

Enclosure 1
Monthly 10 CFR 2.206
Status Report

PETITIONS CLOSED DURING THIS PERIOD

FACILITY	PETITIONER/EDO No.	Page
No petitions were closed during the month of July 2009.		

CURRENT STATUS OF OPEN PETITIONS

D.C. Cook, Unit 1	Dr. Edwin Lyman, Union of Concerned Scientists G20080864	2
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CURRENT STATUS OF POTENTIAL PETITIONS UNDER CONSIDERATION

Reactors near Yellowstone (Columbia, Fort Calhoun, Diablo Canyon, Cooper, San Onofre)	Tom Lakosh G20090007	3
Florida Power and Light Company	Thomas Saporito G20090107	4
Pilgrim Nuclear Power Station	Mary Lampert G20090292	5
Vermont Yankee Nuclear Power Station	Michael Mulligan G20090335	6
Idaho State University (Research Test Reactor)	Kevan Crawford G20090374	7

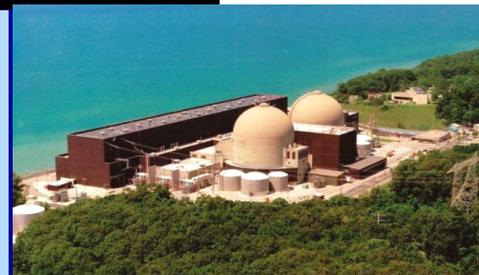
FACILITY: Donald C Cook (D.C. Cook), Unit 1
REACTOR TYPE: Pressurized-Water Reactor
PETITIONER: Dr. Edwin Lyman
 Union of Concerned Scientists



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
FINAL DD ISSUANCE: AUGUST 28, 2009 (EST.)
LAST CONTACT WITH PETITIONER: JULY 2, 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, 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 through the DFI.

BACKGROUND, ACTIONS, & KEY MILESTONES		CURRENT STATUS AND NEXT STEPS	
		PETITION AGE: 7 MONTHS	
The petitioner (David Lochbaum) filed a petition for an enforcement action under 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, with the following results: <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 PRB documented the initial recommendation 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 responded 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"> ▪ The NRC issued a Proposed Director's Decision on July 2, 2009. ▪ The NRC expects to issue a Final Director's Decision by August 28, 2009. 	07/02/09 08/28/09

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



**OPEN PETITION
 UNDER
 CONSIDERATION**

EDO # G20090007



ACTIONS REQUESTED AND ISSUES

The petitioner requests that the NRC take 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: 7 MONTHS	
The petitioner filed an allegation as documented in e-mails dated December 30 and December 31, 2008.	12/30/08–12/31/08	<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 NRC staff determined that the e-mails contained no allegations and referred them 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 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 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 April 29, April 30, and May 13, 2009, the petition manager received supplemental information by email from the petitioner. This information was provided to the PRB for review and made publicly available. 	04/29/09
The petitioner called the petitioner manager and requested additional information on the rulemaking process. The petition manager referred him to rulemaking link on the NRC public Web site. On January 26, 2009, 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 additional time to conduct research in support of his petition. The Petition Review Board (PRB) agreed to provide the petitioner with an additional 30 days.	01/23/09	<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 raised had already been the subject of NRC staff review for which a resolution had been achieved. ▪ On June 1, 2009, the petition manager discussed the PRB's initial recommendation with the petitioner. The petitioner reviewed the initial recommendation and requested another PRB meeting to provide additional information to the PRB. The meeting with the petitioner is planned for August 13, 2009. ▪ On June 10, 2009, the OEDO approved an extension until September 18, 2009, to allow the petitioner an additional 30 days to provide supplemental information. 	05/26/09 06/01/09 06/10/09

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.	02/24/09	No additional information has been provided by the petitioner.	
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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:	JULY 20, 2009
PETITION MANAGER:	FRED LYON
CASE ATTORNEY:	MOLLY BARKMAN

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



**OPEN 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: JULY 10, 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, Unit 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 regulations 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 in which 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: 6 MONTHS

The petitioner filed a petition for an enforcement action under 10 CFR 2.206.	01/11/09	<ul style="list-style-type: none"> On April 21, 2009, the PRB received the supplemental information from the petitioner. The petitioner was scheduled to address the PRB by telephone on May 7, 2009. 	04/21/09
In an e-mail dated February 12, 2009, the petitioner sent a copy of his petition to various NRC staff members.	02/12/09	<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
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"> On May 7, 2009, the petitioner addressed the PRB by phone. The PRB reviewed the additional information to determine if the petition met the criteria for acceptance under 10 CFR 2.206. 	05/07/09
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	<ul style="list-style-type: none"> On June 25, 2009, the OEDO approved an extension until July 17, 2009 for the PRB to issue its final recommendation. 	06/25/09
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 was scheduled to issue the acknowledgment letter conveying the PRB's final recommendation by April 2, 2009.	03/05/09	<ul style="list-style-type: none"> On June 30, 2009, the PRB made an initial recommendation to accept the petition for review under 10 CFR 2.206. The NRC notified the petitioner of the initial recommendation on July 1, 2009, and the petitioner requested a second opportunity to provide additional information to the PRB. 	06/30/09
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 OEDO until May 14, 2009, to support the petitioner's request.	03/19/09	<ul style="list-style-type: none"> A call with the petitioner was held on July 10, 2009. The PRB is considering the additional information provided by the petitioner before making a final recommendation. 	07/10/09
On March 26, 2009, the OEDO approved the extension request until May 14, 2009. The acknowledgement letter conveying the PRB's final recommendation was due by May 14, 2009.	03/26/09		

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



**OPEN PETITION
 UNDER
 CONSIDERATION
 EDO # G20090292**

DATE OF PETITION: MAY 14, 2009 AS SUPPLEMENTED
 ON JULY 31 AND AUGUST 4, 2009
DIRECTOR'S DECISION (DD) TO BE ISSUED BY: NRR
PROPOSED DD ISSUANCE: N/A
FINAL DD ISSUANCE: N/A
LAST CONTACT WITH PETITIONER: JULY 31, 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 ensure that quality assurance issues (beyond those discussed in the petition) are discovered and addressed.

Basis for the Request

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

BACKGROUND, ACTIONS, & KEY MILESTONES		CURRENT STATUS & NEXT STEPS PETITION AGE: 3 MONTHS	
On May 13, 2009, the petitioner referred this safety concern to NRC Region I, and she spoke with a Region I branch chief about this concern on May 14 and May 15, 2009. This issue was entered into the Region I allegations process. Because of her request for enforcement action, the petitioner decided to submit a 10 CFR 2.206 petition in parallel with the allegation.	05/13/09	<ul style="list-style-type: none"> ▪ On June 3, 2009, the NRC staff requested an extension from the Office of the Executive Director for Operations (OEDO). On June 4, 2009, the OEDO approved an extension until August 18, 2009. 	06/03/09
On May 14, 2009, the petitioner filed a petition for an enforcement action under 10 CFR 2.206. The NRC staff reviewed the petition to determine if it met the criteria for review under 10 CFR 2.206.	05/14/09	<ul style="list-style-type: none"> ▪ On July 1, 2009, the PRB met internally and determined that additional support from Region I was needed to support the PRB's ability to make an initial recommendation. Region I staff were involved in this meeting by telephone and are currently providing support to the PRB. 	07/01/09
On May 15, 2009, the PRB determined that there was not an immediate safety concern to warrant immediate action as requested in the petition. The petition manager contacted the petitioner to inform her that the NRC had denied her request for immediate action to stop the re-start of Pilgrim. He offered her an opportunity to address the Petition Review Board (PRB). The petitioner requested an opportunity to address the PRB by telephone after receiving notification of the PRB's initial recommendation.	05/15/09	<ul style="list-style-type: none"> • On July 22, 2009, the PRB made an initial recommendation to reject the petition on the basis that the issues raised had already been reviewed, evaluated, and resolved. The petition manager informed the petitioner and offered an opportunity for her to address the PRB by telephone. 	07/22/09
On May 28, 2009, the PRB met internally to make an initial recommendation. Additional technical expertise within the Office of Nuclear Reactor Regulation (NRR) was needed to support further PRB discussion. The PRB agreed to hold another internal meeting at a later date to continue the discussion with the appropriate technical leads.	05/28/09	<ul style="list-style-type: none"> • On July 31 and August 4, 2009, the petitioner provided additional information in writing to supplement the petition. The PRB is considering the additional information before it makes a final recommendation. 	07/31/09
		<ul style="list-style-type: none"> ▪ The NRC expects to issue an acknowledgement letter to the petitioner by August 18, 2009. 	8/18/09

FACILITY: Vermont Yankee Nuclear Power Station
REACTOR TYPE: Boiling Water Reactor
PETITIONERS: Michael Mulligan



**OPEN PETITION
 UNDER
 CONSIDERATION
 EDO # G20090335**

DATE OF PETITION: JUNE 8, 2009, AS SUPPLEMENTED BY
 E-MAILS DATED JUNE 11 & 19, 2009
DIRECTOR'S DECISION (DD) TO BE ISSUED BY: NRR
PROPOSED DD ISSUANCE: N/A
FINAL DD ISSUANCE: N/A
LAST CONTACT WITH PETITIONER: JULY 29, 2009



ACTIONS REQUESTED AND ISSUES

The petitioner is concerned that Entergy, the licensee for Vermont Yankee (VY), did not operate the reactor in accordance with NRC regulations and did not return safely to power after an outage that occurred from June 6 until June 12, 2007. Specifically, the petitioner is concerned about the VY high-pressure coolant injection (HPCI) system and the licensee's resolution of an issue associated with the HPCI in 2007. In addition, the petitioner raises concerns with respect to the NRC's resolution of this issue, as described in NRC Problem Identification and Resolution Inspection Report 05000271/2009006.

The petitioner requests that VY pay a fine of \$5.25 million for operating the reactor illegally and for falsifying paperwork submitted to the NRC.

BACKGROUND, ACTIONS & KEY MILESTONES		CURRENT STATUS AND NEXT STEPS	
		PETITION AGE: 2 MONTH	
The petitioner filed a petition for an enforcement action under 10 CFR 2.206.	06/08/09	<ul style="list-style-type: none"> • On July 9, 2009, the petitioner addressed the PRB by telephone to provide additional information in support of the petition request. 	07/09/09
The petitioner supplemented the June 8, 2009 petition, with additional information provided in emails dated June 11 and June 19, 2009.	06/11/09 & 06/19/09	<ul style="list-style-type: none"> • On July 21, 2009, the PRB made an initial recommendation not to accept the petition in accordance with MD 8.11 because the issues have already been the subject of NRC staff review and evaluation at the facility. 	07/21/09
The petitioner requested an opportunity to address the PRB before it meets internally to make an initial recommendation to accept or reject the petition for review under 10 CFR 2.206. The PRB was scheduled to hold a teleconference with the petitioner on July 9, 2009.	06/16/09	<ul style="list-style-type: none"> • On July 22, 2009, the petition manager provided the initial recommendation to the petitioner and offered an additional opportunity for the petitioner to address the PRB. 	07/09/09
On July 7, 2009, the OEDO approved an extension request until September, 20, 2009, to support the PRB's ability to coordinate the call with the petitioner and to reach a final recommendation in accordance with Management Directive 8.11.	07/07/09	<ul style="list-style-type: none"> • On July 29, 2009, the petitioner provided additional information to the petition manager by email. The PRB is considering the additional information before making its final recommendation. 	07/29/09

FACILITY: Idaho State University
REACTOR TYPE: Research Test Reactor
PETITIONERS: Kevan Crawford



**OPEN PETITION
 UNDER
 CONSIDERATION
 EDO # G20090374**

DATE OF PETITION: JUNE 26, 2009
DIRECTOR'S DECISION (DD) TO BE ISSUED BY: NRR
PROPOSED DD ISSUANCE: N/A
FINAL DD ISSUANCE: N/A
LAST CONTACT WITH PETITIONER: JULY 20, 2009
PETITION MANAGER: GREG SCHOENEBECK
CASE ATTORNEY: KIMBERLY SEXTON



ACTIONS REQUESTED AND ISSUES

The petitioner is concerned that Idaho State University is not operating the research and test reactor in accordance with NRC regulations and requests that the NRC immediately suspend the reactor operating license for Idaho State University.

BACKGROUND, ACTIONS & KEY MILESTONES		CURRENT STATUS AND NEXT STEPS	
		PETITION AGE: 1 MONTH	
The petitioner filed a petition for an enforcement action under 10 CFR 2.206.	06/26/09	<ul style="list-style-type: none"> On July 23, 2009, the OEDO approved an extension request until September, 30, 2009, to support the PRB's ability to coordinate the call with the petitioner in accordance with Management Directive 8.11. 	07/23/09
On July 16, 2009, the petitioner requested an opportunity to address the PRB before it meets internally to make an initial recommendation to accept or reject the petition for review under 10 CFR 2.206. The PRB is scheduled to hold a teleconference with the petitioner on August 6, 2009.	07/16/09		

Enclosure 2
Age Statistics for Open
10 CFR 2.206 Petitions

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	D.C. Cook, Unit 1 Dr. Edwin Lyman, UCS	12/16/08	01/14/09	03/06/09 80	07/02/09 118	TBD	

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.