

NOTATION VOTE

RESPONSE SHEET

RELEASED TO THE PDR

2/24/94
date

[Signature]
initials

TO: SAMUEL J. CHILK, SECRETARY OF THE COMMISSION
FROM: COMMISSIONER DE PLANQUE
SUBJECT: SECY-93-355 - REVIEW OF THE REGULATIONS AND PRACTICE GOVERNING CITIZEN PETITIONS UNDER 10 CFR 2.206

APPROVED X(w/comments) DISAPPROVED _____ ABSTAIN _____
NOT PARTICIPATING _____ REQUEST DISCUSSION _____

COMMENTS:

See attached comments.

9403040045 940114
PDR COMMS NRCC
CORRESPONDENCE PDR

280035

E. Gail de Planque
SIGNATURE

RELEASE VOTE / XX /

January 14, 1994

DATE

WITHHOLD VOTE / /

ENTERED ON "AS" YES XX No _____

[Handwritten initials]

Commissioner de Planque's comments on SECY-93-355:

I commend the staff for the thoroughness of its review of NRC's process for addressing 2.206 petitions and for the worthwhile changes and recommendations described in this paper. I approve the recommendations with the following comments:

1. I agree with the Chairman that a single official should be appointed to monitor completion of the tasks recommended in this paper and the implementation of the new policies.
2. While I approve Recommendation #3 to assign responsibility for preparing monthly status reports on 2.206 petitions to the individual program offices, a single official should have responsibility for assembling the office reports into a single agency monthly report.
3. I agree with Commissioner Rogers that final drafts of the Management Directive and citizens information brochure should be provided to the Commission for comment prior to issuance and that staff should consider the possibility of providing information on the status of 2.206 petitions to an NRC electronic bulletin board.
4. I note that the NRR procedures require the project manager to ensure that the petitioner is notified at least every 60 days of the status of the petition and is provided an opportunity to ask further questions. This procedure should be incorporated into the Management Directive because it is a valuable method of obtaining greater petitioner involvement in the process.
5. The staff indicates, at page 11 of the paper, that the criteria to be used in determining whether to grant an informal public hearing on the petition are: (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. Staff also states that "[t]he criteria would also be applied to petitions that allege violations of NRC requirements." I assume this means that affording an informal public hearing would require more than a simple allegation that an NRC regulation has been violated; one of the criteria listed above would also need to be present. This application of the criteria should be stated clearly in the Management Directive.

6. Staff states, at page 11, that "[i]t is anticipated that the informal public hearing would be held after the licensee has responded to the petition but before the petitioner submits a response, if any, to the licensee's response." It seems to me that it would be helpful to all concerned if the petitioner's views on the licensee's response were known prior to the public hearing so that the licensee would be prepared to address them. Staff should give consideration to so revising this procedure.