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NUCLEAR REGULATORY COMMISSION

Revision of Management Directive for Review of 10 CFR 2.206 Petitions;
Request for Comments

AGENCY: Nuclear Regulatory Commission (NRC).

ACTION: Request for comments.

SUMMARY: NRC Management Directive (MD) 8.11 describes the NRC review process for 10 CFR 2.206 petitions. The most recent phase of a continuing effort to improve the review process has resulted in a revision to MD 8.11, issued on July 1, 1999.

The process improvements were identified and developed on the basis of feedback from a limited stakeholder survey that was conducted in January 1999, as well as from NRC staff experience with the existing process. Many stakeholder comments and suggestions were addressed in the MD 8.11 revision. Other issues, such as the need for an appeal process, are under consideration by the staff.

The significant changes included in the revised MD 8.11 are as follows:

1. The informal public hearing process has been replaced with a simpler and more interactive staff-petitioner-licensee meeting, similar in format to staff-licensee meetings.
2. Petitioners are offered an opportunity to make a presentation to the petition review board (PRB) for the purposes of explaining the requested actions and their bases and answering staff questions.
3. Periodic PRB meetings will be held, in addition to the initial meeting, to provide additional management oversight, if appropriate.
4. The revised process requires significantly improved communications between the petition manager and the petitioner early on and throughout the process. For example, in the initial contact, the petition manager explains the process and

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identifies the cognizant staff groups that will be involved in considering the petition. During the periodic contacts, the petition manager is prepared to discuss the status and schedule of the review and to respond to the petitioner's questions. Prior to issuance of the acknowledgment letter and director's decision, the petition manager informs the petitioner of the imminent issuance and the substance of these documents.

5. Petitioners are added to the service lists on affected dockets.
6. Acknowledgment letters and director's decision transmittal letters stress the actions the NRC staff has taken to address the petitioner's concerns, even when the petition is denied.
7. Up-to-date staff timeliness performance metrics are included in the 2.206 petition monthly staff reports prepared for the Executive Director for Operations.

Since the revised MD 8.11 was issued on July 1, 1999, the NRC staff has made changes in the implementation of items 1 and 2 above. As described in Part I of MD 8.11, instead of limiting the presentation to one representative for about a half-hour, the staff will allow one or more petitioner representatives a reasonable amount of time for the presentation. Further, as described in Part III of the MD, instead of limiting the petitioner and licensee to one representative and about a half-hour each to address the petition's issues during staff-petitioner-licensee meetings, one or more petitioner and licensee representatives will be allowed a reasonable amount of time to address the issues. In practice, in previous staff-petitioner-licensee meetings, licensees and petitioners have not been limited with respect to the number of representatives or amount of time to address the issues. These clarifications will be reflected in the next revision to MD 8.11.

The NRC staff is requesting comments and suggestions on MD 8.11, directed at further improving the review process. Management Directives are internal NRC procedures which are

not ordinarily published for public comment. However, MD 8.11 deals with a process directly involving the public, and the NRC has determined that improvements to the process will benefit from public participation. All comments received will be considered. A public meeting will be scheduled at an appropriate time during the comment period to discuss the comments received. The result of this effort will be reflected in future revisions of the 2.206 review process.

DATE: The comment period ends January 31, 2000. Comments received after this date will be considered if it is practical to do so, but the staff is able to assure consideration only for comments received on or before this date.

ADDRESSES: Mail written comments to Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. Comments may also be sent by completing the online comment form for MD 8.11 at <http://www.nrc.gov/NRC/MD/index.html>.

Deliver comments to Room 6D59, Two White Flint North, 11555 Rockville Pike, Rockville, Maryland, between 7:30 a.m. and 4:15 p.m. Federal workdays. Copies of MD 8.11, the complete text of which follows this notice, are available for a fee at the NRC's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC. This notice and MD 8.11 are electronically available on the Internet at <http://www.nrc.gov/NRC/MD/index.html>.

FOR FURTHER INFORMATION CONTACT: Herbert N. Berkow, Mail Stop O-8H12, Office

of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555;
telephone (301) 415-1485 and e-mail at HNB@NRC.GOV.

Dated at Rockville, Maryland, this 30th day of September 1999.

FOR THE NUCLEAR REGULATORY COMMISSION

A handwritten signature in black ink, appearing to read "Herbert N. Berkow". The signature is stylized with a large, sweeping initial "H" and "B".

Herbert N. Berkow, Director
Project Directorate II
Division of Licensing Project Management
Office of Nuclear Reactor Regulation