

## **NRR-PMDAPem Resource**

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**From:** Banic, Merrilee  
**Sent:** Friday, May 19, 2017 4:03 PM  
**To:** Paul Gunter  
**Subject:** Petition Review Board's (PRB's) initial recommendation regarding your petition dated January 24, 2017, on Areva forgings.

Dear Mr. Gunther,

I am writing to inform you of the Petition Review Board's (PRB's) initial recommendation regarding your petition dated January 24, 2017, on Areva forgings. The PRB has made an initial recommendation to accept the requested actions in your petition for review, but has referred a portion of the petition to another NRC process for appropriate action.

The PRB's understanding is that the basis for the requested action was potentially defective safety-related components and potentially falsified quality assurance documentation. Your concern of potentially falsified quality assurance documentation has been referred to the NRC's allegation process for review and consideration of appropriate action. Because the allegation process provides an opportunity for the petitioner to address these concerns, the issue of potentially falsified quality assurance documentation will not be reviewed as part of this 2.206 petition.

You had requested (during the PRB meeting) to delay the PRB's decision on whether to accept the request for review under the 2.206 process until 1) the NRC has completed its response to Beyond Nuclear's FOIA on communications and documentation regarding the tracking of Areva Creusot Forge components in U.S. reactors, and 2) after a reasonable time for Beyond Nuclear to review documents obtained through the FOIA request. However, the PRB has determined that the petition meets the criteria for review because it provides sufficient facts to warrant further inquiry, and that additional information is not necessary to accept and begin its review of the petition under the 2.206 process.

You requested that the petitioners be provided a second opportunity to address the PRB, "as allowed under Management Directive 8.11," and you indicated this would be an opportunity for the petitioners to supplement the petition with "any additional findings provided by the FOIA and any further developments and judgments from ongoing investigations from overseas." MD 8.11 offers the petitioner an opportunity to comment on the PRB's recommendations prior to the PRB making its final recommendation, and that this opportunity may be in the form of a teleconference or public meeting. This opportunity is intended to further the NRC's decision whether or not to accept the petition and is not intended as a separate opportunity for the petitioner to supplement the petition. Given the PRB's recommendations to refer a portion of the petition to another process and accept the remainder of the petition for review, it is unclear what benefit would be gained from an opportunity to comment on those recommendations.

The MD allows a petitioner to supplement a petition at any time, and provides several possible other opportunities to meet with the PRB. For example, the PRB may hold a meeting with the petitioner to discuss a supplement, or may hold a technical review meeting with the petitioner, as needed.

Holding the issuance of the acknowledgement letter accepting the petition until the FOIA process is complete, and holding a meeting for you, the petitioner, to comment on the recommendation to accept its petition will delay the PRB's review of the petition. As such, the PRB is requesting that you advise whether you are requesting an opportunity to comment on the PRB's recommendations and whether the information requested under FOIA is necessary to comment on the PRB's recommendation, and if so, why?

I am also informing you of a new target date of July 31, 2017 to issue your acknowledgement letter.

Thank you,  
Merrilee Banic  
Petition Manager

**Hearing Identifier:** NRR\_PMDA  
**Email Number:** 3530

**Mail Envelope Properties** (Merrilee.Banic@nrc.gov20170519160300)

**Subject:** Petition Review Board's (PRB's) initial recommendation regarding your petition dated January 24, 2017, on Areva forgings.  
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**Received Date:** 5/19/2017 4:03:00 PM  
**From:** Banic, Merrilee

**Created By:** Merrilee.Banic@nrc.gov

**Recipients:**  
"Paul Gunter" <paul@beyondnuclear.org>  
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