



Discussion of Potential Changes to the 10 CFR 2.206 Enforcement Petition Process

Commission Meeting
February 8, 2018



Agenda

- Brian Holian, Acting Director, Office of Nuclear Reactor Regulation
- Eric Benner, Director, Division of Engineering
- Mary Jane Ross-Lee, Deputy Director, Division of Licensing Projects
- Doug Broaddus, Branch Chief, Division of Operating Reactor Licensing

Value of the Process

- NRC's open and transparent processes allow the public to see how we regulate
- The 2.206 process enables individuals to independently request enforcement actions
- Process expectations can differ

Goals for Enhancing the 2.206 Process

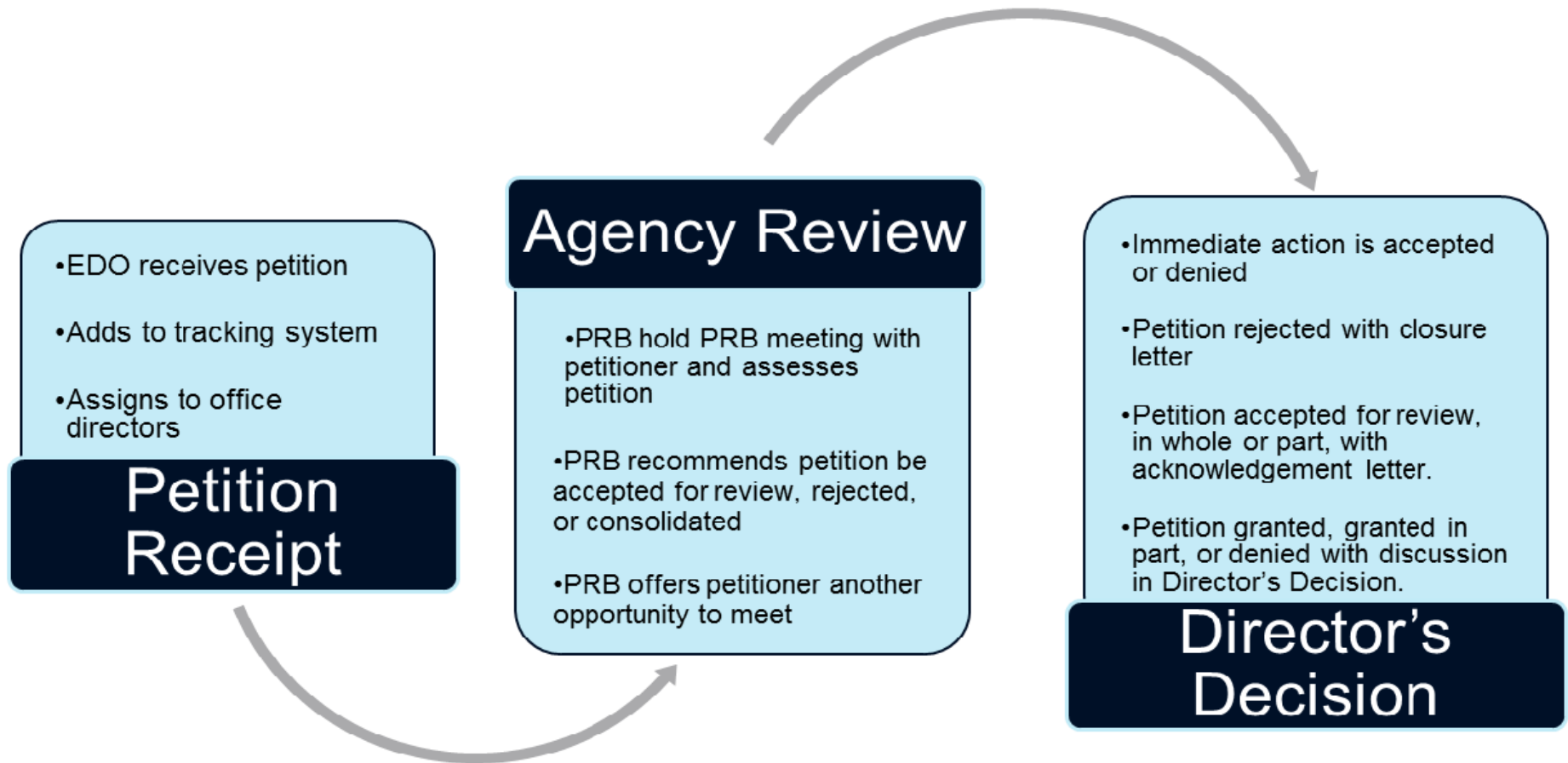
- Improve the effectiveness and efficiency of the 2.206 process
- Improve stakeholder participation
 - Ensure petitioner participation is not adversely impacted
 - Provide more meaningful interactions
- Improve MD clarity, readability, understandability

Current Process Ensures Rigorous Review of Petitions

Implementing guidance in Management Directive (MD) 8.11

- Petition Review Board (PRB):
 - Reviews petition
 - Interacts with the petitioner as appropriate
 - Makes recommendation to Office Director to grant or deny
- Allows for Commission review of Director's Decisions

Current Process Ensures Rigorous Review of Petitions



It's the Right Time to Update

- MD 8.11 last revised in 2000
- Recent NRC Office of the Inspector General audit and recommendations
- Increase in time and effort to issue Director's Decisions
- Significant body of experience from internal and external participants

Petitioners Have Provided Meaningful Feedback

- Need for improved timeliness
- Need for consistent application of acceptance criteria
- Need for appropriate management review
- Need for interactions to be meaningful
- Need for clarity of decisions and supporting bases

The Process is Fulfilling its Purpose, but Can Be Improved

- Guidance revision is to:
 - Improve interactions with petitioners
 - Set timeliness objectives
 - Enhance clarity
 - Relocate implementation details
- Staff is not recommending incorporation of a formal “appeals process”
 - Not necessary to fulfill the process purpose
 - Process provides for sufficient independent review

Incorporating Lessons Learned

- Instituted a checklist to enhance the quality of Director's Decisions
- Clarify handling of referrals from the Commission and licensing boards
- Institute screening of items not in scope of the process
- Improve interactions with petitioners

Approach Will Enhance Interactions with Petitioners

- Internal Petition Review Board meeting
- Discussion with petitioner provides more meaningful interactions
- Board has all information needed to make its recommendation
- Board develops recommendation after considering supplemental information

Revised Guidance will Improve Implementation

Management Directive is revised to:

- Enhance understanding
- Provide more predictable implementation
- Clarify the evaluation criteria
- Enhance PRB interactions with petitioners
- Establish a timeliness goal for the acceptance decision

Changes will Increase Clarity

- Relocate detailed instructions to a “Desk Guide”
- Reorganized to align with the process
- Defined screening criteria
 - Referrals to other processes
 - Requests that do not meet 2.206 criteria
- Simplified acceptance criteria

Revisions were made Based on Stakeholder Feedback

- Provide requirements for approval of screen-out decisions
- Clarify process and criteria for holding a petition in abeyance
- Enhance petitioner feedback at key milestones and on decisions

Conducting a Comprehensive Rollout of the Revised Process

- Submit revised MD 8.11 for approval in April
 - Issue Desk Guide containing detailed internal procedures in parallel
- Update external web site and public brochure (NUREG/BR-0200)
- Conduct Periodic Assessments

Acronyms

- MD - Management Directive
- PRB – Petition Review Board