

To: Collins, NRR  
Ref. GAO020651



NEPC

**NATIONAL ENVIRONMENTAL PROTECTION CENTER**

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November 13th, 2002

William D. Travers  
Executive Director for Operations  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555-0001

**SENT BY FAX AND U.S.MAIL**

**RE: PUBLIC PETITION TO NRC UNDER 10 C.F.R. 2.206**

Dear Executive Director Travers:

The National Environmental Protection Center ("NEPC") by and through its undersigned Executive Director submit this public petition to the U.S. Nuclear Regulatory Commission ("NRC") under 10 C.F.R. 2.206 requesting certain and specific actions by the NRC as delineated below:

**REQUESTS FOR NRC ACTION UNDER 10 C.F.R. 2.206**

**REQUEST #1**

NEPC requests that NRC revoke any license amendment request granted to the Sequoyah Nuclear Plant, Unit-2 - Issuance of Technical Specification Amendment Regarding Steam Generator Tube Inspection Scope, Dated May 10<sup>th</sup>, 2002.

**REQUEST #2**

NEPC requests that NRC revoke any license amendment request granted to the San Onofre Nuclear Generating Station, Units 2 and 3 - Issuance of Amendments on Steam Generator Tube Inspections, dated June 17<sup>th</sup>, 2002.

**BASIS FOR REQUESTS**

By letter dated September 26<sup>th</sup>, 2002, the Arizona Public Service Company ("APS") submitted a request to the U.S. Nuclear Regulatory Commission ("NRC") to amend their operating license for Unit-1, at the Palo Verde Nuclear Generating Station ("PVNGS") regarding certain and specific inspection surveillance requirements identified in the licensee' plant operational safety parameters detailed in the PVNGS technical specifications for the inspection of the steam generator tubes in the area of the tubesheet. See, APS letter of September 26<sup>th</sup>, 2002 (102-048844-CDM/TN/JAP). In an enclosure to the licensee' letter described above, the licensee at Section 7, page 7 of the enclosure made reference to the NRC's action in granting a similar license amendment request made by the NRC Licensee of the Sequoyah Nuclear Plant and by the NRC Licensee for the San Onofre Nuclear Generating Station. See also, NRC TAC Nos. MB5145 and MB6146 and MB4994 respectively.

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Through the above noted references, it appears that the NRC acted on an exigent in evaluating any safety analysis performed by the respective licensees for the Sequoyah and San Onofre nuclear stations, and that such an evaluation is not complete as is the NRC's evaluation of the APS safety evaluation for a similar license amendment request. Therefore to the extent that the NRC's relied on the licensee's safety analysis for the Sequoyah nuclear station and the NRC's relied on the licensee's safety analysis for the San Onofre nuclear station in granting the license amendment requests, the NRC's safety evaluation is not complete or valid and requires that the NRC revoke both licensee's amendment requests immediately in the interest for public safety and health and for the protection of the environment as a whole.

NEPC asserts here that the NRC may have acted on an exigent basis in granting the license amendment requests for the Sequoyah and San Onofre nuclear stations, and that the public was not provided the required 30-day period for public comment for filing petitions for leave and for requesting a hearing regarding the amendment requests as required by NRC regulations. See, 10 C.F.R. 2.105(d) and 10 C.F.R. 50.91(a)(2). To the extent that the NRC violated its own regulations, the NRC did not have authority to grant the licensees' amendment requests. Therefore both license amendment requests should be immediately revoked for cause. To the extent that the public and NEPC were not provided a sufficient opportunity (i.e. 30-day period) in which to request a hearing and/or file a petition for leave to intervene, the NRC violated its own regulations and disenfranchised the public and NEPC an opportunity to challenge the merits of the license amendment requests. Therefore both license amendment requests should be immediately revoked.

To the extent that the NRC may not have conducted an "independent" agency safety evaluation of one or of both licensee amendment requests, the NRC should immediately revoke both license amendments.

WHEREFORE, NEPC requests that NRC act on its 10 C.F.R. 2.206 Petition in a timely manner in the interest for the environment, and for the safety and health of the general public.

Respectfully submitted,



Thomas Saporito  
Executive Director, NEPC

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APPLICATION FOR MEMBERSHIP

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**MAILING ADDRESS:** \_\_\_\_\_  
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**THOMAS SAPORITO, EXECUTIVE DIRECTOR**  
NATIONAL ENVIRONMENTAL PROTECTION CENTER  
POST OFFICE BOX 1021  
TONOPAH, ARIZONA 85354  
NEPC@THEPOSTMASTER.NET

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SERVICE SHEET

CC: Hon. George W. Bush  
President of the United States of America  
The White House  
1600 Pennsylvania Avenue, N.W.  
Washington, D.C. 20500

Secretary of the Commission  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555-0001  
Attention: Rulemakings and Adjudications Staff

Inspector General  
U.S. Nuclear Regulatory Commission  
Office of the Inspector General  
Mail Stop T5-D28  
11545 Rockville, MD 20852-2738

By: *[Handwritten Signature]*



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**FACSIMILE COVER SHEET**

**Date:** November 13th, 2002

**To:** WILLIAM TRAVERS, EXECUTIVE DIRECTOR FOR OPERATIONS

**Company:** U.S. Nuclear Regulatory Commission

**FAX #:** 301-415-2700

**Phone #:**

**From:** Thomas Saporito

**Number of Pages Including Cover Sheet:** \_\_\_\_\_ 2 \_\_\_\_\_

**Message:** If you fail to receive the entire FAX, please contact Thomas Saporito at 623-386-6863 or send an email message to NEPC@THEPOSTMASTER.NET

***Please find a replacement first page for the NEPC 10 CFR 2.206 petition filed this date. Please remove and destroy the original first page of the petition and insert this new first page.***

This change is to correct the MAILING address of NEPC and does not materially change the requests made in the petition.

**NOTE:**

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