

From: Guzman, Richard
Sent: Tuesday, August 08, 2017 8:15 PM
To: 'ayresr@ayreslawgroup.com'
Cc: 'mannajo@clearwater.org'; 'timj@nirs.org'; 'olson.jes@gmail.com';
'bernetichj@ayreslawgroup.com'
Subject: Friends of The Earth - 2.206 Petition re: Indian Point Baffle Former Bolts

Mr. Ayres,

As we discussed today, the NRC Petition Review Board (PRB) has made its determination per [Management Directive 8.11](#) to not accept Friends of the Earth's (FOE) petition dated May 24, 2016, for review under 10 CFR 2.206. Specifically, the PRB found that FOE's petition met the criteria for rejection per the Management Directive, Part III, C.2, "Criteria for Rejecting Petitions Under 10 CFR 2.206," on the basis that the issues raised in the petition "have already been the subject of NRC staff review and evaluation either on that facility, other similar facilities, or on a generic basis, for which a resolution has been achieved, the issues have been resolved, and the resolution is applicable to the facility in question."

In its petition, FOE requested the NRC to (1) prohibit the restart of Unit 2 until the Commission is satisfied that the unit can be safely restarted, and (2) order the immediate shutdown of Unit 3 so that the baffle-former bolts in that unit may be inspected. On June 3, 2016, FOE's request for immediate action was reviewed by members of the PRB, which included 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 the petitioner's request for immediate action. You were informed of this determination on June 3, 2016.

Also, in accordance with MD 8.11, the NRC offers the petitioner an opportunity to address the PRB either in person or via teleconference and provide any relevant additional explanation or support for the request in light of the PRB's recommendations. I understand from our conversation today that FOE declines this opportunity to comment on the PRB's determination.

As I mentioned, the NRC will proceed with issuing a closure letter in response to the May 24, 2016, petition which will include additional discussion and basis for the PRB's determination. I will provide you an advanced copy of that letter once it is issued. If you any concerns or questions on the 2.206 process, please contact me at 301-415-1030.

Thank you,

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Rich Guzman  
Sr. PM, Division Operator Reactor Licensing  
Office of Nuclear Reactor Regulation  
U.S. Nuclear Regulatory Commission  
Office: O-9C7 | Phone: (301) 415-1030  
[Richard.Guzman@nrc.gov](mailto:Richard.Guzman@nrc.gov)

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**From:** Guzman, Richard

**Sent:** Friday, July 07, 2017 10:17 AM

**To:** 'ayresr@ayreslawgroup.com' <[ayresr@ayreslawgroup.com](mailto:ayresr@ayreslawgroup.com)>

**Cc:** 'mannajo@clearwater.org' <[mannajo@clearwater.org](mailto:mannajo@clearwater.org)>; 'timj@nirs.org' <[timj@nirs.org](mailto:timj@nirs.org)>;

'olson.jes@gmail.com' <[olson.jes@gmail.com](mailto:olson.jes@gmail.com)>; 'bernetichj@ayreslawgroup.com'

<[bernetichj@ayreslawgroup.com](mailto:bernetichj@ayreslawgroup.com)>; Benner, Eric <[Eric.Benner@nrc.gov](mailto:Eric.Benner@nrc.gov)>; Banic, Merrilee

<[Merrilee.Banic@nrc.gov](mailto:Merrilee.Banic@nrc.gov)>; Danna, James <[James.Danna@nrc.gov](mailto:James.Danna@nrc.gov)>

**Subject:** RE: Proposed Meeting Times for Friends of the Earth Presentation Before the Petition Review Board

Mr. Ayres,

Good Morning. As we discussed, I have been re-assigned as the petition manager for FOE's May 24, 2016, 2.206 petition and am contacting you to proceed with the next steps in accordance with the 10 CFR 2.206 petition process as outlined in [Management Directive 8.11](#).

In your e-mail dated July 29, 2016, FOE requested to defer its presentation to the PRB until a complete response to its May 2, 2016, FOIA request has been received. I understand that the FOIA staff, to date, has not completed its full response to the FOIA request, but has provided several partial responses to FOE. Although the FOIA review is not fully completed, the NRC's Petition Review Board (PRB) recognizes that the requested licensee actions in the petition have essentially been taken in that the replacement and inspection activities associated with the degraded baffle former bolts were completed during the last respective refueling outages for IP2 (June 2016) and IP3 (June 2017). Therefore, the intention is to move forward with the processing of the petition, as there is no basis to defer a decision on the petition from a 2.206 process standpoint.

To that end, I am contacting you to extend the original offer for FOE to meet with PRB (via teleconference or in person). The meeting, if held, is an opportunity for the petitioners to provide any relevant additional explanation and support for its petition request in advance of the PRB's initial determination. Please let me know if you would like to address the PRB, and if so, if any of the following dates are convenient for your presentation. I can also check availabilities for other proposed dates in July that may be more supportable on your end.

July 17 (p.m.)

July 19 (p.m.)

July 24, 25 (p.m.)

July 27, 28 (a.m./p.m.)

In the interest of keeping the 2.206 process moving forward, I ask that the presentation is scheduled for a date not to exceed July 28<sup>th</sup>. If you decline to meet with the PRB at this time or cannot support a presentation within the requested timeframe, the PRB intends to meet separately and will formally make an initial determination based on the information that has been submitted to date by the petitioner. Please also note that another opportunity to meet with the PRB will be offered after the PRB's initial determination. As stated in MD 8.11, a transcript of the presentation will be treated as a supplement to your petition and it will become publicly available.

I've attached several of our e-mail communications/exchanges as background; I'm also including Ms. Greene and Mr. Judson on this message as I understand they are co-petitioners, as requested.

Thanks and please don't hesitate to reach out to me if you have any questions.

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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-9C07 | Phone: 301-415-1030

From: Pickett, Douglas V
Sent: Friday, June 24, 2016 11:00 AM
To: ayresr@ayreslawgroup.com; timj@nirs.org; mannajo@clearwater.org
Cc: HAIR, CHRISTOPHER C <Christopher.Hair@nrc.gov>; MARTIN, JODY C <Jody.Martin@nrc.gov>; GUZMAN, RICHARD V <Richard.Guzman@nrc.gov>; TATE, TRAVIS L <Travis.Tate@nrc.gov>; Benner, Eric J <Eric.Benner@nrc.gov>; BANIC, MERRILEE J <Merrilee.Banic@nrc.gov>; VENKATARAMAN, BOOMA X <Booma.Venkataraman@nrc.gov>; SHEEHAN, NEIL A <Neil.Sheehan@nrc.gov>; SCRENCI, DIANE P <Diane.Screnci@nrc.gov>; Tifft, Doug B <Doug.Tifft@nrc.gov>; McNamara, Nancy T <Nancy.McNamara@nrc.gov>; DENTEL, GLENN T <Glenn.Dentel@nrc.gov>; HAAGENSEN, BRIAN C <Brian.Haagensen@nrc.gov>
Subject: Proposed Meeting Times for Friends of the Earth Presentation Before the Petition Review Board

Ms. Greene/Mr. Judson:

We have received the attached requests to include Hudson River Sloop Clearwater and Nuclear Information and Resource Service as co-petitioners with the Friends of the Earth petition of May 24, 2016, concerning baffle-former bolts at the Indian Point Nuclear Generating Unit Nos. 2 and 3. We are agreeable to include both of your organizations as co-petitioners as requested. As you know, the petition has been referred to the staff for action and the staff is treating the petition in accordance with 10 CFR 2.206. The current status of the petition is that we are attempting to schedule a presentation by the Friends of the Earth along with all co-petitioners before the NRC's Petition Review Board (PRB).

Mr. Ayres:

I look forward to hearing from you regarding my email request below. Could I request that you serve as my single point of contact regarding a proposed meeting date that is convenient for both you and the above co-petitioners?

Finally, due to summer vacation schedules, either Rich Guzman or Booma Venkataraman may need to assist me in scheduling and/or attending any PRB presentation. Therefore, could you please include both Rich and Booma in any email response?

Thank you and please don't hesitate to contact me if you have any questions.

Doug

Douglas V. Pickett, Senior Project Manager
Indian Point Nuclear Generating Unit Nos. 2 & 3
Douglas.Pickett@nrc.gov
301-415-1364

From: Pickett, Douglas
Sent: Tuesday, June 21, 2016 1:44 PM
To: 'ayresr@ayreslawgroup.com' <ayresr@ayreslawgroup.com>
Cc: Hair, Christopher <Christopher.Hair@nrc.gov>; Martin, Jody <Jody.Martin@nrc.gov>; Guzman, Richard <Richard.Guzman@nrc.gov>; Tate, Travis <Travis.Tate@nrc.gov>; Benner, Eric <Eric.Benner@nrc.gov>; Banic, Merrilee <Merrilee.Banic@nrc.gov>
Subject: Proposed Meeting Times for Friends of the Earth Presentation Before the Petition Review Board

Mr. Ayres –

I am responding to your email exchange with Mr. Richard Guzman of our office concerning your petition relating to the reactor vessel baffle-former bolts at Indian Point. For your information, Rich and I both work in the same branch at the NRC and we frequently back each other up. While you may end up dealing with Rich in the future, it is our intent that, going forward, I will pick up the bulk of the project manager responsibilities and will serve as your contact regarding your petition.

As previously indicated, your petition to the Commissioners was referred back to the staff for action and the staff is treating it as a 10 CFR 2.206 petition. In your response to Mr. Guzman below, you indicated that Friends objected to processing your petition under 10 CFR 2.206 yet was also agreeable to meeting with the Petition Review Board (PRB). Please let me know if you are agreeable to continuing the 2.206 review process. If so, I would like to offer the following dates and times that members of the PRB would be available for a presentation of approximately one hour.

- Tuesday, June 28, between 1 and 4 p.m.
- Wednesday, June 29, between 9 and 11 a.m.
- Friday, July 1, anytime during the day
- Tuesday, July 5, between 1 and 4 p.m.
- Tuesday, July 26, between 2 and 4 p.m.
- Thursday, July 28, between 1 and 3:30 p.m.
- Friday, July 29, anytime during the day

Please let me know if any of the dates and times above would be convenient for your presentation. As stated in Management Directive 8.11, a transcript of the presentation will be treated as a supplement to your petition and it will become publicly available.

Doug

Douglas V. Pickett, Senior Project Manager

Indian Point Nuclear Generating Unit Nos. 2 & 3
Douglas.Pickett@nrc.gov
301-415-1364

From: Guzman, Richard
Sent: Wednesday, June 15, 2016 6:21 AM
To: 'Richard E. Ayres' <ayresr@ayreslawgroup.com>
Cc: Jessica Olson <olson.jes@gmail.com>; John H. Bernetich <bernetichj@ayreslawgroup.com>
Subject: RE: Re: 2.206 Petition Concerning Degraded Baffle-Former Bolts at Indian Point (LTR-16-0297)

Mr. Ayres,

Thank you for your response. We will be in touch with you in the near term to coordinate a date and time for the conference call with the Petition Review Board.

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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:** Tuesday, June 14, 2016 1:55 PM  
**To:** Guzman, Richard <[Richard.Guzman@nrc.gov](mailto:Richard.Guzman@nrc.gov)>  
**Cc:** Jessica Olson <[olson.jes@gmail.com](mailto:olson.jes@gmail.com)>; John H. Bernetich <[bernetichj@ayreslawgroup.com](mailto:bernetichj@ayreslawgroup.com)>  
**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

*Ayres Law Group LLP*  
*1707 L Street, N.W., Suite 850*  
*Washington, D.C. 20036*  
*202-452-9200*  
[AyresR@AyresLawGroup.com](mailto:AyresR@AyresLawGroup.com)

On Jun 11, 2016, at 4:46 PM, Guzman, Richard <[Richard.Guzman@nrc.gov](mailto: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

From: Richard E. Ayres [<mailto:ayresr@ayreslawgroup.com>]
Sent: Friday, June 10, 2016 5:44 PM
To: Guzman, Richard <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 out client.

Thank you.

Richard Ayres

Ayres Law Group LLP
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202-452-9200
AyresR@AyresLawGroup.com

On Jun 3, 2016, at 5:08 PM, Guzman, Richard <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  
U.S. Nuclear Regulatory Commission  
Office: O-8E10 | Phone: 301-415-1030