

From: [Giebel, Stephen](#)
To: LWohlford@btlaw.com
Cc: CLaBella@btlaw.com; ZHeller@btlaw.com; RGordon@btlaw.com; Eric.Beste@btlaw.com; [Cruz Perez, Zahira](#); [Averbach, Andrew](#)
Subject: RE: 2.206 Petition -Result of Initial Assessment
Date: Monday, December 23, 2019 2:41:01 PM
Attachments: [image001.gif](#)

Mr. Wohlford,

Thank you for your quick reply. I am replying in Zahira Cruz's absence.

Several members of the petition review board are unavailable until January. Accordingly, the NRC staff will coordinate with you on a mutually agreeable date for a teleconference, most likely in mid-January; we would anticipate publicly noticing the meeting once the key NRC staff members are back in the office. Ms. Cruz will contact you upon her return to discuss timing and additional details of the presentation.

Thank you,

Stephen Giebel
Acting for Bruce Watson, RDB Branch Chief

Stephen J. Giebel

Health Physicist/Alternate Radiation Safety Officer

U.S. Nuclear Regulatory Commission

Office of Nuclear Material Safety and Safeguards

Reactor Decommissioning Branch

Mail Stop T-5A10

Rockville, MD 20852

From: "Wohlford, Luke" <LWohlford@btlaw.com>
Subject: [External_Sender] RE: 2.206 Petition -Result of Initial Assessment
Date: 20 December 2019 19:48
To: "Cruz Perez, Zahira" <Zahira.CruzPerez@nrc.gov>, "La Bella, Chuck" <CLaBella@btlaw.com>, "Heller, Zachary" <ZHeller@btlaw.com>, "Gordon, Randy" <RGordon@btlaw.com>, "Beste, Eric" <Eric.Beste@btlaw.com>
Cc: "Averbach, Andrew" <Andrew.Averbach@nrc.gov>

Dear Ms. Cruz:

Petitioner accepts your offer of a public meeting with the Petition Review Board ("PRB") relating to its 2.206 Petition, which was submitted to the NRC on September 24, 2019. Given the exigent issues raised by the 2.206 Petition, Petitioner respectfully requests that the public meeting be held as soon as possible.

Pursuant to the NRC's Management Directive ("MD") 8.11(III)(F)(1), Petitioner proposes that the meeting be held in person at the San Juan Capistrano Community Center, 25925 Camino Del Avion, San Juan Capistrano, CA 92675, which was the site of the NRC's most recent public town hall

meeting concerning SONGS. Alternatively, Petitioner proposes that the public meeting be held by public teleconference or virtual public meeting.

Pursuant to MD 8.11(III)(F)(7), Petitioner respectfully requests that its counsel be permitted to address the PRB at the meeting.

Please contact me at your earliest convenience to finalize the logistics for this public meeting. I look forward to hearing from you.

Best regards,

Luke Wohlford

Luke Wohlford | Partner

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Atlanta | California | Chicago | Delaware | Indiana | Michigan | Minneapolis | Ohio | Texas | Washington, D.C.

From: Cruz Perez, Zahira <Zahira.CruzPerez@nrc.gov>

Sent: Wednesday, December 18, 2019 4:36 PM

To: La Bella, Chuck <CLaBella@btlaw.com>; Heller, Zachary <ZHeller@btlaw.com>; Gordon, Randy <RGordon@btlaw.com>; Wohlford, Luke <LWohlford@btlaw.com>; Beste, Eric <Eric.Beste@btlaw.com>

Cc: Averbach, Andrew <Andrew.Averbach@nrc.gov>

Subject: [EXTERNAL]2.206 Petition -Result of Initial Assessment

Hi Everyone,

The Petition Review Board (PRB) has evaluated the petition you submitted on September 24, 2019, pursuant to 10 CFR 2.206, regarding decommissioning activities at San Onofre Nuclear Generating Station (SONGS). The PRB's evaluation assessed whether the petition meets the applicable acceptance criteria in NRC's Management Directive (MD) 8.11. Based on the PRB's initial assessment, it appears that all of the issues raised in your petition have already been the subject of NRC staff review and do not raise concerns that the NRC staff has not considered and resolved. Accordingly, as discussed further below, our preliminary decision is to not accept the petition for review.

The NRC Staff has continued to carefully regulate the licensee's decommissioning activities at SONGS, including through its review of the fuel storage facility design, inspections (encompassing the physical facility as well as the licensee's operational performance), and

appropriate enforcement actions. More specifically, the NRC performed a thorough review of the UMAX Independent Spent Fuel Storage Installation (ISFSI) design used at SONGS, a design the NRC approved in 2017 through a public rulemaking (ML16341B061). In addition, NRC Staff from Headquarters and Region IV continually perform oversight to ensure that the storage of spent nuclear fuel at SONGS does not pose a threat to public health and safety. NRC inspections of decommissioning activities at SONGS are documented in inspection reports that are publicly available. See for example, ML18200A400 and ML19316A762. The Staff has also specifically considered the events described in your petition regarding the licensee's fuel loading operations and potential scratching of the fuel canisters. See for example, ML19190A217. The NRC's regulatory response included detailed assessment of the significance of the events, specific enforcement actions, and subsequent consideration of the licensee's corrective actions.

As a result, the NRC Staff remains confident that reasonable assurance of adequate protection of the public health and safety can be maintained for as long as fuel is stored in accordance with the requirements of the SONGS license, the certificate of compliance for the Holtec system (and any other licensed systems that may be implemented in the future at the SONGS site), and other applicable requirements. And the agency is committed to ensuring the continuation of its ongoing regulatory oversight of the facility, as reflected in the NRC's rigorous review of the fuel storage design used at SONGS, together with its well-documented inspection and enforcement activities at the site.

Regarding your concern about environmental impacts of the decommissioning activities, NRC Staff concluded in the review of the SONGS Post Shutdown Decommissioning Activities Report (ML15204A383) that these activities are bounded by the previously issued NUREG-0586, "Final Generic Environmental Impact Statement [GEIS] on Decommissioning of Nuclear Facilities" and its supplements and did not find any deviations from the previously issued Environmental Statement for SONGS (ML18239A414). Having considered the results of recent inspections and the NRC's environmental review, the PRB's initial assessment is that your petition does not meet the acceptance criteria in MD 8.11 Section III.C.1(b) because the issues raised in the petition have been "the subject of a facility-specific or generic NRC staff review" and none of the circumstances in Section III.C.1(b)(ii) applies.

However, in accordance with MD 8.11, we want to offer you the opportunity to clarify or supplement the petition in a public meeting with the PRB. If accepted, your meeting with the PRB would be conducted consistent with the format described in MD 8.11 Section III.F (in part - you may provide any relevant additional explanation and support for your request either in person or via another agreed-upon arrangement). The PRB will consider your statements made at the meeting or teleconference, along with the original petition, in making its final recommendation on whether to accept the petition for review according to the criteria in MD 8.11, Section III.C.1.

Please indicate by December 31, 2019 whether you wish to have this public meeting before we close the petition.

Thank You,

Zahira Cruz

Zahira Cruz

Project Manager

U.S. Nuclear Regulatory Commission

Office of Nuclear Material Safety and Safeguards

Reactor Decommissioning Branch

Rockville, MD 20852

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