



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

October 6, 2020

MEMORANDUM TO: David J. Wrona, Acting Deputy Director
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

FROM: Undine Shoop, Chief /RA/
Licensing Branch II-2
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

SUBJECT: SUMMARY OF THE AUGUST 18, 2020, PROPOSED CHANGES
TO THE 10 CFR 2.206 PROCESS CATEGORY 3 PUBLIC
MEETING

On August 18, 2020, the U.S. Nuclear Regulatory Commission (NRC) staff held a Category 3 public teleconference with members of the public to discuss proposed changes to the Title 10 of the *Code of Federal Regulations* (10 CFR) 2.206 process. The meeting had two purposes: (1) to discuss and obtain public perspectives on proposed revisions to the 10 CFR 2.206 petition review process based on the Indian Point Gas Transmission Line's Expert Evaluation Team's recommendations, and (2) provide the public with the staff's general proposed revisions to the 10 CFR 2.206 process as outlined in NRC's Management Directive 8.11 and associated Desk Guide. The meeting notice can be found in Agencywide Documents Access and Management System (ADAMS) at Accession No. ML20230A259. The meeting slides can be found at ML20227A190.

At the start of the meeting, the NRC staff stated that the meeting was focused on the proposed changes to the 10 CFR 2.206 process, and as with all NRC public meetings, no regulatory decisions would be made. Steven Arndt, Senior Technical Advisor for Digital Instrumentation and Controls, Division of Engineering and External Hazards, in the Office of Nuclear Reactor Regulation (NRR), opened the meeting by describing the events that resulted in the generation of the Expert Evaluation Team's recommendations for changes to the 10 CFR 2.206 process and the efforts of the current 10 CFR 2.206 working group to address the recommendations. He also described the format of the meeting in that there were five issues that the staff planned to address and provide an opportunity for public comments after each issue was discussed. In addition, there was an open public comment session at the end of the meeting to provide the public an opportunity to share any additional thoughts on the process. Undine Shoop, Jonathan Evans, Andrea Russell, and Steven Arndt discussed five issues related to the 10 CFR 2.206 process. The five issues included modernizing the petition review board, providing independent petition reviews, using detailed analysis to review issues in a petition, increasing transparency and documentation of calculations used in support of petition evaluations, and improving the 10 CFR 2.206 petition screening process.

During the public comment periods following the staff discussion related to the five issues, the public raised issues including:

- The ability to find petition related information needs to be improved;
- The level of rigor needed by petitioners to prove that a safety issue exists is a concern;
- Petitioner concerns that no petitions have been accepted;
- The level of documentation needed to be provided is unclear;
- The time to evaluate a petition is overly long, and needs to be improved; and
- The transparency of the process needs to be improved.

Several questions specific to Indian Point and not related to the 10 CFR 2.206 process were raised during the meeting and the staff encouraged the members of the public to contact the NRC Office of Public Affairs for responses to these questions.

During the open public comment period at the end of the meeting, Mr. Paul Blanch articulated concerns and thoughts on the 10 CFR 2.206 process. In addition, several members of the public suggested that the format of NRC public meetings could be improved. Some stated that the NRC has struggled with conducting remote or virtual public meetings since the beginning of the pandemic. Specifically, due to limitations with the technology used for the meeting, when a member of the public indicated they had a question, they would be placed in a queue, during which they were unable to hear the presenters.

Following the meeting, Mr. Blanch requested that his presentation be included in the meeting summary. His presentation is included as Enclosure 1 to this meeting summary. No other public comments were received after the public meeting.

No regulatory decisions were made in the meeting.

Enclosure:

Presentation by Mr. Paul Blanch

Enclosure for Presentation by Mr. Paul Blanch

NRC 2.206 Petition Meeting

August 18, 2020

Paul M. Blanch

Process is broken
NRC's Stated Mission

**“Protect the Public and the
Environment”**

NRC's Regulations usually provide Adequate Protection to Public

- Regulations are provided in 10 CFR 50 and the CLB as defined in 10 CFR 54.3
- There are times when members of the public and/or the Licensee disagree with regulatory compliance

Is the 2.206 process considered
Litigation or Adjudication?

If a licensee disagrees with a regulation it may:

- Request Enforcement Discretion
- 10 CFR 50.59 change
- LAR
- Verbal relief
- Rulemaking

If a Member of the public disagrees it may

- File an allegation (MD 8.8)
- File 2.206 (MD 8.11)
- Adjudication?
- Rulemaking

Score Card

- When utilities request relief from regulations they are batting about 1000 at 1000 at bats.
- The public has “struck out” more than 400 consecutive at bats.

Timeliness

- 2.206 typically time is many years (October 2014 gas line) and still open
- Substantive relief has NEVER been granted to a 2.206 petition
- NEODs, and exemptions are granted within hours or days or over the phone
- Discrimination Allegations are sometimes resolved via confidential ADR
- Allegations with costly resolution are always rejected
- 50.59s are implemented without NRC prior approval or objection

Resolution

Stakeholders' Feedback

- Do you have any questions or feedback on the proposed staff actions that are specific to the areas of interest identified by the Expert Evaluation Team?
- Do you think the proposed changes will improve the process?
 - **No-these are simply cosmetic**
- Are there other areas that could be improved?
 - **Make the 2.206 process as efficient as the Licensee process for regulatory issues**
 - **Resolution within 60 days**
 - **Positive public response (accepted/rejected ratio) should be comparable to Licensee responses**
 - **No changes to 10 CFR 2.206 required, only changes to MD 8.11**
 - **NRC must take meaningful enforcement actions when false statements are made to the NRC**
- Are there any gaps in the process that can challenge implementation?
 - **Cost to the licensee**
- Are there unintended consequences of these changes?
 - **There are no significant changes proposed**

Resolution

- **Redesign the 2.206 process and make it comparable to the Licensee process when regulatory issues are in question.**

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10 CFR 2.206 PROCESS CATEGORY 3 PUBLIC MEETING DATED
OCTOBER 6, 2020

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ADAMS Accession Nos.:**ML20265A356 (Summary)****ML20230A259 (Meeting Notice)****ML20227A190 (Meeting Slides)*****via e-mail**

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