



OFFICE OF THE
SECRETARY

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

January 26, 1993

RELEASED TO THE PDR

2/17/93

date

initials

MEMORANDUM FOR: William C. Parler
General Counsel

FROM: Samuel J. Chilk, Secretary

SUBJECT: SECY-92-415 - REVIEW OF THE COMMISSION'S
REGULATIONS AND PRACTICE GOVERNING CITIZEN
PETITIONS UNDER 10 CFR 2.206 FOR INSTITUTING
PROCEEDINGS AGAINST LICENSEES

The Commission (with Commissioners Curtiss, Remick and de Planque agreeing) has not objected to initiating an evaluation of the NRC 2.206 process, but the Commission should be provided with the opportunity to review the background paper prior to concurring in the plans for a public workshop. Additionally, given the extensive attention that has been devoted to the 2.206 process in the context of Part 52, the focus of this evaluation should be limited to enforcement-type 2.206 petitions, explicitly excluding the Part 52 licensing-type 2.206 petitions. The Chairman and Commissioner Rogers also approved the plans to initiate a review of the 2.206 process and to conduct the workshop but without waiting to review the background paper.

(OGC)

(SECY Suspense:

3/27/93)

The staff should consider the impact any contemplated changes might have on whether denials of 2.206 petitions are presumptively unreviewable in the Federal Courts of Appeals. It may not make sense to alter the 2.206 process in a way which would significantly call into question the decisions adopted by three Circuits in recent years.

19-125

SECY NOTE: THIS SRM, SECY-92-415, AND THE VOTE SHEETS OF ALL
COMMISSIONERS WILL BE MADE PUBLICLY AVAILABLE 10
WORKING DAYS FROM THE DATE OF THIS SRM

DF02/10

cc: The Chairman
Commissioner Rogers
Commissioner Curtiss
Commissioner Remick
Commissioner de Planque
EDO
OIG
Office Directors, Regions, ACRS, ACNW (via E-Mail)
CP, SDBU/CR, ASLBP (via FAX)