

From: Richard E. Ayres <ayresr@ayreslawgroup.com>
Sent: Tuesday, June 14, 2016 1:55 PM
To: Guzman, Richard
Cc: Jessica Olson; John H. Bernetich
Subject: [External_Sender] Re: 2.206 Petition Concerning Degraded Baffle-Former Bolts at Indian Point (LTR-16-0297)

Mr. Guzman—

Friends of the Earth rejects the NRC's arbitrary denial of our request for immediate action on an emergency petition to prevent restarting Indian Point 2, which concerns the safety of millions of residents living within a 50-mile radius of Indian Point. We continue to call upon the NRC take emergency action on our petition to prevent restart of Indian Point Unit 2 until the Commission has conducted a sufficient investigation to determine the root cause of the excessive deterioration and failure of more than one-third of the baffle-former bolts at Indian Point 2, and is satisfied that operation of the aging plant is safe.

Our petition was addressed to the Commission, not the 2.206 process. One reason is the glacial pace of 2.206 proceedings, which is well known and is ill-suited to dealing with any emergency situation. Friends therefore does not agree to the NRC processing our request under 10 CFR 2.206. Friends continues to insist that the Commissioners take the actions to protect the millions of citizens within 50 miles of Indian Point.

While rejecting the 2.206 process for dealing with the emergency situation at Indian Point, Friends does not intend to allow the 2.206 process to go forward without input from the public. Friends thus wishes to address the Petition Review Board by phone at your earliest convenience.

Richard Ayres

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On Jun 11, 2016, at 4:46 PM, Guzman, Richard <Richard.Guzman@nrc.gov> wrote:

Mr. Ayres,

Thank you for your reply. A response by Monday will be fine.

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Rich Guzman  
Sr. PM, Division of Operating Reactor Licensing  
Office of Nuclear Reactor Regulation  
U.S. Nuclear Regulatory Commission  
Office: O-8E10 | Phone: 301-415-1030

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**From:** Richard E. Ayres [<mailto:ayresr@ayreslawgroup.com>]  
**Sent:** Friday, June 10, 2016 5:44 PM  
**To:** Guzman, Richard <[Richard.Guzman@nrc.gov](mailto:Richard.Guzman@nrc.gov)>  
**Subject:** [External\_Sender] Re: 2.206 Petition Concerning Degraded Baffle-Former Bolts at Indian Point (LTR-16-0297)

Mr. Guzman —

For various reasons, including my travel schedule this week, I am not able to answer your questions today. However, I can promise you a response on Monday after we have an opportunity for the necessary conversations with our client.

Thank you.

Richard Ayres

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On Jun 3, 2016, at 5:08 PM, Guzman, Richard <[Richard.Guzman@nrc.gov](mailto:Richard.Guzman@nrc.gov)> wrote:

Good Afternoon,

I have been assigned as a Petition Manager for the 10 CFR 2.206 petition you submitted to the U.S. Nuclear Regulatory Commission (NRC) on May 24, 2016, regarding your concerns with baffle-former bolts at Indian Point Nuclear Generating Unit Nos. 2 and 3.

Section 2.206 of Title 10 of the Code of Federal Regulations describes the petition process – the primary mechanism for the public to request enforcement action by the NRC in a public process. This process permits anyone to petition NRC to take enforcement-type action related to NRC licensees or licensed activities. Depending on the results of its evaluation, NRC could modify, suspend or revoke an NRC-issued license or take any other appropriate enforcement action to resolve a problem. The NRC staff's guidance for the disposition of 2.206 petition requests is in [Management Directive 8.11](#), which is publicly available.

The 2.206 process provides a mechanism for any member of the public to request enforcement action against NRC licensees. The 2.206 process is separate from the allegations process which affords individuals who raise safety concerns a degree of protection of their identity. In the 2.206 process, all of the information in your letter will be made public, including your identity.

You specifically requested in your letter for the NRC to immediately issue an order preventing restart of Indian Point, Unit 2 until the Commission concludes, based on its own investigation, that the unit can be safely operated, and order the immediate shutdown and inspection of Indian Point, Unit 3 until the petition is adjudicated. On June 3, 2016, your request for immediate action was reviewed by members of the Petition Review Board (PRB), which includes staff from the NRC's Office of Nuclear Reactor Regulation (NRR) and Region I. After thorough review and discussion, the PRB determined that there were no immediate safety significant concerns which would adversely impact the public's health and safety; therefore, the PRB denied your request for immediate action.

In accordance with NRC Management Directive 8.11, you have the opportunity to address the PRB, either in person at the NRC Headquarters in Rockville, MD, or by telephone conference. The purpose of this interaction is so that the petitioner can discuss the petition and verbally supplement the petition with any new information. During the meeting, the PRB is in listening mode and will not make any decisions regarding your petition.

I would appreciate if you could advise me by Friday, June 10, 2016, if you agree to the NRC's processing your request under the 2.206 process. In addition, please advise me if you would like to address the PRB. If you would like to meet in person, I will need to schedule a formal public meeting at the NRC Headquarters. If you would prefer to address the PRB via phone, I will also work with you to coordinate a date/time during the upcoming weeks.

If you have other questions on the 2.206 process, or regarding the role as petition manager, please contact me or Doug Pickett at 301-415-1364.

Thank you,

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Rich Guzman
Sr. PM, Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation
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