



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

July 27, 2017

Mr. Clarence Green  
354 Hunter Street  
Ossining, NY 10652

Dear Mr. Green:

Your letter of June 13, 2017 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML17198A461), to Margaret Doane, requesting a U.S. Nuclear Regulatory Commission (NRC) complaint form, filing process, and NRC regulatory procedures for Title 10 of the *Code of Federal Regulations* (10 CFR) 2.206 petitions was referred to me for action. The information you requested can be found at NRC's Web site, "Petition the NRC to Take an Enforcement Action" (<https://www.nrc.gov/about-nrc/regulatory/enforcement/petition.html>); a copy of which is enclosed. This Web site describes the process for submitting a request under 10 CFR 2.206 (a "2.206 petition") and how NRC processes these petitions, and provides links to additional information, guidance, and procedures on the 2.206 petition process. Also enclosed is a copy of the brochure, "Public Petition Process" (NUREG/BR-0200, Rev. 5).

The provision contained in 10 CFR 2.206 (<https://www.nrc.gov/reading-rm/doc-collections/cfr/part002/part002-0206.html>) of the NRC's regulations allows any person to raise potential health and safety issues regarding an NRC licensee, and petition the NRC to take action. Specifically, 10 CFR 2.206, "Requests for action under this subpart," provides, in part, that "[a]ny person may file a request to institute a proceeding pursuant to § 2.202 to modify, suspend, or revoke a license, or for any other action as may be proper." No form is required to submit a 2.206 petition. A 2.206 petition must be submitted in writing to NRC's Executive Director for Operations and must identify the affected licensee or licensed activity, the action requested to be taken, and the facts you believe provide sufficient grounds for NRC to take action.

The NRC staff will evaluate your request against the criteria in 10 CFR 2.206 and the guidance in Management Directive (MD) 8.11, "Review Process for 10 CFR 2.206 Petitions," available at <https://www.nrc.gov/reading-rm/doc-collections/management-directives/volumes/vol-8.html>.

If you have any further questions, please contact me, the NRC's 2.206 petition coordinator, at [Merrilee.Banic@nrc.gov](mailto:Merrilee.Banic@nrc.gov). My telephone number is 301-415-2771.

Thank you for your interest in nuclear safety and for engaging in the regulatory process.

Sincerely,

A handwritten signature in cursive script that reads "M. Banic".

Merrilee J. Banic, Project Manager  
Special Projects and Process Branch  
Division of Operating Reactor Licensing  
Office of Nuclear Reactor Regulation

Enclosures:

1. Petition the NRC to Take an Enforcement Action
2. Public Petition Process  
(NUREG/BR-0200, Rev. 5)

**ENCLOSURE 1**

Petition the NRC to Take Enforcement Action



Home > About NRC > How We Regulate > Enforcement > Public Involvement > Petition the NRC To Take an Enforcement Action

## Petition the NRC To Take an Enforcement Action

The process of issuing sanctions against an NRC licensee or other person subject to the Commission's jurisdiction for violating NRC regulations is called Enforcement. Although an enforcement action is most often initiated by the NRC staff, any member of the public may raise potential health and safety issues in a petition to the NRC. This provision is contained in Subpart B, Section 2.206 of the NRC's regulations and therefore petitions submitted under this regulation are often referred to as "2.206" petitions. If warranted, the NRC can take action to modify, suspend, or revoke a license, or take other appropriate enforcement action to resolve a problem identified in a 2.206 petition.

- Before You Submit a 2.206 Petition
- How To Submit a 2.206 Petition
- How NRC Processes a 2.206 Petition
- More Information

See the following for information on the petitions received, status of recent petitions, and decisions on those that have been completed.

- Status Reports of Public Petitions Under Review
- Director's Decisions on Completed Petitions

### Before You Submit a 2.206 Petition

Before you submit a 2.206 petition, you may wish to contact the agency's 2.206 Coordinator, NRR Division of Policy and Rulemaking, 301-415-2771, to –

- obtain more information about the procedure and process for filing and responding to a 2.206 petition;
- request assistance to help you clarify a potential petition so that the NRC is able to better understand the nature of the issues of concern to you.

### How To Submit a 2.206 Petition

<https://www.nrc.gov/about-nrc/regulatory/enforcement/petition.html>

06/23/2017

Requests must be addressed to the Executive Director for Operations and must be filed either by delivery to --

NRC Public Document Room  
11555 Rockville Pike  
Rockville, Maryland 20852

or by mail or telegram addressed to --

Executive Director for Operations  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

The request must specify the action requested and set forth the specific facts supporting the request for the NRC to take enforcement-related action. Unsupported assertions of safety problems or general opposition to nuclear power are not considered sufficient grounds for action.

Requests may also be submitted using the General Submission Form on the NRC Electronic Information Exchange (EIE) system, E-mail, Delivery Service, FAX, and in person.

### **How NRC Processes a 2.206 Petition**

The Executive Director for Operations will refer the request to the Director of the NRC office with responsibility for the subject of the request for appropriate action.

If the request satisfies the criteria for review as a 2.206 petition (as specified in Management Directive 8.11), the staff will send you an acknowledgment letter. Within a reasonable time thereafter, the responsible office Director will issue a "Director's decision" that either grants the requested action in whole or in part or denies the request and gives the reasons for the decision. If the request is not accepted for review as a 2.206 petition, you will be so notified. Your request will be treated as regular correspondence and you will get a response to your concerns.

Director's decisions will be filed with the Office of the Secretary. Within 25 days after the date of a Director's decision, the Commission may decide to review that decision. However, no petition or other request for Commission review of a Director's decision under this section will be entertained by the Commission.

Once a petition is accepted for review, and throughout the petition process, you will be informed of progress and given copies of all relevant correspondence. A public meeting may be held, if appropriate.

The NRC publishes a notice in the *Federal Register* when it receives a 2.206 petition, and again when the Director's decision is issued. In addition, a Status Report of Petitions Under Review and Director's Decisions on Completed Petitions are published at this Web site.

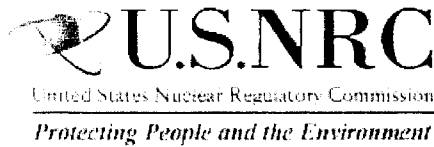
**More Information**

More information on the petition process may be found in our brochure on this subject, "Public Petition Process" (NUREG/BR-0200), and in Management Directive 8.11, which provides guidance on the review process for 10 CFR 2.206 Petitions for NRC staff.

*Page Last Reviewed/Updated Tuesday, October 04, 2016*

**ENCLOSURE 2**

Public Petition Process (NUREG/BR-0200, Rev. 5)



Home> NRC Library> Document Collections > NUREG-Series Publications> Brochures Prepared by NRC Staff > NUREG/BR-0200, Rev. 5

## Public Petition Process (NUREG/BR-0200, Rev. 5)

On this page:

- Publication Information
- Introduction

### Publication Information

**Date Published:** February 2003

Office of Public Affairs  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

### Introduction

The U.S. Nuclear Regulatory Commission (NRC) was established in 1975 to protect public health and safety in the civilian use of nuclear power and materials in the United States. As part of its responsibilities, NRC assesses all potential health and safety issues related to licensed activities and encourages members of the public to bring safety issues to its attention.

Section 2.206 of Title 10 of the Code of Federal Regulations (10 CFR 2.206) describes the petition process—the primary mechanism for the public to request enforcement action by NRC in a public process.\* This process permits anyone to petition NRC to take enforcement action related to NRC licensees or licensed activities. Depending on the results of its evaluation, NRC could modify, suspend, or revoke an NRC-issued license or take any other appropriate enforcement action to resolve a problem. Requests that raise health and safety issues without requesting enforcement action are reviewed by means other than the 2.206 process.

In its effort to improve public confidence, the NRC periodically reassesses the 2.206 petition process to enhance its effectiveness, timeliness and credibility. As part of these reassessments, the NRC seeks feedback from petitioners and other stakeholders through public meetings and workshops, surveys and Federal Register notices, as well as from its own staff experience. Specific improvements to the 2.206 process resulting from these initiatives include:

- Offering petitioners two opportunities to discuss the petition with the NRC's petition review board (PRB). The first is to allow the petitioner to provide elaboration and clarification of the petition



before the PRB meets to discuss the petition. The second opportunity comes after the PRB has discussed the merits of the petition and allows the petitioner to comment on the PRB's recommendations regarding acceptance of the petition and any requests for immediate action.

- Offering an opportunity for a staff-petitioner-licensee meeting to discuss the details of the issue during the course of the review.
- Providing better, more frequent communications between the staff and petitioner throughout the process.
- Providing copies of all pertinent petition-related correspondence and other documents to the petitioners.
- Providing a copy of the proposed director's decision on the petition, both to the petitioner and the affected licensee for comments, and considering such comments before issuing the decision in final form.

### **The Petition Process**

The 2.206 process provides a simple, effective mechanism for anyone to request enforcement action and obtain NRC's prompt, thorough, and objective evaluation of underlying safety issues. It is separate and distinct from the processes for rulemaking and licensing, although they too allow the public to raise safety concerns to NRC.

Under the 2.206 process, the petitioner submits a request in writing to NRC's Executive Director for Operations, identifying the affected licensee or licensed activity, the requested enforcement action to be taken, and the facts the petitioner believes provide sufficient grounds for NRC to take enforcement action. Unsupported assertions of "safety problems," general opposition to nuclear power, or identification of safety issues without seeking enforcement action are not considered sufficient grounds for consideration as a 2.206 petition.

After receiving a request, NRC determines whether the request qualifies as a 2.206 petition. If the request is accepted for review as a 2.206 petition, the NRC sends an acknowledgment letter to the petitioner and a copy to the appropriate licensee and publishes a notice in the Federal Register. If the request is not accepted, NRC notifies the petitioner of its decision and indicates that the petitioner's underlying safety concerns will be considered outside the 2.206 process.

On the basis of an evaluation of the petition, the appropriate office director issues a decision and, if warranted, NRC takes appropriate enforcement action. Throughout the evaluation process, NRC sends copies of all pertinent correspondence to the petitioner and the affected licensee. NRC places all related correspondence in its Public Document Room (PDR) in Rockville, Maryland, and in the agency document control system. However, the agency withholds information that would compromise an investigation or ongoing enforcement action relating to issues in the petition. The NRC also sends the petitioner other information such as pertinent generic letters and bulletins.

The NRC notifies the petitioner of the petition's status every 60 days, or more frequently if a significant action occurs. Monthly updates on all pending 2.206 petitions are available on NRC's Web site and in the PDR.

**Petition Technical Review Meeting**

A petition technical review meeting serves not only as a source of potentially valuable information for NRC to evaluate a 2.206 petition, but also affords the petitioner substantive involvement in the review and decision-making process through direct discussions with NRC and the licensee. Such a meeting will be held whenever the staff believes that it would be beneficial to the review of the petition. Note that the meeting can be offered at any time during NRC's review of a petition and is open to public observation.

**Director's Decision**

The NRC's official response to a 2.206 petition is a written decision by the director of the appropriate office that addresses the concerns raised in the petition. The agency's goal is to issue a proposed decision for comment within 120 days from the date of the acknowledgment letter. However, additional time may be needed to conduct an investigation, complete an inspection, or analyze particularly complex technical issues. If the goal is not met, the NRC staff will promptly inform the petitioner of a schedule change.

The director's decision includes the professional staff's evaluation of all pertinent information from the petition, correspondence with the petitioner and the licensee, information from any meeting, results of any investigation or inspection, and any other documents related to petition issues. Following resolution of any comments received on the proposed decision, the director's decision is provided to the petitioner and the licensee and is posted to NRC's Web site and made available in the PDR. A notice of availability is published in the *Federal Register*.

Director's decisions may be issued as follows:

- A decision granting a petition, in full, explains the basis for the decision and grants the action requested in the petition (e.g., NRC issuing an order to modify, suspend, or revoke a license).
- A decision denying a petition, in full, provides the reason for the denial and discusses all matters raised in the petition.
- A decision granting a petition, in part, in cases where the NRC decides not to grant the action requested, but takes other appropriate enforcement action or directs the licensee to take certain actions that address the identified safety concerns.
- A partial director's decision may be issued by the NRC in cases where some of the issues associated with the petition can be completed promptly but significant schedule delays are anticipated before resolution of the entire petition. A final director's decision is issued at the conclusion of the effort.

The Commission will not entertain requests for review of a director's decision. However, on its own, it may review a decision within 25 calendar days.

NRC Management Directive 8.11, "Review Process for 10 CFR 2.206 Petitions," contains more detailed information on citizen petitions. For a free copy of the directive, write to the Superintendent of Documents, U.S. Government Printing Office, P.O. Box 37082, Washington, DC 20013-7082 or call 202-512-1800.

### **Electronic Access**

Those parts of the monthly status report on 2.206 petitions that are not of a sensitive nature, as well as recently issued director's decisions, and Management Directive 8.11, are placed on the NRC's Web site and in the agency's Public Document Room.

### **Other Processes for Public Involvement**

In addition to the 2.206 petition process, NRC has several other ways that permit the public to express concerns on matters related to the NRC's regulatory activities.

- The NRC's allegation process affords individuals who raise safety concerns a degree of protection of their identity.
- Under the provisions of 10 CFR 2.802, NRC provides an opportunity for the public to petition the agency for a rulemaking.
- The NRC's licensing process offers members of the public, who are specifically affected by a licensing action, an opportunity to formally participate in licensing proceedings. This process applies not only to the initial licensing actions but also to license amendments and other activities such as decommissioning and license renewals.
- For major regulatory actions involving preparation of environmental impact statements, NRC offers separate opportunities for public participation in its environmental proceedings.
- The public can attend a number of meetings including open Commission and staff meetings, periodic media briefings by Regional Administrators, and special meetings held near affected facilities to inform local communities and respond to their questions.

More information on these activities can be found in NRC's pamphlet, "Public Involvement in the Nuclear Regulatory Process," NUREG/BR-0215.

\*The NRC also has an allegation process in which individuals who raise potential safety concerns for NRC review are afforded a degree of protection of their identity. Other processes for public involvement are listed at the end of this pamphlet.

**Office of Public Affairs  
U. S. Nuclear Regulatory Commission  
Washington, DC 20555-0001  
Telephone 301-415-8200 or  
1-800-368-5642**

NUREG/BR-0200, Rev. 5  
February 2003

*Page Last Reviewed/Updated Tuesday, February 21, 2017*

SUBJECT: RESPONSE TO CLARENCE GREEN REGARDING REQUEST FOR INFORMATION ON 2.206 FILING PROCESS AND PROCEDURES AND NRC REGULATIONS (CAC NO. TM3058) DATED: JULY 27, 2017.

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MDoane, OGC

ADAMS Accession Nos.: PKG ML17201A001; Incoming ML17198A461; Response ML17198A182 \*via e-mail

OFFICE	NRR/DORL/LSPB/PM	NRR/DORL/LSPB/LAit	NRR/DORL/LSPB/LA*	NRR/DORL/LSPB/BC
NAME	MBanic	lBetts	JBurkhardt	DBroaddus
DATE	07/27/2017	07/19/2017	07/20/2017	07/27/2017

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