

January 2, 2003

Mr. Thomas Saporito
Executive Director
National Environmental Protection Center
P.O. Box 1234
Buckeye, Arizona, 85326

SUBJECT: NATIONAL ENVIRONMENTAL CENTER REQUESTS FOR NRC ACTION UNDER 10 CFR 2.206 REGARDING PALO VERDE NUCLEAR GENERATING STATION, SEQUOYAH NUCLEAR PLANT, AND SAN ONOFRE NUCLEAR GENERATING STATION (TAC NOS. MB6644, MB6645, MB6646, MB6710, MB6711, AND MB6712)

Dear Mr. Saporito:

Your Petitions dated October 27, 2002, and November 13, 2002, addressed to Mr. William D. Travers, Executive Director for Operations, have been referred to the Office of Nuclear Reactor Regulation pursuant to 10 CFR 2.206 of Title 10 of the *Code of Federal Regulations* (10 CFR 2.206). You requested that the U.S. Nuclear Regulatory Commission (NRC) act pursuant to 10 CFR 2.206, and address your specific concerns. On November 18, 2002, we discussed your concerns with you during a telephone call, and offered you an opportunity to address the NRC Petition Review Board (PRB) at the NRC's Headquarters or via a teleconference. In a subsequent e-mail, dated November 27, 2002, you declined to visit the NRC's Headquarters or address the PRB by telephone or video conference.

The PRB reviewed your requests and considered the discussions of November 18, 2002 in determining whether your requests meet the criteria in Management Directive 8.11, "Review Process for 10 CFR 2.206 Petitions," for consideration under 10 CFR 2.206. The NRC staff has concluded that your requests do not meet the criteria in Management Directive 8.11 because, in general, they are directed toward the NRC staff, and not the licensee, or they are directed at license amendments (which have their own process for public involvement).

In your letter of October 27, 2002, as elaborated in the above phone call, you requested NRC action on four requests. Your requests and our responses are discussed below.

- (1) Request The NRC provide a copy of this petition in its entirety to each and every NRC employee assigned for the benefit of the public across the United States of America.
- Response: The request does not ask for an enforcement-type of action against an NRC licensee; hence, it does not meet the criteria for review under 10 CFR 2.206.
- (2) Request The NRC issue directives to all NRC Regional Administrators requiring that they advise their entire staff that they have a right to raise safety and health concerns about perceived violations of NRC operations and/or

regulations to any NRC supervisor or any NRC manager at any level within the NRC's chain-of-command up to and including the Executive Director of Operations and/or the Commissioners of the NRC.

Response: The request does not ask for an enforcement-type of action against an NRC licensee; hence, it does not meet the criteria for review under 10 CFR 2.206.

- (3) Request NRC take actions to cause an investigation into circumstances surrounding DOCKET NO. STN 50-528 ARIZONA PUBLIC SERVICE COMPANY'S LICENSE AMENDMENT REQUEST with respect to any safety evaluation or review purported to have been completed by NRC as described in the Federal Register Notice dated October 3, 2002, (Volume 67, Number 192) pages 62079-62081.

Response The NRC provides a separate process for public to raise concerns and seek hearings on matters related to applications for amendments to NRC licenses as described in 10 CFR 50.91. Accordingly, the NRC policy excludes reviews of public concerns regarding amendments as petitions pursuant to 10 CFR 2.206.

- (4) Request On an exigent basis, NRC provide National Environmental Protection Center a complete copy of NRC's purported safety evaluation as described in the Federal Register Notice dated October 3, 2002 (Volume 67, Number 192) pages 62079-62081.

Response: The request does not ask for an enforcement-type of action against an NRC licensee; hence, it does not meet the criteria for review under 10 CFR 2.206.

Accordingly, your request of October 27, 2002, for consideration as public petition under 10 CFR 2.206, is denied. However, your request will be treated as routine correspondence for further NRC review and response under separate cover.

In your letter of November 13, 2002, you requested NRC action on the two requests as a petition pursuant to 10 CFR 2.206. You requested that:

- (1) Request The 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, 2002.

Response The NRC provides a separate process for public to raise concerns and seek hearings on matters related to applications for amendments to the NRC licenses. Accordingly, the NRC policy excludes reviews of public concerns regarding amendments as petitions pursuant to 10 CFR 2.206.

(2) Request The NRC revoke any license amendment request granted to San Onofre Nuclear Generating Station, Units 2 and 3 - Issuance of Amendments on Steam Generator Tube Inspections, dated June 17, 2002.

Response The NRC provides a separate process for public to raise concerns and seek hearings on matters related to applications for amendments to the NRC licenses. Accordingly, the NRC's Management Directive 8.11 policy excludes reviews of public concerns regarding amendments as petitions pursuant to 10 CFR 2.206.

Accordingly, your request of November 13, 2002, for consideration as a public petition under 10 CFR 2.206, is denied. However, your request will be treated as routine correspondence for further NRC review and response under separate cover.

Please feel free to contact Mohan Thadani at (301) 415-1476 to discuss any questions related to this request.

Sincerely,

/RA/

John A. Zwolinski, Director
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

(2) Request The NRC revoke any license amendment request granted to San Onofre Nuclear Generating Station, Units 2 and 3 - Issuance of Amendments on Steam Generator Tube Inspections, dated June 17, 2002.

Response The NRC provides a separate process for public to raise concerns and seek hearings on matters related to applications for amendments to the NRC licenses. Accordingly, the NRC policy excludes reviews of public concerns regarding amendments as petitions pursuant to 10 CFR 2.206.

Accordingly, your request of November 13, 2002, for consideration as a public petition under 10 CFR 2.206, is denied. However, your request will be treated as routine correspondence for further NRC review and response under separate cover.

Please feel free to contact Mohan Thadani at (301) 415-1476 to discuss any questions related to this request

Sincerely,

/RA/

John A. Zwolinski, Director
 Division of Licensing Project Management
 Office of Nuclear Reactor Regulation

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NRR-106

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DATE	12/19/02	12/19/02	12/19/02	12/20/02	12/28/2002