

2.206 PETITION REVIEW BOARD SUMMARY

JUNE THROUGH SEPTEMBER, 2005

1. The NRR 2.206 Petition Review Board (PRB) met on July 7, 19, 28, August 11, and September 1, 2005 to discuss the following Petition:

Green Ticket No.: G20050462 dated 6/29/05

2. Petitioner: Ms. Pamela Blockey-O'Brien
3. Present at the meetings/teleconferences were:

H. Berkow, DLPM, Petition Review Board (PRB) Chairman
D. Williams, DLPM, Agency Coordinator, 2.206 Petitions
D. Holland, DLPM, Petition Manager
G. Longo, OGC (did not attend 7/28/05 teleconference)
K. Ramsey, NMSS (7/7/05 meeting only)
M. Lamastra, NMSS (7/19, 7/28, 8/11, and 9/1 meetings only)
M. Raddatz, NMSS (7/28 meeting only)
D. Martin, NMSS (7/19 meeting only)

4. Facilities: 23 General Electric Mark I boiling water reactors, 9 Westinghouse pressurized water reactors with ice condenser containments, 15 "special circumstance" reactors including 14 pressurized water reactors and one boiling water reactor, and two nuclear fuel processing facilities including Nuclear Fuel Services and the United States Enrichment Corporation Paducah gaseous diffusion plant.
5. Petitioner's requests:
 1. Shutdown of subject facilities.
 2. Revocation of subject licenses.
 3. Cleanup of sites and surrounding areas.
 4. Worker compensation.
 5. Removal of spent fuel
 6. Other activities as described in the petition.
6. Petition Review Board Meetings

July 7, 2005

Based on the information in the incoming petition, the PRB contended that this petition might not meet the criteria for reviewing under 2.206 because the petitioner did not

appear to provide sufficient bases for taking the requested enforcement actions. The petitioner did not appear to cite any violations of NRC regulations or provide any new information (information not presently possessed by the NRC) to support the request. The PRB determined that it would provide the petitioner an opportunity to address the PRB to clarify or expand on her petition. The Office of General Counsel (OGC) member of the PRB provided the other members with criteria to evaluate the claims stated in the petition. Several of the PRB members in NRR and NMSS agreed to evaluate the petition against the criteria developed by OGC. D. Williams agreed to provide the petition to cognizant personnel in the regions.

July 19, 2005

The PRB discussed the progress being made on the petition reviews by NMSS and NRR. It was the opinion of the PRB at this meeting that there still did not appear to be any bases for a detailed review under 10 CFR 2.206. However, additional preliminary review by the two offices was not complete and it was agreed that the reviews would continue and that requests to Ms. O'Brien for additional information would be taken by the petition manager. This list would be provided to the petitioner prior to the July 28, 2005 teleconference to provide the petitioner with an opportunity to supply the PRB with additional or new information that would indicate the need for a formal review under 10 CFR 2.206..

July 28, 2005

A formal teleconference was held with the petitioner and several other persons generally sharing her views and the PRB. The petitioner addressed the PRB for approximately forty-five minutes. The petitioner's colleagues also addressed the PRB for approximately fifteen additional minutes. Ms. O'Brien provided all the sources of information requested by the petition manager before the call. Ms. O'Brien agreed to provide the PRB with a supplement to the petition that would generally respond to the written questions posed by the petition manager. Most of the questions asked for the sources of information that provided the bases for some of Ms. O'Brien's criticisms. Following the call the PRB discussed the content of information provided during the call. The PRB generally agreed that nothing stated during the teleconference was compelling enough to indicate the need for a detailed 10 CFR 2.206 petition review. It was decided that the petition would be provided to the Office of the Investigator General since the petitioner was critical of the NRC.

August 11, 2005

The PRB met to decide on the next actions to be taken regarding the petition in question. A transcript of the July 28, 2005, teleconference was discussed in detail. It was decided that all of the information existing in the transcript and the petition itself did not warrant any additional expense of NRC review time. However, it was decided that the OGC representative would review the supplement (which the PRB did not have at the time of this meeting) to see if it contained any information that would require continued review under 10 CFR 2.206. It was agreed that the petition manager would notify the petitioner of the rejection if the remaining OGC review of the supplement did not reveal any new and compelling information.

September 1, 2005

The petitioner had decided to exercise her right to address the PRB once more following the verbal rejection of her petition that the petition manager had announced to her on August 23, 2005. Ms. O'Brien was joined in this teleconference by at least one individual that had not been involved in the July 28, 2005, teleconference. Their presentation to the PRB took approximately 45 minutes. During this call, Ms. O'Brien was assisted by her colleagues during the entire presentation which was not the case during the July 28, 2005, teleconference. During the teleconference the petitioner and her colleagues were annoyed that the PRB would not respond to questions directed to the PRB. The chairman of the PRB explained to the petitioner and her colleagues that the purpose of the teleconference was for the PRB to be addressed regarding the merits of the petition and the need for a detailed 10 CFR 2.206 petition review.

Following the teleconference, the PRB discussed the information provided in the call along with all of the information received by the PRB to date. It was unanimously decided that the petition would be rejected. The petition manager agreed to process the remaining internal and external correspondence needed to complete this activity.

Prepared by: Drew Holland Date: 10/17/05
Petition Manager

Approved by: Donna Williams Date: 10/17/05
10 CFR 2.206 Coordinator

Approved by: Herbert Berkow Date: 10/19/05
Chairperson, PRB

- Attachments:
1. 10 CFR 2.206 Petition, dated, June 22, 2005, ML051820232
 2. Supplement to 10 CFR 2.206 petition, dated, August 2, 2005, ML052290318
 3. Transcript of July 28, 2005, teleconference, ML052370389
 4. Transcript of September 1, 2005, teleconference, ML052630156
 5. Response to 10 CFR 2.206 Petition from J. Dyer to P. Blockey-O'Brien, ML052660121

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