



# 10 CFR 2.206 Petition Review Process Public Meeting Will Begin Shortly

For technical support contact:

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Please log into **both** webinar and bridgeline. Visuals will be through WebEx and **audio will be through the bridgeline.**

[Webinar Link](#)

–Bridgeline:

- US: 1-877-917-3616
- Passcode: 1862685

Public Meeting Slides are available at ML20289A436

# 10 CFR 2.206 Petition Review Process

## Public Meeting

### October 20, 2020

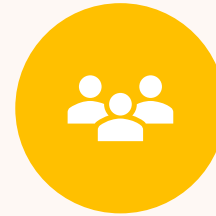
# Agenda



OVERVIEW OF THE 2.206  
PETITION REVIEW  
PROCESS



BACKGROUND ON THE  
EXPERT EVALUATION  
TEAM



PROPOSED STAFF  
ACTIONS



OTHER STAFF PROPOSED  
IMPROVEMENTS



FEEDBACK RECEIVED  
DURING THE AUGUST 18,  
2020 PUBLIC MEETING



ADDITIONAL FEEDBACK

# Welcome and Meeting's Purpose

- Discuss proposed revisions to the 10 CFR 2.206 petition review process and guidance
- Obtain stakeholders' and public feedback and perspectives on the proposed revisions



# Introductions

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- Joan Olmstead, NMSS – Meeting Facilitator
- Gregory Suber, NRR
- Perry Buckberg, NRR
- David Skeen, OIP
- Jonathan Evans, NRR
- Andrea Russell, NRR

# Meeting Logistics



- Meeting audio is through bridgeline
- Participants are in listen-only mode until the Q&A period
- This is a Category 1 public meeting to provide information and receive public feedback
- This meeting is being transcribed and will be publicly available
- No regulatory decisions will be made at today's meeting

# Filing a 10 CFR 2.206 Petition

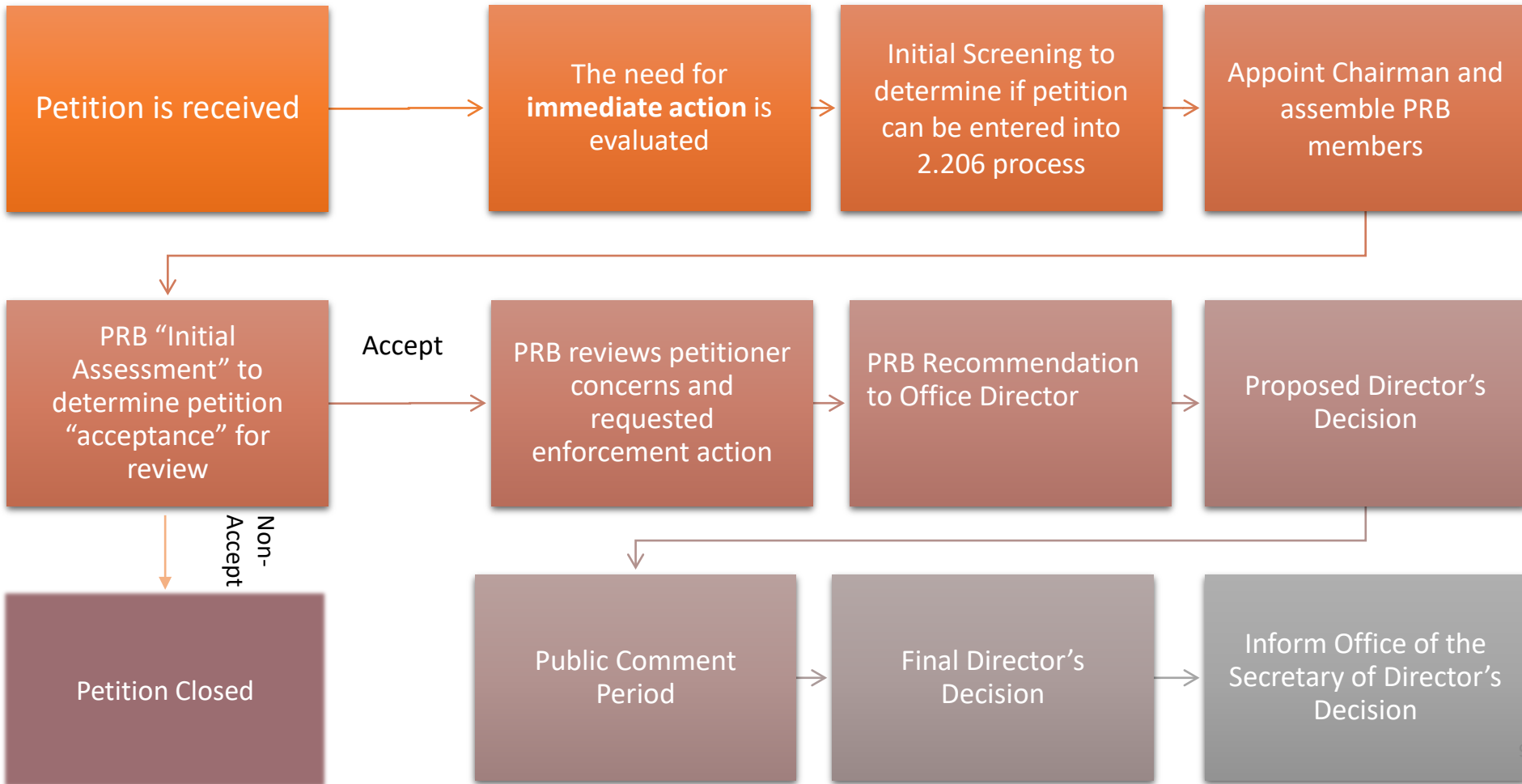
- The 2.206 process gives anyone a mechanism to request enforcement-related action including **modifying, suspending, or revoking a license.**
- Petitioner must:
  - Submit concerns in writing to the NRC's Executive Director for Operations.
  - Identify the licensee, the licensed activity, and the enforcement action requested
  - Include supporting evidence.
- Additional information is available in the Enforcement Petition Brochure at <https://www.nrc.gov/docs/ML1907/ML19070A037.pdf>

# Current Guidance for 10 CFR 2.206 Petition Review

- The current staff guidance is in NRC's Management Directive 8.11 and Desk Guide issued in March 2019 (MD 8.11):
  - Streamlined the 2000 version of MD 8.11
  - Incorporated lessons learned since 2000
  - Created detailed “Desktop Guide” for staff use



# Current Process Overview and Steps



# Petition Screening - MD 8.11




- Petition is better suited for a different NRC Process - for example:
  - Allegation Process
  - Rulemaking Process
  - Request for Hearing Opportunity
- Petition does not meet minimum evaluation requirements such as:
  - Not in writing to the EDO
  - General assertion without facts
  - A request for anonymity
  - Not likely to lead to enforcement
  - Outside of NRC jurisdiction
  - Request for Information

# 2.206 Petition Timeline



- **Upon Petition Receipt**
  - Identify any needed immediate action
  - Begin screening process
- **90 Days After Petition Receipt**
  - Issue Final PRB Assessment
    - Closure letter – ends petition evaluation
    - Acknowledgement letter - process continues
- **120 Days after Acknowledgement Letter**
  - Proposed Director's Decision
- **60 Days after Proposed Director's Decision**
  - Final Director's Decision



# Expert Team Recommendations and Proposed Revisions to the current process

# Office of the Inspector General Event Inquiry (16-024)

- Office of the Inspector General (OIG) received concerns from a citizen who filed a 2.206 petition regarding the NRC's oversight of a 42-inch natural gas pipeline proposed to traverse Indian Point Energy Center (IPEC) property
- OIG's event inquiry examined NRC's inspection report and underlying analysis used to determine that Entergy appropriately concluded the 42-inch gas pipeline would not introduce significant risk to safety-related systems, structures, and components

# OIG Event Inquiry Findings

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THE 2.206 PROCESS PRESENTED AN OPPORTUNITY FOR THE NRC TO REEVALUATE AND CONFIRM WORK PREVIOUSLY CONDUCTED



NRC DID NOT THOROUGHLY REEXAMINE THE UNDERLYING PREMISES OF ITS ANALYSES AND DID NOT ACCURATELY COMMUNICATE ITS ANALYTICAL WORK PERFORMED

# NRC's Expert Evaluation Team

- The NRC Executive Director for Operations (EDO) tasked team to independently review the IG findings
- Team found that Indian Point remained safe, but several NRC processes could be improved
- EDO endorsed all the team's recommendations

# Expert Evaluation Recommendations

1

Modernize petition  
review boards  
(PRBs)

2

Provide for  
independent  
petition reviews

3

Conduct detailed  
reviews after  
petition acceptance

4

Document analysis  
supporting petition  
decisions



## Expert Evaluation Team Recommendations and Proposed Staff Action 1/4

### Modernize Petition Review Boards

- Centralize the 2.206 process to improve consistency and effectiveness
- Designate standing members for certain roles

### Proposed Staff Action:

- Designate full time petition managers
- PRB chair would be selected from a small pool of SES managers that would have additional training
  - Technical staff would still be drawn from the office for which the petition relates

# Expert Evaluation Team Recommendations and Proposed Staff Action 2/4



## **Expert Evaluation Team recommendation:**

Provide for Independent Petition Reviews



## **Proposed Staff Action:**

To the extent practicable, assign staff to the PRB that are independent from previous staff decisions on the issues raised in the petition

Staff previously involved will continue to provide historical and technical input to the PRB



## Expert Evaluation Team Recommendations and Proposed Staff Action 3/4

### Expert Evaluation Team recommendation:

- Accept petitions for review if detailed analysis will be needed to review the issues raised

### Proposed Staff Action:

- Consider changes to the Management Directive and Desk Guide to accept the petition if it is determined that a detailed analysis would be required to complete the initial assessment
- Consider updating the Management Directive and Desk Guide to provide additional information on status to the petitioner, throughout the review process would address this concern

Expert Evaluation  
Team  
Recommendations  
and Proposed Staff  
Action 4/4

## Expert Evaluation Team recommendation:

- Any staff analysis or calculations used to support a 10 CFR 2.206 petition decision should be rigorously documented

## Proposed Staff Action:

- Make changes to the Management Directive and the Desk Guide to provide specific documentation steps
- Focus on documentation of the information needed to support PRB decisions and recommendation

Other  
Staff-Proposed  
Improvements

Consider improvements to 2.206 petition  
screening process

Complicated petitions with multiple  
concerns and action requests may benefit  
from a holistic review that considers the  
requested actions in the aggregate, and  
ensures that the cumulative impact of the  
petitioner concerns have been evaluated

Feedback  
received  
during the  
August 18,  
2020  
public  
meeting

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Format of public meeting not conducive to public involvement

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Difficult to find petition related information

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Level of rigor needed by petitioners to prove a safety issue exists

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No petitions have been accepted into 2.206 process

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Level of documentation unclear

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Petition evaluation timeline too long

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Improve transparency of process

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# Response to Public Feedback



Enhance public engagement through periodic public meetings



Clarify petition documentation requirements in an easy to find location



Revise petition timeline



Update and modernize the 2.206 website to improve ease of use and access to information

# Key Messages

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There is a benefit to having dedicated positions within the PRB to promote consistency in the process



PRB's independent technical conclusions on the issues raised in the petition will increase public confidence in the decision-making process



Petitions identified as requiring detailed analysis during the initial assessment should be accepted for review and communication with the petitioner should be a priority



Proper documentation of all calculations and analysis used in the petition decision-making process is critical for openness and transparency



# Additional 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?
- Are there other areas that could be improved?
- Are there any gaps in the process that can challenge implementation?
- Are there unintended consequences of these changes?

# If you have questions/comments

1. Press \*1 from your phone
2. Unmute your line and speak clearly when prompted to say your name.
3. Press # after saying your name to hear the meeting again.
4. If you want to withdraw question: press \*2
5. Try and keep comments to 3-5 minutes

Any follow-up questions will need to proceed back through the process

+Make sure you speak your name clearly

# Contact Information

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