

## SCHEDULING NOTE

**Title:** **DISCUSSION OF POTENTIAL CHANGES TO THE 10 CFR 2.206 ENFORCEMENT PETITION PROCESS (Public Meeting)**

**Purpose:** To provide the Commission with perspectives from the staff and stakeholders on the current status of the 10 CFR 2.206 enforcement petition process and potential changes to the process.

**Scheduled:** **February 8, 2018**  
**9:00 am**

**Duration:** Approx. 3 hours

**Location:** Commissioners' Conference Room, 1<sup>st</sup> Fl. OWFN

**Participants:** **Presentation**

**External Panel** **30 mins.\***

**Emily Hammond**, Glen Earl Weston Research Professor,  
George Washington University Law School **6 mins.\***

**Topic:**

- Petition processes
- Successes and challenges

**Ellen Ginsberg**, Vice President, General Counsel and Secretary,  
Nuclear Energy Institute **6 mins.\***

**David Lochbaum**, Director, Nuclear Safety Project, Union of  
Concerned Scientists **6 mins.\***

**Samuel Miranda**, Petitioner **6 mins.\***

**Topics:**

- Scope and uses of the 2.206 enforcement petition process
- Assessment of effectiveness and efficiency of 2.206 enforcement process
- Views on the staff's proposed changes to the 2.206 enforcement process
- Recommendations for other potential changes to the 2.206 enforcement petition process

**Commission Q & A** **30 mins.**

**Break** **5 mins.**

**NRC Staff Panel**

**30 mins.\***

**Victor McCree**, Executive Director for Operations

**Brian Holian**, Acting Director, Office of Nuclear Reactor Regulation (NRR)

**Eric Benner**, Director, Division of Engineering, NRR

**Mary Jane Ross-Lee**, Deputy Director, Division of Licensing Projects, NRR

**Doug Broaddus**, Chief, Special Projects and Process Branch, Division of Operating Reactor Licensing, NRR

**Topics:**

- Overview of 2.206 enforcement petition process
- Lessons learned from implementing 2.206 enforcement petition process since 2000
- Proposed changes to 2.206 enforcement petition process
- Public outreach on proposed changes

**Commission Q & A**

**30 mins.**

**Discussion – Wrap-Up**

**5 mins.**

\*For presentation only and does not include time for Commission Q & As



# 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

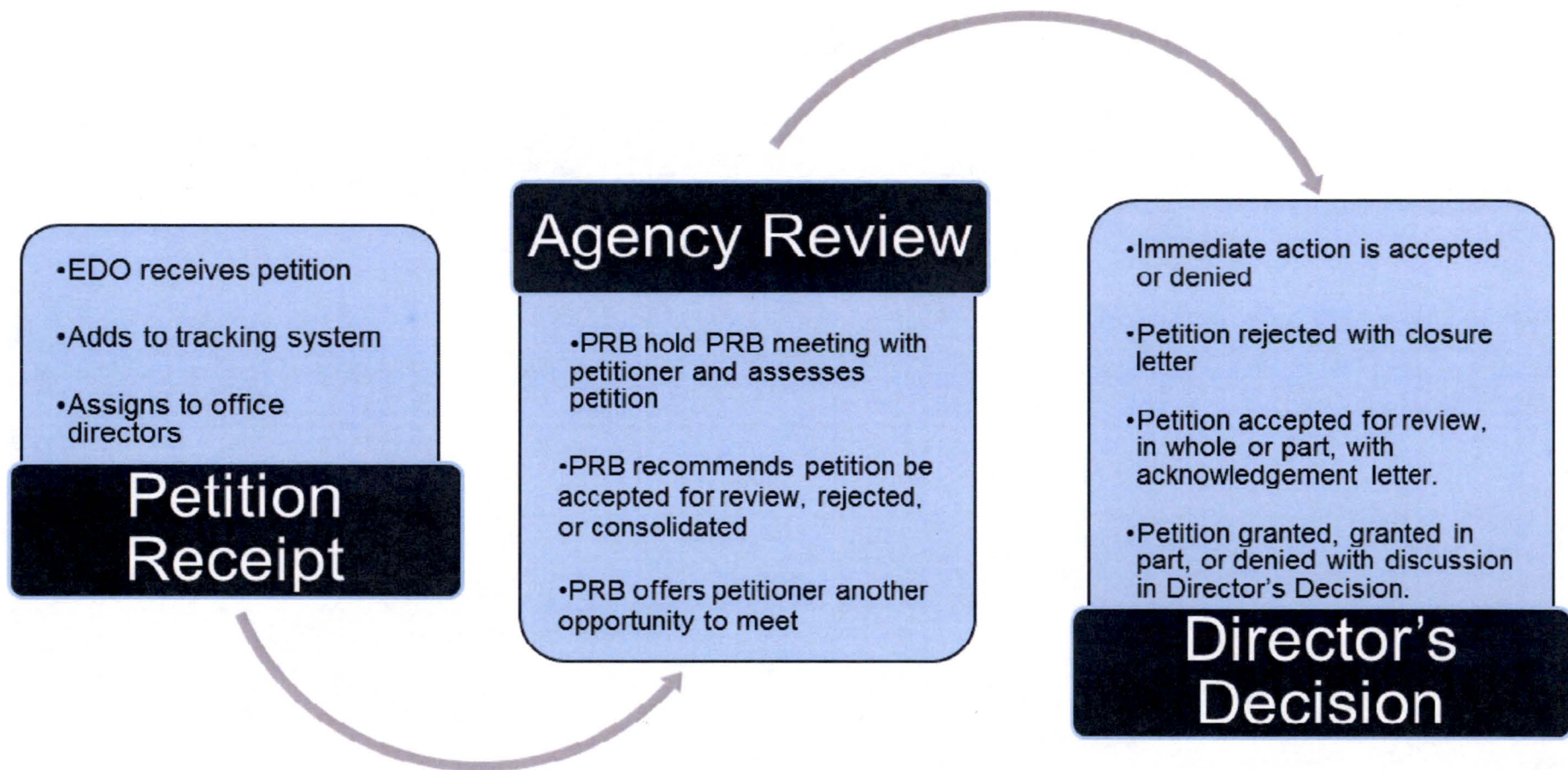
# **Current Process Ensures Rigorous Review of Petitions**

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



NUCLEAR ENERGY INSTITUTE

**Ellen C. Ginsberg**  
Vice President, General Counsel  
and Secretary

February 8, 2018

# **COMMISSION BRIEFING 10 CFR 2.206 PROCESS**



## SECTION 2.206 PROCESS

### Approach to Evaluation

- Does the structure of the implementing process serve the regulation's intended purpose?
  - Is there easy access/ease of use?
  - Are there appropriate limits/boundaries?
  - Are there reasonable threshold/screening and review criteria?
  - Is process for decision making rational?
  - Does data demonstrate effectiveness?
  - Do petitions receive appropriate NRC review and oversight?

# SECTION 2.206 PROCESS

## Ease of Access and Use

- The 2.206 process is available and easily used
  - No standing or format requirements
  - No requirement to mention 2.206
  - Staff may even interpret petitions that do not request enforcement action as 2.206 petition
- Reasonably requires factual basis for petition and relief sought
  - Commission or ASLB referrals screen in

## SECTION 2.206 PROCESS

### Appropriately Limited

- Intended use as enforcement tool is clear
  - Not intended to substitute for rulemaking or adjudications, allegations, OI or OIG process
  - Not intended to initiate NRC review if issues have been reviewed and addressed through other processes
  - Not intended to address general concerns
  - Not available if issue is not within NRC jurisdiction
  - Restrictions for security and SUNSI information



# SECTION 2.206 PROCESS

## Reasonable Screening Criteria/Review

- Management Directive 8.11 specifies rational criteria for PRB to determine whether to accept and proceed further with a 2.206 petition
- Factors include:
  - Need for immediate action, licensee response, possible consolidation, referral to Allegation Program or OIG; adds meetings for “complex” petitions
- Once accepted, process may involve review by and coordination among multiple NRC offices
  - NRR, NRO, NMSS, OE, OGC, OI, OIG may be involved as needed

## **SECTION 2.206 PROCESS**

### **Rational Decision-making**

- Assignment of petition manager to shepherd petition through process
- PRB comprised of SES chair, SMEs, and if necessary, OGC, OI, OIG
- PRB reviews initial staff screening; offers petitioner meeting or teleconference
- Director's Decision to include: description of issues; their safety significance; and basis for disposition
  - Streamlined and partial decisions available options

# **SECTION 2.206 PROCESS**

## **Notice and Opportunity to Participate**

- Petition manager updates petitioner of status at least every 60 days by phone or email
- After PRB initial assessment, petition manager notifies petitioner whether petition meets 2.206 acceptance criteria and offers opportunity to clarify or supplement petition via a transcribed teleconference or a public meeting with PRB
  - Petitioner may request a reasonable number of others to assist in addressing PRB
  - Staff and license can ask clarifying questions



# SECTION 2.206 PROCESS

## Schedule

- Schedule goals in MD 8.11 include:
  - Issue acknowledgement/closure letter within 90 days of the OEDO assignment of the petition
  - Issue proposed Director's Decision for comment within 120 days after acknowledgement letter, or less for uncomplicated petitions
  - Issue final Director's Decision within 45 days of the end of the comment period
- OEDO tracks schedule adherence and may extend schedule

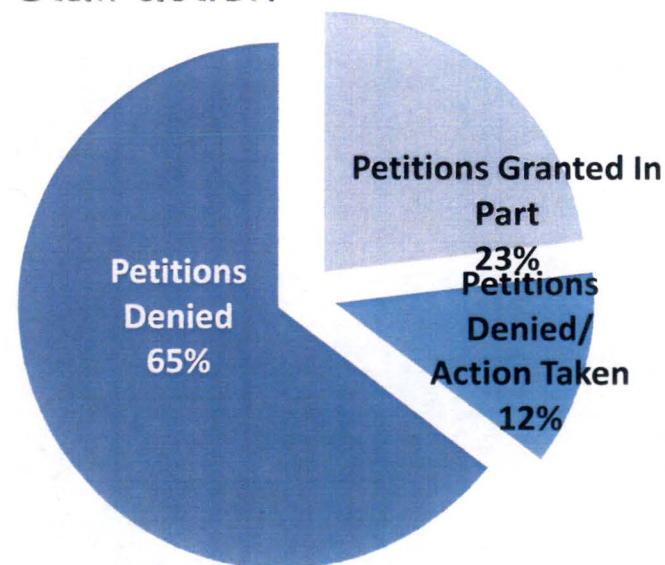
# SECTION 2.206 PROCESS

## Effectiveness

- Widely-used, but often duplicates NRC Staff actions already underway
  - 35% of petitions lead to new NRC Staff action

Petition Outcomes	Number
Granted, At Least In Part	95
Denied / Action Taken <sup>1</sup>	51
Denied	266
Total (since 1975)	412

<sup>1</sup> "Denied/Action Taken" means that the NRC Staff took some action that addressed or resolved the subject of the petition.



## SECTION 2.206 PROCESS

### Effectiveness

- NRC action taken in 35% of 2.206 petitions filed
  - 23% granted at least in part; additional 12% denied but NRC action taken
  - NRC is not required to take requested action
- Concerns in 2.206 petitions often reflect concerns detected and addressed by other NRC processes
- Failure to issue most extreme relief (i.e., order) is not a reasonable measure of effectiveness
- NRC should not be largely reliant on citizens to oversee safety



# SECTION 2.206 PROCESS

## MD 8.11 Update

- Agency should:
  - continue to improve effectiveness, efficiency, clarity, and timeliness of 2.206 process
  - conduct periodic reviews and analysis
  - focus on quality of decision-making; ensure bases for decisions are well documented
- 2017 revisions to MD 8.11 are useful:
  - Improved initial screening process and Petition Review Board evaluation criteria
  - Clarified review criteria, NRC Staff roles and responsibilities

## **SECTION 2.206 PROCESS**

### **Additional Recommendations**

- A redlined version would be helpful to facilitate a close evaluation of proposed revisions
- Consider retaining MD 8.11 as a single document to avoid potential confusion/inconsistencies etc.
- Clarify MD 8.11 section III.D.3(c) regarding holding a petition in abeyance
- Clarify timing for petition manager to notify petitioner of results of PRB initial assessment



NUCLEAR ENERGY INSTITUTE

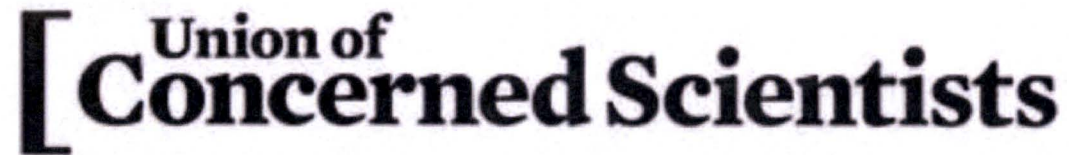
**Ellen C. Ginsberg**

Vice President, General Counsel  
and Secretary

February 8, 2018

# **COMMISSION BRIEFING 10 CFR 2.206 PROCESS**





# **Potential Changes to the 10 CFR 2.206 Process**

**David Lochbaum**

**Director, Nuclear Safety Project**

**[www.ucsusa.org](http://www.ucsusa.org)**

**February 8, 2018**

# **Why UCS Petitions NRC**

- **Petitions require formal NRC responses, generally of substantially higher quality than we receive to our letters to NRC**
- **Petitions are public whereas allegations are super-secret**
- **There's way more media cache when UCS petitions the federal government to address a safety problem than when UCS writes NRC a letter about one**
- **NRC has never granted a UCS petition, but our petitions have helped resolve numerous safety problems**

# **Commendable Effort**

**UCS reviewed the draft revisions to Management Directive 8.11.**

**Participation in the December 7, 2017, public meeting gave UCS fuller insights into the proposed changes.**

**The proposed changes will very likely increase efficiency and lessen frustrations by all participants.**

**Sources: ML17320A976, ML17320A996 and ML17341A027**



## **2.206 Metrics**

**NRC Form 659 solicits feedback on public meetings conducted by NRC.**

**FOIA process affords requesters an opportunity to provide feedback on the quality of responses.**

**Management Directive 8.11 should include a comparable formal feedback mechanism.**

## **2.206 Metrics**

**OE prepares Enforcement Program Annual Reports.**

**2.206 petitions seek enforcement actions. UCS found no 2.206 petition mentions in six recent annual reports.**

**Annual OE reports should address 2.206 petitions.**

**Sources: CY16 (ML17075A377), CY15 (ML16069A146), CY14 (ML15086A104), CY13 (ML14087A428), CY12 (ML13079A446), CY11 (ML12076A123)**

# **Requests for Immediate Action**

**Petitioners may request that NRC take immediate action. UCS FOIA'ed\* records for staff recommendations to PRB about such requests. The recommendations were casual at best, entirely lacking at worst.**

**\* FOIA-2017-0662 (ML17318A126)**



# **Requests for Immediate Action**

**NRC's "no immediate action" response\* dated November 10, 2011, to a petition by Beyond Nuclear about seismic concerns at North Anna:**

This email is to inform you that the Petition Review Board (PRB) recently discussed your petition with respect to immediate action only. The PRB denied the request for immediate action because there was no immediate safety concern to the plant, or to the health and safety of the public. In addition, the requirement to demonstrate that no functional damage has occurred to those features necessary for continued operation of the reactors without undue risk to the health and safety exists in 10 CFR 100, Appendix A.

**So, 10 CFR 100, Appendix A has got it covered. Really?#**

**\* ML12018A445**

**# Given that the earthquake caused ground motion at North Anna above its DBE levels, one could argue that App. A failed.**

# **Requests for Immediate Action**

**Then why did the NRC mandate on March 12, 2012,\* that North Anna “without unnecessary delay” walk down the plant to identify and correct seismic shortcomings?**

On September 9, 2011, the NRC staff provided SECY-11-0124 to the Commission (ADAMS Accession No. ML11245A158). The document identified those actions from the NTTF report that should be taken without unnecessary delay. As part of the October 18, 2011, SRM for SECY-11-0124 (ADAMS Accession No. ML112911571), the Commission approved the staff's proposed actions, including the development of three information requests under 10 CFR 50.54(f). The information collected would be used to support the NRC staff's evaluation of whether further regulatory action was needed in the areas of seismic and flooding design, and EP.

**\* ML12053A340**



# **Requests for Immediate Action**

**Management Directive 8.11 must require fully and substantive reasons be formally documented for why petitioner's requests for immediate action are not granted.**



# **Public Meeting with Petitioners**

**“The petition manager will invite the licensee to participate in any meeting or teleconference with the petitioner to ensure that the licensee understands the concerns about its facility or activities. The licensee may also ask questions to clarify the issues raised by the petitioner.”**

# **Category 1 Public Meetings**

**“The public is invited to observe the meeting and will have the opportunity to communicate with NRC staff participating in the meeting after the business portion of the meeting but before the meeting is adjourned. This plan does not preclude the licensee, vendor, or applicant from responding to questions if it chooses to do so.”**

# NRC Public Meetings

## Search Criteria

**Start Date:** 11/25/17

**End Date:** 01/09/18

**Records 1 - 85 of 85 Matching Records**

<b>Category</b>	<b>Meetings*</b>	<b>Percentage</b>
<b>1</b>	<b>62</b>	<b>59.6%</b>
<b>2</b>	<b>37</b>	<b>35.6%</b>
<b>3</b>	<b>5</b>	<b>4.8%</b>

**\* Meetings (104) exceed the number of records (85) because some notices announced multiple meetings.**

**Source: NRC Public Meeting Schedule webpage**



## **2.206 Meetings**

**2.206 meetings should be held consistent with Management Directive 3.5 and treat petitioners and licensees equally.**

**‘Separate but equal’ made lousy public policy.**

**‘Separate but unequal’ makes even lousier public policy.**

## **2.206 Isn't Very Appealing**

**06-23-2011: Byron submits power uprate license amendment request (ML111790026)**

**10-09-2015: During review, NRC informed licensee that *“the NRC staff finds that the licensee is not in compliance with GDCs 15, 21, and 29, 10 CFR 50.34(b), and the design bases with respect to prohibition of progression of Condition II events. The licensee must take action to resolve the non-compliance.”* (ML14225A871)**

## **2.206 Isn't Very Appealing**

**12-08-2015: Byron appealed decision to NRR Director (ML15342A112)**

**05-03-2016: NRR Director denied the appeal (ML16095A024)**

**06-02-2016: Byron appealed to the EDO (ML16154A254)**

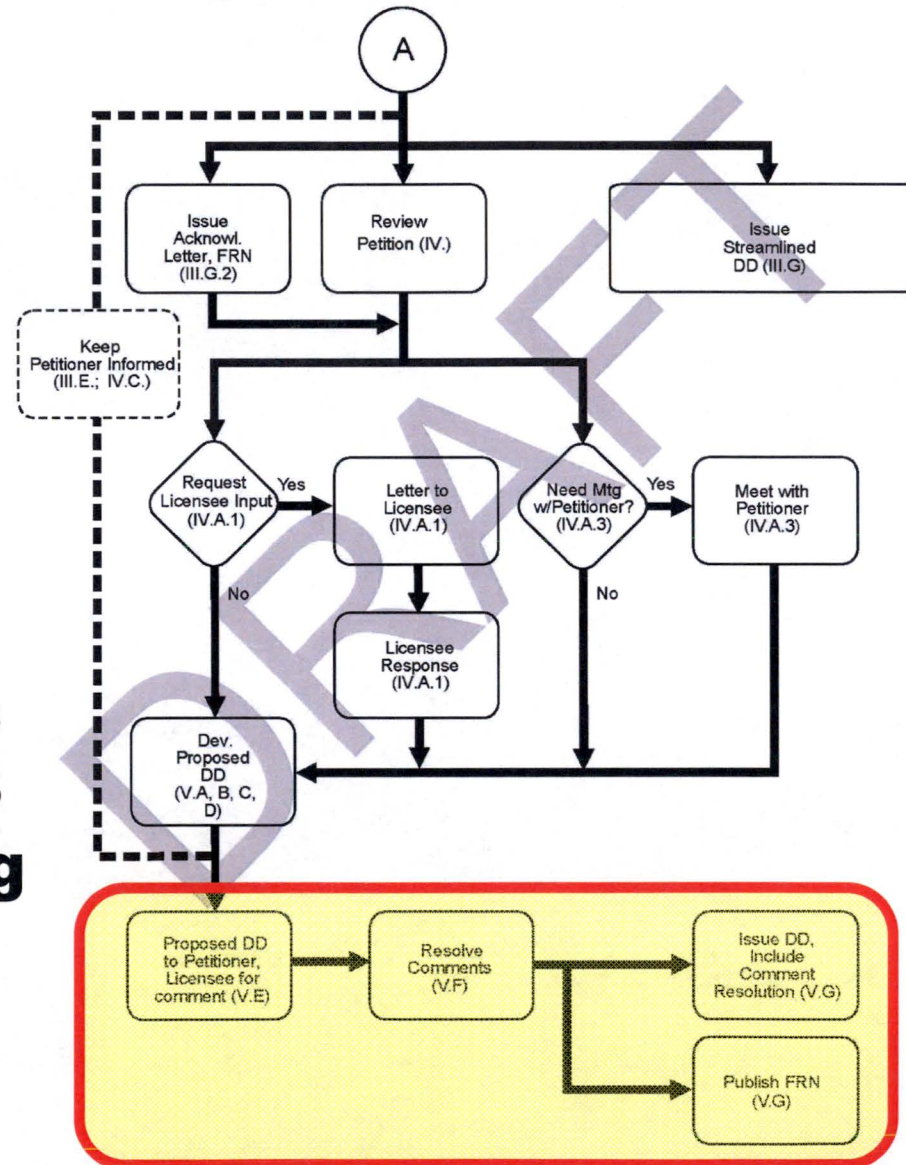
**09-15-2016: EDO grants appeal (ML16243A067)**



## 2.206 Isn't Very Appealing

**The 2.206 process expressly prohibits appeals.**

**Thus, the NRR Director, who was over-ruled in the Byron appeal case, is presumed to ALWAYS be right when denying 2.206 petitions.**



## **2.206 Isn't Very Appealing**

**08-14-2017: NRC proposed a preliminary White finding for an EDG violation at Clinton (ML17226A321)**

**09-18-2017: Exelon submitted a 601-page letter contesting the White finding (ML17263A124)**

**11/27/2017: NRC issued final White finding for the EDG violation at Clinton (ML17331B161)**

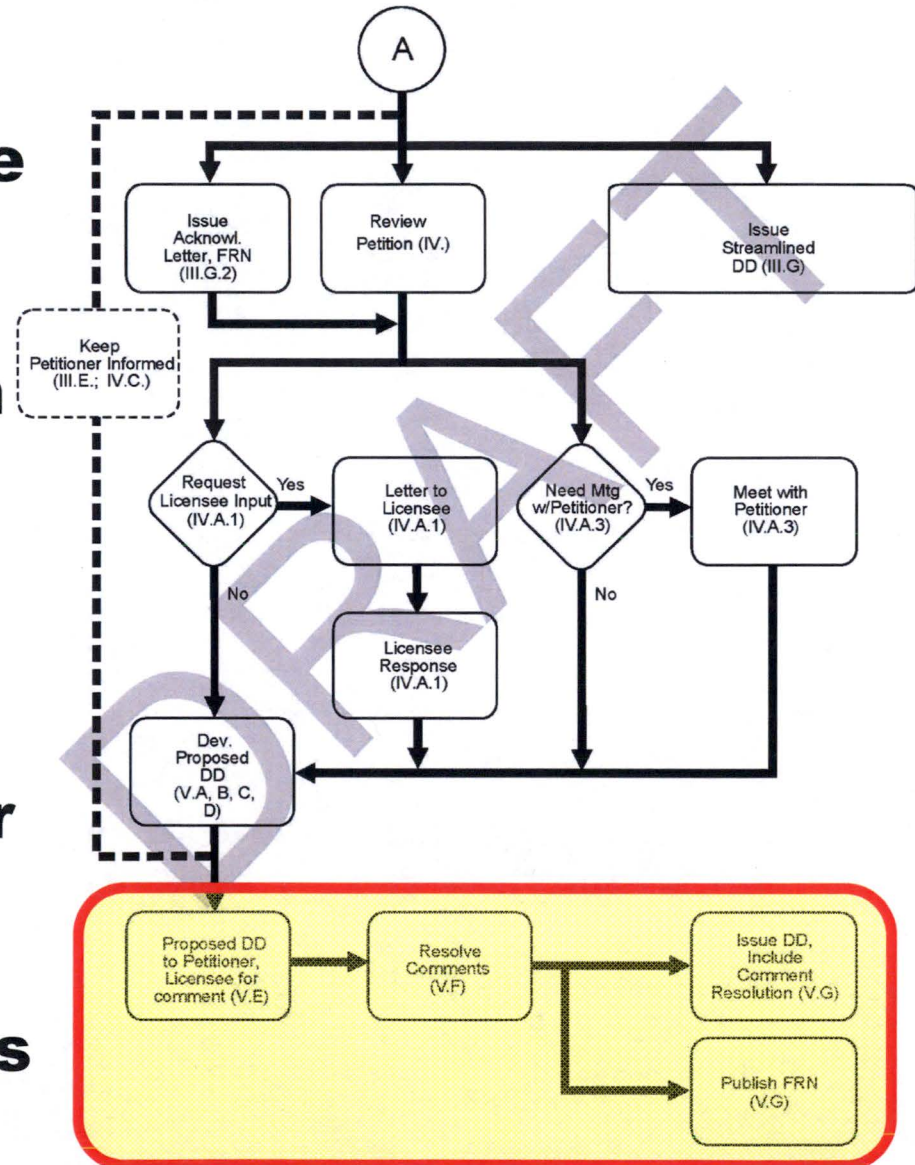
**12/21/2017: Exelon appealed the final White finding (ML17355A562)**



## 2.206 Isn't Very Appealing

**The preliminary and final SDP decisions are comparable to the proposed and final Director's Decisions in 2.206.**

**But licensees, not petitioners, have additional appeal rights. Manual Chapter 0609 Att. 2 (ML101400502) gives licensees appeal rights denied to petitioners.**





## **2.206 Isn't Very Appealing**

**If it takes  $X$  layers of appeal to adequately protect licensees from improper imposition of enforcement actions, then it also takes  $X$  layers of appeal to adequately protect petitioners from improper denial of their requests for enforcement actions. Less than  $X$  layers is less than fair.**

# **Our Recommendations**

**MD 8.11 should include formal feedback mechanism**

**Enforcement Program Annual Reports should cover 2.206 petitions**

**MD 8.11 should require reasons for denying requests for immediate action be substantively documented**

**Petitioners and licensees should be treated equitably in NRC meetings**

**Appeal processes for 2.206 petitions should match other processes**

# **List of Acronyms**

**EDG – Emergency Diesel Generator**

**EDO – Executive Director for Operations**

**FOIA – Freedom of Information Act**

**MD – Management Directive**

**ML – not sure, maybe Mr. Lochbaum?**

**NRC – Nuclear Regulatory Commission**

**NRR – Nuclear Reactor Regulation**

**OE – NRC Office of Enforcement**

**PRB – Petition Review Board**

**SDP – Significance Determination Process**

**UCS – Union of Concerned Scientists**



# 10 CFR §2.206 Process

Samuel Miranda, PE

February 8, 2018



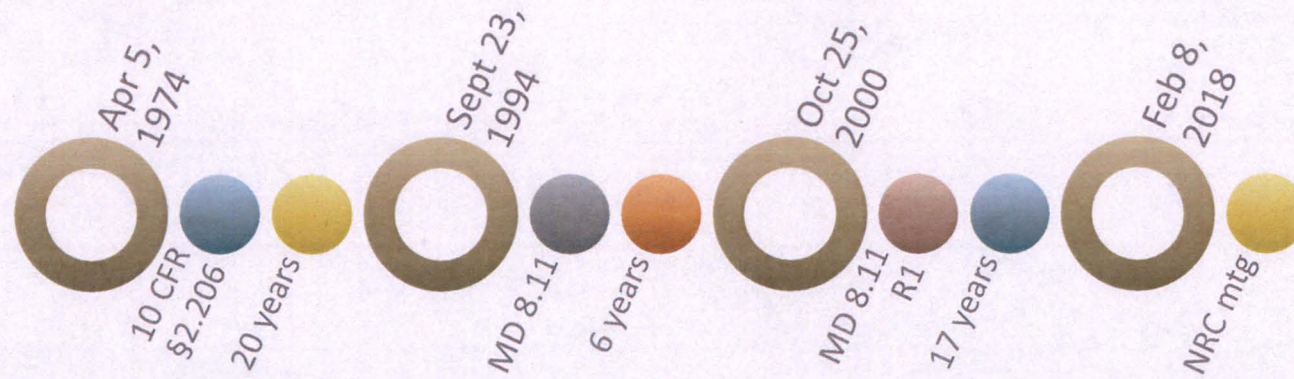
## MD 8.11, "Review Process for 10 CFR 2.206 Petitions"

### Objectives:

- To ensure the public health and safety, through the prompt and thorough evaluation of any potential problem addressed by a petition filed under 10 CFR 2.206.
- To provide for appropriate participation by a petitioner in, and observation by the public of, NRC's decision-making activities related to a 10 CFR 2.206 petition.
- To ensure effective communication with the petitioner and other stakeholders on the status of the petition

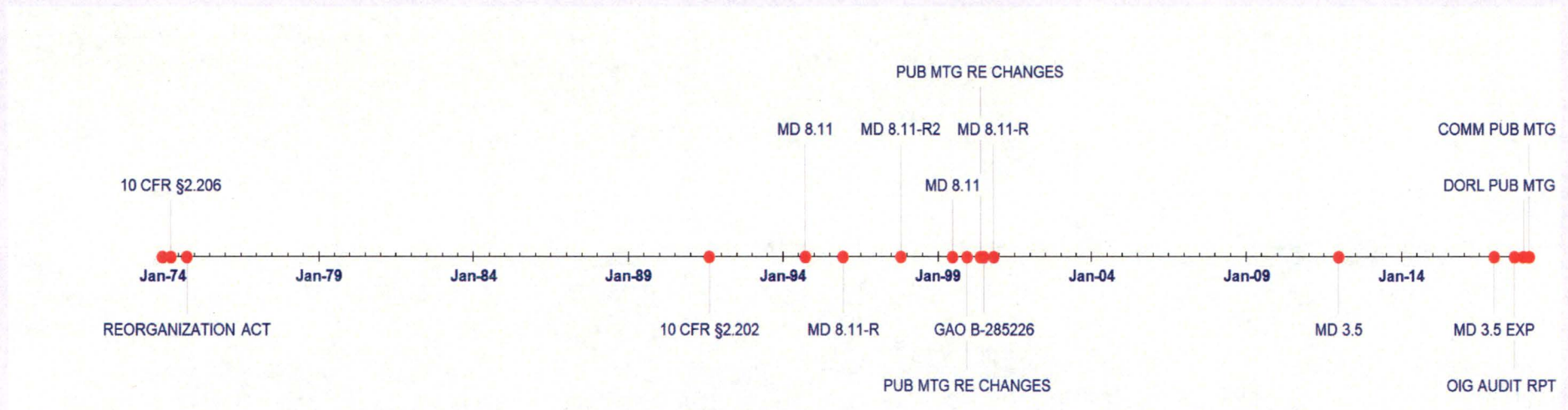


## MD 8.11 Versions





# MD 8.11 Timeline



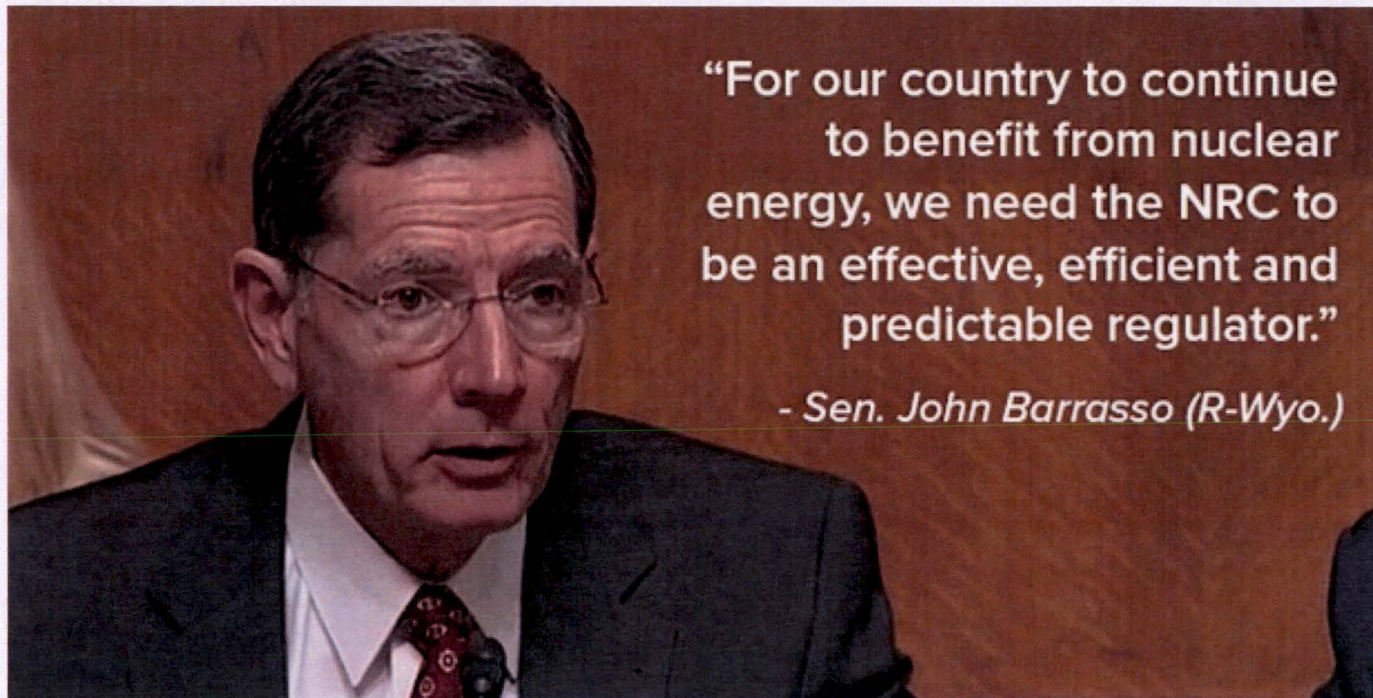


# Topics

## Scope and uses of the 2.206 enforcement petition process

- Assessment of effectiveness and efficiency of 2.206 enforcement process
- Views on the staff's proposed changes to the 2.206 enforcement process
- Recommendations for other potential changes to the 2.206 enforcement petition process





“For our country to continue  
to benefit from nuclear  
energy, we need the NRC to  
be an effective, efficient and  
predictable regulator.”

- Sen. John Barrasso (R-Wyo.)

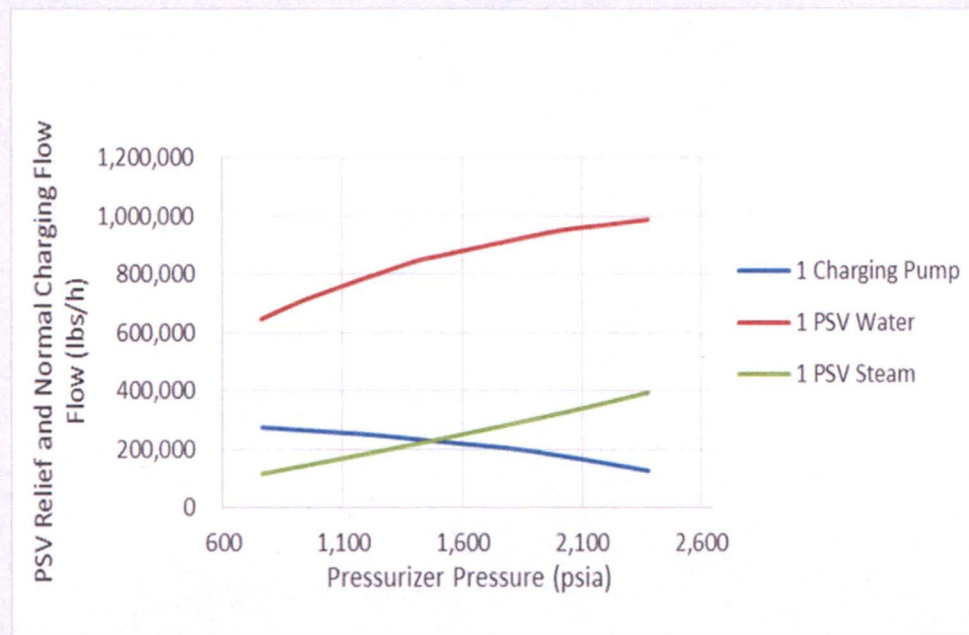


## Assessment of effectiveness of 2.206 enforcement process

- Effectiveness
- The degree to which something is successful in **producing a desired result**; success.
- MD 8.11
- Ensure public health and safety through the prompt and **thorough evaluation** of any potential problem addressed by a petition filed under 10 CFR 2.206



A “Thorough” Petition Evaluation (example)  
accepts a one million lb/hr water “leak” --





## Assessment of effectiveness of 2.206 enforcement process

### **MD 8.11, Dec 12, 1995**

- “The NRC has granted petitions in whole or in part on only about 10 percent of petitions submitted to the agency.”
- “This practice has led to a longstanding public perception that the NRC was unresponsive to 2.206 petitions.”

### **OIG-17-A-23, August 22, 2017**

- “NRC has not issued orders in response to any of the 38 10 CFR 2.206 petitions filed from FY 2013 through FY 2016.”
- “The lack of such actions could adversely affect the public’s perspective on the effectiveness of the agency’s 10 CFR 2.206 petition process.”



## Assessment of effectiveness of 2.206 enforcement process

### **US GAO, B-285226, June 30, 2000:**

- One of the NRC's new performance goals is to increase public confidence.
- NRC has developed strategies to increase public confidence.
- However, NRC did not identify measures for this performance goal.
- Ensuring public health and safety from the operations and activities of its licensees is the NRC's primary statutory responsibility.

### **Wall Street Journal, September 8, 2011**

- "It's called license renewal, not relicensing," says Brian Holian, director of license renewal at the NRC.
- The public "often is not satisfied" by that explanation, he admits.  
"Sometimes, they want the opportunity to re-evaluate whether the plant should even be there."



## Assessment of effectiveness of 2.206 enforcement process

- If the (inferred) objective is to issue some specified number of orders, then MD 8.11 is not effective, since no orders have ever been issued.
- If the (stated) objective is to perform thorough evaluations of petitions, then MD 8.11's effectiveness is poor, since thorough evaluations are very rare.
- If the (observed) objective is to reject petitions, then MD 8.11 is effective.
- Appeals from licensees; but not from petitioners, are heard
- MD 3.5 (re meetings) can be used to bypass MD 8.11



## Assessment of efficiency of 2.206 enforcement process

- Efficiency
- Ability to accomplish something with the least waste of time and effort
- Ensure public health and safety through the **prompt** and thorough evaluation of any potential problem addressed by a petition filed under 10 CFR 2.206
- MD 8.11
- Proposed revisions are aimed at improving efficiency by adding:
  - a **streamlined** director's decision
  - a means to **accelerate the PRB initial assessment**,
  - a **timeliness goal** for issuing the **closure** letter, and
  - criteria for **holding a petition in abeyance**,



## Views on the staff's proposed changes to the 2.206 enforcement process

### • Changes Proposed

- Adds the New Reactors Office (NRO), and the Office International Programs (OIP).
- The offices of Enforcement, and the General Counsel take advisory roles.
- Deletes, "most of the actions described in this directive and the associated handbook apply only to those offices."
- Deputy office directors of the listed Offices are empowered to, "to hold a petition in abeyance."

### • Changes Not Proposed

- Revisions do not reflect the findings of the OIG audit.
- No guidance re conflict of interest when selecting a PRB chairperson
- Impaired limit re eligible Offices
- No basis for selecting PRB chairpersons from the Senior Executive Service (SES)
- No guidance re PRB evaluation methods
- No guidance re imposing a 10 CFR 2.202 order



## Recommendations for other potential changes (MD 3.5 Attendance at NRC Staff-sponsored Meetings)

- MD 8.11 cites MD 3.5 re meetings with petitioners
- Update and revise MD 3.5 (re: “drop in” meetings)
- MD 3.5 states, “Senior executives of a licensee, request the opportunity to conduct a “drop-in” visit with the EDO, (and/or) with other senior managers. ... Because these visits ... are usually limited to a general exchange of information not directly related to any regulatory action or decision, they would not typically be public meetings.”
- All “drop in” meetings, regardless of subject (except proprietary or classified info), should be public.



## Recommendations for other potential changes to the 2.206 enforcement petition process

- Implement the recommendations of OIG-17-A-23
- Follow all MD 8.11 procedures
- Add appeal procedures for petitioners and other stakeholders
- Add selection criteria for PRB chairpersons
- Set standards for “thorough” PRB evaluation methods
- Define “new significant” information
- Include petitioners in discussions, between NRC staff and licensees, to resolve issues of the petitions



## Conclusions

- MD 8.11 pertains to a “process”, not to a result.
- Improving efficiency without first ensuring effectiveness is irrelevant.
- Fundamental changes are needed, like equalizing appeal rights.
- Appeal decisions should be reviewed by an independent body (e.g., ACRS)
- MD 8.11 refers to MD 3.5, which requires an update.
- “Abeyance” can be a dead end.
- Built-in ambiguity, like “new significant” information must be corrected.
- PRB evaluations should lead to technical decisions, not policy. Limit SES chairpersons.
- MD 8.11 serves the NRC staff, not the public. MD 8.11 is an S.L.I.C.C.



## Recommendations

- Reduce MD 8.11 to a one-page checklist
- Process petitions like LARs from stakeholders (i.e., LIC-101)
- Assign petition evaluations to cognizant engineer(s), w/o PRB
- Allow acceptance reviews, RAls, and denials
- Hold public meetings with petitioners and licensees
- Apply a problem-solving approach, short of license action
- Allow one appeal from the licensee(s), and one from the petitioner(s)
- Finalize appeal decision after one review from an independent body (e.g. ACRS)



## Advantages

- LAR process is familiar, and routinely used (see LIC-101)
- LAPs are reviewed by cognizant engineers, as priority LARs, not by SES managers
- Appeals from petitioners and licensees are treated alike
- No “drop in” meetings
- 10 CFR 2.202 orders (and the barrage of appeals) may be avoided
- Public confidence, and predictability can be enhanced
- Transparency and accountability can also be improved
- MDs 8.11, 3.5, and 8.4 can be simplified