

## PETITION GUIDANCE

NRC Management Directive 8.11, "Review Process for 10 CFR 2.206 Petitions," contains detailed information on citizens' petitions. The "Desktop Guide: Review Process for 10 CFR 2.206 Petitions," provides clarification of the Management Directive 8.11 petition review process. Both the documents are available on the NRC's Web site at <https://www.nrc.gov/about-nrc/regulatory/enforcement/petition.html>.

## OTHER PROCESSES FOR PUBLIC INVOLVEMENT

The public has several other options to raise issues with the NRC's regulatory activities:

- Individuals can raise safety concerns with some anonymity through the NRC's allegation process.
- Individuals or groups can petition the agency for new regulations, or revisions to existing rules, with a "rulemaking petition."
- Members of the public specifically affected by a licensing action can legally challenge the action in Atomic Safety and Licensing Board proceedings. This process applies not only to the initial licensing actions but also to license amendments and other activities such as license renewals.
- The public has opportunities to contribute to the NRC's preparation of environmental impact statements.
- The public can attend open Commission and staff meetings, as well as meetings held near facilities to inform local communities and respond to their questions.

More information on these activities can be found in the NRC's pamphlet "Public Involvement in the Nuclear Regulatory Process," NUREG/BR-0215, available on the NRC's Web site at <https://www.nrc.gov/reading-rm/doc-collections/nuregs/brochures/br0215/>.

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*Brochure*  
*March 2019*

Agencywide Documents Access and Management  
System Accession No. ML19070A037

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# ENFORCEMENT PETITION PROCESS

## INTRODUCTION

The U.S. Nuclear Regulatory Commission is an independent agency that regulates the commercial use of nuclear power and materials to protect public health and safety. The NRC encourages the public to bring safety issues arising from licensed activities to the agency's attention.

The public can ask the NRC to take enforcement action through Title 10 of the *Code of Federal Regulations* (10 CFR) Section 2.206, "Requests for action under this subpart." This "2.206 petition" process covers NRC licensees and licensed activities. The NRC evaluates these petitions and their supporting evidence. The agency may respond to a petition by modifying, suspending, or revoking an NRC-issued license or taking other appropriate enforcement action. The NRC uses other methods to review requests that raise health and safety compliance issues without a specific request for enforcement action.

The NRC periodically reassesses the 2.206 petition process to ensure its continued effectiveness, timeliness, and credibility. The NRC may seek feedback from petitioners and other stakeholders to improve the process.

The most recent changes that have improved the 2.206 process include the following:

- Advancing the petition review board's (PRB) initial assessment so it occurs prior to the meeting with the petitioner.
- Offering petitioners an opportunity to address the PRB to clarify or supplement the petition after the PRB has informed the petitioner of its initial assessment.
- Clarifying the initial screening evaluation criteria.
- Clarifying the criteria for accepting petitions.
- Adding criteria for issuing a streamlined director's decision.
- Clarifying that the PRB chairperson is the final decision maker for the PRB.
- Creating the "Desktop Guide: Review Process for 10 CFR 2.206 Petitions," to clarify the Management Directive 8.11 petition review process.
- Providing the petitioners with copies of all pertinent correspondence and other documents.

## THE PETITION PROCESS

The 2.206 process gives anyone a simple, effective mechanism to request enforcement action, and obtain the NRC's prompt, thorough, and objective evaluation of the underlying safety issues. The 2.206 process is separate from the rulemaking and licensing processes, which provide more formal means for the public to raise safety concerns to the NRC.

A 2.206 petitioner submits a written request to the NRC's Executive Director for Operations. The petitioner identifies the licensee, the licensed activity, the enforcement action requested, and gives supporting evidence. Unsupported assertions of "safety problems," general opposition to nuclear power, or identifying safety issues without seeking enforcement action fall outside the 2.206 process. If the NRC determines a request qualifies as a 2.206 petition, the agency establishes a PRB and sends an acknowledgment letter to the petitioner.

The NRC sends a copy of the letter to the appropriate licensee(s) and publishes a notice in the *Federal Register*. If the request does not qualify, the NRC informs the petitioner of this finding and whether the safety concerns have previously been resolved or should be addressed under other processes. This brochure discusses other methods of public interaction in a later section.

After the petition is evaluated, the appropriate office director issues a decision and, if warranted, the NRC takes enforcement action. Throughout the evaluation, the NRC sends copies of all pertinent correspondence to the petitioner and the affected licensee(s). The NRC places all related correspondence in the agency's electronic document database, Agencywide Documents Access and Management System (ADAMS), at <https://adams.nrc.gov/wba/>. The agency withholds information that would compromise an investigation or ongoing enforcement action relating to issues in the petition and withholds sensitive security-related information. The NRC may also send the petitioner other information such as pertinent generic letters and bulletins.

The NRC notifies the petitioner of the petition's status at least every 60 days. Quarterly updates on all pending 2.206 petitions are available on the NRC's Web site at <https://www.nrc.gov/reading-rm/doc-collections/petitions-2-206/monthly-reports/>.

## DIRECTOR'S DECISION

The NRC's written decision, signed by the director of the relevant agency office, addresses a 2.206 petition's concerns. The agency's response goal is to issue a proposed director's decision for comment within 120 days of issuing the acknowledgment letter. The NRC will inform the petitioner if an investigation, inspection, or particularly complex analysis requires more time.

The director's decision includes the professional staff's evaluation of the underlying safety issues raised in the petition. The evaluation considers all relevant information including the petition, correspondence with the petitioner and the licensee, and the results of meetings, investigations or inspections, previous agency decisions relevant to the safety issues, and available scientific literature and operating experience on the issues.

The agency considers and resolves any comments on the proposed decision before providing the final director's decision to the petitioner. The NRC posts the final decision to the agency's Web site and publishes a notice of availability in the *Federal Register*.

A director's decision follows four basic paths:

1. Granting a petition in full, explaining the basis for the decision and granting the action requested in the petition (e.g., NRC issuing an order to modify, suspend, or revoke a license).
2. Denying a petition in full, providing the reason for the denial and discussing any actions taken, or that may be taken, related to the issues raised by the petitioner.
3. Granting a petition in part, meaning that the NRC grants some of the actions requested and/or takes actions other than those requested to address the petition.
4. Issuing a partial decision in cases where some petition issues can be resolved promptly, but significant schedule delays are anticipated before resolution of all the petition issues. A final director's decision is issued at the conclusion of the effort.

A director's decision cannot be appealed, but the Commission may, on its own, review a decision within 25 calendar days.