

ENCLOSURE 1

ML091550032

**Monthly 10 CFR 2.206 Status
Report**

PETITIONS CLOSED DURING THIS PERIOD

FACILITY	PETITIONER/EDO No.	Page
Indian Point, Units 2 and 3	Sherwood Martinelli, Friends United for Sustainable Energy (FUSE) G20070700	2
Indian Point, Units 2 and 3	Sherwood Martinelli G20080233	3

CURRENT STATUS OF OPEN PETITIONS

D.C. Cook, Unit 1	Dr. Edwin Lyman, Union of Concerned Scientists G20080864	4
-------------------	--	---

CURRENT STATUS OF POTENTIAL PETITIONS UNDER CONSIDERATION

Reactors near Yellowstone (Columbia, Fort Calhoun, Diablo Canyon, Cooper, San Onofre)	Tom Lakosh G20090007	5
Florida Power and Light	Tom Saporito G20090107	6
Florida Power and Light	Tom Saporito G20090270	7
Florida Power and Light	Tom Saporito G20090279	8
Pilgrim Nuclear Power Station	Mary Lampert G20090292	9

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



CLOSED 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: MAY 29, 2009
LAST CONTACT WITH PETITIONER: MARCH 24, 2009
PETITION MANAGER: DOUGLAS PICKETT
CASE ATTORNEY: MOLLY BARKMAN



ACTIONS REQUESTED AND ISSUES

The petitioner states that Entergy, the licensee for 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 an addendum and allow sufficient time to modify the acknowledgment letter for this petition, the staff modified the expected issuance date of the acknowledgment letter.

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. The transcript is available in Agency Documents Access and Management System (ADAMS) Accession No. ML082330375).	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 proposed Director's Decision (DD) will reference the successful implementation of the new system.	08/27/08
The proposed DD was scheduled for issuance on January 30, 2009. On January 7, 2009, the Office of the Executive Director for Operations (OEDO) granted a green ticket extension to March 13, 2009, to support internal coordination and issuance of the proposed DD.	01/07/09

CURRENT STATUS & NEXT STEPS

PETITION AGE: 20 MONTHS

<ul style="list-style-type: none"> On March 6, 2009, the OEDO approved an extension to April 10, 2009, to support internal coordination between Region 1 (R1), the office of Nuclear Reactor Regulation (NRR) and the Office of Nuclear Security and Incident Response (NSIR). 	03/06/09
<ul style="list-style-type: none"> On March 24, 2009, the agency issued the proposed DD, which denies the petitioner's request to shut down IP2 and IP3 and impose civil penalties. 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. 	03/24/09
<ul style="list-style-type: none"> 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. 	03/24/09
<ul style="list-style-type: none"> The 30 day comment period expired on April 24, 2009. No comments were provided to the NRC from the petitioner or from the IP2 and IP3 licensee . 	04/24/09
<ul style="list-style-type: none"> The final DD was issued on May 29, 2009 and is available in ADAMS (ADAMS Accession No. ML091210615). This closes the staff's review of the petition. 	05/29/09

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



CLOSED 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: MAY 29, 2009
LAST CONTACT WITH PETITIONER: MARCH 24, 2009
PETITION MANAGER: JOHN BOSKA
CASE ATTORNEY: MOLLY BARKMAN



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

The petitioner filed a petition for an enforcement action pursuant to 10 CFR 2.206.	03/30/08
The Petition Review Board (PRB) recommended that this petition be combined with the petitioner's two previous petitions (G20070540 and 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 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 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 NRC issued the final Director's Decision (DD) (G20070540), which closed the groundwater contamination petition.	08/14/08
The NRC issued an acknowledgment letter to the petitioner.	09/15/08
The proposed DD regarding the siren issue (G20070700) was scheduled for issuance.	01/30/09
On January 7, 2009, 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).	01/07/09

CURRENT STATUS AND NEXT STEPS

PETITION AGE: 14 MONTHS

<ul style="list-style-type: none"> ▪ The Proposed DD was scheduled for issuance on March 13, 2009. On March 6, 2009, the OEDO approved an extension to April 10, 2009, to support internal coordination between R1, NRR, and NSIR. 	03/06/09
<ul style="list-style-type: none"> ▪ On March 24, 2009, the NRC issued the Proposed DD, which denies the petitioner's request to shut down IP2 and IP3 and impose civil penalties. 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. 	03/24/09
<ul style="list-style-type: none"> ▪ 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. 	03/24/09
<ul style="list-style-type: none"> ▪ The 30 day comment period expired on April 24, 2009. The NRC received no comments from the petitioner or from the IP2 and IP3 licensee. The final DD is scheduled for issuance by June 5, 2009. 	04/24/09
<ul style="list-style-type: none"> ▪ The final DD was issued on May 29, 2009 and is available in ADAMS (ADAMS Accession No. ML091210615). This closes the staff's review of the petition. 	05/29/09

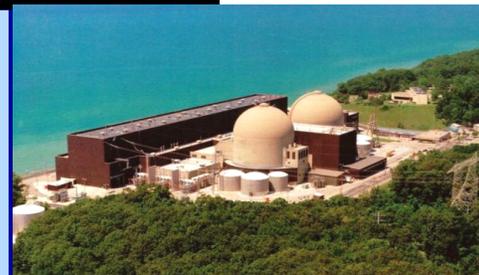
FACILITY: Donald C Cook (D.C. Cook), Unit 1
REACTOR TYPE: Pressurized-Water Reactor
PETITIONER: Dr. Edwin Lyman
 Union of Concerned Scientists (UCS)



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: MAY 11, 2009
PETITION MANAGER: TERRY BELTZ
CASE ATTORNEY: KIMBERLY SEXTON



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		CURRENT STATUS AND NEXT STEPS	
		PETITION AGE: 5 MONTHS	
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	<ul style="list-style-type: none"> ▪ The NRC issued the acknowledgment letter on March 6, 2009, and it is available in the Agencywide Documents Access and Management System at Accession No. ML090370035. 	03/06/09
The 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"> ▪ During the week of May 11, 2009, the petition manager contacted the petitioner by telephone to provide an update on the status of this petition. 	05/11/09
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. ▪ The petitioner provided no additional information 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 acknowledgment letter to the petitioner, as the final PRB recommendation. 	01/27/09	<ul style="list-style-type: none"> ▪ In a letter dated May 12, 2009 (ADAMS Accession No. ML091420327), the licensee provided a response to the petitioner's requests for information. 	05/12/09
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	<ul style="list-style-type: none"> ▪ A Proposed Director's Decision is scheduled for issuance by July 6, 2009. 	07/06/09

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



**PETITION UNDER
 CONSIDERATION**

EDO # G20090007



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: 5 MONTHS

The petitioner filed an allegation as documented in emails dated December 30 and December 31, 2008.	12/30/08– 12/31/08	<ul style="list-style-type: none"> ▪ 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. 	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	<ul style="list-style-type: none"> ▪ 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. 	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 (Management of Allegations).	01/13/09	<ul style="list-style-type: none"> ▪ 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 the petitioner to supplement his request. The OEDO approved the request on March 13, 2009. 	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	<ul style="list-style-type: none"> ▪ On April 29, April 30, and May 13, 2009, the petition manager received supplemental information by email from the petitioner. This 	04/29/09

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	01/26/09		information was provided to the PRB for review and made publicly available. <ul style="list-style-type: none">On May 26, 2009, the PRB met internally and made an initial recommendation to reject the petition for review under 2.206 since the issues	05/26/09
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: JUNE 1, 2009 PETITION MANAGER: FRED LYON CASE ATTORNEY: MOLLY BARKMAN			been the subject of NRC staff resolution has been achieved. petition manager discussed recommendation with the er is reviewing the initial plans to request another de additional information to	06/01/09

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: MAY 7, 2009
PETITION MANAGER: JASON PAIGE
CASE ATTORNEY: MOLLY BARKMAN



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: 4 MONTHS

The petitioner filed a petition for an enforcement action pursuant to 10 CFR 2.206.	01/11/09
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
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. The staff is scheduled to issue the acknowledgment letter conveying the PRB's final recommendation by April 2, 2009.	03/05/09
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.	03/19/09

<ul style="list-style-type: none"> 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. 	03/26/09
<ul style="list-style-type: none"> On April 21, 2009, the PRB received the supplemental information from the petitioner. The petitioner is scheduled to address the PRB by telephone on May 7, 2009. 	04/21/09
<ul style="list-style-type: none"> On May 1, 2009, the PRB requested an extension from the OEDO to support the additional interactions required for the PRB to make its initial and final recommendation. On May 4, 2009, the OEDO approved the extension request with a new due date of June 30, 2009. 	05/01/09
<ul style="list-style-type: none"> On May 7, 2009, the petitioner addressed the PRB by phone. The PRB is reviewing the additional information to determine if the petition meets the criteria for acceptance under 10 CFR 2.206. 	05/07/09

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



OPEN PETITION
EDO # G20090270

DATE OF PETITION: MAY 2, 2009
DIRECTOR'S DECISION (DD) TO BE ISSUED BY: NRR
PROPOSED DD ISSUANCE: N/A
FINAL DD ISSUANCE: N/A
LAST CONTACT WITH PETITIONER: MAY 29, 2009
PETITION MANAGER: JASON PAIGE
CASE ATTORNEY: MOLLY BARKMAN



ACTIONS REQUESTED AND ISSUES

The petitioner requests that the NRC take enforcement action against Florida Power and Light Company (FPL), the licensee for Turkey Point Nuclear Power Plant, Units 3 and 4, regarding a violation of NRC regulations. The specific requests for enforcement action include:

1. Issue a Notice of Violation and Imposition of Civil Penalty in the monetary amount of \$1,000,000 (one-million) dollars against FPL for (1) failure of the licensee to identify the root cause of previously cited security violations described in the NRC's Notice of Violation (EA-07-138) regarding operations at the TPN facility; and (2) the failure of the licensee to admit that the violation of NRC requirements, in fact, occurred.
2. Modify the licensee's permissive licenses DPR-31 and DPR-41 for the operation of the TPN facility requiring the immediate shut-down of both Unit 3 and 4 reactors to a "cold-shutdown" status until such time as the licensee is (1) able to identify the root cause of the security violations cited in the NRC's NOV (EA-07-138); and (2) until such time as the licensee admits that a violation of NRC requirements did, in fact, occur at the TPN facility as fully described in the NRC's NOV (EA-07-138).

BACKGROUND, ACTIONS, & KEY MILESTONES	CURRENT STATUS & NEXT STEPS PETITION AGE: 1 MONTH
--	--

On May 2, 2009, the petitioner filed a petition for an enforcement action pursuant to 10 CFR 2.206. The NRC staff is reviewing the petition to determine if it meets the criteria for review under 10 CFR 2.206.	05/02/09	<ul style="list-style-type: none"> ▪ An acknowledgement letter to the petitioner is scheduled for issuance by June 8, 2009. 	06/08/09
--	----------	--	----------

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



OPEN PETITION
EDO # G20090279

DATE OF PETITION: MAY 8, 2009
DIRECTOR'S DECISION (DD) TO BE ISSUED BY: NRR
PROPOSED DD ISSUANCE: N/A
FINAL DD ISSUANCE: N/A
LAST CONTACT WITH PETITIONER: MAY 29, 2009
PETITION MANAGER: JASON PAIGE
CASE ATTORNEY: MOLLY BARKMAN



ACTIONS REQUESTED AND ISSUES

The petitioner requests that the NRC take enforcement action against Florida Power and Light Company (FPL), the licensee for Turkey Point Nuclear Power Plant, Units 3 and 4, regarding a violation of NRC regulations. The specific requests for enforcement action is for the NRC to:

Issue a Notice of Violation and Imposition of Civil Penalty in the monetary amount of \$1,000,000 (one-million) dollars against FPL for (1) retaliating against Saporito during his employment period at the licensee's Turkey Point Nuclear Plant ("TPN") in 1988 with respect to the licensee's Site Vice President, John Odom's ("Odoms") retaliation taken against Saporito following Saporito's refusal to divulge [h]is nuclear safety concerns to Odom and insisting on [h]is right, under the Energy Reorganization Act of 1974, as amended, 42 U.S.C.A. 5851, to bypass the licensee's chain-of-command at TPN facility in taking [h]is nuclear safety concerns directly to the NRC; and (2) the failure of the licensee to correct the violation of NRC requirements and regulations under 10 C.F.R. 50.7 in retaliating against Saporito since the occurrence of the violation in 1988.

BACKGROUND, ACTIONS, & KEY MILESTONES

CURRENT STATUS & NEXT STEPS

PETITION AGE: 1 MONTH

On May 8, 2009, the petitioner filed a petition for an enforcement action pursuant to 10 CFR 2.206. The NRC staff is reviewing the petition to determine if it meets the criteria for review under 10 CFR 2.206.

05/08/09

- An acknowledgement letter to the petitioner is scheduled for issuance by June 10, 2009.

06/10/09

FACILITY: Pilgrim Nuclear Power Plant (Pilgrim)
REACTOR TYPE: Boiling-Water Reactor
PETITIONER: Mary Lampert



OPEN PETITION
EDO # G20090292

DATE OF PETITION: MAY 14, 2009
DIRECTOR'S DECISION (DD) TO BE ISSUED BY: NRR
PROPOSED DD ISSUANCE: N/A
FINAL DD ISSUANCE: N/A
LAST CONTACT WITH PETITIONER: MAY 15, 2009
PETITION MANAGER: JAMES KIM
CASE ATTORNEY: BRETT KLUKAN



ACTIONS REQUESTED AND ISSUES

The petitioner requests that the NRC not allow Pilgrim to restart until all work packages are re-examined to assure that quality assurance issues (beyond those discussed in the petition) are discovered and addressed.

Basis For The Request:

The petitioner initially requested to Region I that the NRC require that the outage be extended until all work packages are re-inspected. This request was based upon the petitioner's concern that there is a breakdown of the Quality Assurance program at Pilgrim. The petitioner provided several examples of safety concerns in the petition to support the claim that a QA breakdown at Pilgrim exists.

BACKGROUND, ACTIONS, & KEY MILESTONES		CURRENT STATUS & NEXT STEPS	
		PETITION AGE: 2 WEEKS	
On May 13, 2009, the petitioner referred this safety concern to Region I, and spoke with a Region I branch chief about this concern on May 14, 2009 and May 15, 2009. This issue was entered into the Region I allegations process. Due to the request for enforcement action, Mrs. Lampert decided to submit a 2.206 petition in parallel with the allegation.	05/13/09	<ul style="list-style-type: none"> ▪ An acknowledgement letter to the petitioner is scheduled for issuance by June 18, 2009. 	06/18/09
On May 14, 2009, the petitioner filed a petition for an enforcement action pursuant to 10 CFR 2.206. The NRC staff is reviewing the petition to determine if it meets the criteria for review under 10 CFR 2.206.	05/14/09		
On May 15 2009, the petition manager contacted the petitioner to inform her that her immediate action to stop re-start of Pilgrim was denied and offered her an opportunity to address the PRB. The petitioner requested an opportunity to address the PRB by phone after she is notified of the PRB's initial recommendation.	05/ 15 /09		

Enclosure 2
ML091550032
Monthly 10 CFR 2.206 Status
Report

AGE STATISTICS FOR AGENCY 10 CFR 2.206 OPEN PETITIONS

Assigned Action Office	Facility/ Petitioner	Incoming Petition	PRB Meeting¹	Acknowledgment Letter/Days from Incoming Petition²	Proposed Director's Decision/Age in Days³	Final Director's Decision/Age in Days⁴	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	03/24/09 416	05/29/09 35	The goal to issue the Final DD within 45 days following the comment period was met.
NRR	Indian Point, Units 2 and 3 Sherwood Martinelli	03/30/08	04/16/08	09/15/08 155	03/24/09 201	05/29/09 35	The goal to issue the Final DD within 45 days following the comment period was met.
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.

¹ Goal is to hold a Petition Review Board 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 Director's Decision within 120 days of the acknowledgment letter.

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