



OFFICE OF THE
INSPECTOR GENERAL

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

March 19, 2019

MEMORANDUM TO: Margaret M. Doane
Executive Director for Operations

FROM: Dr. Brett M. Baker */RA/*
Assistant Inspector General for Audits

SUBJECT: STATUS OF RECOMMENDATIONS: AUDIT OF NRC'S 10
CFR 2.206 PETITION REVIEW PROCESS (OIG-17-A-23)

REFERENCE: DEPUTY EXECUTIVE DIRECTOR FOR REACTOR AND
PREPAREDNESS PROGRAMS MEMORANDUM DATED
FEBRUARY 22, 2019

Attached is the Office of the Inspector General's (OIG) analysis and status of recommendations as discussed in the agency's response dated February 22, 2019. Based on this response, recommendations 1 and 2 are resolved. Please provide a status update on these recommendations by May 1, 2019.

If you have questions or concerns, please call me at (301) 415-5915 or Paul Rades, Team Leader, at (301) 415-6228.

Attachment: As stated

cc: R. Lewis, OEDO
D. Jackson, OEDO
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Audit Report

Audit of NRC's 10 CFR 2.206 Petition Review Process

OIG-17-A-23

Status of Recommendations

Recommendation 1: Develop controls to ensure formal assessments are performed and are documented for future use.

Agency Response Dated
February 22, 2019:

The staff agrees with the recommendation.

NRC Management Directive (MD) 1.1, "NRC Management Directives System," dated December 11, 2018, requires the staff to review and reissue, or to certify as still relevant, all MDs at least every 8 years. Before the October 2000 version of MD 8.11, "Review Process for 10 CFR 2.206 Petitions," the staff performed and documented formal assessments of the 10 CFR 2.206 petition review process as part of the periodic review and revision of MD 8.11. Between 2009 and 2017, the staff performed formal and informal assessments and implemented changes on various portions of the 10 CFR 2.206 petition review process. These assessments have also supported the ongoing revision of the October 2000 version of MD 8.11, which the NRC expects to issue by March 29, 2019.

Planned Action:

The Office of Nuclear Reactor Regulation (NRR) staff is developing guidance and controls that will allow the staff to perform and document periodic assessments of the 10 CFR 2.206 petition review process. In addition to the periodic assessments required by MD 1.1, formal and informal assessments will be performed to support enhancements to the process and future revisions of MD 8.11.

The staff retained the target date provided in the previous status update.

Target date for completion: June 29, 2019

Contact: Perry H. Buckberg, NRR/DORL
(301) 415-1383

Audit Report

Audit of NRC's 10 CFR 2.206 Petition Review Process

OIG-17-A-23

Status of Recommendations

Recommendation 1 (cont'd):

OIG Analysis:

The actions described above meet the intent of this recommendation. OIG will close this recommendation after reviewing the revised guidance and verifying that it specifies measures for performing and documenting formal programmatic assessments in support of the 10 CFR 2.206 petition review process. This recommendation is resolved.

Status:

Resolved.

Audit Report

Audit of NRC's 10 CFR 2.206 Petition Review Process

OIG-17-A-23

Status of Recommendations

Recommendation 2: Clarify the criteria for reviewing and rejecting petitions.

Agency Response Dated
February 22, 2019:

The staff agrees with the recommendation.

The NRC staff recognized the need to clarify the criteria for reviewing and rejecting 10 CFR 2.206 petitions as part of the ongoing revision to MD 8.11. The staff has developed and incorporated revised criteria and has updated the initial screening criteria in the proposed revision to MD 8.11.

Planned Action:

The NRC staff will implement revised and clarified criteria upon approval and issuance of the revised MD 8.11. The staff extended the date it expects to revise and issue MD 8.11 to allow the staff to consider additional external stakeholder feedback received and to respond to Commission direction in Staff Requirements Memorandum (SRM)-M180208 "Staff Requirements – Discussion of Potential Changes to the 10 CFR 2.206 Enforcement Petition Process...", dated February 20, 2018. SRM-M180208 identified additional items for staff consideration and clarification in its revision of MD 8.11.

The staff updated the target date for completion to reflect the date of issuance of the revised MD 8.11.

Target date for completion: January 31, 2019
Updated target date for completion: March 29, 2019
Contact: Perry H. Buckberg, NRR/DORL
(301) 415-1383

OIG Analysis:

The actions described above meet the intent of this recommendation. OIG will close this recommendation after reviewing the updated version of MD 8.11 and verifying that it includes clarified criteria for staff review and rejection of 10 CFR 2.206 petitions. This recommendation is resolved.

Status: Resolved.