

NRR-PMDAPem Resource

From: Dean, Bill
Sent: Wednesday, May 10, 2017 5:29 PM
To: Sm0973@gmail.com
Cc: Broaddus, Doug; Banic, Merrilee; Evans, Michele; Benner, Eric
Subject: Appointment of Michael Case as PRB Chairperson for Your 2.206 Petition on Byron/Braidwood

Mr. Miranda,

I am writing in response to your emails regarding the appointment of Michael Case as the Petition Review Board (PRB) Chairperson for your petition dated November 15, 2016. You questioned whether this was consistent with NRC Management Directive (MD) 8.11, "Review Process for 10 CFR 2.206 Petitions", and wanted to understand the rationale for selecting PRB participants external to the Office of Nuclear Reactor Regulation (NRR).

The text you quoted from MD 8.11 as the basis for your concerns comes from the "Organizational Responsibilities and Delegations of Authority" section specific to "Office Directors," which identifies the NRC Offices that may be assigned the overall responsibility for a 2.206 petition. Although this section correctly indicates that most of the actions described in the MD and associated handbook apply only to the offices that are assigned a petition, the "Applicability" section further clarifies that the policy and guidance in the MD and handbook apply to all NRC employees. The MD does not restrict any NRC employee from participating in the 2.206 process, but does provide guidance on some of the specific roles defined in the MD, such as the Agency 2.206 Petition Coordinator normally being a staff member in the Division of Operating Reactor Licensing (DORL, formerly DLPM) in NRR. For previous petitions, NRR has drawn on the expertise of staff in various offices as needed to support PRBs.

With respect to appointing a PRB Chairperson, MD 8.11 specifies that only Office Directors are conveyed the responsibility and authority to make such appointments for petitions assigned to their office. Your petition was assigned to NRR, so the action of appointing a PRB Chairperson only applies to myself, as the Director of NRR. The MD 8.11 section "2.206 PRB Chairperson" specifies that the PRB Chairperson is "generally a Senior Executive Service (SES) manager," but provides no other restrictions. My appointment of Michael Case as the PRB Chairperson for your petition is consistent with each of those explicit requirements.

My decision to appoint Mr. Case as PRB Chairperson, rather than an NRR SES manager, was motivated by one of NRC's Principles of Good Regulation - Independence. This principle espouses that decisions must be based on objective, unbiased assessments of all information. Because of the previous extensive consideration of issues related to your 2.206 petition by multiple levels of the NRR organization, including myself, I thought it was important that your issues receive an unbiased fresh look from panel members not directly involved in previous decisions. That is why I sought a PRB Chairperson external to NRR with prior experience managing 2.206 petitions, as well as technical experts from NRO to complement panel participants from NRR, OGC, and OE. I fully expect that the PRB panel will give the issues identified in your petition the professional and independent review necessary, consistent with the guidance in MD 8.11.

Thank you for your continued interest in nuclear safety, and the contributions you made while here at the NRC.

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Recipients:
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Options
Priority: Standard
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