December 4, 2002

MEMORANDUM TO: William D. Travers
Executive Director for Operations

FROM: Brian W. Sheron, Associate Director ***/RA/***
for Project Licensing and Technical Analysis
Office of Nuclear Reactor Regulation

SUBJECT: OCTOBER 2002 REPORT ON THE STATUS OF PUBLIC PETITIONS UNDER 10 CFR 2.206

The attached report gives the status of petitions submitted under 10 CFR 2.206. As of October 31, 2002, there were six open petitions, which were accepted for review under the 2.206 process: four in the Office of Nuclear Reactor Regulation, and two in the Office of Nuclear Material Safety and Safeguards. Two final Director's Decisions (DDs) were issued in October and five final DDs have been issued to date in November. In addition, six letters were submitted to the NRC in October as petitions under 2.206. The staff is reviewing those petitions to determine if they meet the criteria to be reviewed under 2.206.

Attachment 1 provides a detailed status of the open petitions.

Attachment 2 provides a summary of incoming letters that the staff is still reviewing to determine if they meet the criteria.

Attachment 3 shows the age statistics for the open 2.206 petitions as of October 31, 2002.

Attachment 4 shows the age trend of closed petitions for the last 3 years. No proposed Director's Decisions were issued in October 2002. Therefore, there is no data available to measure our progress against the goal of issuing a proposed DD within 120 days of the acknowledgment letter.

This report and recently issued DDs are placed in the Agencywide Documents Access and Management System. In making these readily accessible to the public, the staff has identified another vehicle to address one of our performance goals, i.e., to enhance public confidence.

Attachments: As stated

CONTACT: Donna Skay, NRR
415-1322

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Accession No.: ML023190530 *See previous concurrence

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Report on Status of Public Petitions Under 10 CFR 2.206
November 1, 2002
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Attachment 1

Report on Status of Public Petitions Under 10 CFR 2.206

Facilities:	Salem Nuclear Generating Station, Unit Nos. 1 and 2 Hope Creek Generating Station Oyster Creek Nuclear Generating Station
Petitioner:	Norm Cohen, Unplug Salem Campaign
Date of Petition:	9/17/2001
Director's Decision To Be Issued by:	NRR
Date Referred to Review Organization:	9/19/2001
EDO Number:	G20010389
Proposed DD issuance:	May 16, 2002
Completion Date:	~~9/24/02~~ 11/01/02 complete
Last Contact with Petitioners:	11/01/02
Petition Manager:	R. Fretz
Case Attorney:	J. Goldberg

Issues/Action Requested:

The petitioner requested that the U.S. Nuclear Regulatory Commission (NRC) order either the closure of, or an immediate security upgrade at, the Salem Nuclear Generating Station, Unit Nos. 1 and 2, Hope Creek Generating Station, and Oyster Creek Nuclear Generating Station. In addition, the petitioner requested that: (1) the plants' defenses be upgraded to withstand a jet crash similar to that which occurred at the World Trade Center (WTC) on September 11, 2001; (2) all the spent fuel pools be brought into the containment buildings until a new jet bomber-proofed containment is built for them; (3) the NRC triple the number of Operational Safeguards Response Evaluation (OSRE) security inspections; and (4) the NRC cancel proposals to allow nuclear power plants to conduct their own security inspections.

Background:

The events of September 11, 2001, were cited as the basis for the request, with the petitioner stating that the four New Jersey nuclear power plants are vulnerable to terrorist threats, including a suicide airplane attack similar to that experienced at the WTC.

Two closed Petition Review Board (PRB) meetings were conducted on November 19, 2001, and November 29, 2001, to consider the merits of the requested actions. The PRB concluded that the petition met the threshold for processing under 10 CFR 2.206, and that the details provided in the petitioner's request were found sufficient to warrant further inquiry (Part III of Management Directive (MD) 8.11). An acknowledgment letter and a single *Federal Register* notice common to this and two other similar petitions (see pages 4 and 6) were issued on December 20, 2001.

The petitioner was contacted on December 7, 2001, and was informed that the NRC had advised all NRC licensees, after the September 11, 2001, terrorist attack on the WTC, to go to the highest level of alert, which they promptly did. Since there were no credible threats, there was no need to order the plants to shut down. However, the petitioner's immediate action requests were, in effect, partially granted in that the NRC had taken actions in response to the September 11, 2001, event by issuing many safeguards and threat advisories to the industry. The petitioner was informed that the NRC will follow the 10 CFR 2.206 petition process as explained in MD 8.11 to the extent possible without compromising sensitive information.

The petitioner was contacted again on January 9, 2002, and informed of the progress on this petition and the scheduled completion date of April 30, 2002. Orders were sent to all licensees on February 25, 2002, to formalize the heightened security measures and to require certain additional enhancements. A PRB meeting was held on February 28, 2002, to determine the staff actions on this petition in light of the Orders. The PRB recommended that the petition managers issue separate Director's Decisions (DDs) for each of the security-related petitions discussed on pages 2, 4, and 6 rather than one combined DD.

The petitioner was contacted on March 7, 2002, and informed of the status of the staff's review. On March 18, 2002, the PRB met with representatives of the Reactor Safeguards, Radiation Safety, and Emergency Preparedness Branch of the Office of Nuclear Reactor Regulation (NRR), and the Office of the Executive Director for Operations to re-consider the policy of withholding security-related petitions from the public in light of new guidance on releasing documents. The PRB, with the agreement of NRR's Executive Team and representatives of the offices listed above, decided to make this petition, and the other security-related petitions, public.

The proposed DD was forwarded to the petitioner and licensees on May 16, 2002. The NRC staff requested comments by June 21, 2002. On June 5, 2002, Michael Kohn of the National Whistleblower Center requested that the comment period for a similar petition be extended to August 10, 2002. Since Mr. Kohn's comments might affect the UNPLUG Salem petition, the staff offered to grant a similar extension to Norm Cohen. Mr. Cohen accepted the staff's offer to extend the comment period to August 10, 2002. Comments were received on August 10, 2002.

Current Status:

The final DD was signed on November 1, 2002.

Facility:	All Operating Nuclear Power Plants (103) in the U. S.
Petitioner(s):	Michael D. Kohn, National Whistleblower Center
Date of Petition and Supplement:	10/24/2001 and 1/16/2002
Director's Decision To Be Issued by:	NRR
Date Referred to Review Organization:	10/26/2001
EDO Number:	G20010485
Proposed DD issuance:	05/16/2002
Completion Date:	~~9/24/02~~ 11/01/2002 complete
Last Contact with Petitioners:	11/01/02
Petition Manager:	G. Shukla
Case Attorney:	J. Goldberg

Issues/Action Requested:

The petitioner requested that the NRC take immediate short-term and long-term corrective actions to protect the public against the possibility of terrorists seizing control of a large commercial jetliner and crashing it into a nuclear power plant in the United States. The petitioner also requested that the NRC staff take certain specified compensatory measures to protect the public and the environment from the catastrophic impact of a terrorist attack on a nuclear power plant or a spent fuel pool.

Background:

As a basis for the above requests, the petitioner states that no commercial nuclear power plant located within the United States was designed to withstand the impact of a large commercial airliner. The petitioner cites the plants' inability to be protected against terrorist attacks, including a suicide airplane attack similar to the attack on the World Trade Center (WTC). The petitioner discusses NRC's failure to adequately assess risk of malevolent airborne attacks, failure to adequately assess the risk of terrorist attacks at spent fuel storage facilities, and failure to adequately protect nuclear power plants from terrorist attacks.

There are two other petitions with similar requests concerning the security of nuclear power plants in the U.S. subsequent to the terrorist attacks on the WTC on September 11, 2001. (See pages 2 and 6 for the current status of these petitions).

The petitioner was contacted on December 7 and 20, 2001, and informed of the staff's progress to date. The petitioner was informed that the NRC had advised all NRC licensees, after the September 11, 2001, terrorist attack on the WTC, to go to the highest level of alert, which they promptly did. Since there were no credible threats, there was no need to order the plants to shut down. However, the petitioner's immediate action requests were, in effect, partially granted in that the NRC had taken actions in response to the September 11, 2001, event by issuing many safeguards and threat advisories to the industry. Furthermore, Orders were sent to all licensees on February 25, 2002, to formalize the heightened security measures and to require certain additional enhancements. The petitioner was informed that the NRC will follow the 10 CFR 2.206 petition process as explained in Management Directive 8.11 to the extent possible without compromising sensitive information. An acknowledgment letter and a single *Federal Register* notice common to this and two other similar petitions (see pages 2 and 6) were issued on December 20, 2001. By letter dated January 16, 2002, Winston & Strawn provided comments on the petition on behalf of several licensees, in support of the NRC

acknowledgment letter to Michael D. Kohn dated December 20, 2001. These comments were considered in preparing the proposed Director's Decision (DD).

A Petition Review Board (PRB) meeting was held on February 28, 2002, to determine the staff actions on this petition in light of the Orders. The PRB recommended that the petition managers issue separate DDs for each of the security-related petitions discussed on pages 2, 4, and 6 rather than one combined DD.

The petition manager contacted Michael Kohn on March 15, 2002, and informed him of the progress of his petition and issuance of Security Orders on February 25, 2002. On March 18, 2002, the PRB met with representatives of the Reactor Safeguards, Radiation Safety, and Emergency Preparedness Branch of the Office of Nuclear Reactor Regulation (NRR), and the Office of the Executive Director for Operations to re-consider the policy of withholding security-related petitions from the public in light of new guidance on releasing documents. The PRB, with the agreement of NRR's Executive Team and representatives of the offices listed above, decided to make this petition, and the other security-related petitions, public.

The proposed DD on the petition was issued on May 16, 2002. The NRC staff requested comments by June 21, 2002. The petitioner requested an extension of the comment period until August 10, 2002. Both the petitioner and the licensee were granted an extension until August 10, 2002. Comments were received on August 10.

Current Status:

The final DD was signed on November 1, 2002.

Facility:	Indian Point Units 2 and 3
Petitioner(s):	Alex Matthiessen/Karl Coplan/Pace Environmental Litigation Clinic, Inc., Riverkeeper, Inc., et al.
Date of Petition:	11/8/2001, plus several supplements
Director's Decision To Be Issued by:	NRR
Date Referred to Review Organization:	11/9/2001
EDO Numbers:	G20010508, G20010556, G20010567, G20020034, G20020051, G20020064, G20020073, G20020085, G20020092, G20020095, G20020096, G20020097, G20020098, and G20020378
Proposed DD issuance:	05/16/2002
Completion Date:	11/18/02
Last Contact with Petitioners:	09/09/02
Petition Manager:	P. Milano
Case Attorney:	J. Goldberg

Issues/Action Requested:

The petitioners request that: (1) the NRC issue an order to the Indian Point 2 and 3 licensee for a temporary shutdown to conduct a full review of vulnerabilities, security measures, and evacuation plans; (2) the NRC require the licensee to provide sufficient information about security for NRC to determine their ability to meet realistically expected threats and contemplate making the measures permanent; (3) the NRC mandate specifically listed measures to set up and protect a permanent no-fly zone and a defensive system to protect the "entire facility"; and (4) a revision be made to the emergency planning to include terrorists risks and multiple attacks on the infrastructure used in an evacuation. Finally, the petitioner requested that the NRC shut down the Indian Point facility permanently if security cannot be sufficiently ensured, and order the immediate conversion from spent fuel storage pools to a dry cask system.

Background:

As a basis for the above requests, the petitioners state that no commercial nuclear power plant located within the United States was designed to withstand the impact of a large commercial airliner. The petitioners cite the plant's inability to be protected against terrorist attacks, including a suicide airplane attack similar to the attack on the World Trade Center (WTC).

On November 21, 2001, the Village of Hastings-on-Hudson, New York, submitted its Board of Trustees' resolution calling for action very similar to that of the above petitioner and citing the same bases. The Village Clerk was contacted on December 27, 2001, to explain the petition process and discuss the existing petition. The Village Clerk asked to have this resolution treated as a supplement to the existing petition. A response letter was sent to Hastings-on-Hudson on January 29, 2002.

On November 26, 2001, the Village of Croton-on-Hudson, New York, in accordance with its Board of Trustees Resolution, requested that they too join the Riverkeeper, Inc., et al. as a co-petitioner. The PRB acceded to the request and recommended that they be included and acknowledged along with the rest of the petitioners. A response letter was sent on December 20, 2001.

Mr. Matthiessen was contacted on December 20 and 27, 2001, and informed of the staff's progress to date. An acknowledgment letter and a single *Federal Register* notice common to this and the two other similar petitions (see pages 2 and 4) were issued on December 20, 2001.

The petitioners were informed that the NRC had advised all NRC licensees, after the September 11, 2001, terrorist attacks, to go to the highest level of alert, which they promptly did. Since there were no credible threats, there was no need to order the plants to shut down. However, the petitioner's immediate action requests were, in effect, partially granted in that the NRC had taken actions in response to the September 11, 2001, event by issuing many safeguards and threat advisories to the industry. Furthermore, Orders were sent to all licensees on February 25, 2002, to formalize the heightened security measures and to require certain additional enhancements. The petitioners were informed that the NRC will follow the 10 CFR 2.206 petition process as explained in Management Directive 8.11 to the extent possible without compromising sensitive information.

The NRC received letters from the Town of Stony Point, dated December 12, 2001, and the Bedford Central School District, dated December 13, 2001. Also included as part of this petition are letters received from Nyack Public Schools, the Peace and Community Action Committee, the Village of Dobbsferry, the Town of Newcastle, and the Hastings-on-Hudson school district in February 2002. These letters make identical requests to the Riverkeeper petition and the petitions from the Villages of Hastings and Croton-on-Hudson. The staff will treat these as co-petitioners, and their letters as supplements to the petition.

Mr. Matthiessen was contacted on January 7, 2002. He requested a meeting with the Petition Review Board (PRB). The PRB decided at its meeting on January 24, 2002, that such a meeting was unnecessary because the petitioners did not indicate that they had additional information to provide to the staff. A PRB meeting was held on February 28, 2002, to determine the staff actions on this petition in light of the Orders. The PRB recommended that the petition managers issue separate Director's Decisions (DDs) for each of the security-related petitions discussed on pages 2, 4, and 6 rather than one combined DD.

A letter was sent to Mr. Matthiessen on March 13, 2002, informing him of the staff's decisions related to his requests for a meeting and specific documents, which he made in the January 7, 2002, phone call.

On March 18, 2002, the PRB met with representatives of the Reactor Safeguards, Radiation Safety, and Emergency Preparedness Branch of the Office of Nuclear Reactor Regulation (NRR), and the Office of the Executive Director for Operations to re-consider the policy of withholding security-related petitions from the public in light of new guidance on releasing documents. The PRB, with the agreement of NRR's Executive Team and representatives of the offices listed above, decided to make this petition, and the other security-related petitions, public.

The proposed DD was forwarded to the petitioner and licensees on May 16, 2002. The NRC staff requested comments by June 21, 2002. On June 5, 2002, Michael Kohn of the National Whistleblower Center requested that the comment period for a similar petition be extended to August 10, 2002. Since Mr. Kohn's comments might affect the UNPLUG Salem petition, the staff offered to grant a similar extension to Norm Cohen. Mr. Cohen accepted the staff's offer to extend the comment period to August 10, 2002.

On June 6, 2002, Brian M. O'Hare, a citizen from New York City, New York, submitted a petition calling for action very similar to that of the other co-petitioners and citing the same bases. Mr. O'Hare called for the NRC to adopt the resolution in the Riverkeeper petition. The PRB met on June 27, 2002, and recommended that, since the requested enforcement actions and bases were similar, it met the threshold for processing under 10 CFR 2.206. The PRB decided that

Mr. O'Hare will be added to the list of petitioners. The petition manager provided Mr. O'Hare with a copy of the proposed DD of May 16, 2002.

Comments were received on the proposed DD on August 10, 2002.

Current Status:

The final DD was issued November 18, 2002.

Utility	Carolina Power & Light (CP&L)/Progress Energy
Petitioner:	Jim Warren of North Carolina Waste Awareness and Reduction Network (NC WARN)
Date of Petition and supplement:	November 5, 2001, and February 12, 2002
Director's Decision to Be Issued by:	NMSS
Date Referred to Review Organization:	12/11/2001
EDO Number:	G200100461
Proposed DD issuance (completed):	8/29/2002
Completion date:	~~10/29/02~~ 11/12/02 completed
Last Contact with Petitioner:	~~5/30/2002~~ ~~7/17/2002~~ 8/29/02
Petition Manager:	David Pstrak
Case Attorney:	Jack Goldberg

Issues/Action Requested:

The petitioner requests that NRC require CP&L to halt rail shipments of spent nuclear fuel. The petitioner stated that the Department of Energy (DOE) suspended a shipment of fuel assemblies due to the threat of terrorist attacks on the shipment during transport. The petitioner believes the NRC should also require CP&L to suspend rail shipments of irradiated fuel indefinitely to ensure the safety of the citizens in North Carolina.

Background:

The petitioner states that DOE suspended a shipment of spent fuel assemblies following the terrorist attacks of September 11, 2001, because of the potential for a terrorist attack on the shipment. The petitioner requests that NRC require indefinite postponement of all spent fuel shipments within the CP&L system. The petitioner states that failure to do so would indicate a conflict between DOE and NRC positions on the safety of rail shipments of spent fuel.

The Petition Review Board (PRB) met on January 16, 2002, and agreed that the incoming petition meets the criteria to be considered under the 2.206 process. The PRB decided not to grant the part of the petition that requested immediate action to halt the rail shipments of spent fuel within the CP&L system. The PRB determined it was appropriate to send an acknowledgment letter to Mr. Warren, and it was issued on January 31, 2002.

The petitioner sent the NRC Chairman another letter dated February 12, 2002, in which he requested once again that NRC halt the shipments of spent fuel by CP&L to the Harris Plant. This letter is being treated as a supplement to the original petition. A Director's Decision (DD) is being developed and will be structured around the interim compensatory measures (ICMs) for transportation of spent fuel. The petitioner was informed that his letter of February 12, 2002, is currently in review and will be considered along with the previous letter (November 5, 2001) in the 2.206 process.

On May 30, 2002, the staff informed the petitioner that it would not meet the goal of issuing the proposed DD within 120 days while they awaited Commission guidance on the draft ICMs.

The staff received a Staff Requirements Memorandum (SRM) on the Transportation ICMs on June 28, 2002, which provided additional guidance and direction to move forward with addressing the ICMs with industry and stakeholders. A meeting was held on 7/30/02 with state and industry representatives to discuss the details of the ICMs and to gain an understanding of their impact. Many comments were received.

The staff determined that the ICMs should be issued prior to sending the draft Director's Decision to the petitioner and licensee for comment. Therefore, the staff requested and received an extension until August 29, 2002, to issue the proposed Director's Decision. On July 17, 2002, the petition manager called Jim Warren of NC WARN to apprise him of the status of NRC's response to his petition and inform him of the extension that was granted and the reason for the extension.

A decision was made to issue the proposed Director's Decision without the benefit of the ICMs being finalized since issuance of the ICMs was imminent. The proposed DD was sent to the petitioner and licensee on August 29, 2002.

Current Status:

Comments on the proposed DD were received and reviewed by the staff. The final DD was issued on November 12, 2002.

Facility:	All Operating Nuclear Power Plants (103) in the U. S.
Petitioner(s):	David Lochbaum, Union of Concerned Scientists,
Date of Petition and supplements:	3/11/2002, 3/21/2002, and 3/22/2002
Director's Decision To Be Issued by:	NRR
EDO Number:	G20020142
Proposed DD issuance (completed):	9/05/2002
Completion Date:	11/15/2002
Last Contact with Petitioners:	9/05/2002
Petition Manager:	D. Jaffe
Case Attorney:	J. Goldberg

Issues/Action Requested:

The petitioner is requesting that the NRC order the licensees of all operating nuclear power plants to take measures that will reduce the risk from sabotage of irradiated fuel. Specifically, those measures are:

(1) to impose a 72-hour limit for operation when the number of emergency diesel generators (EDGs) is one less than the number in the Technical Specifications Limiting Condition for Operation whenever the reactor is in any mode of operation other than hot shutdown, cold shutdown, refueling, or defueled, and

(2) to impose a requirement that the time it would take the spent fuel pool water to boil after forced circulation stops must be at least 24 hours.

Background:

As the basis for the first requested action, the petitioner stated that the transmission lines and substations constituting the electrical grid are virtually unprotected targets for terrorists. Likewise, the switchyard at the typical nuclear power plant is outside the security perimeter fences. The likelihood that a successful terrorist attack against the electrical grid could cascade into a station blackout and result in reactor core damage increases the longer the EDGs are out of service.

As the basis for the second requested action, the petitioner stated that terrorists could successfully attack the offsite power transmission lines and/or the water intake system for cooling water and cause spent fuel pool cooling to be stopped. Restricting the time-to-boil to a minimum of 24 hours reduces the likelihood that any such terrorist actions would result in damage to the irradiated fuel in the spent fuel pool because plant workers would have more time to restore the normal cooling system or provide a backup system.

The petitioner was contacted on March 20, 2002. He requested a teleconference with the Petition Review Board (PRB), which was held on March 26, 2002. The petitioner submitted supplements to his petition on March 21 and 22, 2002. The supplements list other groups who wish to be added as co-petitioners. Following the teleconference with the petitioner, the PRB met on March 26, 2002, and agreed that the incoming letter meets the criteria to be considered under the 2.206 process. However, the PRB decided not to grant the part of the petition that requested immediate action pending further evaluation. An acknowledgment letter and a *Federal Register* notice on this petition were issued on May 8, 2002. The petition manager contacted the petitioner on June 6, 2002, to inform him of the status of the review.

The PRB met on July 18, 2002, to discuss the status of the technical branches' review and the content of the proposed Director's Decision.

Current Status:

The proposed DD was sent to the petitioners on September 5, 2002. Comments were received and were reviewed by the staff. The staff issued the final DD on November 15, 2002.

Facility:	James A. FitzPatrick/Entergy
Petitioner:	Tim Judson of Citizens Awareness Network (CAN), et al., and petitioners from New York Public Interest Research Group (NYPIRG)
Date of Letter:	2/21/2002
Director's Decision to Be Issued by:	NMSS
Date Referred to Review Organization:	3/11/2002
EDO Number:	G20020136
Proposed DD issuance (completed):	8/13/2002
Completion Date:	10/28/2002 complete
Last Contact with Petitioner:	10/28/2002
Petition Manager:	Julia Barto
Case Attorney:	Jack Goldberg

Issues/Actions requested:

The petitioners request that the NRC order the licensee to suspend the dry cask storage program at the FitzPatrick site. In addition, the petitioners request that the NRC require the licensee to perform several technical and safety evaluations to justify use of the HI-STORM 100 dry cask storage system and the HI-TRAC 100 transfer cask. The petitioners also submit a Demand for Information requesting all information filed regarding dry storage at FitzPatrick be made public. The petitioners request that the Petition Review Board (PRB) submit the petition to Office of the Inspector General for review of the Spent Fuel Project Office's (SFPO's) compliance with NRC regulations, and that NRC review whether staff in SFPO are misguided or complacent. The petitioners further request the NRC conduct an investigation to determine whether the licensee has deliberately circumvented the appropriate technical and regulatory review for the cask design changes.

Background:

The petitioners believe that the design changes made to the HI-STORM 100 storage system are significant enough that NRC review and approval was required, and that there is strong reason to believe that these site-specific changes have been made in violation of NRC regulations and rulings, the Certificate of Compliance for the cask design, and the General License for the storage of spent fuel at power reactor sites in 10 CFR Part 72, Subpart K.
The acknowledgment letter was issued on April 12, 2002.

The staff review of the petitioner's Demand for Information showed that the only related document received by the NRC was a licensee evaluation performed under 10 CFR 72.48. This document, submitted earlier for review in conjunction with the inspection program, was made publicly available as of May 10, 2002 and a copy was provided to the petitioners.

The proposed DD was issued on August 13, 2002. Comments were received on August 27, 2002.

Current Status:

The final DD was issued on October 28, 2002.

Facility:	Davis Besse Nuclear Power Plant
Petitioner:	Terry Lodge of Toledo Coalition for Safe Energy
Date of Letter:	4/24/2002
Director's Decision to Be Issued by:	NRR
Date Referred to Review Organization:	4/24/2002
EDO Number:	G20020246
Proposed DD issuance (completed):	08/16/2002
Last Contact with Petitioner:	~~08/16/2002~~ 10/15/02
Final DD issuance (completed):	10/15/2002
Petition Manager:	W. Macon
Case Attorney:	Jack Goldberg

Issues/Actions requested:

The petitioners request that the Nuclear Regulatory Commission issue an Order to FirstEnergy, the owner of the Davis-Besse nuclear power plant, requiring a Verification by an Independent Party (VIP) for issues related to the reactor vessel head problem. The petitioners propose a VIP team to consist of a material corrosion expert, an instrumentation and control/electrical engineer, a mechanical engineer, a system engineer, and at least one administrative staffer.

Background:

On August 14, 1996, the NRC issued an Order to Northeast Nuclear Energy Company (NNECO), the owner of the Millstone Nuclear Plant. That Order required NNECO to bring in an independent team of consultants to verify that the company had adequately fixed a number of problems at Millstone. The petition contends that the repeated failures to properly respond to diverse warning signs of damage to the reactor vessel head at Davis-Besse are analogous to the recurring problems at Millstone. These failures are documented in an NRC Confirmatory Action Letter (CAL) issued to FirstEnergy on March 13, 2002, in a probable cause summary report completed by FirstEnergy on March 22, 2002, and in other references cited by the petitioners.

The petitioners, in accordance with Management Directive (MD) 8.11, were offered and accepted an opportunity to participate in the open portion of the PRB meeting via telephone, to make a presentation to the PRB concerning the letter dated April 24, 2002, and articulate their concerns. The licensee also participated in the meeting on May 9, 2002. The PRB concluded that the petition satisfies the criteria for processing under 10 CFR 2.206 (Part III of MD 8.11). The petitioners do not request any immediate action, nor do they request action to be taken and completed by a certain date or prior to restart of Davis-Besse.

An acknowledgment letter and a *Federal Register* notice on this petition were issued on June 4, 2002.

On July 18 and 24, 2002, the PRB met with the petition manager to discuss the plan for addressing the petitioner's concerns.

The proposed DD was issued on August 16, 2002. Comments were received from the petitioner on August 29, 2002, and from the licensee on August 30, 2002.

Current Status:

The staff issued the final DD on October 15, 2002.

Facility:	Oyster Creek Generating Station
Petitioner:	Jersey Shore Nuclear Watch
Date of Letter:	6/21/2002, as supplemented on July 18, 2002
Director's Decision to Be Issued by:	NMSS
EDO Number:	G20020385
Proposed DD issuance:	12/10/2002
Last Contact with Petitioner:	10/30/2002
Petition Manager:	Steve O'Conner
Case Attorney:	Jack Goldberg

Issues/Actions requested:

The petitioner requests that the NRC issue an order to the licensee, suspending the dry cask storage program at Oyster Creek.

Background:

As a basis for the above requests, the petitioner raised concerns with: the location of the Oyster Creek independent spent fuel storage installation relative to local roads and communities; the ability of the NUHOMS dry spent fuel storage system to survive a sabotage attack; the adequacy of Oyster Creek security measures for fuel handling activities; the adequacy of the Oyster Creek emergency evacuation plan; and the quality of the NUHOMS systems planned for use at Oyster Creek.

The petitioner participated in a telephone call with the Petition Review Board on July 18, 2002. In response to the PRB discussion, the petitioner provided additional information on July 18, 2002, to supplement the petition request. This information is also being considered in the review of the petition.

The petitioner's request for NRC to immediately suspend the license for the NUHOMS dry spent fuel storage system and halt transfer of spent fuel from wet pool storage to dry storage modules at Oyster Creek was denied because the safety concerns were reviewed and determined not to pose an undue risk to public health and safety. The Commission does not believe that immediate action is required because the licensee for Oyster Creek is not planning to load fuel canisters until 2003.

An acknowledgment letter and Federal Register notice were issued on August 7, 2002.

Current Status:

The petition is under review. On October 30, 2002, a teleconference was held with the petitioner and her counsel regarding the status of the proposed Director's Decision. The petitioner asked that we specifically address certain accident scenarios discussed in the petition in our response. She also asked if there was any way that the petitioners could get a hearing for the Oyster Creek ISFSI issues.

An additional teleconference was scheduled to further discuss the issue of a hearing with a member of OGC present.

Attachment 2

Petitions Submitted in October 2002

Facility: Vermont Yankee
Petitioner: Raymond Shadis representing the New England Coalition on Nuclear Pollution
Date of Letter: October 15, 2002
Responsible Office: NRR
PRB meeting held: October 29, 2002
Petition Manager: R. Pusifer

Issues/Actions requested:

That the NRC require a complete review of training and qualification of nuclear operations and maintenance personnel at Vermont Yankee based on an error made by the licensee in an event notification.

Facility: Salem
Petitioner: Norman Cohen representing Unplug Salem
Date of Letter: October 8, 2002
Responsible Office: NRR
PRB meeting held: October 29, 2002
Petition Manager: R. Fretz

Issues/Actions requested:

That the NRC require PSEG to replace the steam generators in Salem now rather than waiting until 2006 and require the use of Alloy 690 in the replacement steam generators.

Facility: GE Medical Systems and Adecco Technical
Petitioner: Thomas Saparito representing the National Environmental Protection Center
Date of Letters: October 1, 2002 (two letters)
Responsible Office: NMSS
PRB meeting: November 04, 2002

Issues/Actions requested:

That the NRC require GE Medical Systems and Adecco, Inc. to affirm that it maintains non-hostile work environments, to provide written documentation detailing employee concerns programs, or to implement such a program at all of its facilities licensed by NRC.

Facility: Palo Verde
Petitioner: Thomas Saparito representing the National Environmental Protection Center
Date of Letter: October 27, 2002
Responsible Office: NRR
PRB meeting: TBD

Issues/Actions requested:

That the NRC advise its employees of the right to raise safety and health concerns; that the NRC cause an investigation into the circumstances surrounding Arizona Public Service Company's license amendment request and provide the petitioners with a copy of NRC's safety evaluation related to the amendment request.

Facility: Waltz Mill Pennsylvania Site
Petitioner: Viacom, Inc.
Date of Letter: October 30, 2002
Responsible Office: NRR
PRB meeting: TBD

Issues/Actions requested:

That the NRC require Westinghouse's cooperation in the decommissioning of the Westinghouse Test Reactor at the Waltz Mill site.

Attachment 3

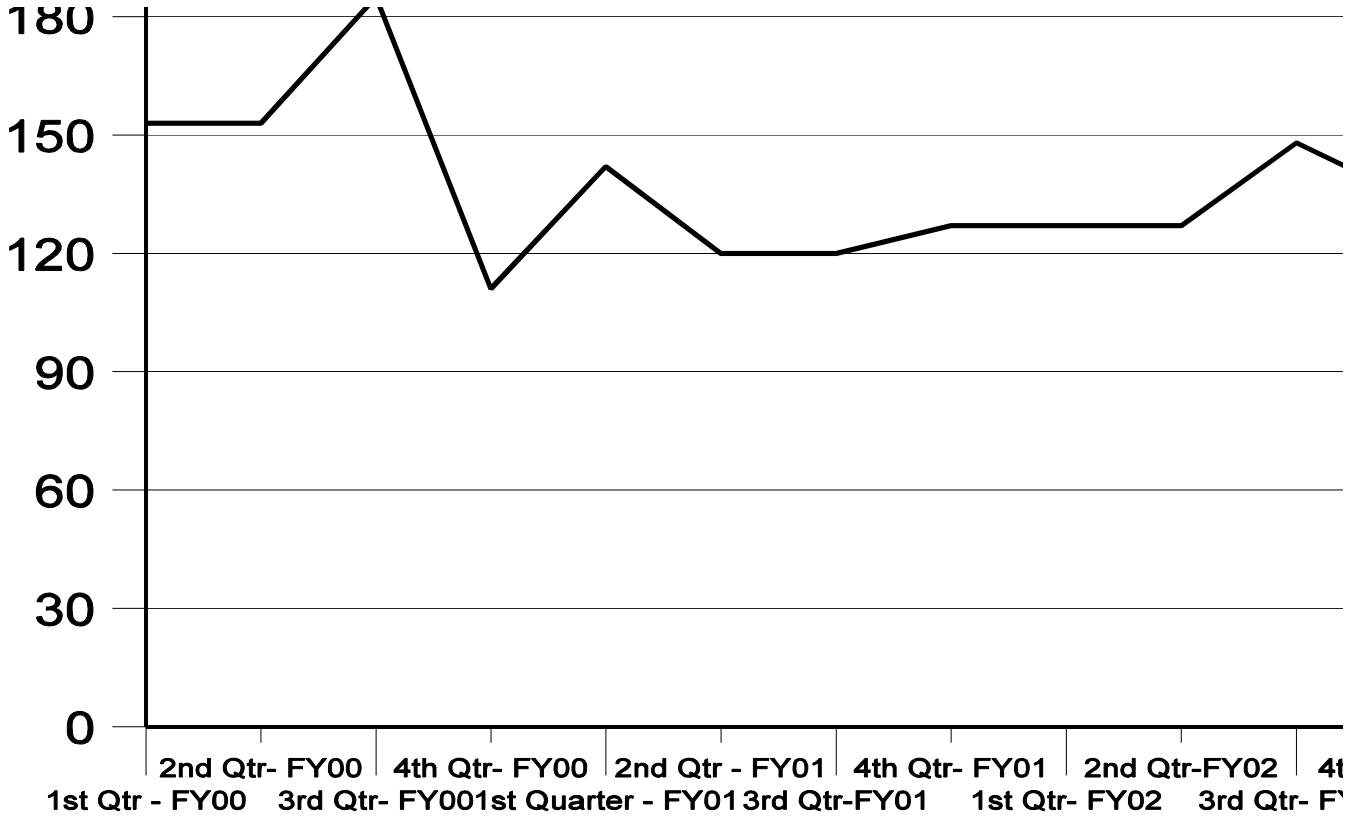
AGE STATISTICS FOR AGENCY 2.206 PETITIONS

ASSIGNED ACTION OFFICE	FACILITY	Incoming petition	PRB meeting[1]	Acknowledgment letter / days from incoming[2]	Proposed DD issuance Date/ age[3]	Scheduled date for final DD/ age [4]	Comments if not meeting the Agency's Completion Goals
NRR	Salem 1, 2, Hope Creek, Oyster Creek	9/17/01	11/19/01	12/20/2001 93	05/16/02 complete 148	11/01/02 80 complete	Initial PRB meeting was delayed to develop a position on handling of safeguards information and to consolidate with related petitions. Technical staff resource constraint due to formation of new NSIR and the issuance of orders resulted in a delay in issuing proposed DDs.
NRR	All 103 Nuclear Power Plants in the U.S.	10/26/01	11/19/01	12/20/2001 54	05/16/02 complete 148	11/01/02 80 complete	same as above
NRR	Indian Point 2, 3	11/08/01	11/19/01	12/20/2001 42	05/16/02 complete 148	11/18/02 92 complete	same as above
NMSS	Carolina Power & Light(CP&L)/ Progress Energy	11/05/01	1/16/02	01/31/2002 85	8/29/2002 complete 210	11/12/02 46 complete	Delay in holding initial PRB meeting was due to post 9-11 mail distribution delays. Incoming was not received by review office until mid-December. Issuance of proposed DD was delayed to incorporate the Commission's latest direction regarding security of fuel shipments.
NRR	All 103 Operating Nuclear Power Plants in the U.S.	3/11/02	3/26/02	05/08/2002 57	09/05/2002 completed 114	11/15/02 52 complete	
NMSS	FitzPatrick/Entergy	2/21/02	3/29/02	04/12/2002 50	08/13/2002 completed 121	10/28/02 56 complete	
NRR	Davis Besse/FENCO	4/24/02	5/09/02	06/04/2002 40	08/16/2002 completed 73	10/15/02 complete 45	
NMSS	Oyster Creek	6/21/02	7/18/02	8/07/02 47	12/10/2002 120	---	

1) Goal is to hold a PRB meeting, which the petitioner is invited to participate in, within 2 weeks of receipt of petition (there is often a delay of up two weeks from the date that the letter is issued until it is received by the reviewing organization).
2) Goal is to issue acknowledgement letter within 5 weeks of the date of incoming petition.
3) Goal is to issue proposed DD within 120 days of the acknowledgment letter.

4) Goal is to issue final DD within 45 days of the end of the comment period.

Attachment 4



NOTE: Includes both NMSS and NRR petitions