



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

December 13, 2011

Mr. Paul Gunter, Director  
Reactor Oversight Project  
Beyond Nuclear  
6930 Carroll Avenue  
Suite 400  
Takoma Park, MD 20912

Dear Mr. Gunter:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your letter dated April 13, 2011, in which you, along with Mr. Kevin Kamps of Beyond Nuclear, filed a petition pursuant to Section 2.206 of Title 10 of the *Code of Federal Regulations* (10 CFR 2.206), "Requests for Action Under This Subpart." In your petition you requested for:

enforcement action to ensure that the public health and safety is not unduly being jeopardized by the unsafe operations at twenty one (21) General Electric [GE] Boiling Water Reactors [BWRs] Mark I units that rely upon a fundamentally flawed combination of free standing steel primary containments for their pressure suppression containment system, the installation of the "hardened vent system," or not, and an additional three (3) Mark I units for a total of twenty four (24) units which rely upon used radioactive fuel storage pools (also known as "spent fuel pools" elevated to the top [of] the reactor building outside and above the rated containment structure without safety-related back-up electric power (Class 1E) systems to cool high-density storage of thermally hot and highly radioactive nuclear waste in the event of loss of grid power

In particular, Petitioners request that the NRC ORDER the immediate suspension of the operating licenses of all GE BWRs that utilize the Mark I primary containment system.

As the basis of the request, you stated:

- This same reactor design has now dramatically failed in Japan to reliably and adequately mitigate and contain significant and mounting radiological releases to the atmosphere, groundwater and the ocean from multiple severe accidents in multiple GE BWR Mark I units at the Fukushima Dai-Ichi nuclear power plant.
- The NRC staff pre-approval was provided as incentive to the Mark I operators to voluntarily install "hardened vent systems" also known as the Direct Torus Vent System (DTVS) to the pressure suppression pool component also known as the "torus." It is unreasonable to back fit an identified design flaw with a venting system to deliberately defeat the purpose of a leak tight containment in order to save it from failure based on the unlikelihood that the task will be required. Petitioners assert that such back fits do not constitute a "safety enhancement" for unsafe operations. A complete and transparent review is necessary to

determine which and why operators did and did not experiment with the hardened vent systems to mitigate potential severe accident consequences in Mark I containment systems.

- All GE BWR Mark I units in the United States that currently: 1) rely upon the cooling and indefinite storage of hundreds of tons of used radioactive fuel also known as high-level radioactive waste being stored in each of the elevated, densely packed ("high-density") nuclear waste storage ponds, also known as "spent fuel pools" located atop the reactor building and outside the credited primary containment structure, and 2) utilize densely packed, elevated used radioactive fuel pools with cooling water systems that do not have safety-related backup systems (Class 1E) to assure circulating water for reliable long term cooling to thermally hot and extremely radioactive used fuel assemblies stored outside any rated containment structure. The Fukushima Dai-Ichi nuclear catastrophe demonstrates the vulnerability of this large volume of nuclear materials outside of any rated containment in the event of a prolonged electrical grid power failure without back-up emergency Alternating Current electrical generators and without the additional reliable emergency backup of Direct Current battery systems.

In accordance with Management Directive (MD) 8.11, "Review Process for 10 CFR 2.206 Petitions," dated October 25, 2000, the NRC has processed your letter and assigned this petition to the NRC's Office of Nuclear Reactor Regulation.

On April 19, 2011, the petition manager, Mr. Siva Lingam, acknowledged receipt of your April 13, 2011, petition (Agencywide Documents Access and Management System (ADAMS) Accession No. ML11140A078). Subsequently, more than 8,000 copetitioners joined supporting your petition. Some of the copetitioners provided supplemental information.

On April 19, 2011, the PRB met internally to discuss your request for immediate action. The PRB determined that your request for immediate action is a general assertion without supporting facts. Thus, the PRB did not identify a significant safety concern from the information provided which would warrant the NRC to order the immediate suspension of the operating licenses of all GE BWRs with Mark I containments. On April 21, 2011, you were informed of the PRB's decision about the immediate action (ADAMS Accession No. ML11140A078). At that time, you requested the first public meeting to address the PRB with supplemental information for further consideration.

On June 8, 2011, you, Mr. Kamps, and some of the copetitioners, addressed the PRB. The details of this meeting, including a copy of the transcript, are available at ADAMS Accession No. ML11166A137.

The PRB met internally on July 12, 2011, to discuss your petition, as supplemented. In accordance with the criteria for review and rejection described in MD 8.11, the PRB made its initial recommendation to accept the petition for review in part.

On August 16, 2011, the petition manager informed you of the PRB's initial recommendations to accept your petition for review in part (ADAMS Accession No. ML112340018). At that time, you repeated your original request for another opportunity to address the PRB to provide comments

on the PRB's initial recommendation and additional information in support of your petition. The initial recommendations cover items 1 through 6 of the enclosed table (Enclosure 1).

On October 7, 2011, you, Mr. Kamps, and some of the copetitioners, addressed the PRB to present additional information on your petition. A meeting summary including a copy of the transcript of the October 7, 2011, public meeting is available under ADAMS Accession No. ML11292A159.

The additional information that you, Mr. Kamps, and some of the copetitioners, provided on October 7, 2011, and the supplemental information we later received by e-mail, addressed numerous and diverse issues that were not raised in your April 13, 2011, letter or during the June 8, 2011, public meeting. These new issues are addressed as items 7 through 11 of the enclosed table, and some of the new and previously unaddressed issues are included with item 1. Briefly, the new issues include the expedited usage of dry casks in lieu of spent fuel pools for storage of the adequately cooled fuel, roll back of containment accident pressure credit for the approved power uprates, inspection of control rod blades at Browns Ferry Nuclear Plant, inspection of wet or underwater underground safety-related cables, and higher tritium levels in water wells at the Hatch Nuclear Plant.

#### PRB's Final Recommendation

As stated above, the PRB is rejecting your petition to the extent you seek an immediate shutdown of certain nuclear power reactors in the United States. The remainder of the PRB's recommendation is summarized in the enclosed table (Enclosure 1).

We have accepted part of your petition because it meets the criteria for review. The aspects of your petition that were accepted are also the subject of ongoing NRC review and/or the Near-Term Task Force review of insights from the Fukushima Dai-Ichi accident, "Recommendations for Enhancing Reactor Safety in the 21<sup>st</sup> Century," (ADAMS Accession No. ML112510264). The remaining issues raised meet the criteria for rejection because the issue has already been reviewed, evaluated, and resolved by the NRC.

#### Summary

The PRB's initial recommendation to accept your petition for review, as modified and supplemented, has become the PRB's final recommendation as summarized in the enclosed table after reviewing all the information received to date. The additional information you provided did not change the PRB's decision to deny the request for immediate action.

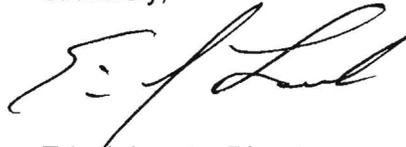
As required by 10 CFR 2.206, the NRC will act on your petition within a reasonable time. The petition manager, Mr. Siva Lingam, can be reached at (301) 415-1564. I have enclosed for your information a copy of the notice that the NRC is filing with the Office of the Federal Register for

P. Gunter

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publication. I have also enclosed for your information a copy of the brochure, NUREG/BR-0200, Revision 5, "Public Petition Process," issued February 2003, prepared by the NRC's Office of Public Affairs.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric J. Leeds". The signature is fluid and cursive, with a large initial "E" and "L".

Eric J. Leeds, Director  
Office of Nuclear Reactor Regulation

Enclosures:

1. Summary Table
2. *Federal Register* Notice
3. NUREG/BR-0200

cc: Listserv

**TABLE SUMMARIZING EACH ISSUE FOR 2.206 CRITERIA**

No.	Issue	Does this meet criteria for acceptance?	Does this meet criteria for rejection?	Recommendation
1) A.	<p>Fundamentally flawed combination of free standing steel primary containments for the pressure suppression containment systems. So many different combinations of conditions and events can create a steam or hydrogen explosion that will fail the containment. Rapid quenching such as the seawater injections at Fukushima could contribute to a hydrogen explosion due to rapid oxidation of metals in the fuel. In case of an accident, the uplift forces on the torus of early Mark I containments would have destroyed the containment. Further, the control rods enter through the holes in the bottom of the reactor vessel, and in case of a melted core that occurred at Fukushima, the melted core material can directly leak in to the containment floor. This is another flaw in the Mark I containment design.</p>		<p>Yes. The Nuclear Regulatory Commission (NRC) addressed and resolved the Mark I containment structural integrity concerns through NUREG 0474, "A Technical Update on Pressure Suppression Type Containments in Use in U.S. Light Water Reactor Nuclear Power Plants," and NUREG 0661, "Safety Evaluation Report, Mark I Containment Long-Term Program."</p>	<b>REJECT</b>
1) B.	<p>Spent fuel pools (SPFs) elevated to the top of the reactor building outside and above the rated containment structure without safety-related backup electric power systems to cool high-density storage of nuclear waste in the event of loss of grid power.</p> <p>Provide emergency makeup water</p>	<p>Yes. This meets the criteria for review as it pertains to the events in Japan and recent Browns Ferry partial loss of offsite power (LOOP).</p>		<b>ACCEPT*</b>

No.	Issue	Does this meet criteria for acceptance?	Does this meet criteria for rejection?	Recommendation
	<p>reliable source.</p> <p>Install additional instrumentation (water level, temperature, and radiation monitoring) on all Mark I storage pools.</p>			
1) C.	Substandard Mark I pressure suppression containment system vulnerable to early failure under severe accident conditions including over-pressurization.		Yes. NRC addressed and resolved the Mark I containment structural integrity concerns through NUREGs 0474 and 0661.	<b>REJECT</b>
1) D.	<p>Reactor design has now dramatically failed in Japan to reliably and adequately mitigate and contain significant and mounting radiological releases to the atmosphere, groundwater and the ocean from multiple severe accidents in multiple General Electric (GE) boiling water reactor (BWR) Mark I units.</p> <p>There certainly is so much at stake and the seismic issues need to be studied because there is a great deal of seismic activity around Augusta, Georgia; the Vogtle nuclear plant; and Charleston, South Carolina.</p>	Yes. This meets the criteria for review as it pertains to the events in Japan.		<b>ACCEPT*</b>
1) E.	Failure of the Mark I containment even with the hardened vent system at Fukushima Dai-ichi demonstrates the inadequacy in design to mitigate and contain a severe accident resulting from longer station blackout.	Yes. This meets the criteria for review as it pertains to the events in Japan.		<b>ACCEPT*</b>

No.	Issue	Does this meet criteria for acceptance?	Does this meet criteria for rejection?	Recommendation
	NRC should order the Tennessee Valley Authority (TVA) to evaluate pressure suppression containment venting to determine whether the Browns Ferry nuclear plant should be allowed to continue operation.			
2)	Immediately suspend operating licenses of all GE BWRs Mark I Units pending full NRC review with independent expert and public participation from affected emergency planning zone communities.		Yes. Any request for additional action by NRC does not involve any enforcement action, and therefore, does not fall under the 10 CFR 2.206 review process.	<b>REJECT</b>
3) a.	Conduct public meetings within each of the 10-mile emergency planning zone for each GE BWR site for the purpose of receiving public comment and independent expert testimony regarding the reliability of hardened vent system or direct torus vent system.		Yes. Any request for additional action by NRC does not involve any enforcement action, and therefore, does not fall under the 10 CFR 2.206 review process.	<b>REJECT</b>
3) b.	Immediately revoke prior preapproval of the hardened vent system or direct torus vent system at each GE BWR Mark I unit under the provisions of 10 CFR 50.59.	"Yes" for investigating reliability of direct torus vent system, and "No" for immediate action. This meets the criteria for review as it pertains to the events in Japan.		<b>ACCEPT*</b>

No.	Issue	Does this meet criteria for acceptance?	Does this meet criteria for rejection?	Recommendation
3) c.	Immediately issue Confirmatory Action Orders to all GE BWR Mark I units to promptly install safety-related backup electrical power (Class 1E) and additional backup direct current battery system to ensure reliable supply of power for the spent fuel pool cooling system.	"Yes" for investigating backup electrical power, and "No" for immediate action. This meets the criteria for review as it pertains to the events in Japan and recent Browns Ferry partial LOOP.		<b>ACCEPT*</b>
4)	An accidental or intentional airline crash into the currently unprotected spent fuel pool areas of these reactors has the potential to sever cooling water piping or institute other dangerous disruptive events at reactors which would be similar to a tsunami or an earthquake in Japan.		Yes. NRC has addressed and resolved this concern after 9/11 events through major actions such as mitigating strategies.	<b>REJECT</b>
5)	Illinois reactors are operating on river flood plains and the current situation in Missouri and Nebraska speaks volumes as to what this means in terms of flooding.	Yes. This meets the criteria for review based on ongoing NRC investigation and events in Japan.		<b>ACCEPT*</b>
6)	Dr. Kennedy states that "critical failure modes for gross structural failure of the pool is out of plain sheer failure of pool floor slab.		Yes. NUREGs 1488 and 1738 sufficiently addressed and resolved the concerns raised by the copetitioner.	<b>REJECT</b>
7)	Provide an expedited hardened (dry cask) onsite storage by emptying the SFPs and converting the irradiated	Yes. This meets the criteria for review based on		<b>ACCEPT*</b>

No.	Issue	Does this meet criteria for acceptance?	Does this meet criteria for rejection?	Recommendation
	<p>nuclear fuel that is more than 5 years cooled to dry casks. At Fukushima, three reactor systems were blown out and caused exposure of the fuel in the SFPs directly to the atmosphere.</p> <p>NRC should order TVA to eliminate the existing unsafe irradiated fuel storage system at Browns Ferry and move the fuel to hardened storage in concrete structures.</p>	<p>ongoing NRC investigation and events in Japan.</p>		
8)	<p>The NRC should immediately roll back power uprate reactor that has received the containment accident pressure (CAP) credit.</p>		<p>Yes. The Commission approved the CAP credit on March 15, 2011 (ADAMS Accession Nos. ML110740254 &amp; ML102590196).</p>	<b>REJECT*</b>
9)	<p>NRC should issue an order to TVA to inspect control rod blades at Browns Ferry nuclear plant.</p>		<p>Yes. This is handled by inspection and 10 CFR 21 process.</p>	<b>REJECT</b>
10)	<p>The intense rainfall accompanying the hurricane thoroughly saturated the ground around Vermont Yankee, which has aggravated the existing problem of reactors' underground safety-related electrical cables which were never designed to withstand wet or underwater conditions. NRC is aware of this problem. To my knowledge, no remedial action or even a complete inspection of every inch of such cables has been undertaken or is even being</p>	<p>Yes. This meets the criteria for review based on ongoing NRC investigation.</p>		<b>ACCEPT*</b>

No.	Issue	Does this meet criteria for acceptance?	Does this meet criteria for rejection?	Recommendation
	contemplated.			
11)	Radioactive water containing tritium was leaking from under one of the buildings at Hatch nuclear plant. Officials discovered tritium in two test wells about 25 feet below ground. The leak was large enough to raise the water table in the wells at least 5 feet. The levels of tritium shot the concentration in the drinking water up to 200 times the limit set by EPA.		Yes. This is followed by NRC region Office. The licensee (Hatch) issued a 10 CFR 50.72 report (ADAMS Accession No. ML11308A668), notified NRC and the Georgia's Department of Natural Resources. In this report, the licensee stated, "No tritium levels above background have been detected or migrated outside the area where the two sample points are located." NRC inspection report dated October 28, 2011 (ADAMS Accession No. ML113010464), addressed this issue, and the corrective actions by the licensee. In summary, the licensee identified the leak, capped the underground pipe, and will route the new pipe above the ground.	<b>REJECT</b>

\* Under NRC review

ENCLOSURE 2

FEDERAL REGISTER NOTICE

NUCLEAR REGULATORY COMMISSION

RECEIPT OF REQUEST FOR ACTION UNDER 10 CFR 2.206

ADAMS ACCESSION NO. ML11339A080

U.S. NUCLEAR REGULATORY COMMISSION  
RECEIPT OF REQUEST FOR ACTION UNDER 10 CFR 2.206

Notice is hereby given that by petition dated April 13, 2011, Paul Gunter and Kevin Kamps of Beyond Nuclear (petitioners) have requested that the U.S. Nuclear Regulatory Commission (NRC) take action to immediately suspend the operating licenses of General Electric boiling water reactors with Mark I containment. More than 8,000 copetitioners shared the concerns raised by the petitioners, hereafter jointly called as petitioners.

As the basis for this request, the petitioners state that fundamentally flawed combination of free standing steel primary containments for their pressure suppression containment system, the installation of the hardened vent system or not, and the spent fuel pools elevated to the top of the reactor building outside and above the rated containment structure without safety-related back-up electric power (Class 1E) systems to cool high-density storage of thermally hot and highly radioactive nuclear waste in the event of loss of grid power jeopardize the public health and safety. The petitioners also state that an accidental or intentional airline crash into the currently unprotected spent fuel pool (SFP) areas can sever cooling water piping, and flooding and earthquake can adversely affect the safe shutdown of the reactors. The petitioners further stated: 1) expedite dry cask storage of the irradiated nuclear fuel that is more than 5 years cooled in the spent fuel pools; 2) immediately roll back power uprate reactor that has received the containment accident pressure credit; 3) order to inspect control rod blades for cracks; 4) provide emergency makeup water reliable source to the SFP, and install additional instrumentation for water level, temperature and radiation monitoring in the SFP; and 5) evaluate the function of underground safety-related cables subjected to wetting or flooding.

The request is being treated pursuant to Title 10 of the *Code of Federal Regulations*, Section 2.206 (10 CFR 2.206) of the Commission's regulations. The request has been referred to the Director of the Office of Nuclear Reactor Regulation. As provided by 10 CFR 2.206, appropriate action will be taken on this petition within a reasonable time. The NRC Petition Review Board (PRB) held two recorded public meetings on June 8 and October 7, 2011, with the petitioners, during which the petitioners supplemented and clarified the petition. The results of those discussions and all the supplemental information received from the petitioners were considered in the PRB's determination regarding the petitioners' request for immediate action and in establishing the schedule for the review of the petition. As a result, the PRB acknowledged the petitioners' concerns regarding: 1) safety-related back-up electric power systems to cool nuclear waste in the SFP, emergency make-up water reliable source to the SFP, and additional instrumentation for the SFP; 2) natural disasters such as earthquake and flooding; 3) reliability of the hardened wetwell vent system; 4) longer station blackout; 5) dry cask storage; and 6) wet or flooded underground safety-related cables; noting that these concerns are consistent with the NRC's mission of protecting public health and safety. Additionally, the PRB noted that the effects of the above 6 items are undergoing NRC review as part of the lessons-learned from the Fukushima event, or an already ongoing NRC investigation. The PRB intends to use the results of the Fukushima review and ongoing NRC investigations to inform its final decision on whether to implement the requested actions.

A copy of the petition (Agencywide Documents Access and Management System (ADAMS) Accession No. ML11167A114), and the transcripts of the June 8, 2011 (ADAMS Accession No. ML1104A058), and October 7, 2011 (ADAMS Accession No. ML11292A162), public meetings are available for inspection at the Commission's Public Document Room (PDR), located at One White Flint North, Public File Area O1 F21, 11555 Rockville Pike (first floor),

Rockville, Maryland. 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 PDR Reference staff by telephone at 1-800-397-4209 or 301-415-4737, or by e-mail to [PDR.Resource@nrc.gov](mailto:PDR.Resource@nrc.gov).

FOR THE NUCLEAR REGULATORY COMMISSION

A handwritten signature in black ink, appearing to read "E. J. Leeds", is written over the typed name below.

Eric J. Leeds, Director  
Office of Nuclear Reactor Regulation

Dated at Rockville, Maryland  
this 13<sup>th</sup> day of December 2011.

U.S. NUCLEAR REGULATORY COMMISSION



# PUBLIC PETITION PROCESS

10 CFR 2.206



## Introduction

The U.S. Nuclear Regulatory Commission (NRC) was established in 1975 to protect public health and safety in the civilian use of nuclear power and materials in the United States. As part of its responsibilities, NRC assesses all potential health and safety issues related to licensed activities and encourages members of the public to bring safety issues to its attention.

Section 2.206 of Title 10 of the *Code of Federal Regulations* (10CFR 2.206) describes the petition process—the primary mechanism for the public to request enforcement action by NRC in a public process.\* This process permits anyone to petition NRC to take enforcement action related to NRC licensees or licensed activities. Depending on the results of its evaluation, NRC could modify, suspend, or revoke an NRC-issued license or take any other appropriate enforcement action to resolve a problem. Requests that raise health and safety issues without requesting enforcement action are reviewed by means other than the 2.206 process.

In its effort to improve public confidence, the NRC periodically reassesses the 2.206 petition process to enhance its effectiveness, timeliness and credibility. As part of these reassessments, the NRC seeks feedback from petitioners and other stakeholders through public meetings and workshops, surveys and *Federal Register* notices, as well as from its own staff experience. Specific improvements to the 2.206 process resulting from these initiatives include:

- Offering petitioners two opportunities to discuss the petition with the NRC's petition review board (PRB). The first is to allow the petitioner to provide elaboration and clarification of the petition

\*The NRC also has an allegation process in which individuals who raise potential safety concerns for NRC review are afforded a degree of protection of their identity. Other processes for public involvement are listed at the end of this pamphlet.

before the PRB meets to discuss the petition. The second opportunity comes after the PRB has discussed the merits of the petition and allows the petitioner to comment on the PRB's recommendations regarding acceptance of the petition and any requests for immediate action.

- Offering an opportunity for a staff-petitioner-licensee meeting to discuss the details of the issue during the course of the review.
- Providing better, more frequent communications between the staff and petitioner throughout the process.
- Providing copies of all pertinent petition-related correspondence and other documents to the petitioners.
- Providing a copy of the proposed director's decision on the petition, both to the petitioner and the affected licensee for comments, and considering such comments before issuing the decision in final form.

## The Petition Process

The 2.206 process provides a simple, effective mechanism for anyone to request enforcement action and obtain NRC's prompt, thorough, and objective evaluation of underlying safety issues. It is separate and distinct from the processes for rulemaking and licensing, although they too allow the public to raise safety concerns to NRC.

Under the 2.206 process, the petitioner submits a request in writing to NRC's Executive Director for Operations, identifying the affected licensee or licensed activity, the requested enforcement action to be taken, and the facts the petitioner believes provide sufficient grounds for NRC to take enforcement action. Unsupported assertions of "safety problems," general opposition to nuclear power, or identification of safety issues without seeking enforcement action are not considered sufficient grounds for consideration as a 2.206 petition.

After receiving a request, NRC determines whether the request qualifies as a 2.206 petition. If the request is accepted for review as a 2.206 petition, the NRC sends an acknowledgment letter to the petitioner and a copy to the appropriate licensee and publishes a notice in the *Federal Register*. If the request is not accepted, NRC notifies the petitioner of its decision and indicates that the petitioner's underlying safety concerns will be considered outside the 2.206 process.

On the basis of an evaluation of the petition, the appropriate office director issues a decision and, if warranted, NRC takes appropriate enforcement action. Throughout the evaluation process, NRC sends copies of all pertinent correspondence to the petitioner and the affected licensee. NRC places all related correspondence in its Public Document Room (PDR) in Rockville, Maryland, and in the agency document control system. However, the agency withholds information that would compromise an investigation or ongoing enforcement action relating to issues in the petition. The NRC also sends the petitioner other information such as pertinent generic letters and bulletins.

The NRC notifies the petitioner of the petition's status every 60 days, or more frequently if a significant action occurs. Monthly updates on all pending 2.206 petitions are available on NRC's web site at <http://www.nrc.gov/reading-rm/doc-collections/petitions-2-206/index.html>, and in the PDR.

## Petition Technical Review Meeting

A petition technical review meeting serves not only as a source of potentially valuable information for NRC to evaluate a 2.206 petition, but also affords the petitioner substantive involvement in the review and decision-making process through direct discussions with NRC and the licensee. Such a meeting will be held whenever the staff believes that it would be beneficial to the review of the petition. Note that the meeting can be offered at any time during NRC's review of a petition and is open to public observation.

## Director's Decision

The NRC's official response to a 2.206 petition is a written decision by the director of the appropriate office that addresses the concerns raised in the petition. The agency's goal is to issue a proposed decision for comment within 120 days from the date of the acknowledgment letter. However, additional time may be needed to conduct an investigation, complete an inspection, or analyze particularly complex technical issues. If the goal is not met, the NRC staff will promptly inform the petitioner of a schedule change.

The director's decision includes the professional staff's evaluation of all pertinent information from the petition, correspondence with the petitioner and the licensee, information from any meeting, results of any investigation or inspection, and any other documents related to petition issues. Following resolution of any comments received on the proposed decision, the director's decision is provided to the petitioner and the licensee, and is posted to NRC's web site and made available in the PDR. A notice of availability is published in the *Federal Register*.

Director's decisions may be issued as follows:

- A decision granting a petition, in full, explains the basis for the decision and grants the action requested in the petition (e.g., NRC issuing an order to modify, suspend, or revoke a license).
- A decision denying a petition, in full, provides the reason for the denial and discusses all matters raised in the petition.
- A decision granting a petition, in part, in cases where the NRC decides not to grant the action requested, but takes other appropriate enforcement action or directs the licensee to take certain actions that address the identified safety concerns.
- A partial director's decision may be issued by the NRC in cases where some of the issues associated with the petition can be completed promptly but significant schedule delays are anticipated before

resolution of the entire petition. A final director's decision is issued at the conclusion of the effort.

The Commission will not entertain requests for review of a director's decision. However, on its own, it may review a decision within 25 calendar days.

NRC Management Directive 8.11, "Review Process for 10 CFR 2.206 Petitions," contains more detailed information on citizen petitions. For a free copy of the directive, write to the Superintendent of Documents, U.S. Government Printing Office, P.O. Box 37082, Washington, DC 20013-7082, or call 202-512-1800.

### Electronic Access

Those parts of the monthly status report on 2.206 petitions that are not of a sensitive nature, as well as recently issued director's decisions, and Management Directive 8.11, are placed on the NRC's web site at <http://www.nrc.gov/reading-rm/doc-collections/petitions-2-206/index.html> and in the agency's Public Document Room.

### Other Processes for Public Involvement

In addition to the 2.206 petition process, NRC has several other ways that permit the public to express concerns on matters related to the NRC's regulatory activities.

- The NRC's *allegation process* affords individuals who raise safety concerns a degree of protection of their identity.
- Under the provisions of 10 CFR 2.802, NRC provides an opportunity for the public to petition the agency for a *rulemaking*.
- The NRC's *licensing process* offers members of the public, who are specifically affected by a licensing action, an opportunity to formally participate in licensing proceedings. This process

applies not only to the initial licensing actions but also to license amendments and other activities such as decommissioning and license renewals.

- For major regulatory actions involving preparation of environmental impact statements, NRC offers separate opportunities for public participation in its *environmental proceedings*.
- The public can attend a number of *meetings* including open Commission and staff meetings, periodic media briefings by Regional Administrators, and special meetings held near affected facilities to inform local communities and respond to their questions.

More information on these activities can be found in NRC's pamphlet entitled, "Public Involvement in the Nuclear Regulatory Process," NUREG/BR-0215.

Office of Public Affairs  
U. S. Nuclear Regulatory  
Commission  
Washington, DC 20555-0001  
Telephone 301-415-8200 or  
1-800-368-5642

NUREG/BR-0200, Rev. 5  
February 2003

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P. Gunter

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publication. I have also enclosed for your information a copy of the brochure, NUREG/BR-0200, Revision 5, "Public Petition Process," issued February 2003, prepared by the NRC's Office of Public Affairs.

Sincerely,

*/RA/*

Eric J. Leeds, Director  
Office of Nuclear Reactor Regulation

Enclosures:

1. Summary Table
2. *Federal Register* Notice
3. NUREG/BR-0200

cc: Listserv

DISTRIBUTION: G20110262/EDATS: OEDO-2011-0269

PUBLIC	RidsNrrPMHatch	RidsNrrLACSola	RidsOpaMail Resource
LPL2-2 R/F	RidsNrrPMHopeCreek	RidsNrrLABTully	RidsRgn1MailCenter
RidsNrrDori	RidsNrrPMMonticello	RidsNrrLASRohrer	RidsRgn2MailCenter
RidsNrrDoriLp1-1	RidsNrrPMNineMilePoint	RidsNrrLAJBurkhardt	RidsRgn3MailCenter
RidsNrrDpr	RidsNrrPMOysterCreek	RNelson, NRR	RidsRgn4MailCenter
RidsNrrPMBrownsFerry	RidsNrrPMPeachBottom	SLingam, NRR	RidsNrrOd
RidsNrrPMBrunswick	RidsNrrPMPilgrim	MBanic, NRR	RidsOeMailCenter
RidsNrrPMCooper	RidsNrrPMQuadCities	TMensah, NRR	RidsOcaMailCenter
RidsNrrPMDresden	RidsNrrPMVermontYankee	RidsNrrMailCenter	RidsOigMailCenter
RidsNrrPMDuaneArnold	RidsNrrLASLittle	RidsOgcRp	
RidsNrrPMFermi2	RidsNrrLAABaxter	RidsOgcMailCenter	
RidsNrrPMFitzPatrick	RidsNrrLABClayton	RidsEdoMailCenter	

ADAMS Accession Nos: Package: **ML11339A077** Incoming: **ML11104A058** Letter: **ML11339A078**;  
FR Notice: **ML11339A080** NUREG/BR-0200: **ML050900248**

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NAME	SLingam	RSola	MBanic	RNelson	MEvans	ELeeds
DATE	12/7/11	12/6/11	12/5/11	12/7/11	12/9/11	12/13/11

\*via email

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