it just does not follow the steps in Management Directive 8.11. Thus, it is exceedingly useless to comment on the text in a procedure the NRC staff doesn't use.

For just one of many examples we could cite, the last bulleted item at the bottom of page 16 in Management Directive 8.11 states that the petition manager will "*Add the petitioner to the headquarters and regional service lists for the licensee(s) that is (are) the subject of the petition.*" UCS submitted a 2.206 petition earlier this year for the Davis-Besse licensee. The NRC staff accepted our petition into the 2.206 process in July 2010 (see ML101890876 and ML101890906), but we were not added to the headquarters service list for Davis-Besse and we were not added to the regional service list for Davis-Besse. UCS made an explicit point about

being added to the service list during our pre-PRB call about this petition. Despite the fact that it is explicitly stated in the procedure and UCS reminded the staff about it, the NRC staff failed to follow this procedure.<sup>1</sup> If this were an isolated case, UCS would overlook it. But it happens so often that UCS can only conclude that the NRC staff so seldom uses procedures that it is entirely useless to bother about the form and content of procedures that will not be used.

Instead, UCS suggests that the NRC staff delete all the text within Management Directive 8.11 and replace it with the following sentence:

**THE NRC STAFF WILL DO WHAT IT DOES, HOW IT DOES IT, WHEN IT DOES IT.**

If you're not going to do what you say you'll do, at least you should say what you're doing.

Sincerely,



David Lochbaum  
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(423) 468-9272, office

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<sup>1</sup> The procedural step to add petitioners to the service list was incorporated into Management Directive 8.11 nearly a decade ago largely because of UCS's comments at the time. This history reveals the sheer futility of commenting on Management Directive 8.11 at this time – UCS expended considerable time and effort then in a successful campaign to get this step formally incorporated into the procedure. Yet the NRC staff has repeatedly failed to add UCS and other petitioners to service lists since that time.