



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D. C. 20555-0001

January 28, 1994

Mr. Ernest C. Hadley
414 Main Street
P.O. Box 3121
Wareham, Massachusetts 02571

Dear Mr. Hadley:

I have received your letter of December 15, 1993, to the Director of the Office of Nuclear Reactor Regulation (NRR) on behalf of Mr. Paul Blanch, requesting an explanation as to the Commission's criteria for determining whether citizen petitions (other than for rulemaking) are to be treated under 10 CFR 2.206. Specifically, you referred to our handling of two letters; your letter dated July 21, 1992, that was treated as a 10 CFR 2.206 petition and Mr. Blanch's letter dated September 13, 1993, that was determined not to be under the purview of Section 2.206.

The Commission's position is to follow the regulations set forth in 10 CFR 2.206 with flexibility to handle situations when the regulation is not cited by a requester but the request clearly falls under the purview of 10 CFR 2.206 in that it requests modification, suspension or revocation of a license, or requests other specific enforcement-related action be taken, and a basis for the requested action is provided.

Though your July 21, 1992, letter did not mention 10 CFR 2.206, it was referred to NRR for consideration as a petition submitted pursuant to 10 CFR 2.206 because your requested action involved the potential immediate shutdown of nuclear power plants. Your request to immediately shut down nuclear power plants under certain conditions equates to requesting that the staff suspend one or more licenses. Your July 1992, letter was referred to NRR to obtain a technical assessment and determination of whether action was warranted. This was conveyed to you in a letter from Chairman Selin dated October 8, 1992.

Mr. Blanch's letter dated September 13, 1993, requested, under the provision of 10 CFR 2.206, that an enforcement conference with Northeast Utilities regarding operability determinations be open to the public and that he be allowed to participate. However, Dr. Thomas Murley stated in his response to Mr. Blanch that his request did not fall within the purview of 10 CFR 2.206, because the request did not involve modifying, suspending, or revoking a license, and did not otherwise request enforcement action. We, nevertheless, considered his request; and Dr. Murley provided the basis for the enforcement conference in question being closed in his letter dated November 9, 1993.

In determining whether a petition falls under the purview of 10 CFR 2.206, the petition is reviewed by the staff to determine the specific action requested, as well as to determine the facts that constitute the basis for the request. The additional requests of Mr. Blanch in his letter of September 13, 1993, were for the staff to respond to his questions on the intent and implementation of our regulations with regard to performing operability

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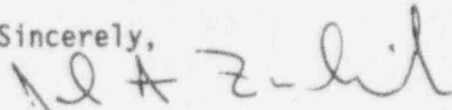
Mr. Ernest C. Hadley

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determinations and did not request that any specific actions be taken against any licensee. We will, nevertheless, consider all of Mr. Blanch's requests, as stated in our November 9, 1993, letter, and will respond under separate correspondence to those questions.

We trust this letter is responsive to your request. We will continue to consider fully any additional information you wish to provide.

Sincerely,

A handwritten signature in cursive script, appearing to read "John A. Zwolinski". The signature is written in dark ink and is positioned to the right of the word "Sincerely,".

John A. Zwolinski, Acting Director
Division of Reactor Projects III/IV/V
Office of Nuclear Reactor Regulation

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Sincerely,

ORIGINAL SIGNED BY

John A. Zwolinski, Acting Director
Division of Reactor Projects III/IV/V
Office of Nuclear Reactor Regulation

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SEE PREVIOUS CONCURRENCE*

OFFICE	PDV/LA	PDV/PM	OGC	PDV/D	AD/DRPW	D/DRPW
NAME	EBarnhill	SPeterson		TQuay	EAdensam	JZwolinski
DATE	1/24/94*	1/27/94*	1/25/94*	1/27/94	1/28/94	1/28/94

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