

September 27, 2005

Ms. Pamela Blockey-O'Brien  
D23 Golden Valley  
7631 Dallas Highway  
Douglasville, GA 30134

Dear Ms. Blockey-O'Brien:

Your petition dated June 22, 2005, addressed to Mr. Luis Reyes, Executive Director for Operations, as supplemented by letter dated August 2, 2005, has been referred to the Office of Nuclear Reactor Regulation pursuant to Section 2.206 of Title 10 of the *Code of Federal Regulations* (10 CFR 2.206). Your petition raises various concerns regarding 23 Mark I boiling water reactors (BWRs), 9 Westinghouse pressurized water reactors with ice-condenser containments, 15 "special circumstance" reactors, and 2 fuel processing/fabrication facilities. You requested that the Nuclear Regulatory Commission (NRC) take the action to shut down the named facilities, revoke their licenses, clean up the sites and surrounding areas, provide worker compensation, and remove radioactive spent fuel.

In support of this request, the petition provides 64 pages of information that you have obtained from various sources, primarily the NRC docket files. The petition raises issues involving safety-conscious attitudes on the part of operators and owners, radiological contamination of the environment from the various plants, plant hardware operability, licensee integrity, and other factors.

You and some of your colleagues participated in telephone conference calls with the NRC's Petition Review Board (PRB) on July 28 and September 1, 2005, to discuss your petition. Transcripts of the telephone conference calls are provided as enclosures to this letter. Based upon a review of the petition, as supplemented, and the telephone conferences, the PRB has concluded that your petition does not meet the criteria for consideration under 10 CFR 2.206. Specifically, your petition either raises issues which have already been the subject of NRC staff review or evaluation and which have been resolved, or question the adequacy of NRC regulations or the regulations of other regulatory agencies. Additionally, your petition raises several concerns not within the jurisdiction of NRC. You also have indicated that you have no direct knowledge of licensee wrongdoing. Finally, the facts that constitute the basis for many issues raised by your petition are not sufficient to warrant further inquiry, nor to support the actions you request. Although your petition listed numerous safety issues taken from NRC docket files, it failed to provide new information sufficient to warrant revisiting the investigations and corrective actions that are documented in the docket files.

In your petition, you expressed concerns regarding the detrimental effects of certain nuclear power plants on fish and wildlife. On a national level, these concerns should be raised with the National Marine Fisheries in the case of the marine ecology or with the U.S. Fish and Wildlife Service in the case of the freshwater environment. The specific contacts for these agencies are:

National Marine Fisheries:  
Ms. Carli Bertrand  
Telephone: 301-713-2239

U. S. Fish and Wildlife Service:  
Dr. M. Parker  
Telephone: 202-208-6394

In addition, some states might also have jurisdiction over certain environmental impacts, so you might want to contact cognizant state agencies for specific plants.

The listing below provides our broad categorization of your concerns with several examples of your specific concerns that are not appropriate to the 10 CFR 2.206 process. This list is not complete, but it is illustrative of your entire petition.

Concern raised outside jurisdiction of NRC:

- Page 1. You request compensation of contaminated workers and compensation of the general public in the areas around facilities due to their exposure to low levels of ionizing radiation from routine and non-routine releases.
- Page 2. A request is made for compensation of workers at the Nuclear Fuel Services facility and the Paducah Gaseous Diffusion Plant.
- Page 3. You request that no one should be allowed to be within one mile of nuclear power plants. You also request that overflights be banned.

Supporting facts insufficient to warrant further inquiry, lack of specificity:

- Page 4. Oyster Creek - You stated, "...failure to maintain vital switchgear room manual fire suppression system capability."
- Page 4. You cited many scrams over the years at Oyster Creek.
- Page 4. You stated that many people traveling the roads near the plant are being irradiated.

Concerns questioning adequacy of NRC regulations:

- Page 1. You request rapid removal of spent fuel from multiple plants authorized to store spent fuel by NRC regulations.
- Page 2. You request license revocation for BWRs that possess toruses as part of containment.
- Page 8. You discuss regulations regarding radiation dose as not being adequate.

NRC enforcement or inspection-related item or other information that the NRC possesses:

- Page 8. You assert a cover-up of groundwater contamination with tritium at Salem.

- Page 12. The standby gas treatment system at Pilgrim has been inoperable in the past due to pneumatic accumulator leakage.
- Page 17. You refer to the 1986 Brown's Ferry cooling tower fire.
- Page 23. You state that "Watts Bar also has insufficient trust fund money for decommissioning...."

We understand and appreciate your concerns and the effort you put into documenting them. To address several of your concerns, you may wish to submit Petitions for Rulemaking (10 CFR 2.802) to the NRC or other cognizant agencies because many of your issues reflect an opinion that current NRC regulations and the regulations of other agencies are inadequate. Details on the Rulemaking process can be found on our website at [www.nrc.gov](http://www.nrc.gov). I am also enclosing a brochure that discusses Rulemaking. In some cases, your concerns would be better addressed by the agency that has jurisdiction, such as the Environmental Protection Agency, National Marine Fisheries, or the U. S. Fish and Wildlife Service.

One of the primary duties of the NRC is to establish regulations (rulemaking) on the safe use of special nuclear materials including reactor siting, design, construction, operation, and ultimate shutdown. Rulemaking also applies to uranium mills, fuel facilities and many other processes that exist in industry. Rulemaking is initiated mostly by the NRC's technical staff, although any member of the public may petition the NRC to develop, change or rescind any regulation. Petitions should be addressed to:

The Secretary  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555-0001

We are enclosing for your information a copy of our brochure NUREG/BR-0200, Revision 4, that explains the 10 CFR 2.206 petition purpose and process. Also enclosed is a copy of our brochure NUREG/BR-0215, Revision 2, "Public Involvement in the Nuclear Regulatory Process."

We have forwarded to the NRC's Office of the Inspector General your petition, its supplement, and the two teleconference transcripts. This action is in response to your having stated that the NRC is remiss in some of its past actions/activities.

Sincerely,

**/RA by W. Borchardt for/**  
J. E. Dyer, Director  
Office of Nuclear Reactor Regulation

Enclosures: 1. Transcript of July 28, 2005, telephone conference call  
2. Transcript of September 1, 2005, telephone conference call  
3. Brochure on 10 CFR 2.206 process  
4. Brochure-"Public Involvement in the Regulatory Process"

cc w/encls: See next page

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**Incoming: ML051820232, Supplement ML052290318**  
**Accession No.: ML052660121                   PKG.: ML052660171**  
**Enclosure 1: ML052370389 Enclosure 2: ML052630156 Enclosure 3: NUREG/BR-0200 ML021090560**  
**Enclosure 4: NUREG/BR-0215 ML052640471**  
**Distribution: G20050462 See next page**

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| OFFICE | PDIV-1/PM               | PDIV/LA  | PDIV-1/SC               | PDIV/PD |
| NAME   | DHolland                | DBaxley  | DTerao                  | HBerkow |
| DATE   | 9/16/05                 | 9/16/05  | 9/16/05                 | 9/19/05 |
| OFFICE | NMSS/FCFB               | DLPM/PRB | NRR/D                   |         |
| NAME   | RNelson for<br>GJanosko | CHaney   | WBorchardt for<br>JDyer |         |
| DATE   | 9/15/05                 | 9/20/05  | 9/27/05                 |         |

G20050462 - Pamela Blockey-O'Brien ltr re: 2.206 - Nuclear Power Plants

Dated: September 27, 2005

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Pamela Blockey-O'Brien - 2.206 Petition

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