

CURRENT STATUS OF OPEN PETITIONS

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FACILITY: Indian Point (IP), Units 2 and 3
REACTOR TYPE: Pressurized Water Reactor
PETITIONERS: Friends United for Sustainable Energy (FUSE-Sherwood Martinelli)



OPEN PETITION
EDO # G20070700

DATE OF PETITION: SEPTEMBER 28, 2007
DIRECTOR'S DECISION (DD) TO BE ISSUED BY: NRR
PROPOSED DD ISSUANCE: APRIL 10, 2009
FINAL DD ISSUANCE: JUNE 8, 2009 (EST.)
LAST CONTACT WITH PETITIONER: FEBRUARY 12, 2008
PETITION MANAGER: DOUGLAS PICKETT
CASE ATTORNEY: GIOVANNA LONGO



ACTIONS REQUESTED AND ISSUES

The petitioner states that Entergy, the licensee for Indian Point, Units 2 and 3 (IP2 and 3), has not taken adequate action to ensure the IP2 and 3 emergency sirens are fully operational.

1. The petitioner requests that the U.S. Nuclear Regulatory Commission (NRC) issue an order to place IP2 and 3 in cold shutdown until their emergency sirens are fully approved by the Federal Emergency Management Agency (FEMA) and the NRC, and the system is operating within the 96 percent acceptable zone.
2. The petitioner requests the NRC fine Entergy \$130,000 per day from September 28, 2007, forward until they have complied with the NRC's order.
3. Petitioner also requested the imposition of daily fines of no less than \$500,000 until such time as the new siren system has been approved and reiterated his previous request for the immediate shutdown of the IP2 and 3 facilities. To accommodate the submittal of the addendum and allow sufficient time to modify the acknowledgement letter for this petition, the expected issuance date of the acknowledgement letter was modified.

BACKGROUND, ACTIONS & KEY MILESTONES

CURRENT STATUS & NEXT STEPS

PETITION AGE: 17 MONTHS

Petitioner filed a petition for an enforcement action pursuant to 10 CFR 2.206.	09/28/07
NRC Petition Review Board (PRB) met to determine if the petition met the criteria for review under 10 CFR 2.206.	10/30/07
Petitioner informed of PRB's initial recommendation to accept the petition with regards to IP sirens concerns, but deny the request for immediate shutdown.	11/01/07
Petitioner addressed PRB via teleconference.	12/21/07
Teleconference transcripts reviewed.	01/15/08
Petitioner filed an addendum to his petition citing new concerns regarding recently discovered corrosion on some of the new sirens.	01/24/08
Acknowledgement letter issued accepting the petition w/respect to siren concerns.	02/12/08
FEMA found new siren system acceptable.	08/22/08
New siren alert notification system placed into service by Entergy. New sirens will undergo a one year review before the licensee takes the former system out of service. Proposed DD will reference the successful implementation of the new system.	08/27/08
Proposed DD was scheduled for issuance.	01/30/09
The Office for Executive Director for Operations (OEDO) granted a green ticket extension to support internal coordination & issuance of the proposed DD. Those involved are Region 1 (R1), the Office of Nuclear Security and Incident Response (NSIR) & senior Office of Nuclear Reactor Regulation (NRR) management.	03/13/09

<ul style="list-style-type: none"> ▪ The Proposed DD was scheduled for issuance. ▪ On 3/6/09, the OEDO approved an extension to April 10, 2009, to support internal coordination between R1, NRR, and NSIR. 	<p>03/13/09</p> <p>04/10/09</p>
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FACILITY: Indian Point (IP), Units 2 and 3
REACTOR TYPE: Pressurized Water Reactor
PETITIONER: Sherwood Martinelli



OPEN PETITION
EDO # G20080233

DATE OF PETITION: MARCH 30, 2008
DIRECTOR'S DECISION (DD) TO BE ISSUED BY: NRR
PROPOSED DD ISSUANCE: APRIL 10, 2009
FINAL DD ISSUANCE: JUNE 8, 2009 (EST.)
LAST CONTACT WITH PETITIONER: AUGUST 14, 2008
PETITION MANAGER: JOHN BOSKA
CASE ATTORNEY: GIOVANNA LONGO



ACTIONS REQUESTED AND ISSUES

The petitioner requests that the NRC:

1. Suspend the operating license of IP, Units 2 and 3 (IP2 and 3).
2. Halt the license renewal process for IP2 and 3.

BACKGROUND, ACTIONS & KEY MILESTONES

Petitioner filed a petition for an enforcement action pursuant to 10 CFR 2.206.	03/30/08
The PRB recommended that this petition be combined with the petitioner's two previous petitions (G20070540 & G20070700)	04/16/08
The petitioner disagreed with the PRB's recommendation and accepted the offer to address the PRB. The petitioner requested that the PRB meeting be delayed until after August 1, 2008.	04/17/08
The OEDO agreed to extend the due date to September 26, 2008.	06/04/08
The petitioner addressed the PRB by teleconference. The transcript is available in Agencywide Documents Access and Management System (ADAMS) Accession No. ML082330375. The PRB accepted the petition for review with respect to the groundwater contamination and siren system issues. <ul style="list-style-type: none"> ▪ Petitioner did not provide any additional relevant information. ▪ Petitioner provided no objection to combining his previous petitions. 	08/14/08
Final Director's Decision (G20070540) was issued closing the groundwater contamination petition.	08/14/08
Acknowledgement letter issued to the petitioner.	09/15/08
Proposed DD regarding the siren issue (G20070700) was scheduled for issuance.	01/30/09
The OEDO granted an extension to support internal coordination and issuance of the Proposed Director's Decision by 3/13/09. Internal stakeholders include Region 1, NSIR, and senior NRR management.	03/13/09

CURRENT STATUS AND NEXT STEPS

PETITION AGE: 11 MONTHS

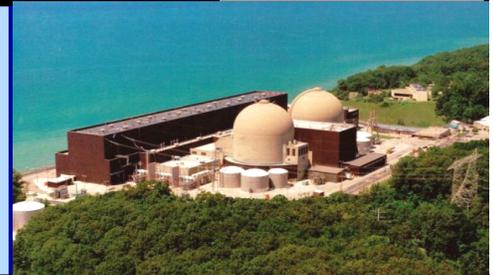
<ul style="list-style-type: none"> ▪ The Proposed DD was scheduled for issuance. 	03/13/09
<ul style="list-style-type: none"> ▪ On 3/6/09, the OEDO approved an extension to April 10, 2009, to support internal coordination between R1, NRR, and NSIR. 	04/10/09

FACILITY: Donald C Cook , (DC Cook) Unit 1
REACTOR TYPE: Pressurized Water Reactor
PETITIONER: Dr. Edwin Lyman
 Union of Concerned Scientists (UCS)



OPEN PETITION
EDO # G20080864

DATE OF PETITION DECEMBER 16, 2008
DIRECTOR'S DECISION (DD) TO BE ISSUED BY: NRR
PROPOSED DD ISSUANCE: JULY 2, 2009 (EST.)
FINAL DD ISSUANCE: AUGUST 28, 2009 (EST.)
LAST CONTACT WITH PETITIONER: JANUARY 27, 2009
PETITION MANAGER: TERRY BELTZ
CASE ATTORNEY: GIOVANNA LONGO



ACTIONS REQUESTED AND ISSUES

On behalf of the Union of Concerned Scientists (UCS), the petitioner requests that the NRC take enforcement action against the licensee for DC Cook, Unit 1. Specifically, the UCS petitions the NRC to issue a Demand for Information (DFI) requiring this licensee to docket the following information at least 30 days prior to restarting the reactor from the current outage:

1. The vibration levels experienced in the control room, turbine building, and other structures during the September 20, 2008, event.
2. The vibration levels assumed in these locations during the safe shutdown earthquake (SSE).
3. In locations where the vibration levels during the September 2008 event exceeded the vibration levels assumed for SSE, the extent of piping, pipe supports, etc. replaced/repared due to potential stress damage and the bases for not replacing other structures, systems, and components exposed to greater than SSE loading.
4. In locations where the vibration levels during the September 2008 event did not exceed the vibration levels assumed for SSE, the extent of measure taken to protect against spurious equipment operation and the bases for concluding the as-left configuration will not pose a public health hazard in event of an SSE.

UCS requested a public meeting before the NRC's PRB to highlight their concerns and answer any questions the PRB members have regarding the DFI they seek.

BACKGROUND, ACTIONS & KEY MILESTONES		CURRENT STATUS AND NEXT STEPS	
		PETITION AGE: 2 MONTHS	
Petitioner (David Lochbaum) filed a petition for an enforcement action pursuant to 10 CFR 2.206 and requested an opportunity to address the PRB.	12/16/08	<ul style="list-style-type: none"> ▪ The acknowledgement letter was issued on 03/06/09. 	03/06/09
NRC PRB met internally to make an initial recommendation. The PRB determined that the petition met the criteria for acceptance.	01/14/09	<ul style="list-style-type: none"> ▪ Proposed DD scheduled for issuance. 	07/02/09
The initial recommendation was discussed with the petitioner. <ul style="list-style-type: none"> ▪ The petitioner no longer requests a public meeting to address the PRB. ▪ No additional information was provided by the petitioner to supplement the request. ▪ The petitioner stated that a new UCS contact would be provided for the petition. ▪ The initial recommendation will be documented in an acknowledgement letter to the petitioner, as the final PRB recommendation. 	01/27/09		
The petitioner requested that the NRC revise the point-of-contact for the UCS petition from David Lochbaum to Dr. Edwin Lyman.	02/02/09		

FACILITY: Indian Point (IP), Units 2 and 3
REACTOR TYPE: Pressurized Water Reactor
PETITIONER: Sherwood Martinelli



PETITION UNDER CONSIDERATION
EDO # G20080693



The petitioner states that it is reasonable to assume that the Indian Point Decommissioning funds have suffered a horrific hit as a result of the stock market crash, leaving inadequate funds in the account, putting them in violation of the NRC 10 CFR rules and regulations. The petitioner requests that the NRC:

1. Order Entergy, the licensee for IP2 and 3, to take an immediate accounting of the Indian Point Decommissioning funds, and report said funds shortcomings to the NRC in a period not to exceed 14 business days from receipt of the Order.
2. Order Entergy to deposit adequate funds to cover shortfalls within 30 business days after completion of the initial audit.
3. Suspend ALL OPERATIONS at Indian Point until such time as they are in full compliance with NRC Rules and Regulations as it relates to Decommissioning Funds and their adequacy.

The petitioner states that *“Entergy’s Indian Point Reactors Vessel Heads and certain butt and overlap welds are failing, patches giving out, and they are trying to dance around regulations, seek relief from the regulations in a dangerous attempt to operate the reactors at peek performance for an extra 3 and 5 years respectfully until the Reactor Vessel Head replacements can be accomplished... problem is, they are taking this risk outside of the safe operating requirement spelled out in 10 CFR Rules and Regulations, and are trying to get away with this GAMBLE by seeking a wink and a nod RELIEF from the very rules they are VIOLATING AT THIS MOMENT.”*

1. As a result of these violations, we seek enforcement action that would shut down both IP2 and 3 until a full and complete examination of the reactor vessel heads and reactor internals can be completed by NRC Staff.
2. Seek enforcement action that would preclude a start up of the reactors until A) NRC has determined that the reactor vessel heads and reactor internals are safe and within the safe operating limits of 10 CFR Rules and Regulations (with granting relief and/or exemptions) or
3. Reactors remain in cold storage until such time as reactor vessel head replacement/refurbishment tasks have been fully implemented and signed off on by NRC staff after inspection.

BACKGROUND, ACTIONS & KEY MILESTONES		CURRENT STATUS AND NEXT STEPS	
		PETITION AGE: 4 MONTHS	
Petitioner filed a petition for an enforcement action pursuant to 10 CFR 2.206.	10/10/08	<ul style="list-style-type: none"> ▪ The petitioner addressed the PRB by teleconference. ▪ The PRB did not receive additional information during the teleconference to support a change to its initial recommendation. A closure letter has been provided to the petitioner to document the basis for not accepting the petition for review. 	02/25/09
The PRB met internally to discuss the petition and make an initial recommendation. The initial recommendation was to not accept the petition for review because the petitioner failed to set forth facts sufficient to warrant further inquiry.	10/30/08		03/19/09
The petition manager conveyed the initial recommendation to the petitioner. The petitioner requested an opportunity to address the PRB before it made a final recommendation; but requested a meeting delay to February 2009 due to a personal health issue.	10/30/08		
The petitioner manager requested an extension from the OEDO to authorize the delay to February 2009. The extension until 03/26/09 was granted on 11/24/09.	11/24/08		
The petition manager informed the petitioner of the OEDO decision to grant his request for a delay.	11/24/09		

FACILITIES: Columbia, Fort Calhoun, Diablo Canyon
Cooper, San Onofre
REACTOR TYPE: Columbia & Cooper (Boiling Water Reactors)
Fort Calhoun, Diablo Canyon & San Onofre (Pressurized Water Reactors)
PETITIONER: Tom Lakosh



**PETITION UNDER
CONSIDERATION**

EDO # G20090007

DATE OF PETITION: DECEMBER 30, 2008
DIRECTOR'S DECISION (DD) TO BE ISSUED BY: NRR
PROPOSED DD ISSUANCE: N/A
FINAL DD ISSUANCE: N/A
LAST CONTACT WITH PETITIONER: FEBRUARY 24, 2009
PETITION MANAGER: FRED LYON
CASE ATTORNEY: GIOVANNA LONGO



ACTIONS REQUESTED AND ISSUES

The petitioner requests that the NRC:

1. Devise a plan for immediate systematic shutdown and cooling of all reactors that may be downwind of a major Yellowstone caldera eruption. With respect to this request, the NRC staff determined that the applicable plants downwind of a major Yellowstone caldera eruption would include Columbia, Fort Calhoun, Diablo Canyon, Cooper, and San Onofre.
2. Issue an Order to all U.S. operating reactors detailing the threat and requiring immediate acquisition of sufficient temporary water storage, water filtration systems and pumps with spare parts to accommodate the loss of direct access to surface water for a period of no less than three months.

BASIS FOR THE REQUEST

As the basis for this request, the petitioner states that the earthquakes at Yellowstone Lake continue in a pattern suggesting that a highly pressurized chimney has developed between the surface and a depth of 7.2 km. If the worst case scenario ensues, the petitioner is concerned that dozens of plants will not have access to clean surface or reserve cooling water. The petitioner is also concerned that water pumps will not survive for long with the significant ash contamination in feedwater and there should be a plan to dissipate latent heat in reactor cores and spent fuel storage given a fairly short pump lifetime after ash fall.

BACKGROUND, ACTIONS & KEY MILESTONES

CURRENT STATUS AND NEXT STEPS

PETITION AGE: 2 MONTHS

<p>Petitioner filed an allegation as documented in his emails dated 12/30/08 and 12/31/08.</p>	<p>12/30/08 – 12/31/08</p>	<ul style="list-style-type: none"> ▪ The petition manager held another call with the petitioner to determine if he had sufficient time to conduct additional research and to offer him an opportunity to address the PRB before they met internally to make an initial recommendation. ▪ The petitioner requested an opportunity to address the PRB. He also requested an additional two weeks to provide supplemental information in support of his petition. During the call, the petitioner will discuss the supplemental information. ▪ The petition manager is coordinating a PRB teleconference for March 12, 2009, so that the petitioner can address the PRB. 	<p>02/24/09</p>
<p>The NRC staff determined that the emails contained no allegations. The emails were referred to the 2.206 process since the emails did request that the NRC take enforcement action against operating reactors.</p>	<p>01/05/09</p>		
<p>The petition manager held an initial call with the petitioner to explain the public nature of the 2.206 process. The petitioner said that he had not yet decided whether to pursue the 2.206 process or a different process (e.g., rulemaking). He requested copies of the applicable procedures and time to review them. The petition manager provided copies of Management Directive (MD) 8.11 (2.206 process) and MD 8.8 (Rulemaking).</p>	<p>01/13/09</p>		
<p>The petitioner called the petitioner manager and requested additional information on the rulemaking process. The petition manager referred him to the NRC public website link on Rulemaking.</p>	<p>01/23/09</p>		
<p>The petition manager called the petitioner to discuss the 2.206 process. The petitioner had no objection to the public nature of the process; however, he requested more time to conduct additional research in support of his petition. The PRB agreed to provide the petitioner with an additional 30 days.</p>	<p>01/26/09</p>		<p>03/12/09</p>

FACILITY: Turkey Point (TP), Units 3 and 4
REACTOR TYPE: Pressurized Water Reactor
PETITIONER: Thomas Saporito



**PETITION UNDER
CONSIDERATION**

EDO # G20090107

DATE OF PETITION: JANUARY 11, 2009
DIRECTOR'S DECISION (DD) TO BE ISSUED BY: NRR
PROPOSED DD ISSUANCE: N/A
FINAL DD ISSUANCE: N/A
LAST CONTACT WITH PETITIONER: TBD
PETITION MANAGER: JASON PAIGE
CASE ATTORNEY: GIOVANNA LONGO



ACTIONS REQUESTED AND ISSUES

The petitioner requests that the NRC take enforcement action against Florida Power and Light Company (FPL), the licensee for TP, Units 3 and 4, by issuing a Notice of Violation and Civil Penalty in the amount of \$1,000,000 and a Confirmatory Order modifying FPLs operating licenses DPR-31 and DPR-41 for TP, Units 3 and 4, as described in the January 11, 2009, 2.206 petition request.

BASIS FOR THE REQUEST

On or about January 17, 2008, the licensee, FPL, completed a self-assessment of the TP, Units 3 and 4, facility and specifically an assessment of the TP Employee Concerns Program (ECP). The purpose of the self-assessment was for FPL to understand and address weaknesses in the ECP. The petitioner states that FPL has continually engaged in retaliatory actions against its own employees who raise safety concerns at TP, Units 3 and 4, and that the enforcement actions sought, including the confirmatory order, will act to dissuade FPL from further violations of NRC regulation and requirements under 10 CFR 50.7 and will protect the public health and safety by eliminating the chilling effect which currently exists at TP, Units 3 and 4, and fostering a work environment where employees can freely raise safety concerns directly to the NRC and FPL management without fear of retaliation.

BACKGROUND, ACTIONS & KEY MILESTONES

Petitioner filed a petition for an enforcement action pursuant to 10 CFR 2.206.	01/11/09
In an email dated 02/12/09, Thomas Saporito emailed a copy of his petition to various NRC staff members.	02/12/09
The petition manager was made aware of the emails on 03/03/09 and requested support from the 2.206 Petition Coordinator to have the petition formally assigned to NRR.	03/02/09
The OEDO assigned the petition to NRR via a Green Ticket on 03/03/09.	03/03/09
The PRB is reviewing the petition to determine if it meets the criteria for acceptance under 10 CFR 2.206.	03/05/09

CURRENT STATUS & NEXT STEPS

PETITION AGE: 1 MONTH

- | | |
|---|----------|
| <ul style="list-style-type: none"> The staff plans to issue the acknowledgement letter conveying the PRB final recommendation by 04/02/09. | 04/02/09 |
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AGE STATISTICS FOR AGENCY 2.206 OPEN PETITIONS

Assigned Action Office	Facility/ Petitioner	Incoming petition	PRB meeting¹	Acknowledgment letter/days from incoming²	Proposed Director's Decision /age³	Final Director's Decision /age⁴	Comments if not meeting the Agency's Completion Goals
NRR	Indian Point Units 2 and 3/ Sherwood Martinelli - FUSE	09/28/07	12/21/07	02/12/08 137	TBD	TBD	The proposed Director's Decision (DD) will reference the successful implementation of the new siren system, which the licensee made operational on August 27, 2008.
NRR	Indian Point Units 2 and 3/ Sherwood Martinelli	03/30/08	04/16/08	09/15/08 165	TBD	TBD	The proposed Director's Decision (DD) will reference the successful implementation of the new siren system, which the licensee made operational on August 27, 2008.
NRR	DC Cook, Unit 1 David Lochbaum, UCS	12/16/08	01/14/09	03/06/09 80	TBD	TBD	The OEDO approved an extension to 03/26/09 to support the petitioner's initial request for a public meeting.

1 Goal is to hold a PRB meeting, which the petitioner is invited to participate in, within 2 weeks of receipt of petition.

2 Goal is to issue acknowledgment letter within 35 days 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.