



SECRETARY

UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

February 20, 2018

IN RESPONSE, PLEASE  
REFER TO: M180208

MEMORANDUM TO: Victor M. McCree  
Executive Director for Operations

FROM: Annette Vietti-Cook, Secretary **/RA/**

SUBJECT: STAFF REQUIREMENTS – DISCUSSION OF POTENTIAL  
CHANGES TO THE 10 CFR 2.206 ENFORCEMENT PETITION  
PROCESS, 9:00 A.M., THURSDAY, FEBRUARY 8, 2018,  
COMMISSIONERS' CONFERENCE ROOM, ONE WHITE FLINT  
NORTH, ROCKVILLE, MARYLAND (OPEN TO PUBLIC  
ATTENDANCE)

The Commission was briefed by Emily Hammond, Glen Earl Weston Research Professor, George Washington University Law School; Ellen Ginsberg, Vice President, General Counsel and Secretary, Nuclear Energy Institute; David Lochbaum, Director, Nuclear Safety Project, Union of Concerned Scientists; Samuel Miranda, Petitioner; and the NRC staff on the current status of the 10 CFR 2.206 enforcement petition process and potential changes to the process.

As the staff prepares a draft final Management Directive, the staff should (1) evaluate whether the petitioner should have an opportunity to pose clarifying questions of the licensee during the initial meeting, facilitated by the Petition Review Board Chairman; (2) consider whether to provide a mechanism for the petitioner to request an informal EDO review of a director's decision; (3) further clarify when a streamlined director's decision is appropriate; (4) clarify the language for the initial screening process for determining whether a request for action is within the scope of 10 CFR 2.206; and (5) ensure that the Management Directive clearly articulates the responsibility of the staff to promptly file director's decisions with the Office of the Secretary. The staff should also make a redline/strikeout version of the proposed changes to Management Directive 8.11 available to the Commission and external stakeholders. The draft final Management Directive should be provided to the Commission for information.

cc: Chairman Svinicki  
Commissioner Baran  
Commissioner Burns  
OGC  
CFO  
OCA  
OIG  
OPA  
ODs, RAs, ACRS, ASLBP (via E-Mail)  
PDR