

ENCLOSURE 1  
ML090920393  
Monthly 10 CFR 2.206 Status  
Report

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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:** MARCH 24, 2009  
**FINAL DD ISSUANCE:** JUNE 5, 2009 (EST.)  
**LAST CONTACT WITH PETITIONER:** MARCH 24, 2009  
**PETITION MANAGER:** DOUGLAS PICKETT  
**CASE ATTORNEY:** OFFICE OF GENERAL COUNSEL



## ACTIONS REQUESTED AND ISSUES

The petitioner states that Entergy, the licensee for Indian Point, Units 2 and 3 (IP2 and IP3), has not taken adequate action to ensure that the IP2 and IP3 emergency sirens are fully operational.

1. The petitioner requests that the NRC issue an order to place IP2 and IP3 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 that the NRC fine Entergy \$130,000 per day from September 28, 2007, forward until it has complied with the NRC's order.
3. The petitioner also requests the imposition of daily fines of no less than \$500,000 until such time as the new siren system has been approved and reiterates his previous request for the immediate shutdown of the IP2 and IP3 facilities. To accommodate the submittal of the addendum and allow sufficient time to modify the acknowledgment letter for this petition, the expected issuance date of the acknowledgment letter was modified.

## BACKGROUND, ACTIONS, & KEY MILESTONES

The petitioner filed a petition for an enforcement action pursuant to 10 CFR 2.206.	09/28/07
The NRC Petition Review Board (PRB) met to determine if the petition met the criteria for review under 10 CFR 2.206.	10/30/07
The petitioner was informed of PRB's initial recommendation to accept the petition with regard to IP siren concerns but to deny the request for immediate shutdown.	11/01/07
The petitioner addressed PRB via teleconference.	12/21/07
Teleconference transcripts were reviewed.	01/15/08
The petitioner filed an addendum to his petition citing new concerns regarding recently discovered corrosion on some of the new sirens.	01/24/08
The NRC issued an acknowledgment letter accepting the petition with respect to siren concerns.	02/12/08
FEMA found the new siren system acceptable.	08/22/08
Entergy placed the new siren alert notification system into service. The new sirens will undergo a 1-year review before the licensee takes the former system out of service. The proposed Director's Decision (DD) will reference the successful implementation of the new system.	08/27/08
The proposed DD was scheduled for issuance.	01/30/09
The Office of the Executive Director for Operations (OEDO) granted a green ticket extension to support internal coordination and issuance of the proposed DD.	03/13/09

## CURRENT STATUS & NEXT STEPS

**PETITION AGE: 18 MONTHS**

<ul style="list-style-type: none"> <li>▪ The proposed DD was scheduled for issuance.</li> </ul>	03/13/09
<ul style="list-style-type: none"> <li>▪ On March 6, 2009, the OEDO approved an extension to April 10, 2009, to support internal coordination between R1, NRR, and NSIR.</li> </ul>	04/10/09
<ul style="list-style-type: none"> <li>▪ On March 24, 2009, the proposed DD, which denies the petitioner's request to shut down IP2 and IP3 and impose civil penalties, was issued. The proposed DD concludes that the petitioner's concerns have been adequately resolved such that no further action is needed. It can be found in Agencywide Documents Access and Management System at Accession No. ML082620321.</li> </ul>	03/24/09
<ul style="list-style-type: none"> <li>▪ Letters from the NRC to both the petitioner and the licensee request comments within 30 days. The NRC plans to address any comments and issue the final DD within 45 days following the comment period.</li> </ul>	03/24/09

**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:** MARCH 24, 2009  
**FINAL DD ISSUANCE:** JUNE 5, 2009 (EST.)  
**LAST CONTACT WITH PETITIONER:** MARCH 24, 2009  
**PETITION MANAGER:** JOHN BOSKA  
**CASE ATTORNEY:** OFFICE OF GENERAL COUNSEL



## ACTIONS REQUESTED AND ISSUES

The petitioner requests that the NRC do the following:

1. Suspend the operating license of IP Units 2 and 3 (IP2 and IP3).
2. Halt the license renewal process for IP2 and IP3.

BACKGROUND, ACTIONS, & KEY MILESTONES		CURRENT STATUS AND NEXT STEPS	
		PETITION AGE: 12 MONTHS	
The petitioner filed a petition for an enforcement action pursuant to 10 CFR 2.206.	03/30/08	<ul style="list-style-type: none"> <li>The Proposed DD was scheduled for issuance.</li> <li>On March 6, 2009, the OEDO approved an extension to April 10, 2009, to support internal coordination between R1, NRR, and NSIR.</li> <li>On March 24, 2009, the Proposed DD, which denies the petitioner's request to shut down IP2 and IP3 and impose civil penalties, was issued. The Proposed DD concludes that the petitioner's concerns have been adequately resolved such that no further action is needed. It can be found in the Agencywide Documents Access and Management System at Accession No. ML082620321.</li> </ul>	03/13/09
The Petition Review Board (PRB) recommended that this petition be combined with the petitioner's two previous petitions (G20070540 and G20070700).	04/16/08		04/10/09
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		03/24/09
The Office of the Executive Director for Operations (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. The petitioner did not provide any additional relevant information and did not object to combining his previous petitions.	08/14/08		
The final Director's Decision (DD) (G20070540) was issued, which closed the groundwater contamination petition.	08/14/08	<ul style="list-style-type: none"> <li>Letters from the NRC to both the petitioner and the licensee request comments within 30 days. The NRC plans to address any comments and issue the final DD within 45 days following the comment period.</li> </ul>	03/24/09
An acknowledgment letter was issued to the petitioner.	09/15/08		
The 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 DD by March 13, 2009. Internal stakeholders include Region 1 (R1), the Office of Nuclear Security and Incident Response (NSIR), and senior management in the Office of Nuclear Reactor Regulation (NRR).	03/13/09		

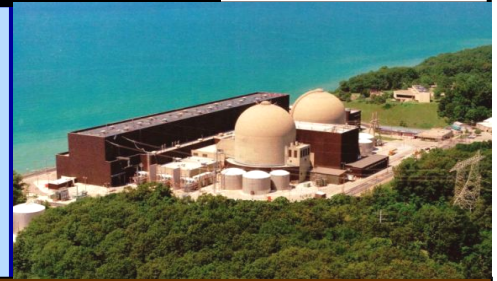


**FACILITY:** Donald C Cook (D.C. Cook), Unit 1  
**REACTOR TYPE:** Pressurized-Water Reactor  
**PETITIONER:** Dr. Edwin Lyman  
 Union of Concerned Scientists (UCS)



**OPEN PETITION**  
**EDO # G20080864**

**DATE OF PETITION** DECEMBER 16, 2008  
**DIRECTOR'S DECISION (DD) TO BE ISSUED BY:** NRR  
**PROPOSED DD ISSUANCE:** JULY 6, 2009  
**FINAL DD ISSUANCE:** AUGUST 28, 2009 (EST.)  
**LAST CONTACT WITH PETITIONER:** MARCH 6, 2009  
**PETITION MANAGER:** TERRY BELTZ  
**CASE ATTORNEY:** OFFICE OF GENERAL COUNSEL



### 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 D.C. 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 before 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/ or repaired as the result of 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 measures taken to protect against spurious equipment operation and the bases for concluding that the as-left configuration will not pose a public health hazard in the event of an SSE

UCS requested a public meeting before the NRC's Petition Review Board (PRB) to highlight its concerns and answer any questions the PRB members have regarding the information sought by the DFI.

### BACKGROUND, ACTIONS, & KEY MILESTONES

The 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
The NRC PRB met internally to make an initial recommendation. The PRB determined that the petition met the criteria for acceptance.	01/14/09
The initial recommendation was discussed with the petitioner. <ul style="list-style-type: none"> <li>▪ The petitioner no longer requests a public meeting to address the PRB.</li> <li>▪ The petitioner provided no additional information to supplement the request.</li> <li>▪ The petitioner stated that a new UCS contact would be provided for the petition.</li> <li>▪ The initial recommendation will be documented in an acknowledgment letter to the petitioner, as the final PRB recommendation.</li> </ul>	01/27/09
The petitioner requested that the NRC change the point of contact for the UCS petition from David Lochbaum to Dr. Edwin Lyman.	02/02/09

### CURRENT STATUS AND NEXT STEPS

**PETITION AGE: 3 MONTHS**

- |  |          |
|--|----------|
| <ul style="list-style-type: none"> <li>▪ The acknowledgment letter was issued on March 6, 2009, and is available in the Agencywide Documents Access and Management System at Accession No. ML090370035.</li> </ul> | 03/06/09 |
| <ul style="list-style-type: none"> <li>▪ The Proposed Director's Decision is scheduled for issuance.</li> </ul>  | 07/06/09 |

**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 and putting Entergy in violation of the NRC 10 CFR rules and regulations." The petitioner requests that the NRC do the following:

1. Order Entergy, the licensee for IP2 and IP3, 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 related 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 [sic] 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 startup 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: 5 MONTHS**

The petitioner filed a petition for an enforcement action pursuant to 10 CFR 2.206.	10/10/08	<ul style="list-style-type: none"> <li>▪ The petition manager called the petitioner again to determine if he had had sufficient time to conduct additional research and to offer him an opportunity to address the PRB before the Board met internally to make an initial recommendation.</li> <li>▪ 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.</li> <li>▪ The PRB decided not to accept this petition for review, because the petitioner failed to provide sufficient facts to constitute a basis for the enforcement actions or to demonstrate that safety problems or hazardous conditions exist. By letter dated March 18, 2009, the PRB documented its final recommendation to the petitioner. This petition is now closed, and a copy of the closure letter is available in the Agencywide Documents Access and Management System at Accession No. ML090680168.</li> </ul>	02/24/09
The Petition Review Board (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		02/25/09
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 asked to delay the meeting until February 2009 because of a personal health issue.	10/30/08		03/18/09
The petitioner manager requested an extension from the Office of the Executive Director for Operations (OEDO) to authorize the delay to February 2009. The extension until March 26, 2009, was granted on November 24, 2008 and the petitioner was informed.	11/24/08		

**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:** MARCH 12, 2009  
**PETITION MANAGER:** FRED LYON  
**CASE ATTORNEY:** OFFICE OF GENERAL COUNSEL



## ACTIONS REQUESTED AND ISSUES

The petitioner requests that the NRC do the following:

1. Devise a plan for the 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 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 3 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 contends that 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: 3 MONTHS**

The petitioner filed an allegation as documented in his emails dated December 30 and December 31, 2008.	12/30/08– 12/31/08	<ul style="list-style-type: none"> <li>▪ The petitioner requested an opportunity to address the PRB. He also requested an additional 2 weeks to provide supplemental information in support of his petition. During the call, the petitioner plans to discuss the supplemental information.</li> <li>▪ On March 12, 2009, the petitioner addressed the PRB by phone. Citing a family emergency, the petitioner requested additional time to supplement his request. The PRB gave the petitioner an additional 2 months to supplement his petition request in writing.</li> <li>▪ On March 13, 2009, the PRB requested additional time from the Office of the Executive Director for Operations (OEDO), until June 19, 2009, to provide 60 additional days for Mr. Lakosh to supplement his request. The OEDO approved the request on March 13, 2009.</li> </ul>	02/24/09
The NRC staff determined that the e-mails contained no allegations. The e-mails were referred to the 10 CFR 2.206 process since the e-mails did request that the NRC take enforcement action against operating reactors.	01/05/09		03/12/09
The petition manager held an initial call with the petitioner to explain the public nature of the 10 CFR 2.206 process. The petitioner said that he had not yet decided whether to pursue the 10 CFR 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 ("Review Process for 10 CFR 2.206 Petitions") and MD 8.8 (Allegations).	01/13/09		03/13/09
The petitioner called the petitioner manager and requested additional information on the rulemaking process. The petition manager referred him to the NRC public Web site link to rulemaking.	01/23/09		
The petition manager called the petitioner to discuss the 10 CFR 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 Petition Review Board (PRB) agreed to provide the petitioner with an additional 30 days.	01/26/09		

**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:** MARCH 19, 2009  
**PETITION MANAGER:** JASON PAIGE  
**CASE ATTORNEY:** OFFICE OF GENERAL COUNSEL



### 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 million and a Confirmatory Order modifying FPL's operating licenses DPR-31 and DPR-41 for TP Units 3 and 4, as described in the January 11, 2009, 10 CFR 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, which included 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 dissuade FPL from further violations of NRC regulation and requirements under 10 CFR 50.7, "Employee Protection." The petitioner contends that such action will protect the public health and safety by eliminating the chilling effect that 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

### CURRENT STATUS & NEXT STEPS

**PETITION AGE: 2 MONTHS**

The petitioner filed a petition for an enforcement action pursuant to 10 CFR 2.206.	01/11/09	<ul style="list-style-type: none"> <li>On March 19, 2009, the petitioner addressed the PRB by phone. During the call, he requested additional time to supplement his petition request in writing. The PRB agreed to provide the petitioner additional time. On March 25, 2009, the PRB requested an extension from the OEDO until May 14, 2009, to support the petitioner's request.</li> </ul>	03/19/09
In an e-mail dated February 12, 2009, the petitioner sent a copy of his petition to various NRC staff members.	02/12/09		
The petition manager was made aware of the e-mails on February 27, 2009, and requested support from the 10 CFR 2.206 petition coordinator to have the petition formally assigned to the Office of Nuclear Reactor Regulation (NRR).	02/27/09	<ul style="list-style-type: none"> <li>On March 26, 2009, the OEDO approved the extension request until May 14, 2009. The acknowledgement letter conveying the PRB's final recommendation is due by May 14, 2009.</li> </ul>	03/26/09
The Office of the Executive Director for Operations (OEDO) assigned the petition to NRR via a Green Ticket on March 3, 2009.	03/03/09		
The Petition Review Board (PRB) is reviewing the petition to determine if it meets the criteria for acceptance under 10 CFR 2.206.	03/05/09		
The staff plans to issue the acknowledgment letter conveying the PRB's final recommendation by April 2, 2009.	04/02/09		

**Enclosure 2**  
**ML090920393**  
**Monthly 10 CFR 2.206 Status Report**

### **AGE STATISTICS FOR AGENCY 10 CFR 2.206 OPEN PETITIONS**

<b>Assigned Action Office</b>	<b>Facility/ Petitioner</b>	<b>Incoming Petition</b>	<b>PRB Meeting<sup>1</sup></b>	<b>Acknowledgment Letter/Days from Incoming Petition<sup>2</sup></b>	<b>Proposed Director's Decision/Age in Days<sup>3</sup></b>	<b>Final Director's Decision/Age in Days<sup>4</sup></b>	<b>Comments If Not Meeting the Agency's Completion Goals</b>
NRR	Indian Point, Units 2 and 3 Sherwood Martinelli, FUSE	09/28/07	12/21/07	02/12/08 137	03/24/09 416	TBD	The OEDO granted additional time to support internal coordination between Region 1, NRR, and NSIR, so that the Proposed Director's Decision could 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	09/15/08 155	03/24/09 201	TBD	The OEDO granted additional time to support internal coordination between Region 1, NRR, and NSIR, so that the Proposed Director's Decision could reference the successful implementation of the new siren system, which the licensee made operational on August 27, 2008.
NRR	D.C. Cook, Unit 1 Dr. Edwin Lyman, UCS	12/16/08	01/14/09	03/06/09 80	TBD	TBD	The OEDO approved an extension to March 26, 2009, to support the petitioner's initial request for a public meeting.

<sup>1</sup> Goal is to hold a Petition Review Board meeting, which the petitioner is invited to participate in, within 2 weeks of receipt of petition.

<sup>2</sup> Goal is to issue acknowledgment letter within 35 days of the date of incoming petition.

<sup>3</sup> Goal is to issue proposed Director's Decision within 120 days of the acknowledgment letter.

<sup>4</sup> Goal is to issue final Director's Decision within 45 days of the end of the comment period.