

NWX-US NUCLEAR REGULATORY COM (US)

**Moderator: Undine Shoop
October 20, 2020
3:40 pm CT**

Coordinator: Welcome, ladies and gentlemen, and thank you for standing by. Today's call is being recorded. If you have any objections you may disconnect at this time. All participants are in a listen only mode until the question and answer session of today's conference. At that time, you may press *1 on your phone to ask a question. I would now like to turn the conference over to Ms. (Joan Olmstead). Ms. Olmstead. You may begin.

Joan Olmstead: Thank you. Good afternoon everyone. I want to welcome everyone and thank you for participating in today's public meeting to discuss the proposed changes to the 10 CFR 2.206 petition process, based on recommendations from the report of the Energy Expert Evaluation Team on concerns pertaining to gas transmission lines at the Indian Point Nuclear Power Plant. My name is Joan Olmstead. I am from the NRC's Office of Nuclear Materials Safety and Safeguards. I'll be serving as your facilitator for today's workshop. My role is to help ensure that today's meeting is informative and productive. This is a Category 1 meeting. We will provide a lot of background material on this topic that sources feedback from the public during a community session on this proposal. The feedback that the NRC receives today is not considered

formal public comment. Next slide please. Okay, and I think we can go to the next slide after that.

The agenda for today includes an NRC staff presentation and time for questions regarding the petition process. Afterwards we will solicit feedback on the proposed changes to the 2.206 petition process. Next slide, please.

Now, I'd like to introduce Gregory Suber, Deputy Director of the Division of Operating Reactor Licensing of the Office of Nuclear Reactor Regulation. Gregory will give the opening remarks for today's meeting.

Gregory Suber: Thank you, Joan.

First of all, I'd like to thank everyone for coming and attending this meeting. As you know this is the second meeting that we're having to review the procedure comments for our 2.206 process. We just want to make a note up front that we are very interested in receiving your comments because your comments will be used to improve our process. We recognize that the 2.206 process is one way in which people can petition their government. Providing your feedback on how we can improve that process is important to us.

We want to ensure that the process is a consistent process and that it's a high quality process. In addition, we want to ensure that we are building public confidence in the way that we handle this process and how we move forward.

So once again, thank you for attending and (Joan), you can take it from there.

Joan Olmstead: Good. Thank you, Gregory.

I'd now like to introduce the NRC staff that will be making presentations during today's meeting.

Perry Buckberg from the Office of Nuclear Reactor Regulations.

Andrea Veil from the Office of Nuclear Reactor Regulations. She's out of the office. Jonathan Evans from the Office of Nuclear Reactor Regulation will be giving her part of the presentation as well as his own presentation.

Gregory Suber from the Office of Nuclear Reactor Regulations, whom you've already heard from.

And David Skeen from the Office of International Programs.

Next slide please?

This slide provides some ground rules for today's meeting. Please log into both the WebEx and the Bridge Line. This arrangement allows us to minimize our bandwidth to have a more stable meeting platform and help conduct the meeting's question and answer session.

I'd like to add that no regulatory decisions will be made during this meeting. The meeting will be transcribed, and the meeting transcript and meeting summary will be available on the NRC website.

Because of the number of attendees, we may need to limit the time for individual questions or discussion to make sure everyone has a chance to participate.

After everyone has a chance to ask a question, we may circle back and allow people to ask additional questions if we have time.

We also have the option to use a parking lot to capture ideas that may need further discussion after everyone has a chance to ask questions.

If you're not on WebEx and you'd like to view the presentation slide, they're located at the NRC's Agencywide Document Access and Management System (ADAMS) document database.

The ADAMS accession number for the package containing today's slides is ML20289A436.

The presentation slides ML numbers are also included in the public announcement.

This meeting is being transcribed so in order to get a clean recording and to minimize distractions during the meeting, we'll ask the panelists to mute their phones when they are not speaking.

For the attendees on the phone, you will be on a listen only mode until the question and answer portion of this meeting.

If you'd like to speak, please contact the operator by pushing *1 and she'll put you in a queue and announce when it is your turn. You'll be asked to state and spell your name and affiliation and then press # to return to the meeting. Otherwise, you'll be unable to hear the meeting until the time delay finishes.

We're always looking for ways to improve our meetings and your feedback is important to us. At the end of the meeting, please go to the NRC public

meeting website, click on the “recently held meetings” button, and look for this meeting. The meeting feedback form will be at the bottom of the meeting’s announcement. Next slide, please?

And with that, I’ll turn this over to Perry Buckberg for our first presentation.

Perry Buckberg: Thanks, Joan.

Good afternoon. My name is Perry Buckberg. I’m the NRC’s 2.206 petition coordinator. Can you guys hear me okay?

Joan Olmstead: Yes.

Perry Buckberg: Thanks. I will be presenting the information regarding the current process the NRC follows for 2.206 petition reviews.

The 2.206 petition process allows a member of the public, a local government official, an NRC employee, or anyone to request enforcement action against an NRC Licensee.

Some of the requirements for such requests are provided in this slide and Management Directive 8.11 as well. The linked brochure contains more background and details on the process.

Next slide, please?

Management Directive 8.11 was last revised in March of 2019, and the revision was in response to lessons learned since the previous directive had been issued in 2000.

Prior to 2019, the NRC held several meetings to obtain internal and external stakeholder feedback on the 2.206 process. The staff also considered Commission direction, as reflected in the staff requirements memorandum or SRM-18-0208.

In concurrence with the revised management directive, we also issued a desktop guide. Let me try that again; a desktop guide that includes detailed examples, templates, and flowcharts, along with the management directive's process.

Next slide, please?

This slide shows the typical steps that make up the overall process. The petition receipt and screening make up the list on the top row. The petition review board (PRB) evaluation makes up most of the middle row, and review of an accepted petition follows in the bottom row.

Let me first emphasize that the need for immediate action is considered for every submittal whether requested or not. If immediate action from a petition submittal is warranted, the NRC will act to address the concern by any means necessary and this includes acting independent of the 2.206 petition process.

Following the chart on the top row, once the immediate action consideration is made, if petition concerns screen into the 2.206 petitioning process, the PRB will be assembled to assess whether or not the petition provides the NRC with new and significant information.

The petitioner will have an opportunity to clarify or supplement the petition in a meeting with the PRB once the initial assessment is made.

If the petition does provide new and significant information, the PRB will accept the petition for review, send the petitioner an acknowledgement letter, and the full process will be followed.

The full process includes a detailed technical review of the petition concern and a decision regarding the need for enforcement action.

This technical review and the enforcement decision will ultimately be reflected in a director's decision.

On the other hand, if the PRB evaluation of screened in concerns results in identification of an applicable existing NRC review, a previous review in this case, a closure letter will provide the petitioner with information on the existing review and the 2.206 process will be completed.

Next slide, please?

Regarding screening, as I mentioned in the previous slide, this is the second step in evaluating a new petition submittal, after immediate action is considered.

If any concern in a submitted petition passes the screening criteria, a PRB will be established to evaluate that concern. But a concern or an entire petition request may better fit another NRC process, or may not have the minimum amount of information to initiate PRB evaluation.

For example, some concerns expressed in the 2.206 petition may be better matched to the agency's allegation process, or in some cases a concern may not be accompanied by adequate supporting facts. In each case the screening

results will be communicated to the petitioner. Also, we do partially screen in and partially screen out some submittals.

Next slide, please?

After immediate action is considered there are three main petition process metrics that come into play. When a PRB evaluates a petition to assess whether or not it provides new and significant information, the resulting acknowledgement letter or closure letter is targeted for 90 days from the date the new petition was assigned to the staff. The proposed director's decision is normally issued at 120 days after an acknowledgement letter, and includes any new staff review and analysis, and also includes the staff's decision regarding a need for enforcement action.

The petitioner and licensee will then have 14 days to comment on the proposed director's decision. A final director's decision is normally issued 60 days after the proposed director's decision and will respond to any questions on the proposed director's decision.

Once issued the Commission reviews every director's decision and can choose to involve itself in that decision.

This completes my overview of the current 2.206 petition review process.

Gregory Suber: All right, thanks Perry for that overview of the process. My name is Gregory Suber, and I am the Deputy Division Director for the Division of Operator Reactor Licensing and the Senior Executive Service Champion for the 2.206 change process.

The remainder of the staff's presentation will focus on three things: The February 2020 Office of the Inspector General (OIG) event inquiry, the resulting NRC Expert Evaluation Team report recommendations, and some of the proposed revisions to the current 2.206 process.

Before we move to the next slide, I would like to take a minute to acknowledge and give credit to the vigilant members of the public who've challenged us to improve our processes. Specifically, I would like to acknowledge Mr. Paul Blanch, whose persistence in following the gas pipeline issue helped identify some deficiencies in the implementation of our processes. Today, we are eager to hear some other perspectives as we seek to implement further improvement.

Next slide, please?

The NRC's OIG received information from a member of the public concerning the NRC's oversight of a 42-inch natural gas pipeline proposed to traverse the Indian Point Nuclear Power Plant property. The OIG initiated an event inquiry to examine an NRC inspection report and review the analysis used to conclude that the pipeline project did not hold significant risk to the plant.

Next slide, please?

The OIG issued a report in February of 2020 that made two findings. First, the OIG found that the 2.206 process presented an opportunity for the NRC to reevaluate and confirm work previously done. Secondly, the report found that the NRC did not thoroughly reexamine the analysis and did not accurately communicate the analytical work that was performed.

These findings prompted the NRC Executive Director of Operations (EDO) to assemble a team to evaluate the OIG report and determine what actions might be required to address the findings. Mr. Dave Skeen is one of the leads for that team, and he will now discuss their evaluation and detail some of the recommendations. Dave.

David Skeen: Well, thank you very much Mr. Suber, and I'm certainly happy to be here this afternoon. My day job is the Deputy Director for the Office of International Programs at the NRC, but I was tasked by the EDO to lead the NRC's Expert Evaluation Team in its review of the NRC Inspector General's Event Inquiry looking into the activities pertaining to a 42-inch gas transmission line that was installed near the Indian Point Nuclear Power Plant.

The Expert Evaluation Team was initiated by the EDO, and we were made up of NRC regulatory, technical, and legal experts, who had no previous involvement in the NRC's activities that were the subject of the Inspector General's report. We also enlisted support from external experts from the Department of Transportation Pipeline and Hazardous Materials Safety Administration to help us in our review.

The team performed an independent review of the Inspector General's findings and we interviewed both internal and external stakeholders who were involved in the issues identified in the Inspector General's report.

Our findings were documented in a report to the Nuclear Regulatory Commission Chairman in April and that report is publicly available.

The team determined that even though the Indian Point reactors would remain protected in the unlikely event of a rupture of the gas line, several of the technical and procedural findings in the Inspector General's report were valid.

As a result, the team recommended several improvements to the NRC's internal processes and procedures. All of the team's recommendations were approved by the EDO, and the NRC staff is now considering changes to the agency's process to address those recommendations.

From today's meeting, I will derive just a brief overview of the team's recommendations related to the NRC's process for reviewing petitions from the public, requesting that NRC take enforcement action under regulations cited in (10 CFR 2.206).

So, the first recommendation dealt with modernizing the PRBs at the NRC. Under the NRC's current petition review process, a separate PRB is convened for each petition.

Membership on the board is an ancillary duty for each participant and the leadership of the board is rotated among senior managers. It could be a few years in between serving in that role, which may lead to some inconsistencies in the expertise and experience level of those serving on a PRB.

As a result, the Expert Evaluation Team recommended designated standing members for some crucial positions on the board, who may serve across multiple boards, which will provide continuity and lead to a bigger consistency in the petition review process.

The second recommendation had to do with the independent petition reviews. One of the reasons that the PRB may reject a petition's request is because the issue raised by the petitioner has been previously resolved on either a facility-specific or a generic basis. For that reason, the Expert Evaluation Team recommended that if a new petition is submitted that has been previously resolved, to the extent practical, the board members selected to

review the new petition should be independent from the resolution of the previous petition in order to allow for an independent review of the new petition.

The third area was to conduct detailed reviews after accepting the petition for review. The Expert Evaluation Team noted that sometimes there is significant work performed by the staff to evaluate a petitioner's request. However, if the decision is ultimately made not to accept the petition, the analysis performed to support that decision is not always well-documented. As a result, the team recommended that if the staff needs to expend more than just a minimal amount of effort or needs to conduct extensive analysis in order to determine whether it accepts a petition for review, it needs to be more transparent to accept the petition and then document the agency's evaluation in a director's decision. In addition, by thoroughly documenting the evaluation, the agency would benefit from having access to this information if a similar request is received in the future.

Finally, the fourth recommendation dealt with documenting analysis supporting the petition decisions. During the Expert Evaluation Team's review, we thought it was very difficult to reconstruct some of the technical evaluations and calculations that were used by the staff to support the denial of the petitioner's request pertaining to the gas line at Indian Point.

As a result, the team recommended that any staff technical evaluations or calculations that are used to support a petition decision, should be rigorously documented. In addition, this information needs to be retained in a retrievable form and be written in a manner that supports a full understanding of the calculations that were performed, including any assumptions or engineering judgments that the staff may have made.

So that was the four recommendations that the staff came up with when we went through our evaluation of the event. So, I will now turn it back over to Gregory for the rest of the presentation. Thank you.

Gregory Suber: Thank you, Dave.

Okay, Joan we can proceed with the next steps in the presentation, which I believe is with Jonathan Evans.

Jonathan Evans: Hi, this is Jonathan Evans.

I'm a Liability and Risk Analyst with the Office of Nuclear Reactor Regulation in the Division of Risk Assessment and I'll be covering the four recommendations.

As part of recommendation one, the Expert Evaluation Team recommended that the NRC centralize the efforts surrounding 2.206 petitions in order to foster consistency and effectiveness. An approach to making that happen is to designate members to serve in dedicated roles. We proposed to have full-time 10 CFR 2.206 petition managers, which would promote consistency in the process. We would also have a small pool of trained NRC SES managers to choose from to serve as rotating PRB chairs.

The technical staff contributors would still be chosen from the office from which the petition relates. With that considered, we would still ensure the PRB selection to maximize independence from the original decision, and that's what we will discuss in the next slide.

The Expert Evaluation Team recommended to the extent practicable, that assigned PRB members and support staff are independent from any previous

substantive work on the issues raised in the petition. Independence was another area that we considered to be appropriate for some change. There are many reviewers within the agency at differing levels of expertise, and we should seek out that expertise when conducting evaluations raised in petitions. That means staff who work on the issues subject to the petition and managers who signed it off should not be assigned to review the petition itself. We recognize there may be circumstances where this is not practicable, and plan to defer those rare instances to someone within the PRB.

The third recommendation from the Expert Evaluation Team is that we accept petitions for review if detailed analysis is needed to adequately evaluate the issues in the petition. Our process at the time of the Inspector General recommendation did not have a method for moving petitions that required more analysis through the acceptance process without taking a long time. I would like to note that the OIG recommendation came out prior to the current management directive and desk guide which implemented additional acceptance criteria. Proposed staff action for this one is that we are considering changes to the management directive and desk guide by creating additional acceptance criteria that would accept the petition if it is determined that a detailed analysis would be required to complete the initial assessment.

Communication and notification to the petitioner on the status of the petition, when it has not yet been accepted or rejected, could be improved. Therefore, we are also considering updating the management directive and desk guide to provide additional information throughout the review process.

The Expert Evaluation Team recommended that any staff analysis or calculation, used to support a 10 CFR 2.206 petition decision, should be rigorously documented. Documenting the basis for any decision is imperative to safety conclusions. The staff is considering changes to the management

directive and desk guide to provide specific documentation steps that will trigger a technical reviewer to ensure that they are describing their thought process and the input that contribute to decision making. This would create a greater focus on documentation of information needed to support the PRB decisions.

Okay, now on to another staff proposed improvement. There were a few meetings conducted internally, and the feedback we received from staff was to examine the petition screening process. Potentially, we will also consider adding a final review of an aggregation of the requested actions to ensure that evaluation of the larger concern is appropriately addressed.

On to a little bit of the feedback. I will also go over the public feedback received during and after our August 18, 2020, public meeting and how we addressed that feedback. As you can see on the screen, the feedback ranged from the format of the meeting itself to the transparency of the 10 CFR 2.206 petition process, as can be seen here. As a result of some of that feedback, we actually did make some changes. In response to the feedback we received, we have attempted to address those concerns by adjusting the manner in which the public engages with us during our proposed periodic meetings, such as today. During the question and answer portion of the meeting, the public should still be able to hear the discussion while waiting on hold to ask a question.

Another thought was to provide a central repository where information and documentation requirements would be easy to find. We also plan to reexamine the petition timeline to see if improvements can be made.

Finally, the website could use some improvements to its modernization so that it will improve the public's access to that information. With that, I will go ahead and turn the presentation back over to (Gregory Suber).

Gregory Suber: Thanks Jonathan, I appreciate that. Before we transition to the next phase of the meeting, I would like to reinforce some key messages.

First, I want to say that the 2.206 process is an opportunity for you, the public, to petition the government. We are public servants and we need to be receptive of your feedback on the process that gives voice to your concerns. This is the major purpose for our meeting today, so we welcome your viewpoints and recommendations.

It is important that we keep the conversation focused on the true purpose of the meeting. We're either focused on receiving your comments or on how we can improve the process, and we respectfully ask that you remain focused on the topic at hand, so that everybody may have an opportunity to voice their concerns. This way, we hope to give everyone a chance to speak on the topic, understanding that off-topic comments take time away from the meeting's purpose.

We would also like to ensure that we've heard your concerns raised in previous meetings and are actively listening to what you have to say today.

We have four major messages that we would like to emphasize. First, we agree that there is benefit in having dedicated positions within the PRB to promote consistency in the 2.206 process, and we are committed to increasing the quality of our reviews and ensuring consistency.

Independence within a PRB is critical to increasing public confidence in the decision-making process and reaching an acceptable technical conclusion to the maximum extent practicable. Technical members of the PRB will be an arm's length from the original review.

When detailed analysis is required to evaluate a petition, that petition should be accepted for review. More importantly, there should be timely communication with the petitioner, and we will make that a priority.

And finally, it is imperative that all calculations and analyses be properly documented to ensure the openness and transparency of our decision making, and we are committed to that.

Now, I will turn it over to Joan to facilitate the next phase of our meeting.

Joan. Hello, Joan? Your phone might still be on mute.

Joan Olmstead: Yes, it is. Thank you, Gregory. It's now time for a public question and answer session. If you have any questions about one of the specific slides or presenters, please try to refer to the appropriate slide or presenter in your question.

Limit comments in questions to three or five minutes so everyone has time to speak, and if we have time, you'll be able to ask additional questions and go through the operator again.

We're limiting today's Q&A session to comments on the Section 2.206 petition process proposals. If we receive questions concerning topics beyond the scope of this meeting, we will try to provide you a way to obtain information on these other topics, too.

We'll ask the operator to unmute everyone's phone. Please press *1 if you'd like to get in the queue, and then say your name and affiliation. Your name needs to be included because this is a public meeting. Then press the # key to return to the meeting. Press *2 if you decide, later, to leave the queue. And with that, I'll have the operator to start the session.

Coordinator: Thank you. We will now begin our question and answer session. If you would like to ask a question, please press *1 from your phone, unmute your line, and speak your name clearly when prompted. Your name is necessary to introduce the question. If you would like to withdraw that question, please press *2.

Again, if you would like to ask a question, please press *1, say your name, and then the # sign so you can get back into the conference and hear the conference clearly.

One moment as we wait for any questions.

Jenny Tobin: Okay, let's give people a few minutes so they can unmute their phone and get into the queue. So far, I don't see anyone in the queue yet. All right, operator, I see someone in the queue. Will you please introduce them?

Coordinator: Yes, our first question is coming from Paul Gunter. Paul Gunter with Beyond Nuclear. You may begin.

Paul Gunter: Hi, can you hear me?

Jenny Tobin: Yes, we can.

Paul Gunter: Okay. Hey, can you tell me why this event is limited access? The WebEx event has locked me out. I was registered, but I cannot get to the slides because it says the event status is restricted and the WebEx event is locked. The host has restricted event access to those currently in attendance. So, I admit I was a few minutes late, but I don't understand what the reason is for restricted access.

Gregory Suber: Hey, Mr. Gunter, how you doing? This (unintelligible), there should not be restricted access so we will try to find out. The slides are also available on the public meeting notice. There's a link to the slides and I apologize for that snafu with respect to the communications. However, the slides are available if you have a computer open to the public website link, and I will ask Ms. Jenny Tobin if she could look into any problems that you're having with respect to WebEx.

Paul Gunter: I mean, is the WebEx event locked right now?

Gregory Suber: It should not be locked. No sir. It should be open to the public. We indicated that we have ample lines because we thought that this meeting would be, kind of, well attended. So, if you could check again, I'd appreciate that, like I said.

Paul Gunter: Yes, I'm going to have to back out of your Cisco WebEx because, you know, the screen I'm looking at is your link. I just don't understand why this WebEx event would be locked.

Jenny Tobin: It's not locked.

Paul Gunter: Well, you know, I can take a screenshot. And I can go back to, you know, I'll go back to the information notice, but I'm looking at the screen that I'm looking at, and it is Cisco, WebEx, US NRC. And in the event status, it says

“is restricted for October 20, 1pm.” In addition, then it says the join event now does not work. The WebEx event, it says, is locked and the hostess restricted the event access to those currently in attendance. So, it looks like you've sealed off the presentation at some point after starting this WebEx.

Scott Burnell: Good afternoon, Paul, it's Scott Brunel from Public Affairs. We do our best to make sure that the technology is aligned to have everybody participate. If you could, just close out that browser and start over. We are looking at the same WebEx you are, and you should be able to get into the presentation. While you're going through that process, would there be a specific comment or question that you had in mind about the recommendations?

Paul Gunter: Let me get in first. Take another question.

Scott Burnell: We will come back to you. Thank you, Paul.

Jenny Tobin; Okay, Paul and remember to stay on the bridge line too. Don't disconnect, because it's separate. The visual is through the WebEx and the audio is through the bridge line that you're on now.

Coordinator: Okay, I'm going to move you out of the queue Mr. Gunter, but we'll bring you back in when you are ready. Thank you.

The next question is from Paul Blanch, Energy Consultant. Paul, your line is open.

Paul Blanch: Good afternoon David and all those other people. I've got no questions, but I have very significant comments. Being that I was the initiator of this whole thing with the Inspector General and the author of the 2.206 petition, I probably have significant knowledge. At the beginning of the meeting, the

words “public confidence in the process” were mentioned. From my relationship with those people that have submitted 2.206 petitions, I think if you want to improve public confidence you should find out what public confidence those people over the past number of years have in this process. I know if you asked me, my confidence is zero.

Now, let me first of all get to an issue that has not been properly resolved. If we look at the OIG Event Inquiry, I think it's 16-024 whatever. I was working on it this morning and this is something everyone's got to take to heart. In that OIG Event Report or Inquiry, there were 14 times it mentioned that inaccurate information was provided by the NRC, primarily to me. There was also one or two statements that talked about how the NRC misrepresented information. Now I would have thought after my discussions with Dave Skeen and everything, that that would have raised a flag, and we, the NRC, would have really determined a way to make sure that anything that is sent to the petitioner is accurate, complete, so on, and so forth. Now a petition was filed on February 4th by Public Watchdogs and, of course, I was the author of that. That petition had to do with flooding of the FSC system with 73 canisters being potentially flooded. We received a letter from Kevin Williams, dated September 1st of this year, that contained incredible amounts of inaccurate and incomplete information. Totally, totally bogus. Regarding that letter, as you have previously discussed before it went out, I would have expected some type of interest independent review to assure that the rejection of the petition was properly justified by the references provided in the rejection letters. We will have a response to that. However, again, after all of this and everything I have been through with Indian Point, the Inspector General, and everyone that's been involved here, we're still getting inaccurate, incomplete, and in some cases, intentionally misleading information. That's a serious accusation that I'm making, and I'll deal with that. When the NRC is either rejecting or proposing to reject a petition, which is my case here on that September 1st

letter, or the final director's decision, what assurance do we have that the information provided in these documents is in fact complete and accurate? As of September 1st, the NRC continues to intentionally mislead members of the public and the millions of residents, especially around the San Onofre Plant. We had it with the Indian Point Plant, but it's just Déjà vu and the NRC needs to look at that. I will be outlining all the false information that was provided by the NRC in a response within the next week. It's incredible. We have technical specifications that are obsolete, and these are referenced in the response that absolutely cannot be met. These are legal licensing documents whereby the NRC is misleading us, the public, myself, and my client and nothing has improved. I apologize for sounding so negative, but I've been working on my response to Mr. Williams' letter for the past few days and interfacing with other federal agencies. That's all (unintelligible).

Scott Burnell: Paul. Thank you, Paul. Again, Scott Burnell from Public Affairs. Whenever you submit your letter, the staff will review it. They did take a great deal of time in putting together an extensive letter closing out the petition and the staff does stand by that. Do you have any specific?

Paul Blanch: (Unintelligible).

Scott Burnell: Was it a question regarding the recommendations that we're discussing today?

Paul Blanch: Absolutely, the petition was not closed out. It was just rejected. So, it was never even accepted.

Scott Burnell: That is one of the potential outcomes of the process. The staff can determine that a petition is not suitable for review. So again, do you have any questions or comments on the recommendations that we're discussing today?

Paul Blanch: My comments are the NRC has got to look very carefully. I think David Skeen mentioned it. They have to look, very carefully, at the proposed response to a petitioner to assure its accuracy. This has not been done and it's got to be done.

Scott Burnell: We'll take that as a comment. Thank you, Paul.

Jenny Tobin: Thank you, Paul. In the meantime, from the (unintelligible) earlier, Paul, we have tested out the system for joining WebEx and other people have been able to get in. We're going to send you a link directly to your email that we have. So hopefully that will work and you're still on the line.

Coordinator: Okay, our next question comes from Billie Garde from Clifford and Garde LLP. You may begin.

Billie Garde: Thank you. My question in terms of looking through your recommendations, is based on my recent experience with a TVA [Tennessee Valley Authority] 2.206. In that case, the length of time that it took from the receipt of the 2.206 until there was any meaningful staff action allowed the staff to consider the inspection reports that were not conducted at the time that the petition was filed, and were done subsequently, as a basis to then close out the inspection report.

So, I felt like it was really a trap instead of a meaningful process, because all it did was get the issues referred back to the staff. The staff, then, included them in inspections and reached conclusions on things that I had put in the 2.206. Then the process relied on those conclusions, all of which were essentially just a dollop of staff actions and no independent review.

To me that process was flawed from the beginning and I don't know that these recommendations would prevent that from happening. Also, that process was going on at the same time that there were significant OI investigations that were going on that ultimately were released too late to be considered in the 2.206 but confirmed many of the issues that were raised in the 2.206.

So again, I understand that the OI and the OIG have a need for somewhat 'silo-ing' but without having access to complete information, a petitioner is essentially kind of stuck in a process in which the NRC staff can have meetings, decide how to, from my perspective, bypass the process, avoid being able to grasp the process, delay it until it becomes ineffective, and then deny it as if it never had any basis in the first place. So, I feel like the 2.206 process now is just basically a trap and an incredible waste of time and energy.

You know, I put in substantial time, in terms of preparing the 2.206, putting in information pulled together from the records. Clients and employees have no idea what went into that black box and then came out with, you know, a very short answer that says the staff already considered these. Well, they certainly hadn't considered it at the time the petition was filed, but given a year, then they did take those issues and look at them. Of course, there's no way to know exactly what they were based on. If TVA was sailing positively forward, you know, maybe that is justified, but they continue to have the same kinds of problems that were raised in the 2.206 petition, really making a mockery of the answer. So, I don't see how the proposed process changes it in any way that makes the NRC accountable for actual detailed and timely responses to the issues that are raised. It looks more, as I've said, like up a PRB trap. So, you raise the issues and then it makes it look like the NRC came up with the answers on their own when that is not what happened at all. My perspective on this is really guided, you know, by a 2.206 petition that I

was involved with at the Zimmer Plant, some 30 years ago, that was incredibly effective. We raised information that the NRC considered and granted, in terms of looking at employee allegations. There was no process for that 2.206 at the time and there was no process in the management of issues. I have continued to think that the NRC has become so muscle bound by and limited by the prescriptive nature of your procedures, that you've done a great disservice to your ability to look at these issues holistically and take a step back and really think through what's going on. Instead, you're just almost given like scribes, to follow the procedures and 'prescriptives,' and have disallowed yourself the ability to think outside of the box. That, I think, is where you, as a regulatory agency, are going to get in trouble. You'll follow the rules and follow the, you know, outline that you've given yourself, but you'll miss the picture. That's one of the comments in here in terms of looking at things holistically. I really think you got to beef that up because my experience is that you've proceduralized yourself almost into ineffectiveness.

Scott Burnell: Scott Burnell from Public Affairs. Joan, if I could just briefly respond. So, from that we would take your comments to be directed towards the recommendations for accurately documenting this fast decision and you would like to make some additional recommendations as to what you would consider timely responses from the staff.

Billie Garde: Yes.

Scott Burnell: Thank you.

Gregory Suber: Hey, Scott, if I could also just follow up on one thing. Another thing that we're looking at in the process is a better way to stay engaged with the petitioner during the process so that we don't have long intervening periods where the petitioner is not getting status information on the petition if, in fact,

the petition is taking longer than we had anticipated previously in the process. That's something that we're also looking at, Ms. Guard, to improve the frequency in which we communicate with our petitioners and to give them proper status on their petition. So, I hope that that will at least partially adjust some of the concerns and experience that you have.

Billie Garde: Thank you.

Jenny Tobin: Yes. Thank you very much for your comments because I think that was very helpful for us to hear. We have information that Paul Gunter was able to join WebEx and I haven't seen him join yet to ask his question. So, let's hold on a few minutes to see if he can push *1 to get into the queue. We don't have anyone else in the queue at this time. So, if anyone wants to ask a question, please press *1 and state your name and affiliation. Press # and we will take your questions. Thank you.

Coordinator: Okay, our next question comes from Mr. Paul Gunter. Mr. Gunter, your line is open.

Paul Gunter: Thank you. So, my question has to do with some clarification on how the PRB and NRC can coordinate with the Freedom of Information Act Division. A lot of these 2.206 petitions are coupled with Freedom of Information Act requests. So, you know, is there a communication line between the PRB and how the FOIA requests are being addressed?

Scott Burnell: Good afternoon, Paul. It's Scott Burnell, again from Public Affairs. That's not an issue that was discussed in the IG Report or the recommendations that the staff made to improve the 2.206 process. Given that we don't have staff from the FOIA department immediately available, you can certainly email me that

question. You've emailed me before and we've corresponded that way. I can certainly get back with you at a later time once we have an answer for you.

Paul Gunter: Thank you.

Coordinator: Again, as a reminder, if you would like to ask a question, please press *1. Unmute your line and say your name. If you would like to withdraw your question, please press *2.

One moment please, as we wait for any additional questions.

Joan Olmstead: All right, Operator, why don't we wait for a few more minutes as we see if anyone else wants to push *1 to ask a question or provide feedback on our proposals today. We're going to wait a few more minutes.

I'm just going to remind people that the meeting is being transcribed. We'll have the transcript available at the NRC site. If you have any other questions, you can always email Scott Burnell in our Public Affairs office if you need further information on any topic.

We'll give that a couple more minutes, then I'll have Gregory close out the meeting.

Scott Burnell: While we're waiting, since John mentioned, my email, in case anyone in the audience doesn't already have it, is S-C-O-T-T . B-U-R-N-E-L-L @nrc.gov.

Joan Olmstead: All right, I'm going to, again, just wait another minute or so. We'll see if anyone wants to press *1 for further questions.

None, I'll ask Gregory to close out the meeting.

Gregory Suber: Hello? Okay, Joan, is that it?

Jenny Tobin: That's it. We don't have anyone else. Oh, wait, we have Paul Gunter back in the queue. Operator?

Is there someone(unintelligible)?

Coordinator: I'm not seeing Paul Gunter in the queue right now. If you want to ask a question, please press *1.

Instead, I have no one in the queue right now.

Joan Olmstead: Okay, we just see the meeting view, but you would have a better list than I do.

Alright, with that, I would like to, you know, end our question and answer session for today's meeting. Before I introduce Gregory Suber to close the meeting, I'd like to remind everyone to fill out your meeting feedback forms, located in the NRCs recently held public meetings web page for this meeting's announcements. Your input helps to improve future NRC public meetings, and we always appreciate any thoughts or comments you have on them.

And now I'd like to introduce Gregory Suber to provide closing remarks.
Gregory.

Gregory Suber: Okay, thank you, Joan. In closing, I would just like to thank everyone who called in to participate. In this meeting, I apologize for any technology challenges that we have had. I think everyone had enough of an ample opportunity to sign in and to give voice to their concerns. The 2.206 process is a way for the public to petition the government and we take those petitions

very seriously. We're looking closely at this process to try to make this process better, and your constructive comments are a good way in which to help us meet that goal of improving the process and improving our responsiveness to your concerns. So, as it was stated, the meeting is transcribed, and we plan on making the transcript of this meeting available to the public through the NRC public website. In addition, we will also post the slides for the meeting so if anyone missed the meeting and would like to hear the transcript, they will be free to do that. Also moving forward, we anticipate having additional meetings as we begin to consider your comments and make changes to the process. I hope that, as we also implement this process, they will be iterative, and we'll make changes as we go along.

So once again, thank you for your participation and thank you for voicing your concerns. Please enjoy the rest of your day. Thank you.

Joan Olmstead: All right operators. Again, thank you very much for attending this meeting. We always find the public comments very helpful. Operator, you can close out the meeting now, please.

Coordinator: Thank you ladies and gentlemen for participating today. You may now disconnect.

END