

EIS-US NUCLEAR REGULATORY COM

Moderator: Undine Shoop

June 8, 2021

11:30 am CT

Coordinator: Welcome and thank you for standing by. I'd like to inform all participants that your lines have been placed on a listen-only mode until the question and answer session of today's call. Today's call is being recorded. If anyone has any objections, you may disconnect at this time. I would like to turn the call over to Brett Klukan. Thank you. You may begin.

Brett Klukan: Good afternoon, everyone. Could I have the next slide, please? I'd like to welcome everyone and thank you for participating in today's public meeting to discuss the proposed changes to the review process for 10 CFR 2.206 as described in Management Directive 8.11, Review Process for 10 CFR 2.206 Petition, based on the recommendations from the report of the U.S. Nuclear Regulatory Commission expert evaluation team.

This is a third public meeting to gather insight from external stakeholders and to provide an understanding of how previous comments have been dispositioned.

My name is Brett Klukan. I am the Regional Counsel for Region I of the U.S. Nuclear Regulatory Commission. However, this afternoon I will be serving as a meeting facilitator. This is an information meeting with a question and a comment section.

The purpose of this meeting is for the NRC to meet directly with individuals to discuss regulatory and technical issues. Attendees will have an opportunity to ask questions of the NRC staff or to make comments about issues discussed during the meeting.

However to be clear, the NRC is not actively soliciting comment towards the development of any further regulatory decisions at this time.

You'll notice that we don't have video enabled within WebEx. That is on purpose. The reason for that is to preserve bandwidth during the meeting so that we don't experience any unanticipated crashes or lags in the presentation of our slides.

Slide 3, please. Here's the agenda for the meeting presentation. First, we will go through the purpose, introductions and logistics in the meeting, roughly five minutes. Second, we'll discuss current guidance for the 2.206 Petition review, again, another five minutes.

Next, we'll review the background on the expert evaluation team, five minutes. Then we'll discuss the initial team assessment of the 2.206 process, the recommendations and the working group proposals, roughly 20 minutes.

We will also discuss other ideas to improve the process, 10 minutes. Finally, we will present some of the feedback we received during the last two interactions in August and October of 2020, five minutes.

We know that this is a long presentation. So we have tried to set aside plenty of time after the conclusion of the presentation for questions and comments.

Next slide, please, Slide 4. I would now like to introduce Gregory Suber, the Deputy Director of the Division of Operating Reactor Licensing in the Office of Nuclear Reactor Regulation. Gregory will give the opening remarks for today's meeting. Gregory?

Gregory Suber: Thanks, Brett, and good afternoon, everyone. I would like to welcome you all to this meeting today and give a special thanks to those who have followed this effort since its beginning.

The purpose of the meeting today is to report back to you on the progress that we've made in considering revisions to 10 CFR 2.206 Petition Review Process.

This is a third in a series of meetings where we have presented information on the Petition process and received comments from you regarding potential changes.

Today we plan to describe the changes we propose to make to the process in response to internal and external public stakeholder feedback.

Our discussion will focus on changes to the process. We welcome any comments or observations you have to those changes. It will help if you could keep your comments focused on our proposed changes as general comments on topics outside of the scope of the meeting that we are having today will take time away from others who may be concerned about this process and want to give us comments specifically on our topic.

So once again, thank you for your continued interest and your continued participation in this process. And I'll turn it back over to Brett. Thank you.

Brett Klukan: Great. Just a few more introductions. Again, my name is Brett Klukan and I'll be serving as the facilitator for this meeting and I've already introduced Gregory, from whom you just heard.

So now I'll turn over to Jonathan Evans to introduce himself. Jonathan?

Jonathan Evans: Hello. My name is Jonathan Evans. I'm a Reliability and Risk Analyst in the Division of Risk Assessment in the Office of Nuclear Reactor Regulation.

And I'll turn it over to Andrea Russell.

Andrea Russell: Hi. This is Andrea Russell, Safety and Plant Systems Engineer in the Division of Safety Systems, Office of Nuclear Reactor Regulation. And back over to Brett.

Brett Klukan: Jonathan and Andrea, thank you. Slide 6, please. So this slide discusses the logistics for today's meeting. Please log in to both WebEx and the audio bridge. This arrangement allows us to minimize our bandwidth so we have a more stable meeting platform and additionally to help us conduct the meeting question and comment section.

This bridge line information is provided at the bottom of the slide for reference. If you are not on WebEx and would like to view the presentation slides, they are located in the NRC ADAMS document database. The session number for the package containing today's slides is ML21158A075. Again that's ML21158A075, A075.

For your awareness, the participants are in a listen-only mode until the question and comment period. As discussed earlier, this is an observation public meeting to provide information and to receive public feedback.

The audio of this meeting will be transcribed and a meeting transcript and meeting summary will be available on the NRC Web site. As this meeting is being transcribed, in order to get a clean recording and to minimize distractions during the meeting, we ask that all individuals mute their phones when they are not speaking.

If you would like to speak, please contact the operator by pushing star 1. The operator will then put you in a queue and announce when it is your turn to speak. You will be asked by the operator to state and spell your name and to provide any affiliation.

Once you have done that, press the star key to return to the meeting.

Otherwise you will not be able to hear the meeting until the time delay finishes. If at any point you decide to leave the speaker queue, press star 2.

We may need to limit the amount of time for individual questions and comments, depending upon the number of individuals who choose to speak today. If that is the case, I will allot the same amount of time to each individual speaker.

After everyone has had an opportunity to - had a chance to ask a question, we can then circle back and allow people to ask additional questions or provide comments as time permits.

Finally, no regulatory decisions will be made at today's meeting. And with that, thank you. And I'll turn it over to Andrea Russell, Slide 7, please.

Andrea Russell: Hi. This is Andrea Russell again. I'd like to go over the current guidance for 2.206 Petition reviews. In the current guidance for 10 CFR 2.206 Petition Reviews are both titled Review Process for 10 CFR 2.206 Petitions. The 2019 revision streamlined the 2000 version of Management Directive 8.11 and incorporated lessons learned since 2000 and created a detailed Desktop Guide for staff use.

The Desktop Guide is an internal guidance document for staff, which contains more detailed guidance for staff implementing the 2.206 process.

The 2019 revision to Management Directive 8.11 responds to lessons learned since the previous directive was issued in 2000. Prior to the revised Management Directive issuance, the NRC held several meetings for internal and external stakeholder process feedback. The staff also considered Commission direction as reflected in Staff Requirement Memorandum, SRM M180208.

Concurrent with issuing the revised Management Directive, the NRC also issued a Desktop Guide that includes, in addition to the Management

Directive procedure, more detailed examples, templates and flowcharts.

Now I'll turn it back over to Gregory Suber.

Gregory Suber: Thanks, Andrea. So I would like to just take a second to put the project into context. The NRC Office of Inspector General received comments from a member of the public regarding the NRC's role in approving a 46-inch gas pipeline running adjacent to the Indian Point Nuclear Facility.

The Inspector General opened an inquiry and issued two findings, namely the IG findings stated that the NRC's analysis contained several flaws and that the NRC failed to thoroughly re-examine the underlying premise of its analysis and did not accurately communicate this analytical work performed.

As a result of this report, the NRC convened an expert evaluation team to look into the Indian Point pipeline issues. We have actively incorporated the findings from the expert evaluation team in other comments received from internal and external stakeholders into the proposed 2.206 process changes.

I will now turn it over to my colleague Jonathan Evans and Andrea Russell, who will take on the next portion of the discussion detailing the comments and some of the changes that we are proposing. Thank you.

Jonathan Evans: Okay. Hello. Thank you. This is Jonathan Evans. And, again, I'm a Reliability and Risk Analyst in the Division of Risk Assessment.

So as a part of Recommendation 1, the working group was tasked to consider changes to the review process for the 10 CFR 2.206 Petition in order to address the expert evaluation team's recommendation that the agency modernize the Petition Review Board.

Following the feedback from the first two public meetings as well as from internal meetings, the working group identified the need to create a core team. The rationale behind such a concept was to create consistencies and

efficiencies in the processing of the 10 CFR 2.206 Petition to increase knowledge management.

It was also to increase standardization, effectiveness of the review process and transparency in the 10 CFR 2.206 Petition products and services that would increase. It also would create consistency, consistent communication and confidence in that communication.

Our plan going forward is to continue to conduct periodic reviews of the guidance more frequently to include lessons learned from these changes.

Having full-time 10 CFR 2.206 Petition managers would promote consistency in the process. Having a small pool of trained senior executive service managers to choose from to serve as a rotating Petition Review Board chair will allow for increased understanding of the process.

The technical staff contributors would still be chosen from the office for which the Petition relates. With that considered, we would still ensure the Petition Review Board selection to maximize independence from the original decision. And we will discuss that next.

We are updating the Management Directive and Desk Guide specifically in the responsibility section to incorporate this proposal.

Now, I'll turn it over to Andrea to discuss the next two recommendations.

Andrea Russell: Hi. This is Andrea Russell again, Safety and Plant Systems Engineer.

So as part of Recommendation 2, the working group was tasked to consider changes to the review process for 2.206 Petitions in order to address the expert evaluation team's recommendation. To the extent practicable, we should assign PRB members and support staff that are independent from any previous substantive work on the issues raised in the Petition.

Following the first two public meetings, the Working Group identified the need to revise the Desk Guide to incorporate this independent review aspect. The rationale behind such a concept was to identify issues with the initial review, assumptions, errors, contradictions, identify the correct subject matter experts and to create an opportunity for knowledge transferred to other staff.

The working group proposes, to the extent practicable, that the PRB should consider inclusion of members and support staff that were integral in formulating the staff position regarding the concerns in the Petition. This may not be applicable to all 2.206 reviews, which is why we use the terms, extent practicable and should consider.

The working group also proposes to incorporate peer reviews as appropriate to obtain potential alternate perspectives on technical analysis, particularly for those Petitions requiring additional analysis.

In addition, the working group proposes to solicit support from external contractors for complex issues when the PRB determines there is limited staff expertise and diversity. Neither of these are new concepts.

The NRC incorporates peer reviews into many of the licensing actions we review, and we use contractors as needed when we don't have the technical expertise within the agency.

The working group is updating the Desk Guide to incorporate the above changes.

Next slide. As part of Recommendation 3, the working group was tasked to consider changes to the 2.206 process in order to address the expert evaluation team's recommendation to accept Petitions for Review if detailed analysis is needed to adequately evaluate the issues in the Petition.

Following the first two public meetings, the working group identified the need to revise the Desk Guide to incorporate this detailed review aspect. The

rationale behind such a concept was to improve public perception and to ensure the appropriate staff level of effort for a given petition.

The working group proposes that if the PRB determines that a Petition requires detailed analysis, then the Petition should be accepted for review.

The rationale behind this is that if the NRC needs to do additional analysis to make the determination on whether to accept a Petition for Review, then we should just accept the Petition for Review to enable us to do that additional analysis. The working group is updating the Desk Guide to incorporate this guidance.

The working group also determined the communication or notification to the petitioner on the status of the Petition when it has not yet been accepted or rejected could be improved. Therefore we are also updating the Desk Guide to provide additional information throughout the review process.

Now I'll turn it back over to Jonathan to discuss the last recommendation.

Jonathan Evans: Hello. This is Jonathan Evans again. So as a part of Recommendation Number 4 the working group was tasked to change the 10 CFR 2.206 Petition process in order to address the expert evaluation team's recommendation that the agency document analysis supporting Petition decisions.

Following the feedback from the first two public meetings as well as some internal meetings, the working group identified the need to better document analysis supporting Petition decisions.

The rationale behind such a concept was for proper documentation of analysis, which can lead to improved quality product and decision-making as well as knowledge management. Therefore, we are also updating the Desk Guide to address this recommendation.

And with that, I'll turn it over to Gregory for the next slide.

Gregory Suber: Thanks, Jonathan. So Jonathan and Andrea basically went over our responses to what was recommended from the expert evaluation team. Right now, I would like to take a few minutes to just highlight some of the changes that we are proposing as a result of comments that we received during our public meetings.

One of the recurring themes that we noticed was the need for increased communication with the petitioner and members of the public. As a result of these comments, the working group proposes to develop a consolidated timeline using best practices from other agency processes like the allegations process that is proven, you know, to result in enhanced communication between the NRC and the public.

This process introduces more frequent and meaningful touchpoints through the process to keep the petitioner abreast of what was happening with respect to the petition.

Additionally, we are proposing changes to improve the timely response of the agency to the Petitions overall. Specifically, if challenges arise during the Petition process that may delay the NRC from providing a timely response, the new process proposes more frequent and timely updates to the petitioner to keep them abreast of the status of the Petition. And the working group is updating the desktop guide to incorporate both of these changes.

Additionally, petitioners with multiple concerns and action requests may benefit from a more holistic review that considers the requested action in aggregate and ensure the cumulative impact of the petitioner's concerns have been evaluated. So the working group is updating the Management Directive to incorporate changes to address these concerns.

And lastly, documenting decisions has been a staple of NRC regulatory framework and is vital in showing openness and transparency in how we operate.

Therefore, as discussed earlier regarding Recommendation 4, we plan to modify the guidance document to explicitly state and reaffirm our commitment to proper documentation of all calculations and analysis that serve as a basis for our regulatory decision-making.

We appreciate the public feedback that we have received over the past couple of meetings, and we look forward to discussing our final proposed changes. I will now turn it back over to Brett for the Q&A session. Brett?

Brett Klukan: Thank you, Gregory. It is now time for our public question and comment section of the meeting. Again, if you would like to speak, please contact the operator by pushing star 1. The operator will then put you in the queue and announce when it is your turn to speak.

You'll be asked by the operator to state and spell your name and affiliation. You then press the star key again to return back to the meeting. Otherwise you won't be able to hear the meeting until a time delay finishes.

If you decide you would like to speak, please press star 2. If you wouldn't mind doing so if you know you would like to speak during the meeting today, I would ask you to please enter the 2 now just so I get an initial sense of how many people roughly we have who would like to speak today.

When it is your turn to speak please, again, state your name and affiliation even though you provided it to the operator already. That helps us for the transcript and also just so our other speakers know with whom they're speaking to.

If you have any questions about any specific slides or directed to any presenters, please try to refer to the appropriate slide or presenter in your question.

If there is a need to limit speaking time as a result of the number of people we

have in the queue, and I'm waiting to see how many we have here, I will let you know. And, again, I will allot the same amount of speaking time to all speakers.

One more thing before we begin, we're always looking to improve our meetings and your feedback is very important to us. At the end of the meeting, please go to the NRC public meeting Web page. Click on the recently held meetings button and look for this meeting.

The meeting feedback form will be at the bottom of the meeting's announcement. With that said, let us now begin the question and comment portion. Let us see how many people we have in the queue.

So as of this time we have it looks like two people in the queue. So I'm not necessarily going to put on a strict time limit although I would ask you to roughly keep your comments to 10 minutes or less at this point. And then we can always circle back around.

And so with that operator, could you unmute our first speaker in the queue, please.

Coordinator: Thank you. Our first question comes from Paul Blanch. Your line is open.

Paul Blanch: Well, thanks very much for this opportunity. This is the first meeting that I've heard about on the 2.206 process. I think in some respects you are missing the boat.

I was obviously the one who initiated the OIG investigation and numerous meetings with them as I'm sure the NRC staff has had with them.

Subsequent to the report that came out in February of last year, I spent quite a bit of time working with David Skeen and his executive management team on recommendations, primarily on technical issues. I've also had a few meetings with Petition Review Boards.

And again, I don't think that what is being proposed here is going to address the questions I have and certainly some other people have who are not on this particular phone call.

One or two of the issues that were clearly identified in the Inspector General report but never addressed in any of your slides. Our statements in the IG report, such as the NRC provided an inaccurate description of the work the NRC conducted to assess the stakeholders' concern.

Inaccurate information, you know, as a licensee we have either 50.5 or 50.9. And when a licensee submits inaccurate information to the NRC, there are sanctions and civil penalties and criminal penalties that could be imposed on the licensee.

Now here we have the NRC providing what I call a politically correct name, inaccurate, incomplete information to the public that the NRC serves.

And here we have a meeting to address some of the issues, or the major issues, in the OIG report. To me, this is one of the major issues and how do we stop the NRC from putting out inaccurate information which, if it went the other way, sanctions and criminal penalties could occur?

The other statement that the OIG report said, NRC misrepresented the assumptions using the follow-up bounding analysis. Again, we're talking NRC putting out bad information to the petitioner.

Something needs to be done. It needs to be done and sanctions need to be imposed on those people that are responsible. This is not acceptable to me as a member of the public.

Now, moving on to some of the other issues I have. And I received - well I have two Petitions essentially open. One has to do with the flooding analysis San Onofre Nuclear Power Station in California.

That Petition was rejected because the NRC determined it was a previously analyzed event. Nothing could be further from the truth. How do we prevent the NRC from making these false statements, and I do mean false statements, and incomplete information to the petitioner?

I mean, the BS that was put out in the Kevin Williams September 1st letter was just absolutely incredible, inaccurate, incomplete. We need to stop that.

The second Petition was submitted in October of 2020. This Petition is also being rejected on the same basis. We've had a preliminary rejection already by email.

And the other thing this group really, really needs to take a careful look at, 2.206 clearly stated, whether I agree with it, but it is a rule, that for a petitioner once there is a director's decision, there is no appeal by the petitioner.

The NRC in some of their communication with me has inferred that the non-acceptance of a Petition cannot be overruled, appealed, reconsidered or anything else. That is not stated in the rule itself, 10 CFR 2.206.

Another problem we have, when we have a problem, a safety problem, regulatory compliance or any problem, be it a family problem, a problem with our children or whatever, we always find that a dialogue works best.

Now we went through within the past two months a two-hour presentation with the NRC and the Petition Review Board on the issue of credible events and not credible. And I believe it was 18 times I was told I am not allowed to ask any questions.

That just shuts off any dialogue. That has got to be resolved. In your Management Directive 8.11, it allows the licensees to ask questions as well as other participants in the meeting. But the petitioner who has the concern, and I

was told emphatically eight times, we have a video of it, that we cannot ask questions.

How can we solve a problem, and we do have outstanding two major problems, the one on the flooding of San Onofre and the one on the definition and how is it used for credible events?

I have a simple question that I want to ask and that has to do with a dry cask. I talked to Andrea Kock and asked her, what is the impact should the canister that contains the spent fuel should it lose its helium overpressure. And she said, I can't answer that because it's in the 2.206 process.

Now, here we have a Catch-22. Directors can't answer my question. They tell me go through the 2.206 process. I go through the 2.206 process, and what am I told? We can't answer any questions.

So the resolution, I believe, that if a Petition either, well, is not accepted for consideration because it has been whatever the reasons are given in Management Directive 8.11, analysis has already been conducted.

If that is going to be the NRC's position that the analysis has already been conducted, that analysis, or at least the summary - now I agree or admit that on the flooding analysis Holpak has determined it not to be proprietary, that doesn't prohibit the NRC attesting to the fact that here are the results. Here's a summary of the results of the analysis and this is why your Petition is rejected.

All I get in the rejection is that analysis has already been conducted. That is not the right way to do business. We both have problems, both the NRC and us members of the public. And if we can't have an open dialogue to discuss the problems, all we're going to do is lock horns and bang heads. And that's what we've been doing.

And it was the OIG report that alluded to some of these facts that are not being addressed. And I just read some of them to you. Go back to the OIG

Report 16-024. And don't cherry-pick the easy problems. Go to the big problems where the NRC is putting out misinformation, inaccurate and incomplete information and in my words, absolute lies.

What is being done as far as sanctions to those people that are causing this and what is being done to prevent that from recurring? Again, those are the major issues I have.

It's just that every time, and I've probably in my life over the last 30 years submitted maybe 8 or 10 Petitions, some of them accepted and some rejected, but all of them obviously have been rejected by the director. We as the public just don't stand a chance.

Look at the statistics that I presented. Back in 1993 based on an Inspector General's report and my testimony before the U.S. Senate, only two Petitions out of 400 plus were ever accepted. And the numbers have gotten worse since that time.

We need to change the process. Don't pick the low-hanging fruit that you're doing right now. Get to the root cause of the process and the problem. Get the NRC to tell the truth.

And if they're going to say an analysis has already been conducted then provide a copy of the analysis or a summary of the analysis if it happens to be security-related or proprietary information but just don't tell us. We put a lot of time and trouble into these Petitions, believe me.

And I know we cause a lot of heartaches and headaches with the NRC. But when we get to this stonewalling each other - and I think I've been open as indicated by my communication with the OIG and Dave Skeen's team and the PRBs and so on and so forth, I've been more than cooperative. I've been open.

And I get Mr. Williams up there telling me in a somewhat controversial manner, Mr. Blanch. You're not allowed to ask any questions, that's not part of

2.206. That's part of the 8.11 process that was developed. And I know this to be a fact in conjunction. by - well first of all by the NRC and in conjunction with NEI, which at the time might have been NUMARC.

So the public is blocked, totally blocked in public meetings. This is the only time I've had a chance to fully vent. And if I sounded too harsh, I apologize. But I think I've got good points. I've got valid points. And I hope that the NRC will take these points very seriously.

They are being transcribed. This transcription will be circulated. And I thank you for your time. And I'd like to hear what the other commenter has to say. And I am done. And again, thanks again for your time.

Brett Klukan: Thank you very much, Mr. Blanch. I'm going to turn it over to Greg for a response. So, with that, Greg or Gregory.

Gregory Suber: Hey, so I will kind of respond at the end. And I'm just willing to forego that for right now and listen to the comments from the other commenter. But I have taken some notes and I am going to address some of Mr. Blanch's points, which I really appreciate.

I think he's been at the other two meetings as well. And, you know, like he said, he's one of the big reasons that we are here today. All right. So if we could just let the next commenter speak, that would be great.

Brett Klukan: Will do. Thanks for your (unintelligible). I just want to remind the audience that if you do want to speak, please press star 1 and then you will be connected to the operator. We will put you into the queue. And then the operator will ask you for your name and affiliation.

So again, star 1 if you would like to be added to the speaker queue. So with that said, no further ado. Operator, can we have our next speaker, please?

Coordinator: Thank you, Charles Langley, your line is open.

Charles Langley: Greetings. This is Charles Langley. Can you hear me?

Brett Klukan: We can hear you, sir. Thank you.

Charles Langley: Terrific. My question and comment, I guess, is directed at Jonathan Evans because this sounds like a promising take on the 2.206 process.

But to, I guess, follow-up a little bit on what Paul Blanch said, I have a very specific question, and that is does this new process require disclosure of how risks are evaluated in 2.206? And that's why I'm asking Jonathan Evans to reply since he works in the risk assessment division of the NRC.

And in particular, when the NRC says that a risk is not credible, what kind of documentation and footwork is required for them to make that determination? Because that determination was made regarding risks that we feel are quite probable at the San Onofre Nuclear Generating Station and the response we got from the NRC was, well, that's just not credible. End of story. Thank you very much.

And with that, I'll mute myself and hopefully, we could get an answer to this question.

Brett Klukan: Thank you very much. With that, I'll turn it back over to Gregory and then we'll go from there. So, with that said, Gregory?

Gregory Suber: Okay. Yes. So thanks, Brett, and I appreciate the question. And, you know, so I'll just kindly remind everyone what this meeting designed for is to address the proposed changes that we have set forward for the 2.206 process.

And I understand that there is some curiosity regarding specific 2.206 Petitions in the way the technical staff has dispositioned those Petitions. But this just isn't the forum for us to address those specific questions.

What we're really talking about today, and the input that we were looking for today, was on the proposed changes that we are making to this process, some of which were changes in response to the IG report and the subsequent evaluation from the task force and others were changes in response to the other two public meetings that we held.

And so that's the focus of this particular meeting and that's what I would like to respond to. So Mr. Blanch raised a couple of really good points when he was talking about the IG inquiry and the resultant evaluation report from the expert staff, from the expert panel.

And one of the things that we did in response to that is we looked at the information and how it was being communicated in the process. And we did find some disparities. We found some information that was reported that wasn't properly documented.

And so we looked at our process and we made two pretty significant changes to what we are doing for 2.206 Petitions. And one of those changes is explicit direction to the staff in providing documentation during a 2.206 process.

And what the core team is designed to do is to make sure that that's going to be done consistently moving forward for every 2.206 Petition that the agency receives so that proper documentation is being addressed under the auspices of revising this process.

And the other thing that we're doing is incorporating where practicable and appropriate peer reviews so that people who were not connected to the original assessment can take a fresh look at what was done in that Petition to give it a second peer review or a second check.

And in addition to that, if the expertise doesn't exist within the staff to verify that, meaning if the experts from the staff were used to generate the report, we've opened the option for ourselves to decide if it would be appropriate for us to elicit the help from contractors, which we do throughout the agency,

throughout every technical division within the NRC and to give us that qualified second look.

So there were a number of changes that we made to address the OIG's concern on document accuracy and inconsistency. And so I wanted to make sure I made those clarifications.

And I know that there is a lot of interest in SONGS and there is a lot of interest in other technical portions of what we do. But this is not the meeting for us to address those concerns. So we'll have to table that for another time and maybe go back and look and decide as a staff what would be the proper forum for us to discuss, you know, particular technical issues.

And it will probably be in the disposition of those specific concerns with the Petition Review Board. But it's not in this meeting, which is laser-focused on just the process. That's it.

Brett Klukan: All right. Thank you very much, Gregory. Operator, could we have our next speaker, please?

Coordinator: Thank you, Geri Shapiro. Your line is open.

Geri Shapiro: Thank you. Geri Shapiro, senior adviser to Senator Gillibrand and working on Indian Point in particular for 20 years.

It's just troubling to me the last statement that this is not the forum. And I know Greg tried to explain what would be the appropriate forum.

I just want to get some kind of timeline when Mr. Blanch and Mr. Langley's issues that they've raised, which I've heard them raise before, when they will be addressed. And truthfully, hopefully it'll be in my lifetime and I'm going to be 80.

So, you know, just I would like some clarity and some specific answers about

the timeline about this.

Brett Klukan: Thank you very much. I will I'll turn it over to again to Gregory.

Gregory Suber: Okay. So thanks for that question. And I believe in substance the issues that were raised in the 2.206 Petition for Indian Point, you know, they have been resolved.

And the staff they conclude even though there were flaws maybe in the process and in the way we did the review and dispositioned the Petition, that the pipeline it is safe. So from that perspective, there really isn't very much more to disposition in 2.206 from a technical standpoint.

The changes that we're implementing that address the process that's still ongoing. And at the end of the presentation, I had a slide that would go through the next steps, but I'll just briefly speak to that now.

So what we have now is we have the report. We have communication from the public. We have incorporated those in two stages and have proposed changes to both the Management Directive and the Desktop Guide.

Now, the Desktop Guide is the thing that the staff uses as a reference to actually go through the process. So those are directions to the staff.

And we're proposing, you know, a good deal of revision to the changes in the Desk Guide to make sure that some of the shortcomings that we experienced in dispositioning the Indian Point 2.206 Petition will not be repeated moving forward.

So I think we have been responsive. I know that, you know, that there are still some ongoing concerns with SONGS. Now, sorry if you don't like it, but the proper place to disposition that is in the PRB for SONGS.

But I do hope that we have acknowledged number one, that we have listened

to all of our external stakeholders. That we have taken their recommendations to heart and that we are proposing changes that address, to the extent practicable, the principal recommendations or comments that we received from Mr. Blanch and others.

Brett Klukan: Thank you very much. Just a reminder again if you would like an opportunity to speak, please press star 1 on your phone. Anyone who has not yet spoken, if you'd like to enter the queue now, otherwise we will again speak with people who have already spoken.

But I want to give an opportunity - make sure we give everyone an opportunity to speak if you would like to do so. So if you have not yet spoken, please enter star 1 on your phone and to be entered into the queue. And I'll give people a minute to do so.

And if not, we will go back to previous speakers. All right, hearing none or seeing none in the queue, operator, could you have our next - please unmute our next speaker, please.

Coordinator: Thank you. Paul Blanch, your line is open.

Paul Blanch: Thank you very much, Greg. I just have some comments on what you just said. You referred to peer review. I'm not sure what a peer review is. But I have followed nuclear safety culture and, you know, all the stuff on nuclear safety culture, both within the NRC and outside the NRC.

And we can, you know, look at NRC people that have been persecuted. Having a peer review by NRC personnel with the culture that exists, almost everyone, at least at a high level, if they ever want to progress, will ever disagree with management's desires. The culture is horrible. And that peer review should actually be done by someone independent of the NRC.

The other thing, Greg, that you mentioned is, here we go on a Catch-22. You said something along the lines this is not a forum to answer questions. Well, I

think I talked about that before.

The PRB is not a forum to answer questions. This session, which is at a higher level, revising 8.11, this is not a forum to ask a question. Something needs to be in 8.11 which will facilitate or allow a dialogue between the petitioners.

Now someone just - Greg, I think it was you that made a statement that everyone was in agreement that the pipeline is safe, the pipeline interaction with the nuclear plant at Indian Point.

Once the plant has been shut down, I believe that the probability of a major catastrophic accident is acceptable where we are right now. Prior to its shut down a little over a month ago, that plant was not safe. And it was not safe, as I've told the NRC, and again could never have a dialogue was if there was an explosion of the lines go through the site 400 feet from the NR3 control room that unignited gas going into the control room could ignite in the control room and that would be catastrophic.

In response I get from the NRC well, the operators would smell the gas and take some action. That didn't go over well with me. But the other even more important thing is the switchgear room was located right below the control room and should unignited gas get in there and be ignited by sparks and motors and switchgear and so on and take out the switchgear room, we have a disaster. There is no doubt about it.

And I think that someone now making a statement that the OIG or whomever determined that the Indian Point interaction demonstrated it was safe is just another misleading statement and how do we prevent those types of statements?

And my last comment is Geri and I, Geri Shapiro and I have known one another for a long time. And I wanted to thank Geri Shapiro and the Senator for their interest in this very, very important topic. And whatever the Senator could do to allow open communication between concerned members of the

public and the NRC would certainly be of help to all of us and for public safety.

And with that, I'll shut my long-winded mouth. Thank you very much.

Brett Klukan: Thank you very much, Mr. Blanch. So Gregory let me know that he plans to respond once our next speaker as well has had an opportunity to provide some additional comments. So with that, operator, would you please unmute our next speaker, who I is Mr. Charles Langley, please.

Coordinator: Charles, your line is open.

Charles Langley: Thank you. This is Charles Langley and I just have a really childlike, simple question. And I think it requires a yes or no response. And I think that response is required because this is a meeting about the process of the 2.206 and how 2.206's work.

And that is, if I ask a question in 2.206 such as how is the risk that something is not credible determined, does this new process require the NRC to answer that question by explaining what a non-credible risk is? Okay. Thank you.

Brett Klukan: Thank you very much for your question. And with that, as I noted, I'll turn it now back over to Greg or Gregory. Thank you.

Gregory Suber: Okay. So thanks for that question and I don't want to be - give me your answer. That's not satisfying. But I'm not qualified to make that statement.

What we do is we explain in the process, you know, the basis for the staff decision and basically why we find a particular amendment or a particular change, why we find it acceptable. And we include that information not just in the response to the to the petitioner, but it's also fully documented in our safety evaluation.

So we make our decisions based on the regulatory requirements that we have

before us. And that's pretty much all I can say about the technical analysis that we do in response to both addressing the initial application or amendment from the licensee and in response to the petitioner when they ask questions.

You know, we have requirements and we make sure that the decisions that we make are based on ensuring that the licensee or the applicant has met those particular requirements.

So I'd just like to thank everyone who has participated in this. Like we've stated previously, the meeting is being transcribed and we will go through the transcripts and look at the questions and see if there are additional things we can do or additional clarifications that we can make before we propose our final changes in our senior management.

I believe deep in my heart that the staff worked very hard to be responsive to not just the IG and not just the expert panel report. But I know firsthand how the staff poured over the comments that were made during the public meetings and came up with an entire set of recommendations in response to those comments.

And I hope that there is some recognition of the integrity and the hard work that was done by the NRC staff who have made these proposals to improve, right? It may not be perfected, but to improve the process and establish a core team that will, number one, make sure the process is being conducted consistently.

And number two, look for other ways to optimize the 2.206 process. And that's about, Brett, what I can say in response to the comments. But I really appreciate everyone's participation today.

Brett Klukan: All right. Thank you very much, Gregory. So, again, as I have been stating earlier, if you would like to speak, please press star one to be connected to the operator who will add you to the queue.

And with that, it looks like we do have a follow-up question from Mr. Langley. So with that, I don't know if he's already unmuted, but if not, operator, if you can unmute him and then we'll wait to see if we have any additional speakers after.

So please unmute, Mr. Langley if he's not already. Thank you.

Coordinator: Charles, your line is open.

Charles Langley: Thank you. I appreciate that very lengthy and thoughtful reply, Greg. And I noted that you began by saying I'm not qualified to answer this question. However, the host of this event, Jonathan Evans, is qualified to answer the question.

And it's a yes or no question. Is the NRC going to disclose how it evaluates a non-credible risk in future 2.206 white papers? And is that required according to this process? It's a pretty simple question, and I'm hoping that you will allow Mr. Evans to speak on this, Greg. Thank you.

Brett Klukan: Thank you very much. I'll give the NRC staff here one minute. One moment, please.

Gregory Suber: Hey, Brett. This is Gregory Suber. Yes, so that's the question that we will take back and we'll take offline. And we will get back to Mr. Langley in writing. I think at the beginning we just said we weren't going to make any regulatory commitments.

And so I think - and I understand, you know, the questioning attitude and I really appreciate the questioning attitude and the concern he has for this particular issue. And we will take a note, take a, you know, response item to get back to him in writing.

But I'm not going to put anyone on my staff in a position to answer that question as it may not just be a technical question but may also have policy

implications. And I hope Mr. Langley can be patient and be at least temporarily satisfied with that response.

Brett Klukan: Thank you very much. Again, if you would like to speak, please press star 1 on your phone. Again, that is star 1 to be connected to the operator.

At this time, I don't see any individuals in the queue, so we'll give it a minute or two. Again, star 1 if you would like to be connected to the operator. So I'll give individuals a couple of minutes here to see if anyone else has any comments they would like to add to the meeting.

So it looks like we do have one additional person and whenever the operator is - you're ready, please feel free to unmute that next speaker, please.

Coordinator: Billy Garde, your line is open.

Billy Garde: Thank you. Thank you for holding this meeting. It has been interesting and informative. The issue that I don't think has still been adequately addressed is the independence of the review process in the context of the proposed 2.206 process.

I think it still looks like a do-loop back to the original regulatory staff. And although there's an independent kind of panel piece to it, my experience of late in 2.206 that I have been involved in is it still goes back to the regional staff and the reliance on the regional staff that there is an independent regulatory review of the issues and therefore that kind of defeats the purpose. I don't see that really changed in the new process.

If you could add any additional information about how the independent review process is preserved in the new or proposed process, I would appreciate it.

Brett Klukan: Thank you very much for your question.

Gregory Suber: Oh, yes. So this is Gregory Suber again. And I thank you, Ms. Garde, for that question. So in dispositioning 2.206, the first attempt to understand. So sometimes we do touch base with the staff that worked on it so we can understand their approach.

But the Petition Board is independent of the actual person who did the primary review even though that person does have a role in explaining their analysis.

And once again, I can also go back to the way we have proposed changing this process. And one of the changes is that if we feel the need when practicable for a totally independent second look, we do have the option to hire contractors outside of the NRC who can take a fresh look at a particular issue.

So I think within the structure of the new process, we are maximizing the ability to have the person working on the technical question not be the individual who performed the initial analysis. Okay? But, of course, we have resource constraints just like everyone else. But to that point, we have built-in mechanisms to ensure independence in the review process.

Brett Klukan: Thank you. Again, if you would like to speak, please press star 1. We currently have - I don't see any individuals currently in the queue. So I will give members of the public a minute or two if you do have any additional questions or comments to add yourself to the queue again by pressing star 1.

It looks like Ms. Garde has a follow-up question. So if you could unmute her, operator, thank you very much.

Coordinator: Billy, your line is open.

Billy Garde: Thank you. In further response to your question, is the criteria laid out that would trigger the use of an independent contractor or at least independence from the original decisionmaker with other agency resources?

I mean, I may have missed that, but I do not see that spelled out in the proposal. Or is it just subjective on the basis of your initial review?

Gregory Suber: Yes. So this is Gregory Suber again. So some of the details that we are proposing right now are going to be implemented by the core team. So we have not set up the core team yet.

And so there are some things that we have that are conceptual that we don't have a hard and fast criteria for because we have not met - we have not reached that state of development in the process.

But I imagine that when we do set up the core team that they will have a specific criteria that they will use when they determine that the level of complexity of this particular issue calls for the use of an independent contractor.

But as I said before, the changes right now are conceptual. The core team has not been set up and we have not gotten down to that level of specificity in the changes that we are proposing.

Billy Garde: Thank you.

Gregory Suber: You're welcome.

Brett Klukan: Okay. I thank you again for the question. At this time we have no individuals in the queue. So I will give members of the public a moment to add themselves if they so choose by pressing for 1 to be connected to the operator. So we will give individuals here a minute to see if anyone else has any additional comments or questions.

Okay. Seeing no additional speakers in the queue, I will thank everyone who has provided comments and questions during the meeting this afternoon. We very much appreciate it.

And again, I would remind members of the public who participated today, we are very much interested in your comments and feedback, particularly with respect to the format of this meeting, whether this format worked for you, what we can do to improve upon this meeting format.

And we would ask you to go to the NRC public news Web site and fill out the meeting feedback form associated with this meeting, which you can again link to from the NRC public meeting page and through the entry to this particular meeting. And with that, thank you again. And I'll turn it over to Gregory for final comment.

Gregory Suber: Oh, thank you, Brett. So I'd like to just quickly summarize what our next steps are.

We are in the process of finalizing the changes that we've proposed. And based on the input that we received, we will make those changes, produce that document and send it through the internal NRC management for review.

Once the changes are approved and finalized, we will inform the Commission of the changes in the timeline for implementation. Ultimately, the changes will be communicated to staff and the final documentation will be made public. And the Desk Guide will be available for the staff to use.

Okay. Next slide. Okay. So here is contact information. As Brett indicated, if you have additional questions or if you think of something after the presentation, you can feel free to email them to us at opa.resources@nrc.gov.

In closing I would like to thank everyone who has participated in this meeting and in the series of meetings we had coming up to this point, I believe your participation markedly improved the product that we are proposing for finalization. And we thank you for your attention and for your consistency in attendance.

Before I close, I would really like to take a minute to acknowledge my team. I

would like to thank Undine Shoop and my predecessor, Steve Arndt, for their leadership of this team.

A special thanks to Jonathan Evans and Andrea Russell for stepping up at key points and putting the presentation together. They did a really great job.

And the core of the team was really strong and really dedicated and that I really appreciate. So I would like to thank Mr. Rob Carpenter, Latif Hamdan, Dori Willis and Sheila Rivera for all of their hard work and their consistent participation.

So none of this would have been possible without a concerted effort between our external stakeholders and the NRC staff. So I'd like to applaud everyone who participated. And thank you for your commitment to this process. And I'd like to thank the staff for their commitment to public service and with that, Brett, I'd like to close.

Brett Klukan: Okay. Thank you, Greg. Just to be fair, we did have a Mr. Langley enter in after I had started to close. So we'll give him an opportunity to speak one more time just to be fair. I don't want to feel like we dropped him. So, operator, could you unmute him please?

Charles Langley: Hello?

Coordinator: Charles, your line is open.

Charles Langley: Yes, I just wanted to comment, I guess, that one of the most important things the NRC does is evaluate risk. And sometimes we ask them to re-evaluate a risk in a 2.206 Petition.

And that's what we have done as a public advocacy group. We've asked for a thoughtful evaluation of risks. And what we've gotten frequently as an answer is that the risk is non-credible.

And when we follow-up and ask how are those risks evaluated in a 2.206 process, we don't get an answer. And I don't think the changes you're making to this 2.206 process offer a way for the NRC to explain how it thoughtfully evaluates risk, which has got to be the NRC's most important job or one of its most important jobs.

And with that, I thank you for letting me share that thought. Thank you.

Brett Klukan: Thank you. Thank you very much. It looks like, Ms. Garde, you added yourself and then after that again. We've already gone through the closing comments, but we will touch upon Ms. Garde, who is in the queue and then we'll close it after that. So, Ms. Garde, please? Ms. Garde is no longer in the queue.

All right. Well with that said, I think we have an empty queue. I would like to thank you again. Thank you, Gregory. Thanks to all who attended. And with that, we will close out the meeting. Thank you very much.

Coordinator: That concludes today's conference. Thank you for participating. You may disconnect at this time.

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