

From: Wall, Scott
Sent: Monday, July 12, 2021 4:20 PM
To: Terry J. Lodge
Cc: Paul Gunter; Kevin Kamps
Subject: Petition Review Board Initial Assessment of 2.206 Petition Regarding Fermi Unit 2 - Continuance on Fall 2020 Emails

Mr. Lodge,

On September 29, 2020, the U.S. Nuclear Regulatory Commission's (NRC) Petition Review Board (PRB) informed you that it had completed its initial assessment of the petition you submitted on April 16, 2020 on behalf of the organizations Beyond Nuclear and Don't Waste Michigan. The petition requested that the NRC take action under Title 10 of the Code of Federal Regulations (10 CFR), Section 2.206, and included, among other requests, taking enforcement action against DTE Energy Company (DTE Energy, or the licensee) related to Fermi Unit 2 based on debris in the torus during design basis events.

In accordance with NRC's Management Directive (MD) 8.11, "Review Process for 10 CFR 2.206 Petitions," on September 29, 2020, I, on behalf of the PRB, offered you the opportunity to clarify or supplement the petition in a public meeting with the PRB. On October 9, 2020, you indicated that your clients would like to have a public meeting but requested to delay the meeting until after your April 2020 Freedom of Information Act (FOIA) request has been fulfilled. Consistent with "Desktop Guide: Review Process for 10 CFR 2.206 Petitions" (2.206 Desktop Guide), on November 9, 2020, the PRB used its discretion to provide reasonable time for you to compile and submit additional information for consideration. While delivery of the voluminous amount of FOIA documents is still ongoing, approximately thirteen hundred pages and over eight months of additional time have been provided to you and your clients. Additionally, the 2.206 Desktop Guide indicates that the PRB should not place a petition on hold solely to allow time for the FOIA process to be completed; and 10 CFR 2.206 requires that the facts that constitute the basis for the request be submitted to the NRC at the time of the petition. As such, the PRB seeks to move the petition forward to resolution and reminds you that a new or revised petition can be submitted when the FOIA process is completed and if the FOIA documents provide additional facts to support a petition.

As you will recall, on September 29, 2020, I informed you that, based on its initial assessment, the PRB determined that the issues raised in the petition, that remained after screening, have previously been evaluated/considered in NRC staff licensing reviews and none of the provisions of Directive Handbook DH 8.11, Section III.C.1 apply. As discussed in the NRC September 29, 2020 email, the PRB's initial assessment is to not accept the petition for review.

In accordance with MD 8.11, the PRB again offers you the opportunity to clarify or supplement the petition in a public meeting. If you decide to take advantage of this opportunity, the meeting with the PRB would be conducted consistent with the format described in MD 8.11 Section III.F (in part - you may provide any relevant additional explanation and support for your request either in person or via another agreed-upon arrangement). Please note, however, that an in-person meeting may not be possible given the Coronavirus Disease 2019 public health emergency. The PRB will consider your statements and information presented at the meeting, along with the original petition, in making its final determination on whether to accept the petition for review according to the criteria in MD 8.11, Section III.C.1. Please indicate by July 26, 2021, whether you wish to have this public meeting before we close the petition.

If you have any questions regarding this e-mail, please feel free to contact me at Scott.Wall@nrc.gov.

Best regards,

Scott P. Wall, LSS BB, BSP

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2 - Continuance on Fall 2020 Emails
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Recipients:
"Paul Gunter" <paul@beyondnuclear.org>
Tracking Status: None
"Kevin Kamps" <kevin@beyondnuclear.org>
Tracking Status: None
"Terry J. Lodge" <tjlodge50@yahoo.com>
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