



U.S. Nuclear Regulatory Commission Office of Nuclear Reactor Regulation

Desktop Guide: Review Process for 10 CFR 2.206 Petitions

Change Notice

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DESKTOP GUIDE: REVIEW PROCESS FOR 10 CFR 2.206 PETITIONS DATED
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Desktop Guide: Review Process for 10 CFR 2.206 Petitions

1. POLICY

In accordance with Management Directive (MD) and Handbook 8.11, “Review Process for 10 CFR 2.206 Petitions,” it is the policy of the U.S. Nuclear Regulatory Commission (NRC) to provide any person with the means to request that the NRC institute a proceeding pursuant to Section 2.202, “Orders,” of Title 10 of the *Code of Federal Regulations* (10 CFR 2.202) to modify, suspend, or revoke a license, or for other action as may be proper (hereinafter referred to in this guide as to take enforcement-related action). This policy is codified in 10 CFR 2.206, “Requests for action under this subpart.” The NRC may grant a request for action, in whole or in part, take other action that satisfies the concerns raised by the requester, or deny the request. Requests that raise health and safety and other concerns without requesting enforcement-related action will be reviewed by means other than the 10 CFR 2.206 process.

2. OBJECTIVES

This desktop guidance, a companion to MD 8.11, “Review Process for 10 CFR 2.206 Petitions,” provides NRC staff detailed guidance for processing 10 CFR 2.206 petitions. The objectives of this desktop guidance are to assist all NRC staff in implementing the goals of 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.
- Provide for appropriate participation by a petitioner in the NRC’s decision-making activities related to a 10 CFR 2.206 petition.
- Ensure effective communication with the petitioner and other stakeholders on the status of a petition, including providing relevant documents and notification of interactions between NRC staff and a licensee or certificate holder relevant to the petition.

3. BACKGROUND

This guidance provides the internal procedural details to accompany MD 8.11 for staff review and disposition of a petition submitted in accordance with 10 CFR 2.206.

4. PERFORMANCE MEASURES

The first goal is to issue an acknowledgement letter and associated *Federal Register* notice of receipt or petition closure letter within 90 days of receiving the petition.

For petitions that are accepted for review under the 10 CFR 2.206 process, the second goal is to issue the proposed director’s decision for comment within 120 days after issuing the acknowledgment letter and associated *Federal Register* notice of receipt. The proposed director’s decision for uncomplicated petitions should be issued in less than 120 days.

The third goal is to issue the director’s decision within 45 days of the comment period ending.

5. **PRIMARY CONTACT**

Perry H. Buckberg

6. **RESPONSIBLE ORGANIZATION**

Office of Nuclear Reactor Regulation
Division of Operating Reactor Licensing

7. **EFFECTIVE DATE**

This guide is effective upon the next revision of MD 8.11.

8. **REFERENCES**

Code of Federal Regulations

- 10 CFR 2.201, “Notice of violation.”
- 10 CFR 2.202, “Orders.”
- 10 CFR 2.206, “Requests for action under this subpart.”
- 10 CFR 2.390, “Public inspections, exemptions, requests for withholding.”
- 10 CFR 2.802, “Petition for rulemaking.”
- 32 CFR Part 2002, “Controlled Unclassified Information.”

Nuclear Regulatory Commission Documents:

- Enforcement Petition (2.206) Documents:
<http://www.nrc.gov/reading-rm/doc-collections/petitions-2-206>.
- Brochure - Enforcement Petition Process
<https://www.nrc.gov/about-nrc/regulatory/enforcement/petition.html>.
- Management Directives (MD):
<https://www.nrc.gov/reading-rm/doc-collections/management-directives/>
 - 3.5, “Attendance at NRC Staff-Sponsored Meetings.”
 - 7.4, “Reporting Suspected Wrongdoing and Processing OIG Referrals.”
 - 8.4, “Management of Facility-Specific Backfitting and Information Collection.”
 - 8.8, “Management of Allegations.”
 - 12.1, “NRC Facility Security Program.”
 - 12.2, “NRC Classified Information Security Program.”
 - 12.5, “NRC Cybersecurity Program.”
 - 12.6, “NRC Sensitive Unclassified Information Security Program.”
 - 12.7, “NRC Safeguards Information Security Program.”
- Allegation Manual:
<https://www.nrc.gov/about-nrc/regulatory/allegations-resp.html>.
- NRC Enforcement Manual:
<https://www.nrc.gov/about-nrc/regulatory/enforcement/guidance.html>.

- Guidance for Electronic Submissions to the NRC:
<https://www.nrc.gov/site-help/electronic-sub-ref-mat.html>.
- NRC Plain Language Action Plan:
<http://www.internal.nrc.gov/NRC/PLAIN>.
- NRC Web Sites—
 - *Federal Register* Notice Template Library on SharePoint:
<http://fusion.nrc.gov/ocm/team/ogc/lawl/Templates/Lists/2206/AllItems.aspx>
Sample templates for—
 - *Federal Register* notice of receipt ([ML14013A008](#))
 - *Federal Register* notice of issuance of director's decision ([ML17248A333](#))
 - Pre-publication Review Request (e-mail transmittal to obtain digital signature of *Federal Register* notices) ([ML17136A225](#))
 - NRR, Division of Operating Reactor Licensing (DORL) on SharePoint:
<http://fusion.nrc.gov/nrr/team/dorl/default.aspx>
2.206 Petition for Director's Decision - ADAMS Packaging and Document Processing chart ([ML18110A900](#)) (not publicly available)
Sample templates for—
 - Acknowledgement (notice of receipt) letter to petitioner ([ML081980776](#))
 - Closure letter to petitioner ([ML081980815](#))
 - Licensee request for comment ([ML081980807](#))
 - Petitioner request for comment ([ML081980822](#))
 - Director's decision letter to petitioner ([ML081980820](#))
 - Director's decision ([ML081980801](#))
 - NRC Forms Library on SharePoint:
<http://fusion.nrc.gov/nrcformsportal/default.aspx>.
 - NRC Policy and Procedures for Handling, Marking, and Protecting Sensitive Unclassified Non-Safeguards Information (SUNSI):
<http://drupal.nrc.gov/sunsi>
 - Listserv Subscription Web pages:
 - Operating Reactor:
<http://www.nrc.gov/public-involve/Listservr/plants-by-region.html>.
 - Generic Communications:
<http://www.nrc.gov/reading-rm/doc-collections/gen-comm>.
- NUREG-Series Publications—
 - NUREG-0750, "Nuclear Regulatory Commission Issuances," published semiannually:
<http://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr0750/>.

Enclosures:

Appendix A - Change History

Appendix B - Guide for Processing 10 CFR 2.206 Requests

Appendix A - Change History

Desktop Guidance

Review Process for 10 CFR 2.206 Petitions

Change History - Page 1 of 1			
Date	Description of Changes	Method Used to Announce & Distribute	Training
March 1, 2019	Original Issuance	Yellow Announcement, Internal Memorandum, Social Media	N/A

Appendix B

Guide for Processing 10 CFR 2.206 Petitions

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I. INTRODUCTION

A. Title 10 of the *Code of Federal Regulations*, Section 2.206

1. Section 2.206, “Requests for action under this subpart,” of Title 10 of the *Code of Federal Regulations* (10 CFR 2.206) has been a part of the U.S. Nuclear Regulatory Commission’s (NRC’s) regulatory framework since the NRC was established in 1975. Section 2.206 permits any person to file a request to institute a proceeding pursuant to Section 2.202, “Orders,” of 10 CFR (10 CFR 2.202) to modify, suspend, or revoke a license, or for other action as may be proper (hereinafter referred to in this directive as to take enforcement-related action). Such a request is referred to as a 2.206 petition.
2. Section 2.206 requires that a request be submitted in writing, specify the action requested, and set forth the facts that constitute the basis for the request.
3. The NRC staff will not treat general opposition to nuclear power or a general assertion of a safety problem, without supporting facts, as a formal request under 10 CFR 2.206. The staff will treat general requests as allegations or routine correspondence.
4. In addition to receiving petitions as described in 10 CFR 2.206, the Commission or a licensing board may refer issues to the staff for consideration in the 2.206 process.

B. Petitions Containing Allegations of Wrongdoing

1. The NRC defines wrongdoing by NRC licensees or other regulated entities as willful violation of regulatory requirements (i.e., a violation involving either deliberate misconduct or careless disregard). Management Directive (MD) 8.8, “Management of Allegations,” and the Allegation Manual provide the NRC’s policy and guidance with regard to notifying the Office of Investigations (OI) of alleged wrongdoing by a licensee or other regulated entity, as well as initiating, prioritizing, and terminating investigations. Each petition manager should become familiar with the current version of these documents and follow their policies and procedures when dealing with allegations.
2. If a petition alleges wrongdoing on the part of a licensee or other regulated entity, the NRC staff will coordinate with the appropriate Office Allegation Coordinator to enter the petition (or relevant portion thereof) in the Allegation Program.
3. The Office of the Inspector General (OIG) addresses suspected wrongdoing by NRC employees and contractors such as mismanagement of agency programs that could adversely impact matters related to public health and safety. Staff requirements for reporting suspected wrongdoing to OIG are provided in MD 7.4, “Reporting Suspected Wrongdoing and Processing OIG Referrals.”

4. If the petition contains information of suspected wrongdoing involving an NRC employee, contractor, or vendor, the NRC staff will follow the procedures in MD 7.4 for reporting to the OIG.
5. The Director of the OI or the Inspector General (IG), respectively, must approve any mention outside the NRC of an ongoing OI or OIG investigation.

II. INITIAL STAFF ACTIONS

A. NRC's Receipt of a Petition

1. Process Summary

After the NRC receives a request under 10 CFR 2.206, the Executive Director for Operations (EDO) assigns it to the appropriate office director for evaluation and response. After the EDO assigns the petition to the appropriate office, the assigned staff will perform an initial screening of the petition to determine whether it should be entered into the 2.206 process. If the petition is entered into the 2.206 process, a petition review board (PRB) will perform an initial assessment to determine whether it should be accepted for review. If the NRC accepts the petition for review, the official response is the office director's written decision addressing the issues raised in the petition. In that decision, the office director may grant, partially grant, or deny the petitioner's requested action. The NRC provides the petitioner with opportunities to address and provide feedback to the PRB. The Commission may, on its own initiative, review the office director's decision within 25 days of the date of the decision, although it will not entertain a request for review of the office director's decision.

2. Assignment of Staff Action and Initial Screening

Within 5 business days of receiving a 2.206 petition, the assigned staff should perform initial screening of the submittal to determine if the petition, or portions of the petition, should be entered into the 2.206 process. The initial screening criteria are described below:

- a. Issues referred to the staff for consideration as a 2.206 petition by the Commission or a presiding officer in an NRC adjudicatory proceeding will be entered into the 2.206 process as described in Section II.A.2.k of this guide.
- b. Petitions may be in the form of requests for an enforcement-related action that may or may not cite 10 CFR 2.206 and may initially be directed to staff other than the EDO. Upon receipt of a written request for an enforcement-related action, regardless of how received, the staff will screen the petition to determine if it is within the scope of the 10 CFR 2.206 process.
- c. The staff will promptly review the petition to determine if it requests short-term immediate action (e.g., a request to shut

down an operating facility or prevent restart of a facility that is ready to restart) or if an issue raised in the petition may warrant immediate action (even if not requested). Refer to Section III.B.1 of this guide for more information on considering immediate actions.

- d. The staff may screen out a request from the 10 CFR 2.206 process and, instead, respond using another appropriate process, such as general correspondence or referral to the allegations process, in the following cases:

(i) Verbal Request

A verbal request for enforcement-related action under 10 CFR 2.206 (e.g., by telephone or orally in person) will not be considered under the 2.206 petition process. The staff should inform a person who makes a verbal request that the request must be submitted to the NRC in writing using one of the methods described in 10 CFR 2.206. For electronic submissions, “Guidance for Electronic Submissions to the NRC” is available at <https://www.nrc.gov/site-help/electronic-sub-ref-mat.html>.

(ii) General Assertions and Duplicative Requests for Action under 10 CFR 2.206

The petition is (1) a general statement of opposition to licensed activities, nuclear facilities, or materials, or (2) a general assertion without supporting facts. Examples include conclusory statements without support, letters submitted to the NRC as a result of mass mailing or e-mail campaigns, or letters of support for a 10 CFR 2.206 petition that is already under NRC consideration. The staff will not address general assertions with no supporting facts or duplicative requests for action under the 2.206 petition process.

Examples of unsupported conclusory statements include a concern that an approaching weather condition will impact the safety or security of a facility with no other specific facts or a claim that the quality assurance program at a facility is inadequate with no further explanation.

(iii) Allegations

- If the petition alleges wrongdoing (see Section I.B of this guide), the staff should refer to the Allegation Program guidance found in MD 8.8 and the Allegation Manual. Referrals to the allegation program should be completed in a timely manner in accordance with MD 8.8.

- The assigned staff should coordinate with the Office Allegation Coordinator and Office 2.206 Petition Coordinator to ensure they reach agreement on any request for action (or portion thereof) that will be referred to the Allegation Program, including how the submitter will be informed and how the referral will be documented.
- If the staff determines that a petition (or portions thereof) should be referred to the allegations program, those portions of the petition and any correspondence related to the allegation should be handled as prescribed in MD 8.8 and the Allegation Manual. In addition, the identity of the petitioner should be protected to the extent practicable with respect to those portions of the petition.
- Once agreement is reached that all or part of a request will be referred to the Allegation Program, the staff will inform the submitter which parts of the request have been screened out of the 2.206 process, and how the remaining portions will be handled.
- The staff will review any portion of the request that does not involve allegations against the screening criteria in Section II.A.2(d) of this guide, and will create a public version of the document (with information pertaining to allegations redacted).
- The NRC will redact any information related to allegations contained in the petition from documents sent to the licensee or made available to the public.
- If the staff determines that the petition contains no allegation warranting referral to the Allegation Program, but the petitioner requests identity protection, continue to review the petition against the screening criteria in Section II.A.2.d(iv) of this guide.

(iv) Requests for Non-Public Process or Identity Protection

If a petitioner requests at the outset that the petition remain non-public, and/or requests identity protection as part of the process, the staff should explain to the petitioner that the 2.206 process is a public process and, therefore, the petition and petitioner's identity must remain public. The staff should inform any petitioner who does not agree to these terms that the petition will be screened out of the 2.206 process and will be addressed through the appropriate NRC process, such as an allegation or as general correspondence. If the request is transferred to the Allegation Program, the assigned NRC staff will

coordinate promptly with the Office Allegation Coordinator, consistent with MD 8.8.

(v) Requests that Would Not Reasonably Lead to an Enforcement Action

The NRC's regulations state that a 2.206 petition is a request "to institute a proceeding pursuant to 10 CFR 2.202 to modify, suspend, or revoke a license, or for any other action as may be proper." The regulations also require that the request "specify the action requested and set forth the facts that constitute the basis for the request."

- A petition should be screened out if it does not request a specific enforcement-related action (e.g., issuing an order modifying, suspending, or revoking a license pursuant to 10 CFR 2.202, issuing a notice of violation pursuant to 10 CFR 2.201, etc.) and does not identify a specific safety or security concern (e.g., a technical deficiency or potential violation). A petition must provide information that could reasonably lead the NRC to take an enforcement action (not necessarily the action requested).
- A petition that identifies a valid safety or security concern will not be screened out of the 2.206 process solely because it requests an inappropriate action. For example, a petition requesting that the licensee perform analyses because of a technical deficiency would not screen out of the 2.206 process because the requested actions (for the licensee to perform analyses) are not enforcement actions. If the PRB finds that the technical deficiency is a valid concern and that the request to perform the analyses is an implied request to require the licensee to take corrective action, the PRB may determine that a different action other than the one requested is appropriate to address the concern.
- A petition that does not request a specific enforcement-related action should be evaluated to determine if it contains an implied request for action. For example, a request to withdraw staff approval of a previously issued license amendment or license renewal may be construed as a request to modify, suspend, or revoke a license. If a petition does not contain an explicit or implied request for enforcement-related action, the request should be screened out of the 2.206 process and be considered for referral to another appropriate NRC process (e.g., allegations,

rulemaking, or general correspondence).

(vi) Requests to Impose a Requirement that is Outside of NRC Jurisdiction

A request to impose a requirement that is outside the jurisdiction of the Commission (e.g., a state or local ordinance or a requirement of another federal agency) will not be considered under the 2.206 process, but may be referred to the appropriate regulatory authority.

(vii) Requests for Rulemaking

A petition that alleges deficiencies in existing NRC rules, and/or requests changes to existing NRC rules, will not be considered under the 2.206 process, but may be referred to the appropriate rulemaking branch for consideration as a petition for rulemaking under 10 CFR 2.802. The petition manager will consult with the appropriate rulemaking branch within the NRC. The petition manager will incorporate the rulemaking branch's input into the NRC's response to the petitioner.

For example, in some cases, the petition manager may explain how the issues raised by the petitioner were addressed previously in the rulemaking process. In other cases, the petition manager may inform the petitioner that his or her petition has been referred for further evaluation under the criteria in 10 CFR 2.802, "Petition for rulemaking—requirements for filing."

(viii) Requests for Information

If a petition contains a request for public records regarding NRC licensed activities, nuclear facilities or materials licensees, that request will not be considered under the 2.206 process. In such cases, the petitioner should be referred to the [NRC Freedom of Information Act \(FOIA\) guide](#). The FOIA generally provides any person the right to obtain access to Federal agency records.

(ix) Issue(s) under Review in an Adjudicatory Proceeding

If the issue(s) raised in a petition (or portions thereof) are the subject of a proffered or admitted contention in an ongoing NRC adjudicatory proceeding regarding the same licensee and facility, those issues generally will not be considered in the 2.206 process (regardless of whether the 2.206 petitioner proffered the contention or is a party to the proceeding).

- e. Notwithstanding the screen-out criteria above, the staff, upon its own determination, may consider an issue for immediate action and/or inclusion in the 2.206 process.
- f. For requests that are screened out, the staff should inform the submitter of the reasons why, referring back to the screen-out criteria above, and explain that the concern(s) raised will be transferred to another process (e.g., petition for rulemaking or general correspondence). The staff should also inform the submitter about any staff decision regarding immediate actions (see Section II.C.2 of this guide). The communication of these staff decisions should be documented as an official agency record (e.g., e-mail added in ADAMS or record of a phone call). For requests that are referred to the Allegations Program, the referral and contact with the petitioner will be handled within the Allegations Program.
- g. Staff who are uncertain whether a request is within the scope of the 10 CFR 2.206 process should consult their Office 2.206 Petition Coordinator, their management, appropriate subject matter experts, and/or the Assistant General Counsel for Materials Litigation and Enforcement in OGC for further guidance.
- h. For a request sent directly to the staff that does not cite 10 CFR 2.206 and is not screened out under Section II.A.2 of this guide, the staff will attempt to contact the petitioner by telephone or e-mail to determine if he or she wishes to pursue the public 2.206 process. If the petitioner agrees to pursue the request under 2.206, the staff will forward the request to the Office of the Executive Director for Operations (OEDO) for assignment of action and tracking. The OEDO will assign each petition to the appropriate office for action.
- i. The staff will promptly review the request and determine whether it contains any sensitive information. Sensitive information includes safeguards or facility security information, proprietary or confidential commercial information, or information relating to allegations of wrongdoing. The timing of this step is particularly important for petitions that are not addressed to the EDO. Usually, these documents have been entered into ADAMS through the Document Control Desk and are released to the public after a specified period of time. The delay allows the staff time to review the petition for sensitive information. If the petition manager determines that a document contains sensitive information, then he or she should immediately contact ADAMS IM to prevent the release of the document to the public.

If the staff suspects that classified or safeguards information has been included in the petition, he or she should contact the Incident Response Team (301-415-6666 or e-mail CSIRT@nrc.gov) in the NRC's Office of the Chief Information Officer (OCIO) and defer to

the following MDs to ensure that this information is protected from unauthorized disclosure:

- MD 12.1, “NRC Facility Security Program,”
- MD 12.2, “NRC Classified Information Security Program,”
- MD 12.5, “NRC Cybersecurity Program,” and
- MD 12.7, “NRC Safeguards Information Security Program.”

The staff should defer to the NRC’s sensitive unclassified non-safeguards information (SUNSI) policy to ensure that any SUNSI (if included in the petition) is properly handled, marked, and adequately protected from unauthorized disclosure. The OCIO manages and implements the SUNSI Program and will continue to do so until that program is terminated in accordance with 32 CFR Part 2002, “Controlled Unclassified Information.” The OCIO also manages the NRC’s implementation of the Controlled Unclassified Information (CUI) Program, including the NRC’s transition to that program. Refer to:

- The “NRC Policy and Procedures for Handling, Marking, and Protecting Sensitive Unclassified Non-Safeguards Information (SUNSI),” available on the internal NRC Security Web site, at <http://drupal.nrc.gov/sunsi>; and
- MD 12.6, “NRC Sensitive Unclassified Information Security Program; and

- j. A 2.206 petition is considered a document associated with correspondence received from the public on regulatory matters. In accordance with the Office of Management and Budget’s (OMB) policy on personally identifiable information, it is not necessary to remove the petitioner’s name, home address, or home e-mail address from a petition. If the petitioner requests identity protection, see Section II.A.2.d(iv) of this guide, “Requests for Non-Public Process or Identity Protection,” for guidance.
- k. A request for an enforcement-related action that is not screened out under Section II.A.2 will be entered into the 2.206 petition process and evaluated for acceptance as described in Section III.D of this guide.

B. Office Action

1. Upon receipt of a petition-related OEDO Action Item, office management will assign the petition to a petition manager, establish a PRB for petitions that are not screened out under Section II.A.2 of this guide, and ensure the Agency 2.206 Petition Coordinator is aware of the petition’s receipt.
2. Office management should avoid potential conflicts of interest when assigning staff and a chair to the PRB.

3. Ensure the Agency and Office 2.206 Petition Coordinators receive copies of, and track the status of, all assigned 2.206 petitions.

C. Petition Manager Initial Action

1. The petition manager assigned to the petition will ensure that the appropriate actions described in Section II.A.2 of this guide, are or have been taken.
2. The petition manager will promptly review the petition to determine if it requests short-term immediate action (e.g., a request to shut down an operating facility or prevent restart of a facility that is ready to restart) or if an issue raised in the petition may warrant immediate action (even if not requested). The petition manager keeps the petitioner informed of any decision to approve or deny immediate actions and ensures decisions are appropriately documented. Refer to Section III.B.1 of this guide for more information on considering immediate actions.
3. The petition manager is responsible for having the following documents declared in ADAMS as official agency records, and ensuring that the documents are publicly available, except as discussed below (and to the extent appropriate):
 - a. The petition, and
 - b. Any additional documentation associated with the petition (including e-mails and supplements).
4. For a request that is not screened out under Section II.A.2 of this guide, the assigned petition manager is expected to make recommendations to management on the composition of the PRB; see Section III.A of this guide.
5. Before the petition is released to the public and before the PRB meeting, the petition manager will inform the petitioner (preferably by e-mail) that, because the 2.206 petition process is a public process, the petition and all the information in it, including the petitioner's identity, will be made public.
6. After the initial contact with the petitioner, the petition manager will promptly advise the relevant licensee(s) of the petition and send an information copy of the petition to the licensee(s) for which enforcement-related action is requested.
7. See Exhibit 1, "Simplified 2.206 Process Flow Chart," and Exhibit 2, "Petition Manager Checklist," of this guide for further information on petition manager actions.

III. PETITION REVIEW BOARD

A. Petition Review Board Composition

In assigning staff members to the PRB, management should consider avoiding any potential conflict of interest. The petition manager is normally expected to make recommendations to management on the composition of the PRB. The PRB consists of—

1. A PRB chairperson (generally a Senior Executive Service manager).
2. The Office 2.206 Petition Coordinator.
3. The assigned 2.206 petition manager.
4. Cognizant management and staff, as necessary.
5. A cognizant regional representative (e.g., a regional branch chief or higher, if there is a concern involving a potential violation).
6. A representative from OI, if recommended by the petition manager.
7. A representative from the Office of Enforcement (OE). The OE representative should address both the Enforcement and Allegation Programs and advises the PRB if the petition involves an issue that is under review in or was already addressed in the Allegations or Enforcement Programs.
8. The petition manager may also recommend that his or her Office Enforcement Coordinator be included in the PRB.
9. A representative from OGC will normally participate, as necessary.

B. Schedule for PRB Meetings

1. If the petition requests immediate action or the petition manager determines that immediate action may be necessary, the petition manager will convene an initial PRB meeting as soon as possible to decide whether immediate action is warranted. The petition manager may hold an in-person, internal meeting of the PRB or use other means (e-mail, teleconference, virtual meeting) to obtain the PRB's recommendation on immediate actions. In extremely urgent cases that do not enable formation of a PRB, the petition manager will consult with office management to ensure the need for immediate action is appropriately addressed; see the NRC Enforcement Manual for information on granting immediate actions (<https://www.nrc.gov/about-nrc/regulatory/enforcement/guidance.html>). Any recommendations to take or to not take an immediate action against the licensee are normally approved/denied by the assigned office director. If the PRB meets to consider immediate actions, but does not complete the initial assessment described in Section III.E of this guide, the petition manager will schedule

a subsequent internal PRB meeting to evaluate the petition for acceptance.

2. After addressing any requests for immediate action (see Section III.B.1), the assigned office will convene a PRB meeting to evaluate the petition for acceptance as described in Section III.E of this guide. The PRB meeting should be held as quickly as possible, but no later than 3 weeks after EDO assignment of the petition.

C. Preparation for the PRB Meeting

1. The petition manager will provide copies of the petition to the PRB and schedule the internal PRB meeting. The petition manager will arrange for cognizant technical staff members and advisors to attend the meeting, as necessary, and prepare a presentation for the PRB. In assigning technical staff members to support the petition, management will consider whether there is a need to minimize any potential conflict of interest from staff who were involved prior reviews of or decisions directly applicable to the issue(s) raised in the petition.
2. The petition manager's presentation to the PRB should include the following, as applicable:
 - a. A discussion of the safety significance of the issues raised;
 - b. An initial assessment of and recommendations on whether or not the petition—
 - (i) Meets the criteria in Section III.D.1-3 of this guide,
 - (ii) Requires any immediate action (requested or not);
 - c. A recommendation concerning referral to OI or the OIG, as appropriate; and
 - d. A proposed schedule, including the dates of subsequent meetings, the review schedule for the affected technical branches, dates of key milestones and due dates (see Section IV of this guide).

D. Criteria for Petition Evaluation

The staff will use the criteria in this section to determine whether to accept a petition for review, whether to consolidate two or more petitions, and whether to hold a petition in abeyance.

1. Criteria for Accepting Petitions under 10 CFR 2.206

The staff will accept a petition, or a portion of the petition, for review under 10 CFR 2.206 if the request meets the criteria in Section III.D.1.a. and b. below:

- a. The petition specifies the facts that constitute the basis for taking the requested action under 10 CFR 2.202, and those facts are sufficient to provide support for the requested action. The petitioner must provide more than a bare assertion that the NRC should take action. The supporting facts must be sufficient to warrant further inquiry.
- b. The petition falls within one of the following categories:
 - (i) The issues raised by the petitioner have not previously been the subject of a facility-specific or generic NRC staff review, or
 - (ii) The issues raised have previously been the subject of a facility-specific or generic NRC staff review, and at least one of the following circumstances applies:
 - The prior review did not resolve the issues raised by the petitioner, or
 - The resolution of the issues in the prior review does not apply to the facts provided by the petitioner to support the requested action, or
 - The petition provides significant new information¹ that the staff did not consider in the prior review.
- c. For the criteria listed in Section III.D.1.b(ii) above:
 - (i) If the prior review occurred in the allegation process, the petition (or portion thereof) would not be accepted in the 2.206 process. Rather, the staff's prior conclusion would be shared publicly without reference to the related allegation.
 - (ii) In other cases involving prior reviews, the staff should determine, in its technical judgment, whether or not the listed circumstances in Section III.D.1.b(ii) apply. In most cases, if the staff determines that an issue has been resolved, the staff should identify its supporting documentation.

¹ "Significant" information means that the information is sufficiently great or important to be worthy of attention and that the information is real and not speculative. The information must also be "new" in that the NRC staff has not previously received and/or evaluated the information in response to the issue raised in the petition (which includes any prior resolutions of the issue). The term "significant new information" means that the information is both significant and new.

- d. If the petition raises multiple issues, the staff should accept the petition only with respect to those issues that satisfy the criteria in Section III.D.1.a. and b. above.

2. Criteria for Consolidating Petitions

Generally, all requests submitted by different individuals will be treated and evaluated separately. When two or more petitions request action against the same licensee, specify essentially the same bases, provide adequate supporting information, and are submitted at about the same time, the PRB must weigh the benefit of consolidating the petitions against the potential for minimizing the importance of any single petition. The PRB will recommend whether consolidation is or is not appropriate, and the assigned office director or deputy office director will make the final determination.

3. Criteria for Holding a Petition in Abeyance

If a petition meets the acceptance criteria in Section III.D.1, there may be circumstances in which it would be appropriate to hold the petition in abeyance pending the outcome of a related staff review outside of the 2.206 process.

For example, certain petitions may relate to events that have generated widespread public interest, and for which the Commission has directed the staff to formally assess the safety significance of the events and take appropriate action (e.g., the response to the accident at the Fukushima Daiichi nuclear reactor). Other petitions may raise issues that are currently under review in another process (e.g., an ongoing NRC inspection or technical evaluation of the issue). In such situations, the PRB may determine that it would be appropriate to hold the petition in abeyance pending completion of the review in the other process.

- a. The PRB may hold a petition in abeyance if—
 - (i) The issues raised in the petition are the subject of ongoing or imminent review,
 - (ii) The review is not expected to be completed in the near future, and
 - (iii) The staff needs the results of the review in order to reach an informed decision on the issues raised in the petition.
- b. If the petition raises multiple issues, the PRB should hold in abeyance only those portions of the petition that meet this criteria in Section III.D.3.a. above.
- c. The staff should not hold a petition in abeyance solely to allow a petitioner to develop additional supporting information not provided with the original petition. For example, if a petitioner

submits a Freedom of Information Act (FOIA) request in parallel with the 2.206 petition, and requests the petition be held in abeyance until the FOIA process is completed, the PRB should continue to evaluate the petition based on the information provided. If the PRB determines the petition does not meet the criteria for review under the 2.206 process, the petitioner should be informed that a new or revised petition can be submitted if the FOIA documents provide additional facts to support the petition. However, the PRB has the discretion to provide the petitioner a reasonable time to compile and submit existing and readily available additional information to the PRB for consideration prior to the PRB making its final recommendation.

- d. When the PRB decides to hold all or part of a petition in abeyance—
 - (i) The PRB chairperson will ensure that the office director, or designee, is informed of the PRB's decision and concurs with the decision.
 - (ii) The petition manager will then inform the petitioner of the PRB's decision and its basis.
 - (iii) The petition manager will also inform the petitioner when the PRB expects to resume its review of the 2.206 petition. For example, the petition manager might explain that the PRB will resume its review of the petition after the staff completes an inspection of the facility that is the subject of the 2.206 petition. The petitioner may choose to withdraw the petition and resubmit it at a later time.
 - (iv) If a petition is held in abeyance, the petition manager will notify the petitioner by telephone and/or e-mail that status updates will occur at least every 120 days (unless another time period is agreed upon with the petitioner) as described in Section IV.C of this guide.
 - (v) When the staff completes its review of the petition, the petition manager will notify the petitioner.

E. PRB Initial Assessment

1. The PRB ensures that the staff follows an appropriate process in evaluation a petition. The PRB—
 - a. Determines whether the petitioner's request meets the criteria for accepting petitions for review.
 - b. Determines whether there is a need for immediate action (whether requested or not).

- c. Establishes a schedule for responding to the petitioner in a timely manner.
 - d. Determines whether the petition should be consolidated with another petition.
 - e. Confirms whether any referrals to the Allegation Program or OIG made during initial screening are appropriate.
 - f. Determines whether the licensee should be asked to respond to the petition.
 - g. Holds additional PRB review meetings when reviewing a complex petition to ensure that suitable progress is being made.
 - h. Discusses whether a partial director's decision may be appropriate.
 - i. Addresses the possibility of issuing a streamlined director's decision concurrently with the acknowledgement letter for cases where the basis of the petition are well known to the NRC staff and existing regulatory framework is in place to address the concerns raised. See Section III.H.2(f) of this guide for information on when a streamlined response could be appropriate.
 - j. Identifies any questions or comments on the petition that should be provided to the petitioner to address during the meeting with the petitioner that will assist the PRB in making a final recommendation on whether to accept the petition for review.
2. PRB meetings to consider immediate actions, evaluate the petition against the acceptance criteria, or to review the petition are closed to the public and separate from the PRB meetings with the petitioner and the licensee described in Section III.G of this guide. At the meeting(s) —
 - a. The petition manager briefs the PRB on the petitioner's request(s), any background information, the need for an independent technical review, and a proposed plan for resolution, including target completion dates.
 - b. The petition manager, with the assistance of the Office 2.206 Petition Coordinator, ensures appropriate documentation of all PRB recommendations in the summary of the PRB meeting.

F. Informing the Petitioner of the Results of the PRB's Initial Assessment

1. After the PRB performs the initial assessment of the petition against the evaluation criteria in Section III.D of this guide, and before meeting with the petitioner, the PRB chairperson will inform the office director, or designee, of the results of the PRB's initial assessment.

2. The petition manager will then inform the petitioner of the following:
 - a. Whether or not the petition, as submitted, meets the criteria for acceptance in Section III.D.1 of this guide.
 - b. The disposition of any request for immediate action, if not previously communicated.
 - c. If the petition is accepted for review, the process the PRB will follow to review the petition.
 - d. The opportunity to meet with the PRB to discuss the initial assessment, as described in Section III.G of this guide.
 - e. If the petitioner chooses to meet with the PRB, any questions or comments on the petition that the PRB would like the petitioner to address.
3. If the staff plans to take an action that is contrary to an immediate action requested in the petition before issuing either the closure letter or acknowledgment letter, the petition manager should informally notify the petitioner promptly by telephone and/or e-mail of the pending staff action. Reasons for the staff's action will be documented in the closure or acknowledgement letter.
4. The petitioner will not be advised of an ongoing investigation of wrongdoing being conducted by OI, but should be informed if the petition contained an assertion of wrongdoing that was being referred to the Allegation Program for possible investigation.

G. Meeting with the Petitioner

1. After informing the petitioner of the results of the PRB's initial assessment, the petition manager will offer the petitioner an opportunity for a public meeting with the PRB to clarify or supplement the petition based on the results of the PRB's initial assessment. The meeting between the PRB and the petitioner, if accepted, will be held as a public meeting, either in person at NRC headquarters in Rockville, Maryland, or by another agreed-upon arrangement (e.g., public teleconference or virtual public meeting). This public meeting should be scheduled so as not to adversely affect the established petition review schedule.
 - a. If the petitioner chooses to address the PRB by teleconference, the petition manager may forgo noticing the teleconference as a public meeting if the situation meets the exceptions described in MD 3.5, "Attendance at NRC Staff-Sponsored Meetings" (e.g., it would pose an undue administrative burden on the staff which would jeopardize the staff's ability to complete a timely evaluation of the petition). The petition manager ensures the teleconference is recorded and transcribed and that the transcription becomes a supplement to the petition. The petition manager will establish a

mutually agreeable time and date and arrange to conduct the teleconference on a moderated and recorded line through the NRC Headquarters Operations Center (301-816-5100). The digital recording from the Operations Center is converted to a printed transcript that becomes a supplement to the petition. The petition manager will arrange for transcription service by submitting an NRC Form 587, "Request for Court Reporting Service," to the Atomic Safety and Licensing Board Panel (ASLBP) staff.

- b. If the petitioner accepts the offered in-person meeting with the PRB, the petition manager will establish a mutually agreeable time and date for the public meeting with the petitioner. The petition manager will follow the public notice period and other provisions of MD 3.5. However, the time constraints associated with this type of meeting may dictate that the 10-day public notice period described in MD 3.5 will not be met. The MD 3.5 guidance allows for fewer than 10 days of public notice, if necessary, with appropriate management concurrence. The meeting should be referred to as a meeting between the NRC staff, the petitioner, and the licensee (unless the licensee chooses not to participate). Other members of the public may participate in-person or through a moderated and recorded bridge line. The meeting will be recorded by the NRC Headquarters Operations Center (301-816-5100) and a transcript will be created and distributed as described in Section III.G.11 of this guide.
2. This public meeting, if held, is an opportunity for the petitioner to provide any relevant additional explanation and support for the request in light of the PRB's initial assessment. The PRB will consider the petitioner's statements made at the meeting or teleconference, along with the original petition, in making its final recommendation on whether to accept the petition according to the criteria in Section III.D.1 of this guide.
3. If the petitioner presents significant new information to the NRC staff, the PRB may determine that this new information constitutes a new petition that will be treated separately from the initial petition.
4. 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.
5. During the meeting, the PRB chairperson will provide a brief summary of the 2.206 process, the petition, and the purpose of the discussion that will follow.
6. During the meeting with the petitioner, the PRB members may ask questions of the petitioner or the licensee to clarify their understanding of the issues raised in the petition. After the petitioner's presentation, the PRB will give the licensee an opportunity to ask the PRB questions related to the issues raised in the petition. Also, the PRB will give the

petitioner and the licensee an opportunity to ask the PRB questions related to the process for evaluating and reviewing 2.206 petitions. Although the intent is that the PRB members would respond to such questions, the licensee or petitioner may also voluntarily respond. If detailed information is needed from the licensee, the PRB should request the licensee provide a voluntary response, as discussed in Section IV.A.2 of this guide. Neither the licensee nor the petitioner will be involved in any closed internal PRB meetings.

7. The petition manager will ensure that all NRC staff at the meeting or teleconference are aware of the need to protect sensitive information from disclosure.
8. The petitioner may request that a reasonable number of associates be permitted to assist in addressing the PRB concerning the petition. The petition manager will—
 - a. Discuss this request with the petitioner,
 - b. Determine the number of speakers,
 - c. Allot a reasonable amount of time for the presentation so that the staff can acquire the information needed for its review in an efficient manner, and
 - d. Ask if other members of the public will be listening but not presenting during a teleconference.
9. Prior to concluding the meeting, the petition manager will request feedback from attendees on the 2.206 review process. Feedback may be provided during or after the meeting (using the public meeting feedback survey or by directly contacting the petition manager). Staff who receive feedback should discuss the input received with their Office 2.206 Petition Coordinator and their management as appropriate.
10. The petition manager will review the meeting or teleconference transcript, and where necessary, edit it to ensure it accurately reflects what was said in the meeting or teleconference. Corrections are only necessary for errors that affect the meaning of the text of the transcript. The petition manager is not expected to correct inconsequential errors.
11. After editing, the petition manager will ensure that the meeting or teleconference transcript receives the same distribution (petitioner, licensee, and is made publicly available, etc.) as the original petition. This step should be accomplished by referencing the ADAMS accession number for the transcript in either an acknowledgment or closure letter.
12. After the meeting with the petitioner, the PRB will consider the supplemental information presented during the meeting together with the original petition making its final recommendation on whether to accept the petition for review. Before issuing either an acknowledgment or closure

letter, the PRB chairperson will ensure that the office director, or deputy office director, is informed of the PRB's recommendations (including a recommendation to issue a partial or streamlined director's decision) and concurs with the recommendations.

13. The staff will consider the transcript of the meeting as a supplement to the petition insofar as the petitioner provides additional relevant explanation or clarification of the issues raised in the petition or additional relevant facts supporting the petitioner's view of the issues. Other documents submitted by the petitioner to supplement a petition are addressed in Section III.J of this guide. The meeting is not an opportunity for the petitioner to amend the petition or submit a new petition. To the extent that the petitioner's statements to the PRB add new issues, request additional enforcement-related actions, or otherwise expand the scope of the original petition, the PRB may consider such statements as amending the petition and decline to consider them in the petition review process.
14. The PRB may meet in closed session immediately after the meeting or teleconference with the petitioner to develop its recommendations with respect to the petition.

H. Response to the Petitioner

1. The petition manager will promptly notify the petitioner by e-mail about NRC staff decisions regarding immediate action requests. Such notification may occur before the PRB finalizes its recommendation on whether to accept the petition for review.
2. After the PRB finalizes its recommendations on whether to accept the petition for review, the petition manager will notify the petitioner of the PRB's determination by telephone and/or e-mail. If the petition is accepted, the petition manager will inform the petitioner of how the review will proceed. The PRB's recommendations will be documented in either a closure letter (which documents the reasons why the petition was not accepted for review) or an acknowledgment letter (if the petition is accepted for review). The closure letter or acknowledgment letter will address any supplemental information provided by the petitioner, any comments the petitioner made concerning the initial PRB assessment, and the NRC staff's response. Section IV.B, "Schedule," of this guide describes planning the schedule specifying the goal for the acknowledgement or closure letter to be issued within 90 days of the EDO assigning the petition.
3. Requests That Do Not Meet the Criteria for Acceptance.
 - a. If the PRB, with office-level management concurrence, determines that the petition does not meet the criteria for review as a

10 CFR 2.206 petition, the petition manager then prepares a closure letter that—

- (i) Explains why the request was not accepted for review under 10 CFR 2.206, referring back to the evaluation criterion in Section III.D.1 of this guide,
 - (ii) Acknowledges the petitioner’s efforts in bringing issues to the staff’s attention,
 - (iii) If applicable, explains the staff’s response to the immediate action requested (for example, a request for immediate suspension of facility operation until final action is taken on the request), and the basis for that response,
 - (iv) Notifies the petitioner whether the request is being referred to another NRC program for action, and
 - (v) Responds, to the extent possible at that time, to the issues in the petitioner’s request and identifies supporting documents if applicable.
- b. The assigned organization is responsible for ensuring the appropriate concurrence and distribution for the closure letter. At a minimum, each PRB member and the office director concurs on the closure letter. The PRB chairperson signs. See Exhibit 3, “Sample Closure Letter for Requests That Do Not Meet the 2.206 Acceptance Criteria,” in this guide.
 - c. The petition manager will ensure that the original petition, supplements, supporting documents, and any enclosure(s) referenced in the closure letter are publicly available in ADAMS, as appropriate.
 - d. The closure letter should include the appropriate Office Allegation Coordinator or OE representative on distribution.
4. Requests That Meet the Criteria for Acceptance
- a. If the PRB finds that the petition meets the criteria for acceptance as a 10 CFR 2.206 petition, the petition manager prepares an acknowledgment letter for the office director’s signature and a *Federal Register* notice of receipt for the office director’s digital signature² (see Exhibit 4, “Sample Acknowledgement Letter,” of this guide and the *Federal Register* notice template “10 CFR 2.206 request; receipt” (ADAMS Accession No. [ML14013A008](#)), available at the FRN Template Library on SharePoint at:

² Effective October 1, 2018, all *Federal Register* notices are required to be processed for digital signature using the Microsoft Word invisible digital signing tool. See <https://drupal.nrc.gov/announcements/standard/general-interest/36528>.

<http://fusion.nrc.gov/ocm/team/ogc/law/Templates/Lists/2206/AllItems.aspx>).

- b. The letter should acknowledge the petitioner's efforts in bringing issues to the staff's attention.
- c. If the petition contains a request for immediate action by the NRC (for example, a request for immediate suspension of facility operation until final action is taken on the request), the acknowledgment letter will explain the staff's response to the immediate action requested and the basis for that response.
- d. The petition manager ensures that references to (e.g., ADAMS accession number or Web site address of) MD 8.11 and the NRC Brochure, "Enforcement Petition Process," are included with the acknowledgment letter (<https://www.nrc.gov/about-nrc/regulatory/enforcement/petition>). The acknowledgment letter also should include the name, e-mail address, and telephone number of the petition manager, identify the technical staff organizational units that will participate in the review, and provide the planned schedule for the staff's review. A copy of the acknowledgment letter must be sent to the appropriate licensee and the docket service list(s).³ Some program offices within the NRC no longer maintain a service list, but rely upon a listserv to distribute NRC correspondence to external stakeholders. If the program office relies on a listserv, then the petition manager should instruct the petitioner on how to subscribe to the appropriate listserv(s) (see Section III.I of this guide).
- e. The petition manager ensures that the original petition, supplements, and any enclosure(s) referenced in the acknowledgment letter are publicly available in ADAMS as appropriate.
- f. The assigned organization is responsible for ensuring the appropriate concurrence and distribution for the acknowledgment letter. At a minimum, each PRB member concurs on the acknowledgement letter and the office director signs the acknowledgment letter.
- g. For streamlined director's decisions:
 - (i) If the petition meets the criteria for acceptance but raises issues that the staff has evaluated and is prepared to issue a decision on, the staff may respond immediately to the petition by issuing a streamlined director's decision. Issuing a streamlined director's decision allows the NRC to

³ A service list is a list of interested parties that is manually compiled by the agency. A listserv is an electronic system through which the public can subscribe and receive an e-mail notification when a document is issued.

move forward with an imminent decision or action that appropriately considers the information in the petition and avoids unnecessary duplication of NRC resources by the PRB addressing the same issue. For example, a streamlined director's decision may be appropriate in a case where a petition's supporting information consists almost entirely of NRC-generated information (e.g., inspection reports, generic letters) or information well-known to the NRC (e.g., news reports, licensee event reports). In these cases, a proposed director's decision would not be issued, and the acknowledgement letter would be accompanied by the final director's decision.

- (ii) Before issuing a streamlined director's decision, the PRB will consider the need to contact the petitioner to determine if the petitioner possesses information relevant to the bases for the decision that is beyond what is currently available to the NRC. In most cases, a streamlined director's decision would be issued without this additional interaction with the petitioner, and the petitioner can provide feedback after issuance.
- (iii) The petition manager will contact the petitioner to inform them of the plans to issue a streamlined director's decision.

I. Providing Documents to the Petitioner

1. If the PRB determines that the 2.206 petition will be accepted for review, then the petition manager will—
 - a. Add the petitioner to the service list(s) for the topic (if one exists). If a listserv is used, the petition manager will inform the petitioner how to join the listserv to receive electronic versions of the NRC's publicly available outgoing correspondence. The Operating Reactor listserv can be accessed on the NRC public Web site, at <http://www.nrc.gov/public-involve/listserver/plants-by-region.html>.
 - b. Send copies electronically of any future correspondence from the licensee related to the petition or the petitioner, with due regard for proprietary, safeguards, and other sensitive information in accordance with established agency policies and procedures.
 - c. Ensure that the petitioner is placed on distribution for other NRC correspondence relating to the issues raised in the petition, to the extent that the petition manager is aware of these documents, including relevant NRC generic communications (i.e., generic letters, regulatory issue summaries, information notices, or bulletins) that are issued while the NRC considers the petition. The petition manager will inform the petitioner how to join the listserv to receive electronic versions of publicly available NRC

generic communications. The Generic Communications listserv can be accessed on the NRC public Web site, at <http://www.nrc.gov/reading-rm/doc-collections/gen-comm/>. NRC correspondence or documentation related to an OI or OIG investigation will not be released outside NRC without the approval of the Director of OI, or the IG, respectively.

2. These three actions will remain in effect until 90 days after the director's decision is issued if the petitioner desires it.

J. Supplements to the Petition

A petitioner will occasionally submit a written supplement to his or her petition.

1. When a supplement is provided, the petition manager will promptly review the supplement to determine whether or not it contains sensitive information, which must be handled according to appropriate information security policies and procedures. When a supplement is provided, the project manager will take appropriate actions listed in Section II.C of this guide. If the supplement appears to contain allegations of wrongdoing, the petition manager will follow the guidance in Section I.B, "Petitions Containing Allegations of Wrongdoing," and Section II.A.2.d(iii) of this guide. If all or part of the supplement is treated as an allegation, this fact will be documented in the allegation acknowledgment letter (see MD 8.8 and the Allegation Manual). For more detailed information on petition manager actions, see Section II.C of this guide.
2. The petition manager will then include the supplement in the ongoing acceptance review (if the supplement is received before the PRB makes its final determination) or petition review (if the petition has been accepted) by taking appropriate actions listed in Section II.C of this guide. The petition manager will ensure that the supplement receives the same distribution as the petition and will forward a copy of the supplement to the PRB members. The PRB members will review the supplement and determine whether they need to meet formally to discuss it and, if so, whether or not to offer the petitioner an opportunity to discuss the supplement with the PRB. In deciding whether an additional PRB meeting is needed, the PRB members will consider the safety significance and complexity of the information in the supplement. Clarification of previous information will generally not require an additional PRB meeting.
3. When a supplement is received, the petition manager will inform the petitioner of the PRB's schedule and advise the petitioner that additional supplements could delay evaluation of the petition for acceptance or the review of a petition that has been accepted. Supplements will be considered to the extent practical taking into account the petition review schedule. Any impacts to the petition review schedule should be kept to a minimum.

4. The PRB will review supplements for additional relevant explanation or clarification of the issues raised in the original petition or additional relevant facts supporting the petitioner’s view of the issues. To the extent that supplemental information provided by the petitioner raises new issues, requests additional enforcement-related actions, or otherwise expands the scope of the original petition, the PRB may consider such information as amending the petition and decline to consider the supplemental information in the petition review process. If the petitioner presents significant new information to the NRC staff, the PRB may determine that the supplement constitutes a new petition that will be treated separately from the initial petition.
5. After receiving a supplement, the PRB will then determine whether—
 - a. There is a need for any immediate actions based on the supplemental information (whether requested or not).
 - b. The supplement should be consolidated with the existing petition.
 - c. The petition, as supplemented, meets the criteria for acceptance in Section II.C.1 of this guide (if the petition has not already been accepted for review).
 - c. To issue a partial director’s decision.
 - d. To revise the review schedule for the petition based on the supplement (see Section IV, “Petition Review Activities,” of this guide for guidance regarding schedules).
 - e. To send a letter acknowledging receipt of the supplement. A letter should be sent if the supplement provides significant new information, causes the staff to reconsider a previous determination, or requires a schedule change beyond the original 120-day goal.
 - f. To offer the petitioner a meeting or teleconference with the PRB to discuss its recommendations with respect to the supplement (see Section III.G, “Meeting with the Petitioner,” of this guide for information on this type of meeting or teleconference.).
6. For supplements received after an acknowledgment letter has been issued, the staff determines if the schedule for the petition must be extended beyond the original 120-day goal as a result of the supplement. In this case, the assigned office should send a new acknowledgment letter to the petitioner, reset the 120-day clock to the date of the new acknowledgment letter, and inform the OEDO.
7. If the PRB determines that the supplement will be treated as a new petition (i.e., not consolidated with the existing petition), the assigned office must contact OEDO for a new tracking number.

IV. PETITION REVIEW ACTIVITIES

This section describes the activities that take place after a petition has been accepted for review.

A. Reviewing the Petition

1. Interoffice Coordination

- a. The petition manager coordinates all information required for the petition review. The petition manager also advises his or her management of the need for review and advice from OGC regarding a petition in special cases.
- b. All information related to a wrongdoing or staff misconduct investigation by OI or OIG, or even the fact that an investigation is being conducted, will receive limited distribution within the NRC and will not be released outside the NRC without the approval of the Director of OI, or the IG, respectively (see MD 8.8 and MD 7.4). Within the NRC, access to this information is limited to those having a need-to-know.

2. Request for Licensee Input

- a. If appropriate, the petition manager will request the licensee to provide a voluntary response to the NRC on the issues specified in the petition, usually within 30 days. This staff request usually will be made in writing. The petition manager will advise the licensee that the NRC will make the licensee's response publicly available and will provide a copy of the response to the petitioner. The licensee may also voluntarily submit information related to the petition, even if the NRC staff has not requested this information.
- b. Unless necessary for the NRC's proper evaluation of the petition, the licensee should avoid using proprietary or personal privacy information that requires protection from public disclosure. If this information is necessary to completely respond to the petition, the petition manager ensures the information is protected in accordance with 10 CFR 2.390, "Public inspections, exemptions, requests for withholding."

3. Technical Review Meeting With the Petitioner

The staff will hold a technical review meeting with the petitioner whenever it believes that a meeting (whether requested by the petitioner, the licensee, or the staff) would be beneficial to the staff's review of the petition. Meeting guidance is provided in MD 3.5. The petition manager will ensure that the meeting does not compromise the protection of sensitive information. A meeting will not be held simply because the petitioner claims to have additional information and will not present it in any other forum.

4. Additional PRB Meetings

Additional PRB meetings may be scheduled for complex issues. Additional meetings also may be appropriate if the petition manager finds that significant changes must be made to the original plan for the resolution of the petition.

5. Conduct of PRB Meetings

The PRB chairperson makes the final decisions regarding recommendations proposed during the PRB meeting and provides final approval for requested actions. The petition manager prepares for and documents decisions made during the PRB meeting.

B. Schedule

1. Planning the Schedule

- a. The first goal is to issue the acknowledgement or closure letter within 90 days of the OEDO assigning the petition.
- b. The second goal is to issue the proposed director's decision for comment within 120 days after issuing the acknowledgment letter. The proposed director's decision for uncomplicated petitions should be issued in less than 120 days.
- c. The third goal is to issue the final director's decision within 45 days of the end of the comment period for the proposed director's decision. The actual schedule should be shorter if the number and complexity of the comments allow.
- d. The OEDO tracks the target date for issuance for petition documents to meet the timeliness goals in Section IV.B.1 of this guide. Any change of the target date requires approval by the EDO.
 - (i) Enforcement actions that are prerequisites to a director's decision should be expedited, if feasible, in an attempt to meet the 120-day goal.
 - (ii) If the staff can respond to some portions of the petition without the results of the investigation, then a proposed partial director's decision should be issued for comment within the original 120 days.

2. Considering an Extension of the Schedule

- a. If the staff cannot meet the original schedule's target date in certain circumstances (e.g., very complex issues), the petition manager will prepare an extension request to the OEDO for

approval by their division management; refer to OEDO Procedure 0370, “Setting Due Dates for EDO-Controlled Action Items and Requesting Extensions and Transfers” (ADAMS Accession No. ML083020717; not publicly available). The extension request should contain the ticket number, current due date, new due date, justification, and indication of division approval; consistent with OEDO Procedure 0370. In addition, the petition manager will contact the petitioner promptly to explain the reason(s) for the delay and will maintain a record of the contact.

- b. For petitions held in abeyance, the timeliness goals are not likely to be met and extensions will likely be needed. Extensions should be requested as described above.

C. Keeping the Petitioner Informed

The petition manager ensures that the petitioner is notified at least every 60 days of the status of the petition, or more frequently if a significant action occurs. In cases where a petition is being held in abeyance, the petition manager ensures that the petitioner is notified at least every 120 days (or other timeframe agreed upon with the petitioner) and when the staff is ready to resume its review of the petition. The petition manager provides updates to the petitioner by telephone and/or e-mail. The petition manager should speak directly to the petitioner if reasonably possible. The petition manager must monitor the status of the petition so that reasonable detail can be provided. However, the update to the petitioner will not identify or discuss—

1. An ongoing OI or OIG investigation, unless approved by the Director of OI or the IG;
2. The referral of the matter to the Department of Justice (DOJ); or
3. Enforcement action under consideration.

D. Updating NRC Management and the Public

1. On a quarterly basis, the Director of DORL/NRR, will issue a status report of 2.206 petitions under review to the Director of NRR. Periodically, the Agency 2.206 Petition Coordinator will contact all petition managers regarding the status of their petitions and to compile the status report. The Agency 2.206 Petition Coordinator also ensures the status report is added to ADAMS and made publicly available. Once the status report is declared an official agency record, the Agency 2.206 Petition Coordinator e-mails a copy to NRRWebServices.Resources@NRC.gov for placement on the NRC public Web site.
2. The NRC Web site provides the director’s decisions issued, quarterly status reports, and other related information. Enforcement Petition Documents (2.206) are available at <http://www.nrc.gov/reading-rm/doc-collections/petitions-2-206/>. Director’s decisions are also published semiannually in NUREG-0750, “Nuclear Regulatory Commission

Issuances,” available at <http://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr0750/>.

V. THE DIRECTOR’S DECISION

A director’s decision is the official agency response to a 2.206 petition that is accepted for review. The director’s decision may grant, partially grant, or deny the action requested by the petitioner. In most cases, the staff prepares a proposed director’s decision, which is transmitted to the petitioner and licensee for comment. After receiving any comments, the staff disposes the comments and revises the director’s decision as appropriate. The director’s decision is then issued and a notice of issuance is subsequently published in the *Federal Register*.

A. Content and Format

1. The petition manager prepares a proposed director’s decision on the petition for the office director’s consideration (see Exhibit 8, “2.206 Petition Review Checklist,” of this guide). The petition manager also prepares letters to the petitioner and the licensee requesting comment on the proposed director’s decision (enclosed within the letters). These letters will be routed with the proposed director’s decision for concurrence (see Exhibit 5, “Sample Letters Requesting Comments on the Proposed Director’s Decision,” and Exhibit 6, “Sample Letter to Petitioner and Director’s Decision,” of this guide). The petition manager coordinates these documents with the appropriate staff supporting the review. The hard copy package should include, in a background section, copies of all petitioner correspondence and the OEDO Action Item ticket cover sheet.
2. If the staff issues a streamlined director’s decision, the steps related to a proposed director’s decision may be omitted; see Section III.H.4(g) of this guide for more information.
3. The proposed director’s decision will clearly describe the issues raised by the petitioner, provide a discussion of the safety significance of the issues, and clearly explain the staff’s disposition for each issue. The petition manager will bear in mind the broader audience (i.e., the public) when preparing the explanation of technical issues. Refer to the NRC Plain Language Action Plan, available on the internal Web site at <http://www.internal.nrc.gov/NRC/PLAIN/> for further guidance. In addition, the petition manager will ensure that any documents referenced in the decision are available to the public. If a partial director’s decision was issued previously, the final director’s decision will refer to, but does not have to repeat the content of, the partial director’s decision. The petition manager should consider the items listed in Exhibit 8, “2.206 Petition Review Checklist,” of this guide before requesting review by the PRB chairperson or management. After management’s review, the petition manager incorporates any proposed revisions in the decision.
4. The petition manager will obtain OE’s review of the proposed director’s decision for potential enforcement implications. The petition manager

also will provide a copy of the proposed director's decision to his or her Office Enforcement Coordinator.

5. The petition manager will coordinate OGC's legal review of proposed and final director's decisions, as appropriate.

B. Granting the Petition

The NRC may grant a petition for enforcement-related action, either in whole or in part, and it also may take other action to address the concerns raised by the petitioner. Once the staff has determined that a petition will be granted, in whole or in part, the petition manager will prepare a "Director's Decision under 10 CFR 2.206" for the office director's signature. The decision will explain the bases upon which the petition has been granted and identify the actions that the NRC staff has taken, or will take, to grant all or that portion of the petition. The decision also should describe any actions the licensee took voluntarily that address aspects of the petition. A petition is characterized as being granted in part when the NRC grants only some of the actions requested and/or takes actions other than those requested to address the underlying problem. If the petition is granted in full, the director's decision will explain the bases for granting the petition and state that the NRC's action resulting from the director's decision is outlined in the NRC's order or other appropriate communication. If the petition is granted in part, the director's decision will clearly indicate the portions of the petition that are being denied and the staff's bases for the denial. When granting a petition, either in whole or in part, the PRB should consider guidance and policy in MD 8.4, "Management of Facility-Specific Backfitting and Information Collection."

C. Denying the Petition

When the staff has determined that a petition will be denied, the petition manager will prepare a "Director's Decision under 10 CFR 2.206" for the office director's signature. The decision will explain the bases for the denial and discuss all matters raised by the petitioner in support of the request.

D. Final Versus Partial Director's Decision

1. If all of the issues in the petition can be resolved together in a reasonable amount of time, then the staff will issue one director's decision addressing all of the issues. The staff will consider preparing a partial director's decision when some of the issues associated with the 2.206 petition are resolved in advance of other issues and if significant schedule delays are anticipated before resolution of the entire petition.
2. The format, content, and method of processing a partial director's decision are the same as that of a director's decision and an accompanying *Federal Register* notice of issuance would still be prepared (see Exhibit 6, "Sample Letter to Petitioner and Director's Decision," the "Federal Register notice of issuance of director's decision" (ADAMS Accession No. [ML17248A333](#)), in the [FRN Template Library](#), and Exhibit 8, "2.206 Petition Review Checklist," available at ADAMS

Accession No. [ML17311A012](#)). However, the partial director's decision should clearly indicate those portions of the petition that remain open, explain the reasons for the delay to the extent practical, and provide the staff's schedule for the final director's decision.

3. Once a partial director's decision has been issued, the petition manager will prepare an extension request to extend the due date to support the resolution of any remaining issues. See Section IV.B.2 of this guide for more information regarding extension requests. After completing its review of the remaining issues, the staff will issue a final director's decision addressing those issues. As noted in Section V.A.3 this guide, the final director's decision will refer to, but does not have to repeat the content of, the partial director's decision.

E. Issuing the Proposed Director's Decision for Comment

1. After the assigned office director has concurred on the transmittal letters and the proposed director's decision, the assigned division director signs the transmittal letter. The petition manager will issue letters to the petitioner and the licensee requesting comments on the enclosed, fully concurred on but unsigned, proposed director's decision. The transmittal letters, including the proposed director's decision, should be transmitted to the recipients electronically, if possible.
2. The intent of this step is to give the petitioner and the licensee an opportunity to share any concerns they may have with the proposed director's decision. The transmittal letters will request comments within a set period of time, typically 2 weeks. The amount of time allowed for comments may be adjusted depending on circumstances. For example, for highly complex technical issues, it may be appropriate to allow more time for the petitioner and licensee to develop their comments.

F. Comment Disposition – Proposed Director's Decision

1. After the comment period closes on the proposed director's decision, the assigned office will review the comments received and provide the schedule to issue the director's decision to the Agency 2.206 Petition Coordinator. The petition manager will evaluate any comments received on the proposed decision, obtaining the assistance of the technical staff, as appropriate. Although the staff requested comments on the proposed director's decision from only the petitioner and the licensee, comments from other sources (e.g., other members of the public) may be received. These additional comments should be addressed in the same manner as the comments from the petitioner and licensee. The comments received and the associated staff responses will be included in the director's decision. An attachment to the decision will generally be used for this purpose.
2. If no comments are received on the proposed decision, the petition manager will include in the director's decision a reference to the letters

that requested comments and a statement that no comments were received.

3. If the comments from the petitioner include new information, the PRB will reconvene to determine whether to treat the new information as part of the current petition or to treat it as a new petition which would be screened as described in Section II.A.2 of this guide.

G. Issuing the Director's Decision

1. The petition manager prepares a transmittal letter to the petitioner and the director's decision (or partial director's decision) to be signed by the office director. In addition, the petition manager prepares a *Federal Register* notice of issuance (ADAMS Accession No. [ML17248A333](#)) which will include the text of the signed director's decision as an attachment (as described in Section V.G.2 below). The petition manager digitally signs this *Federal Register* notice after issuance of the director's decision.
2. The petition manager will ensure that the *Federal Register* notice of issuance includes the text of the signed director's decision as an attachment. The notice of issuance is prepared as a separate action to ensure the date the office director signs the director's decision is not delayed by the agency's digital signature process. The notice of issuance should be submitted by administrative staff or the organization's *Federal Register* notice point of contact to Notice_Publish.Resource@nrc.gov via a pre-publication review request (ADAMS Accession No. [ML17136A225](#)) to process the notice for digital signature by the petition manager.
3. If the director's decision grants the issuance of an order, the order will be issued prior to, or concurrent with, issuing the director's decision. The petition manager will include a copy of the order as an enclosure to the transmittal letter to the petitioner, and include the text of the signed order as an attachment to the *Federal Register* notice of issuance.
4. The director's decision concurrence package should include, in a background section, copies of all petitioner correspondence and the OEDO Action Item ticket cover sheet.
5. The assigned office is responsible for ensuring the appropriate concurrence and distribution on the transmittal letter to the petitioner; however, the templates referred to in Exhibit 6 of this guide include sample concurrence and distribution.
6. Before providing a director's decision to the office director for signature, the assigned office will contact the Agency 2.206 Petition Coordinator for a director's decision number. The Agency 2.206 Petition Coordinator has the responsibility to request the director's decision number (e.g., DD-18-01) from the Office of the Secretary (SECY), as described in Section V.I of this guide, and coordinate with the responsible staff assigned to the petition. The assigned office should ensure the director's decision number is included on the letter to the petitioner, the director's

decision, and the *Federal Register* notice of issuance (see Exhibit 6, “Sample Letter to Petitioner and Director’s Decision,” of this guide and the “Federal Register notice of issuance of director’s decision” (ADAMS Accession No. [ML17248A333](#)), in the [FRN Template Library](#)).

7. Before delivery to the office director, it is recommended that a licensing assistant or other staff perform a quality check of documents in the concurrence package.
8. The assigned office director will sign the director’s decision and the transmittal letter to the petitioner.
9. When the director’s decision has been signed, the petition manager will ensure that the Agency 2.206 Petition Coordinator is immediately informed.
10. On the day the director’s decision is signed, the Agency 2.206 Petition Coordinator is expected to inform SECY that the director’s decision has been signed. The Agency 2.206 Petition Coordinator will ensure the appropriate administrative actions are completed as described in Section V.H of this guide.
11. The petition manager will promptly inform the petitioner that the director’s decision has been signed and will send a courtesy copy of the signed director’s decision, electronically if possible, to the petitioner. Copies of the director’s decision that are sent to the licensee and individuals on the service list(s) are dispatched simultaneously with the petitioner’s copy. The petition manager will also ask the petitioner whether he or she wishes to continue receiving documents related to the petition.
12. Occasionally, a petitioner may submit comments on a final decision after it is issued. In this case, the petition manager should ensure that the PRB reviews the comments provided and that an appropriate response is provided within a reasonable amount of time. If the petitioner provides new information in the comments, the PRB should determine whether the decision should be revised or if the information should be treated as a new petition. A new ADAMS package would be created for a revised director’s decision, and a new petition would be screened as described in Section II.A.2 of this guide. The petition manager should ensure that the comments and any staff response are added to the ADAMS records associated with the final decision. If this is not possible, a new ADAMS package including post-petition comments and any staff response(s) should be created. Any staff receiving feedback should ensure that the respective office 2.206 petition coordinator and management are aware of the feedback to facilitate identification of areas for process improvement.

H. Administrative Actions

1. Instructions provided in guidance chart, “2.206 Petition for Director’s Decision - ADAMS Packaging and Document Process” (ADAMS Accession No. [ML18110A900](#); not publicly available), and Exhibit 7 of this

guide should be followed to ensure appropriate ADAMS packaging and document processing.

2. On the day of issuance, the administrative staff of the assigned office should review the 10 CFR 2.206 package before it is dispatched and ensure appropriate distribution is indicated on the concurrence page of the letter to the petitioner. The ADAMS package provided with the OEDO Action Item (the “ticket package”) should be profiled as publicly available and contain all documents prepared by the staff in response to the OEDO Action Item. Each response document should be profiled as publicly available, non-sensitive, include the appropriate SUNSI code in the ADAMS profile keywords field, and the appropriate public release date. The OEDO Action Item ticket cover sheet should remain as a non-publicly available document.
3. On the same day, the administrative staff should date and record approve the final director’s decision documents and confirm they have been added to the ADAMS ticket package. The ADAMS package should be placed in the Document Processing Center’s immediate public release folder to be declared official agency records. To ensure there is no delay for the Commission to begin its 25-day review, the staff should not wait for the ADAMS package to be declared to continue with dispatch procedures listed below.
4. On the day of issuance, the administrative staff should dispatch the electronic director’s decision documents to the identified offices, the licensee (if appropriate), and the petitioner, and mail the original director’s decision documents to the petitioner.
5. On the day of issuance, the assigned staff will promptly notify the Agency 2.206 Petition Coordinator when the director’s decision is signed to ensure the final director’s decision package is filed with SECY (e-mail to hearing.docket@nrc.gov, including the OEDO Action Item number). The e-mail from the Agency 2.206 Petition Coordinator should courtesy copy those listed on distribution of the petitioner’s letter (including [RidsEdoMailCenter](#), [RidsSecyMailCenter](#), the office Rids mailbox that issued the ticket, the Assistant General Counsel for Materials Litigation and Enforcement, the Office 2.206 Petition Coordinator, and the petition manager). This e-mail will also serve as a request to close the OEDO Action Item on the petition. The e-mail message block should include:
 - The OEDO Action Item tracking number
 - The director’s decision number
 - The subject of the petition
 - The director’s decision signature date and signatory

- The ADAMS accession numbers of the incoming petition and final director’s decision documents
 - A hyperlink to the ADAMS package
6. The staff must fulfill these requirements promptly because the Commission has 25 calendar days from the date the decision is signed by the director, which is considered the issuance date, to determine whether or not the director’s decision should be reviewed.
 7. The staff will use the following guidelines when distributing copies internally and externally—
 - a. When action on a 2.206 petition is completed, the petition manager will ensure that all publicly releasable documents are available to the public in ADAMS; see Exhibit 7.
 - b. The assigned office will ensure the appropriate individuals and offices to include on the distribution list; refer to sample templates in Exhibits 2-6.
 8. After the day of issuance, the petition manager will prepare a *Federal Register* notice of issuance of the final director’s decision and copy the text of the final director’s decision into the attachment area of the notice. The administrative staff should profile the notice in ADAMS as publicly available, non-sensitive, with ADM-012 and SUNSI Review Complete entered in the ADAMS profile keywords field, and provide owner rights to OGC-PSB-LRC. After the petition manager has obtained appropriate review and concurrence on the notice, the administrative staff will submit the *Federal Register* notice via a pre-publication review request (see e-mail template at ADAMS Accession No. [ML17136A225](#)) to Notice_Publish.Resource@nrc.gov for digital signature by the petition manager. The pre-publication review request e-mail should attach a copy of OGC’s NLO provided on the final director’s decision document (scan the concurrence page from the letter to the petitioner). After the notice of issuance has been published in the *Federal Register*, the administrative staff should place the ADAMS document in the Document Processing Center’s immediate public release folder.
 9. The petition manager will ensure the following actions are completed within 2 working days of issuance of the director’s decision:
 - a. E-mail the final version of the director’s decision in an editable format such as a Microsoft Word (.docx) file to the NRC Issuances (NRCI) Project Officer, Publications Branch (PB), DAS, ADM, at NRC_Issuances.Resource@nrc.gov and copy the Agency 2.206 Petition Coordinator, for notification.

If other information (opinions, partial information (including errata), or footnotes) is included in the e-mail, clearly identify the director’s decision number at the beginning of each file to avoid

- administrative delays and improve the technical production schedule for proofreading, editing, and composing the documents.
- b. Prepare headnotes, which are a summary of the petition, consisting of no more than a few paragraphs describing what the petition requested and how the director's decision resolved or closed out the petition. The petition manager will e-mail the headnotes to the NRCI Project Officer, PB, DAS, ADM, at NRC_Issuances.Resource@nrc.gov, for monthly publication in the NRCIs, NUREG-0750. The headnotes should reach PB before the 5th day of the month following the issuance of the director's decision. Past examples of director's decision headnotes may be found in most volumes of the NRCIs. See NRC Issuances ([NUREG-0750](#)), "[Nuclear Regulatory Commission Issuances](#)," or ask the Agency 2.206 Petition Coordinator for examples. For efficiency, this email may be combined with the email described in Section V.H.8.a, as described above.
 - c. E-mail the ADAMS accession number of the final director's decision and the package to NRRWebServices.Resource@nrc.gov for posting on the NRC Web site located at <https://www.nrc.gov/reading-rm/doc-collections/petitions-2-206/directors-decision/>.
10. Finally, 90 days after issuance of the director's decision, the petition manager will remove the petitioner's name from Listserv distribution and/or the service list(s) and stop sending documents associated with the petition to the petitioner.

I. Coordination with the Office of the Secretary

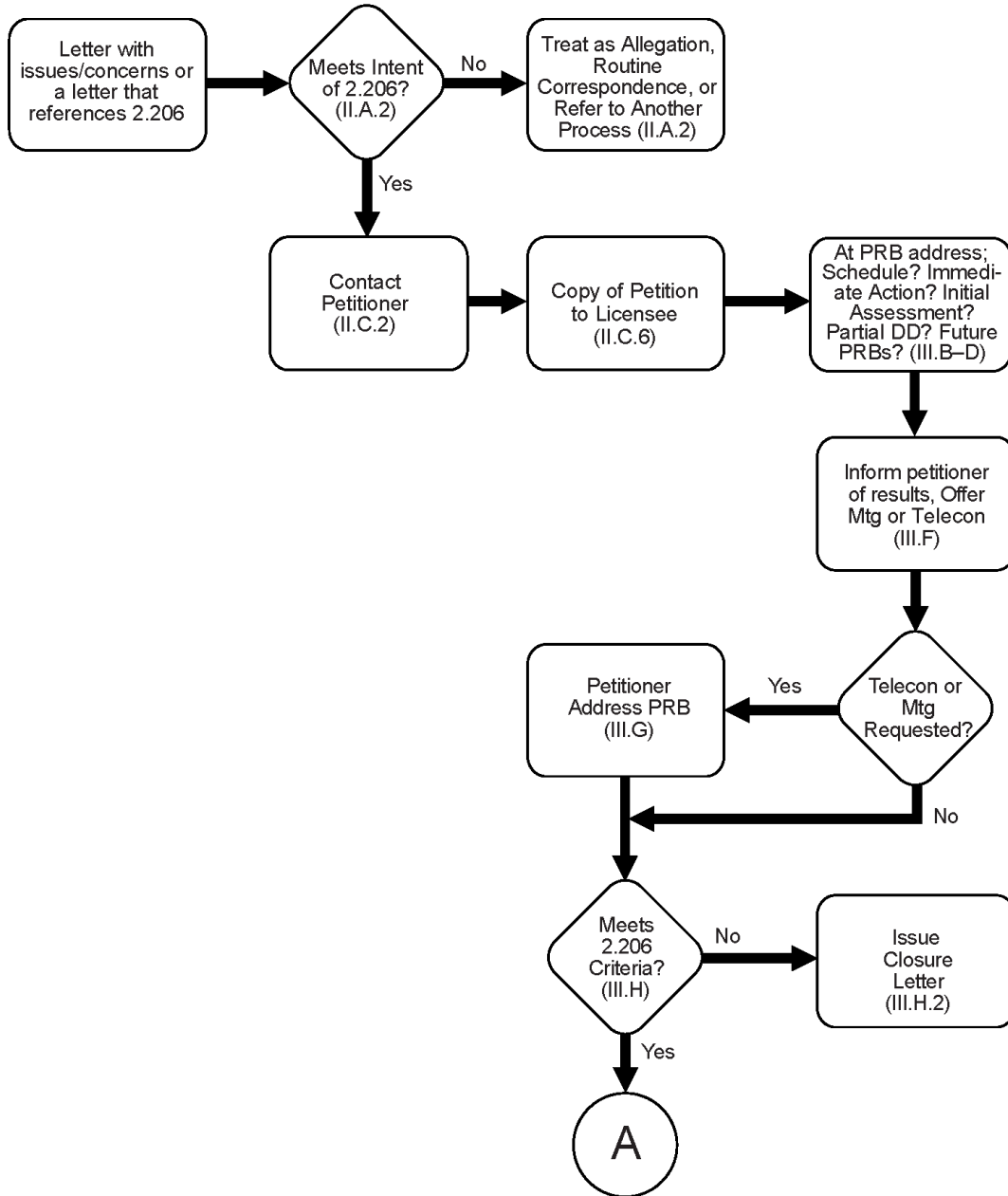
1. The Agency 2.206 Petition Coordinator is responsible for requesting a director's decision number from SECY and for notifying SECY of the issuance of a director's decision on the day the decision is signed.
2. After completion of the concurrence process, but prior to the office director's signature, the Agency 2.206 Petition Coordinator will request a director's decision number by e-mailing SECY (hearing.docket@nrc.gov) and copying the cognizant OEDO Technical Assistant, OEDO mailroom, responsible petition manager, and Office 2.206 Petition Coordinator.
3. When SECY responds with a director's decision number, SECY will create a new ticketed action for OEDO that directs the Agency 2.206 Petition Coordinator to e-mail the ADAMS accession numbers of the signed director's decision and package to SECY copying each addressee from the request e-mail. The Agency 2.206 Petitioner Coordinator is required to close the ticketed action or request extension within 2 days of SECY issuing the director's decision number.

4. The Agency 2.206 Petition Coordinator is expected to inform SECY of the director's decision issuance on the day of signature. On the day of signature, the assigned staff should keep the Agency 2.206 Petitioner Coordinator informed so that the SECY ticketed action is closed in a timely manner.
5. When the Agency 2.206 Petition Coordinator provides SECY with the ADAMS accession numbers of the signed director's decision and package, SECY will inform the Commission of the availability of any partial or final director's decision. If the director's decision denies the requested action in whole or in part, the Commission, at its discretion, may decide to review the director's decision within 25 days of the date of the decision and may direct the staff to take action other than that in the director's decision. If the Commission does not act on the director's decision within 25 days (unless the Commission extends the review time), the director's decision becomes the final agency action, and SECY sends a letter to the petitioner informing the petitioner that the Commission has taken no further action on those portions of the petition addressed in the director's decision.

Exhibits:

1. Simplified 2.206 Process Flow Chart
2. Petition Manager Checklist
3. Sample Closure Letter for Requests that Do Not Meet the 2.206 Acceptance Criteria
4. Sample Acknowledgement Letter (Accepting Petition for Review)
5. Sample Letters Requesting Comments on the Proposed Director's Decision
6. Sample Letter to Petitioner and Director's Decision
7. 2.206 Document Processing and ADAMS Packaging Guidance
8. 2.206 Petition Review Checklist for Proposed and Final Director's Decisions

EXHIBIT 1 Simplified 2.206 Process Flow Chart (1 of 2)



1. Parenthetical Information is associated Guide paragraph number

EXHIBIT 1 Simplified 2.206 Process Flow Chart (2 of 2)

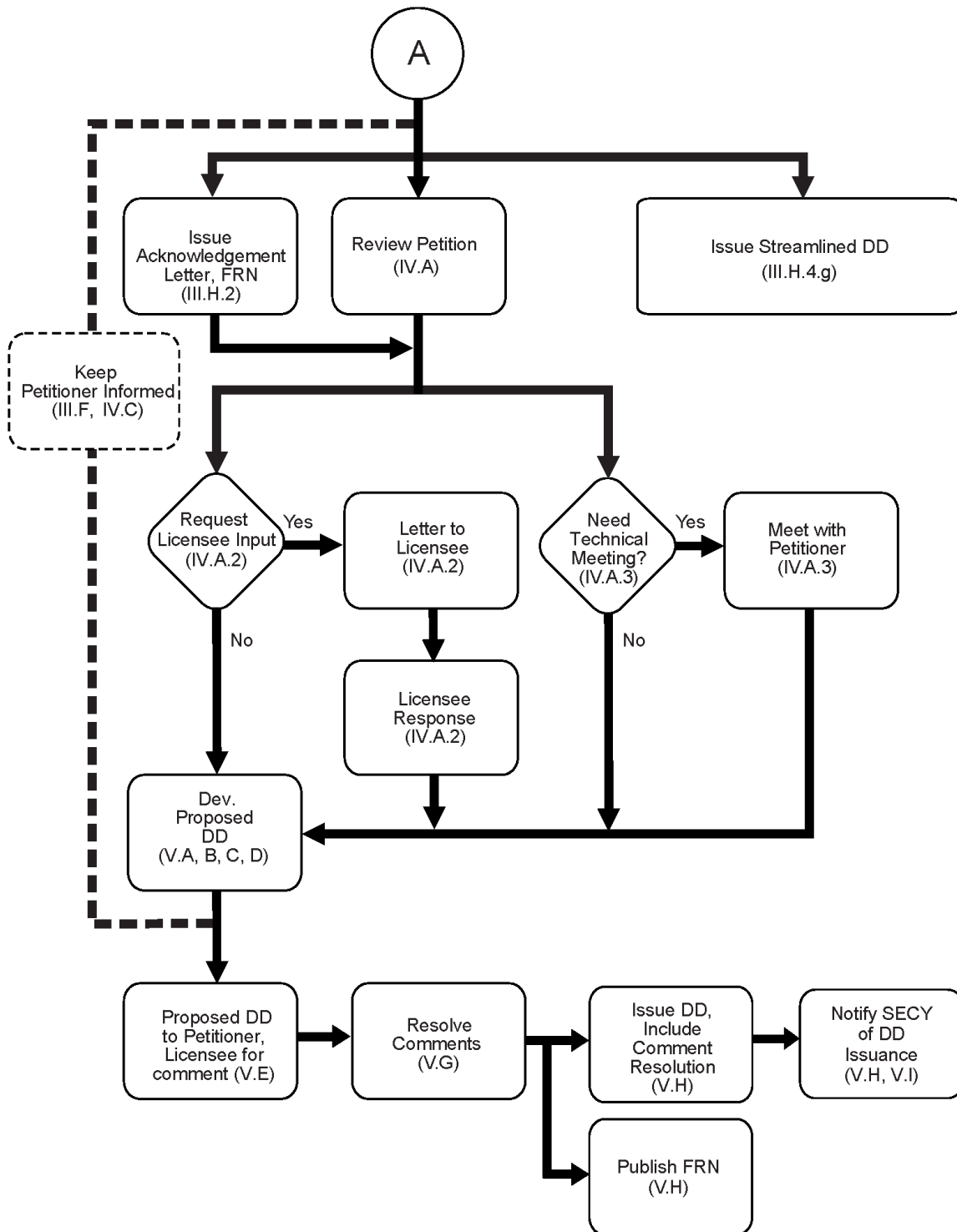


EXHIBIT 2 Petition Manager Checklist

Within 1 week of the OEDO assigning the petition:

- Screen the petition to determine if it falls within the scope of the 10 CFR 2.206 process.
- If the petition is screened out of the process, respond using general correspondence or as otherwise appropriate. If the petition is screened into the process, continue this checklist.
- Promptly review the petition for sensitive material and prevent releasing sensitive material to the public.
- Determine whether or not any immediate actions by staff (whether requested or not) are required (immediate actions are recommended by the PRB and approved/denied by the assigned office director). Keep petitioner informed of any decisions made on immediate actions
- Contact the petitioner and discuss the public nature of the process (by phone or e-mail)
- Send a copy of the incoming petition with redactions as appropriate to the licensee and make it publicly available.
- Prepare a PRB presentation. Include the following information:
 - What are the issues and their safety significance?
 - Does the request meet the criteria for acceptance under 2.206?
 - Is there a need for immediate action (whether requested or not)?
 - Is there a need for OE, OI, OIG, or OGC involvement?
 - What schedule is proposed?

Within 3 weeks of the OEDO assigning the petition:

- Address the PRB at its meeting to initially assess the petition.
- Ensure assigned office management is informed of the PRB's initial assessment.

Within 30 days of the OEDO assigning the petition:

- Inform the petitioner of the PRB's initial assessment. Offer the petitioner a meeting or teleconference with the PRB.
- If a meeting or teleconference with the petitioner is to be held, notice it as appropriate and arrange for it to be recorded and transcribed. Prepare for the meeting with the petitioner and arrange the follow-up meeting for the PRB to develop its final recommendations.
- Hold the meeting or teleconference with the petitioner.
- Ensure the transcript of the meeting or teleconference, if held, is added to ADAMS and made publicly available. This step can be done by referencing the accession number for the transcript in either an acknowledgement or closure letter.
- Hold the meeting for the PRB to develop its final recommendations;
- Ensure assigned office management agrees with the PRB's final recommendations.

EXHIBIT 2 Petition Manager Checklist (2 of 3)

Within 90 days of the OEDO assigning the petition:

- If the assigned office's management agrees with the PRB that the petition should not be accepted for review, send a closure letter to the petitioner, discontinue with this checklist.
- If the assigned office's management agrees with the PRB that the petition should be accepted for review, continue with this checklist.
- Add petitioner to appropriate service list(s) or inform petitioner of the process to obtain documents through the appropriate NRC listserv.
- Issue acknowledgment letter and associated *Federal Register* notice of receipt.
- In the case of a streamlined director's decision, issue the acknowledgement letter and final director's decision with the *Federal Register* notice of issuance at the same time. Continue with steps below relating to post-signature of the office director.

Within 120 days of issuance of the acknowledgement letter:

- If requesting licensee input, follow the established process for requests for information, demands for information, and so forth.
- If further petitioner input is needed, arrange for a technical review meeting.
- Make periodic status updates to the petitioner.
- Prepare the proposed director's decision. Address all of the following information and attach the Review Checklist in Exhibit 8 of this guide to the concurrence package:
 - Each of the petitioner's issues.
 - The safety significance of each issue.
 - The staff's evaluation of each issue and actions taken.
- Refer to Exhibit 7 of this guide for ADAMS Packaging and Document Processing guidance. Ensure all referenced documents are added to ADAMS and made publicly available.
- Send the proposed director's decision to the petitioner and licensee for comment.

Within 45 days from the end of the comment period:

- After the comment period closes, give the schedule for the director's decision to the Agency 2.206 Petition Coordinator for inclusion of status purposes.
- If comments are received, provide them to the Office 2.206 Petition Coordinator.
- Ensure the final director's decision includes comments received and their resolution.
- Prepare final director's decision letter for the petitioner.
- Prior to delivering the director's decision to the office director for signature:
 - Coordinate with Agency 2.206 Petition Coordinator to request a director's decision number from SECY (hearing.docket@nrc.gov).
 - Insert the director's decision number in the director's decision documents.
 - It is recommended that the petitioner letter and director's decision receive a final quality check by a licensing assistant or other staff.

EXHIBIT 2 Petition Manager Checklist (3 of 3)

When the director’s decision is signed:

- As soon as the director’s decision is signed, notify the Agency 2.206 Petition Coordinator so that he or she may send the ADAMS accession numbers of the signed director’s decision and package to SECY. This will close the SECY ticketed action and begin the Commission’s 25-day review.
- Coordinate with administrative staff to date and “record approve” the petitioner letter and director’s decision in ADAMS. The administrative staff should place the ADAMS package in the Document Processing Center’s immediate public release folder for processing as an official agency record. The administrative staff should Listserv the final petitioner letter and director’s decision to the associated plant Listserv, and mail the original to the petitioner.
- Ensure the signed transmittal letter and director’s decision is e-mailed to the petitioner and is dispatched for release.

Within 1 day of issuance

- Prepare the *Federal Register* notice (FRN) of issuance of the director’s decision.
- Use the appropriate template and copy the text from the final director’s decision into the Attachment placeholder of the notice of issuance. Coordinate with your organization’s FRN point-of-contact to submit a pre-publication review request to process the notice for digital signature by the petition manager.

Within 2 working days of issuing the director’s decision:

- E-mail a Microsoft Word file of the final director’s decision to and the headnotes to the NRC Issuances Project Officer in Publications Branch, DAS, ADM at NRC_Issuances.Resource@nrc.gov and copy the Office 2.206 Petition Coordinator.
- E-mail a signed, dated, and numbered copy of the director’s decision to NRRWebServices.Resource@nrc.gov and request an update to the public Web site list of completed director’s decisions. Courtesy copy the Office 2.206 Petition Coordinator.

EXHIBIT 3 Sample Closure Letter for Requests that Do Not Meet the 2.206 Acceptance Criteria

For up-to-date template language and sample concurrence and distribution, see the NRR/DORL template for a 2.206 Closure Letter (ADAMS Accession No. [ML081980815](#)).

[Petitioner's name]
[Petitioner's address]

Dear Mr./Ms. [Petitioner's last name]:

Your petition dated [insert date] and addressed to the [insert addressee] has been referred to the Office of [insert Office name] pursuant to Section 2.206 of Title 10 of the *Code of Federal Regulations* (10 CFR 2.206) of the U.S. Nuclear Regulatory Commission's (NRC's) regulations. You request [state petitioner's requests]. As the basis for your request, you state that [insert basis for request].

[Our petition review board (PRB) has reviewed your submittal]. The NRC staff has concluded that your submittal does not meet the criteria for consideration under 10 CFR 2.206 because **[explain our basis, addressing all aspects of the submittal and making reference to the appropriate criteria in the MD]**. On [insert date], you were informed **[by telephone or e-mail]** of the PRB's initial assessment. [You met with the petition review board (PRB) on [insert date] to discuss the PRB's initial assessment. The results of that discussion have been considered in the PRB's final determination regarding your request for immediate action and whether or not the petition meets the criteria for consideration under 10 CFR 2.206]. **OR**

[Provide the staff's response, if available, to the issues raised]. AND/OR [Explain what further actions, if any, the staff intends to take in response to the request (e.g., treat it as an allegation or routine correspondence)].

Thank you for bringing these issues to the attention of the NRC.

Sincerely,

**[Insert PRB Chairperson's Name]
Office of [insert Office Name]**

Docket Nos. []

cc: Licensee (w/copy of incoming 2.206 request)

Listserv or Service List

EXHIBIT 4 Sample Acknowledgement Letter (Accepting Petition for Review)

For up-to-date template language and sample concurrence and distribution, see the NRR/DORL Acknowledgment Letter template (ADAMS Accession No. [ML081980776](#)). The Federal Register notice acknowledging receipt of the petition is available at ADAMS Accession No. [ML14013A008](#).

[Petitioner's Name]
[Petitioner's Address]

Dear Mr./Ms. [Petitioner's Last Name]:

Your petition dated **[insert date]** and addressed to the **[insert addressee]** has been referred to me pursuant to Section 2.206 of Title 10 of the *Code of Federal Regulations* (10 CFR) of the U.S. Nuclear Regulatory Commission's (NRC's) regulations. You request **[state petitioner's requests]**. As the basis for your request, you state that **[insert basis for request]**. I would like to express my appreciation for your effort in bringing these matters to the attention of the NRC.

[Our petition review board (PRB) has reviewed your submittal]. The staff has concluded that your submittal meets the criteria for acceptance under 10 CFR 2.206 because **[explain our basis, addressing all aspects of the submittal and making reference to the appropriate criteria in this MD]**. On **[insert date]**, you were informed **[by telephone or e-mail]** of the PRB's initial assessment. [You met with our petition review board (PRB) on **[insert date]** to discuss your petition. The results of that discussion have been considered in the PRB's determination regarding **[your request for immediate action and in establishing]** the schedule for the review of your petition]. Your request to **[insert request for immediate action]** at **[insert facility name]** is **[granted or denied]** because **[staff to provide explanation]**.

As provided by Section 2.206, we will take action on your request within a reasonable time. I have assigned **[first and last name of petition manager]** to be the petition manager for your petition. Mr./Ms. **[last name of petition manager]** can be reached at **[301-415-extension of petition manager]**. Your petition is being reviewed by **[organizational units]** within the Office of **[name of appropriate Office]**. **[If necessary, add: I have referred to the NRC Office of the Inspector General (OIG) those allegations of NRC staff misconduct contained in your petition].**

EXHIBIT 4 Sample Acknowledgement Letter (Accepting Petition for Review) (2 of 2)

I have enclosed for your information a copy of the notice that is being filed with the Office of the Federal Register for publication. I have also enclosed for your information a copy of Management Directive 8.11, "Review Process for 10 CFR 2.206 Petitions," and the associated NRC brochure, "Enforcement Petition Process."

Sincerely,

[Office Director]

Enclosures:

1. *Federal Register* Notice of Receipt
2. Management Directive 8.11
3. NRC Brochure, "Enforcement Petition Process."

cc: Licensee (w/copy of incoming 2.206 request)

 Listserv or Service List

EXHIBIT 5 Sample Letters Requesting Comments on the Proposed Director’s Decision

For up-to-date template language and sample concurrence and distribution, see the NRR/DORL template letters for the licensee and petitioner request for comment (ADAMS Accession Nos. [ML081980807](#) and [ML081980822](#), respectively).

(Note: For clarity, separate letters will need to be sent to the petitioner and the licensee. This sample provides guidance for both letters. The enclosed proposed director’s decision should not be signed.)

[Insert petitioner’s address]

Dear **[Insert petitioner’s name]**

Your petition dated **[insert date]** and addressed to the **[insert addressee]** has been reviewed by the U.S. Nuclear Regulatory Commission (NRC) staff pursuant to Section 2.206 of Title 10 of the *Code of Federal Regulations* of the NRC’s regulations. The staff’s proposed director’s decision on the petition is enclosed. I request that you provide comments to me on any portions of the decision that you believe involve errors or any issues in the petition that you believe have not been fully addressed. The staff is making a similar request of the licensee. The staff will then review any comments provided by you and the licensee and consider them in the final version of the director’s decision with no further opportunity to comment.

Please provide your comments by **[insert date, within 14 days of the date of this letter]**.

Sincerely,

[Signed by Division Director]

Docket Nos.

Enclosure:
Proposed Director’s Decision

cc: Listserv or Service List

EXHIBIT 5 Sample Letters Requesting Comments on the Proposed Director’s Decision (2 of 2)

[Insert licensee’s address]

Dear Mr./Ms. **[Insert licensee’s last name]**

By letter dated **[insert date]**, **[insert name of petitioner]** submitted a petition pursuant to Section 2.206 of Title 10 of the *Code of Federal Regulations* of the U.S. Nuclear Regulatory Commission’s (NRC’s) regulations with respect to **[insert name(s) of affected facilities]**. The petition has been reviewed by the NRC staff and the staff’s proposed director’s decision on the petition is enclosed. I request that you provide comments to me on any portions of the decision that you believe involve errors or any issues in the petition that you believe have not been fully addressed. The staff is making a similar request of the petitioner. The staff will then review any comments provided by you and the petitioner and consider them in the final version of the director’s decision with no further opportunity to comment.

Please provide your comments by **[insert date, within 14 days of the date of this letter]**.

Sincerely,

[Signed by Division Director]

Docket Nos.

Enclosure:
Proposed Director’s Decision

cc: Listserv or Service List

EXHIBIT 6 Sample Letter to Petitioner and Director’s Decision

For up-to-date template language and sample concurrence and distribution, see NRR/DORL template for Letter to Petitioner and Director’s Decision (ADAMS Accession Nos. [ML081980820](#) and [ML081980801](#), respectively). The Federal Register notice of issuance is available at ADAMS Accession No. [ML17248A333](#)).

[Insert petitioner’s name & address]

Dear **[insert petitioner’s name]**:

This letter responds to the petition you filed with **[EDO or other addressee of petition]** pursuant to Section 2.206 of Title 10 of the *Code of Federal Regulations* (10 CFR 2.206) on **[date of petition]**, as supplemented on **[dates of any supplements]**. In your petition, you requested that the U.S. Nuclear Regulatory Commission (NRC) **[list requested actions]**.

On **[date of acknowledgment letter]**, the NRC staff acknowledged receiving your petition and stated pursuant to 10 CFR 2.206 that your petition was being referred to me for action and that it would be acted upon within a reasonable time. You were also told that **[staff response to any request for immediate action]**.

[You met with the petition review board on [date(s) of the pre- and/or post-PRB meeting(s)] to clarify the bases for your petition. The transcript(s) of this/these meeting(s) was/were treated as (a) supplement(s) to the petition and are available in the Agencywide Documents Access and Management System (ADAMS) for inspection at the Commission’s Public Document Room, located at One White Flint North, Public File Area O1 F21, 11555 Rockville Pike (first floor), Rockville, Maryland, and online from the NRC Library component on the NRC Web site, <http://www.nrc.gov>.

[By letter dated **[insert date]**, the NRC staff requested **[name of licensee]** to provide information related to the petition. **[Name of licensee]** responded on **[insert date]** and the information provided was considered by the staff in its evaluation of the petition.]

In your petition, you stated that **[summarize the issues raised]**. **[Briefly summarize the safety significance of the issues and the staff’s response.]**

[The NRC issued a Partial Director’s Decision (DD-YY-XX) dated **[insert]** which **[explain what aspects of the petition were addressed]**. **[Explain which issues remained to be addressed in this director’s decision and briefly explain the reason for the delay on these issues.]**

The staff sent a copy of the proposed director’s decision to you and to **[licensee(s)]** for comment on **[date]**. [You responded with comments on **[date]** and the licensee responded on **[date]**. The comments and the staff’s response to them are included in the director’s decision.] OR [The staff did not receive any comments on the proposed director’s decision.]

EXHIBIT 6 Sample Letter to Petitioner and Director’s Decision (2 of 4)

[Summarize the issues addressed in this director’s decision and the staff’s response.]

A copy of the Director’s Decision (DD-YY-XX) will be filed with the Secretary of the Commission for the Commission to review in accordance with 10 CFR 2.206(c). As provided for by this regulation, the decision will constitute the final action of the Commission 25 days after the date of the decision unless the Commission, on its own motion, institutes a review of the decision within that time. **[The documents cited in the enclosed decision are available in ADAMS for inspection at the Commission’s Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, and online in the NRC Library at <http://www.nrc.gov/reading-rm.html> (cite any exceptions involving proprietary or other protected information)].**

The notice of “Issuance of Director’s Decision under 10 CFR 2.206” will be filed with the Office of the Federal Register for publication.

[If appropriate, acknowledge the efforts of the petitioner in bringing the issues to the attention of the Agency.] Please feel free to contact **[petition manager name and number]** to discuss any questions related to this petition.

Sincerely,

[Insert Office Director’s Name]

Docket Nos.

Enclosure:
Director’s Decision YY-XX

cc: Licensee

 Listserv or Service List

EXHIBIT 6 Sample Letter to Petitioner and Director's Decision (3 of 4)

DD-YY-XX

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
OFFICE OF [INSERT]
[Office Director Name], Director

In the Matter of)	Docket No(s). [Insert]
)	
[LICENSEE NAME])	License No(s). [Insert]
)	
([Plant or facility name(s)]))	

DIRECTOR'S DECISION UNDER 10 CFR 2.206

I. Introduction

By letter dated [insert date], as supplemented on [dates of supplements], [petitioner names and, if petition is submitted on behalf of an organization, name of the represented organizations] filed a petition pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Section 2.206. The petitioner(s) requested that the U.S. Nuclear Regulatory Commission (NRC or the Commission) take the following actions: [list requests]. The bases for the requests were [describe].

In a letter dated [insert], the NRC informed the petitioner(s) that their request for [list immediate actions requested] was approved/denied and that the issues in the petition were being referred to the Office of [insert] for appropriate action.

[The petitioner(s) met with the (assigned office abbreviation) petition review board on [date(s) of post-PRB meeting(s)] to clarify the bases for the petition. The transcript(s) of this/these meeting(s) was/were treated as (a) supplement(s) to the petition and are available in for inspection at the NRC's Public Document Room (PDR), located at O1 F21, 11555 Rockville Pike (first floor), Rockville, Maryland 20852. Publicly available documents created or received at the NRC are accessible electronically through the Agencywide Documents Access and Management System (ADAMS) in the NRC Library at <http://www.nrc.gov/reading-rm/adams.html>. Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS should contact the NRC's PDR reference staff by telephone at 1-800-397-4209, or 301-415-4737, or by e-mail to pdr.resource@nrc.gov.

[By letter dated [insert date], the NRC staff requested [name of licensee] to provide information related to the petition. [Name of licensee] responded on [insert date] and the information provided was considered by the staff in its evaluation of the petition].

EXHIBIT 6 Sample Letter to Petitioner and Director’s Decision (4 of 4)

[The NRC issued a partial director’s decision (DD-YY-XX) dated **[insert]** which **[explain what aspects of the petition were addressed]**. **[Explain which issues remained to be addressed in this director’s decision and briefly explain the reason for the delay on these issues]**].

The NRC sent a copy of the proposed director’s decision to the petitioner and to **[licensee(s)]** for comment on **[date]**. [The petitioner responded with comments on [date] and the licensee(s) responded on **[date]**. The comments and the NRC staff’s response to them are included in the director’s decision]. OR [The staff did not receive any comments on the proposed director’s decision].

II. Discussion

[Discuss the issues raised, the significance of the issues (or lack thereof), and the staff’s response with supporting bases. Acknowledge any validated issues, even if the staff or the licensee decided to take corrective actions other than those requested by the petitioner. Clearly explain all actions taken by the staff or the licensee to address the issues, even if these actions were under way or completed before the petition was received. This discussion must clearly present the staff’s response to all of the valid issues so that it is clear that they have been addressed].

III. Conclusion

[Summarize the staff’s conclusions with respect to the issues raised and how they have been, or will be, addressed].

As provided in 10 CFR 2.206(c), a copy of this director’s decision will be filed with the Secretary of the Commission for the Commission to review. As provided for by this regulation, the decision will constitute the final action of the Commission 25 days after the date of the decision unless the Commission, on its own motion, institutes a review of the decision within that time.

Dated at Rockville, Maryland, this **[insert date]** day of **[insert month, year]**.

For the Nuclear Regulatory Commission.

[Office director’s name], Director,
Office of **[insert]**.

EXHIBIT 7 2.206 Document Processing and ADAMS Packaging Guidance

See the chart entitled “2.206 Petition for Director’s Decision – ADAMS Packaging and Document Processing” (ADAMS Accession No. [ML18110A900](#); not publicly available), which illustrates processing petition-related documents throughout the lifecycle of the petition. The chart also provides suggested actions for the petition manager, licensing assistant, and administrative staff for each staff document processed and specifies what should be included in each ADAMS package.

ADAMS Ticket Package (ADAMS Package 1)

A 2.206 petition is assigned by the OEDO to the office as an OEDO Action Item with a tracking number. The OEDO Action Item, in the form of a “ticket” is placed in an ADAMS package created by the OEDO along with the original petition. This ADAMS “ticket” package must contain all documents for the lifecycle of the petition and should not be declared an official agency record until the final signed and dated document has been added. Accordingly, the ticket package accession number should only be referenced on the final director’s decision documents. The ticket package should include:

- OEDO Action Item ticket cover sheet,
- The original petition and any supplements
- The acknowledgement letter and *Federal Register* notice or closure letter
- The proposed director’s decision and letters to the petitioner and licensee requesting comments
- The final director’s decision and letter to the petitioner

Please note that because the ticket package needs to be placed in the Document Processing Center’s immediate release folder on the day of issuance of the final director’s decision, the *Federal Register* notice of issuance will not be included in the ticket package since the notice cannot be declared until it is published several days later in the *Federal Register*. Instead, the letter transmitting the final director’s decision informs the petitioner that the director’s decision is being forwarded for publication in the *Federal Register*. The petition manager may forward a link of the published *Federal Register* notice of issuance to the petitioner.

Acknowledgement Letter and FRN or Closure Letter (ADAMS Package 2)

Because the ADAMS ticket package must remain undeclared until the final document is added, the administrative staff will create a separate ADAMS package when processing the acknowledgement letter and *Federal Register* notice or closure letter. The acknowledgement letter should be dated the same day the office director digitally signs the *Federal Register* notice. ADAMS Package 2 should include the ticket cover sheet, all petitioner documents received to date, and the acknowledgement letter to the petition and *Federal Register* notice (or closure letter). On the date signed, the closure letter or the acknowledgement letter to the

petitioner with enclosure (a copy of the *Federal Register* notice of receipt) should be dispatched by the administrative staff (Listserv and mail as appropriate) and placed in the Document Processing Center's immediate release folder. The *Federal Register* notice and ADAMS Package 2, however, cannot be declared until the notice of receipt has been published in the *Federal Register*. After each document in ADAMS Package 2 has been declared as official agency records, the staff documents should be copied to the ticket package (ADAMS Package 1).

Proposed Director's Decision (ADAMS Package 3)

Because the ADAMS ticket package must remain undeclared until the final document is added, the administrative staff will create a separate ADAMS package when processing the proposed director's decision and letters to the petitioner and licensee requesting comments. The office director will concur on each letter. The letters will be signed and dated by the division director; the enclosure to the letters (the proposed director's decision) will remain unsigned and undated. ADAMS Package 3 should include the ticket cover sheet, all petitioner documents received to date, the letter to the petitioner requesting comment, the letter to the licensee requesting comment, and the proposed director's decision. On the date signed, the administrative staff should date and record approve the documents, dispatch to the petitioner and licensee with the proposed director's decision (Listserv and mail as appropriate), and place ADAMS Package 3 in the Document Processing Center's immediate release folder. After each document in ADAMS Package 3 have been declared as official agency records, the staff documents should be copied to the ticket package (ADAMS Package 1).

EXHIBIT 8 2.206 Petition Review Checklist for Proposed and Final Director’s Decisions

In an effort to ensure a consistent level of quality amongst proposed and final director’s decisions associated with the 10 CFR 2.206 petition process, petition managers should consider the following items during a final review before initiating PRB chair or senior management concurrence:

- Consider obtaining a peer review for the Proposed and Final cover letter and Director’s Decision before submitting it to the PRB Chair and/or NRR Management (i.e., an independent review for readability and logic flow). Yes No N/A
- Confirm that the enforcement-related action requested by the petitioner is clearly identified in the cover letter and the opening of the Director’s Decision. Yes No N/A
- Confirm that each of the Petitioner’s questions/concerns are identified and addressed. Yes No N/A
- If only a portion of the Petitioner’s questions/concerns were accepted for NRC review, are the accepted items clearly identified and addressed? Yes No N/A
- For those items that were not accepted for NRC review, are they clearly explained or dispositioned in another NRC process? Yes No N/A
- Confirm that the Director’s Decision is easily readable for members of the public. Yes No N/A
- All acronyms are defined, no technical “jargon” is used, and NRC procedures/guidance documents are correctly referenced? Yes No N/A
- Information used to disposition the Petitioner’s concerns is fully explained in the body of the Director’s Decision vs. being referred to in an Enclosure or a referenced document? Yes No N/A
- Confirm that the Director’s Decision addresses any large gaps of time in key parts of the Discussion or in the process description which could be questioned or not clearly understood by a member of the public. Yes No N/A
- Confirm that there is no discussion in the Director’s Decision about items being “in-scope” or “out-of-scope” as this language often adds to confusion by the Petitioner for what information was considered in the NRC’s final decision. Yes No N/A
- Confirm that all technical information listed in Director’s Decision is current, relevant, and accurate. Yes No N/A
- Is all referenced technical-related information up-to-date? Yes No N/A
- Has the technical staff been provided the opportunity to review and concur on the accuracy of the referenced technical-related information? Yes No N/A
- Is all referenced technical information publically available in ADAMS? Yes No N/A
- Consider the “overall tone” of the Introduction and Conclusion of the Director’s Decision. Yes No N/A
- Ensure language in the Introduction and Conclusion concisely addresses closure of the Petition without seeming to be dismissive or negative towards the Petitioner’s concerns. Yes No N/A
- Consider briefly thanking the Petitioner for helping to aid in the NRC’s mission of ensuring public health and safety by identifying a potential concern. Yes No N/A
- Consider the need for a Management Briefing and/or appropriate interfaces with OGC, OCA, OPA, Regions, etc., prior to issuing the Final Director’s Decision. Yes No N/A
- Consider ways to minimize delays in the processing, issuing, and dispatching Director’s Decisions. The Agency 2.206 Petition Coordinator will coordinate with SECY on assigning a Director’s Decision number prior to signature and will promptly notify SECY after signature to begin the Commission’s 25 day *sua sponte* review. Yes No N/A