



OFFICE OF THE SECRETARY

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

RELEASED TO THE PDR

2/24/94 [initials] date initials

February 3, 1994

Revised

MEMORANDUM TO: William C. Parler General Counsel James M. Taylor Executive Director for Operations FROM: Samuel J. Chilk, Secretary SUBJECT: SECY-93-355 - REVIEW OF REGULATIONS AND PRACTICE GOVERNING CITIZEN PETITIONS UNDER 10 CFR 2.206

The Commission (with all Commissioners agreeing) has approved the recommendations in the subject paper with incorporation of the following comments.

The Executive Director for Operations and the General Counsel should appoint a single official to monitor completion of the various tasks recommended in this paper, including the implementation of the new policies in individual 2.206 petitions. Also, a single official should have responsibility for assembling the office reports into a single agency monthly report. (OGC/EDO) (SECY Suspense: 2/25/94)

With respect to the development of a Management Directive and citizens information brochure, the staff should provide the final drafts to the Commission for its comments prior to issuance. The practice of ensuring the petitioner is notified and provided an opportunity to ask further questions at least every 60 days, as currently required by NRR procedures, should be incorporated in the Management Directive. In developing the Management Directive, the staff should consider revising the procedure to allow for the submission of the petitioner's response to the licensee's response prior to the public hearing. The staff

SECY NOTE: THIS SRM, SECY-93-355, AND THE VOTE SHEETS OF ALL COMMISSIONERS WILL BE MADE PUBLICLY AVAILABLE 10 WORKING DAYS FROM THE DATE OF THIS SRM

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should also give further consideration to its criteria for deciding whether to label incoming correspondence as a 2.206 petition, and for deciding whether to consolidate petitions.

(EDO/OGC)

(SECY Suspense: 6/17/94)

The staff should consider the possibility of adding information on the status of 2.206 petitions to an NRC electronic bulletin board. This procedure should also be incorporated in the Management Directive.

(EDO/OGC)

(SECY Suspense: 2/25/94)

The staff indicated that the criteria to be used in determining whether to grant an informal public hearing on the petition were: (a) when the petition presents a significant safety issue not previously evaluated by the staff; (b) when the petition presents new information on a significant safety issue previously evaluated; and (c) when the petition presents a new approach for evaluating a significant safety issue previously evaluated. The staff also states that "[t]he criteria would also be applied to petitions that allege violations of NRC requirements." The Management Directive should clearly state that the alleged violation must also satisfy the criteria listed above in order to warrant an informal public hearing.

(EDO/OGC)

(SECY Suspense: 6/17/94)

cc: The Chairman
Commissioner Rogers
Commissioner Remick
Commissioner de Planque
OCA
OIG
Office Directors, Regions, ACRS, ACNW, ASLBP (via E-Mail)