

Enclosure 1
Monthly 10 CFR 2.206,
“Requests for Action
Under this Subpart”
Status Report

PETITIONS CLOSED DURING THIS PERIOD

FACILITY	PETITIONER/EDO No.	Page
Reactors near Yellowstone (Columbia, Fort Calhoun, Diablo Canyon, Cooper, San Onofre)	Tom Lakosh G20090007	2
Pilgrim Nuclear Power Station	Mary Lampert G20090292	3

CURRENT STATUS OF POTENTIAL PETITIONS UNDER CONSIDERATION

Florida Power and Light Company	Thomas Saporito G20090107	4
Idaho State University (Research Test Reactor)	Kevan Crawford G20090374	5
Indian Point Units 2 and 3; Vermont Yankee Nuclear Power Station	Sherwood Martinelli G20090487	6
Prairie Island Nuclear Facility	David Lee Sebastian G20090510	7
Progress Energy Florida, Inc.	Charlie J. Callier G20090524	8

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



CLOSED PETITION

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: 9 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 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 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 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 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 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. 	05/26/09
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 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. 	06/01/09
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	<ul style="list-style-type: none"> 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. No additional information has been provided by the petitioner. On September 3, 2009, the petitioner addressed the PRB by telephone, but did not provide any additional information. On September 11, 2009, the PRB issued its closure letter (ADAMS Accession No. ML091470684). The final recommendation was 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 	06/10/09 09/03/09 09/11/09

		resolution had been achieved.	
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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:	SEPTEMBER 3, 2009
PETITION MANAGER:	FRED LYON
CASE ATTORNEY:	MOLLY BARKMAN

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



CLOSED PETITION
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: AUGUST 3, 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

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
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
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
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

CURRENT STATUS & NEXT STEPS

PETITION AGE: 5 MONTHS

<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
<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
<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
<ul style="list-style-type: none"> On July 31 and August 4, 2009, the petitioner provided additional information in writing to supplement the petition. 	07/31/09
<ul style="list-style-type: none"> On August 5, 2009, the OEDO approved an extension until October 30, 2009, to support the PRB's ability to review the additional information before it makes a final recommendation. 	8/05/09
<ul style="list-style-type: none"> On September 25, 2009, the PRB issued a closure letter to the petitioner (ADAMS Accession No. ML092610059). The PRB's final recommendation was to reject the petition on the basis that the issues raised had already been reviewed, evaluated, and resolved. 	09/25/09

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

The petitioner filed a petition for an enforcement action under 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 was 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 OEDO until May 14, 2009, to support the petitioner's request.	03/19/09
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

CURRENT STATUS & NEXT STEPS

PETITION AGE: 8 MONTHS

<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
<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 reviewed the additional information to determine if the petition met the criteria for acceptance under 10 CFR 2.206. 	05/07/09
<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
<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
<ul style="list-style-type: none"> On July 10, 2009, the PRB held a telephone call with the petitioner. 	07/10/09
<ul style="list-style-type: none"> On August 10, 2009, the OEDO approved an extension request until November 20, 2009, to support the PRB's need for additional coordination with RII, prior to making a final recommendation. 	08/10/09

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



**OPEN PETITION
UNDER
CONSIDERATION
EDO # G20090374**

DATE OF PETITION: JUNE 26, 2009, AS SUPPLEMENTED BY
EMAIL DATED AUGUST 28, 2009
DIRECTOR'S DECISION (DD) TO BE ISSUED BY: NRR
PROPOSED DD ISSUANCE: N/A
FINAL DD ISSUANCE: N/A
LAST CONTACT WITH PETITIONER: OCTOBER 1, 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

The petitioner filed a petition for an enforcement action under 10 CFR 2.206.	06/26/09
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.	07/16/09
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 August 6, 2009, the petitioner was scheduled to address the PRB by telephone. Due to a schedule conflict with the petitioner, the PRB rescheduled the telephone call for September 1, 2009.	08/06/09
On August 28, 2009, the petitioner provided a written statement of the comments he intended to make during the September 1, 2009 telephone call.	08/28/09

CURRENT STATUS AND NEXT STEPS

PETITION AGE: 3 MONTH

<ul style="list-style-type: none"> On September 1, 2009, the petitioner addressed the PRB. 	09/01/09
<ul style="list-style-type: none"> On September 15, 2009, the PRB met internally and made an initial recommendation to accept the petition, in part, for review under 2.206. 	09/15/09
<ul style="list-style-type: none"> On September 24, 2009, the OEDO approved an extension request until November 18, 2009, to support the PRB's ability to coordinate additional calls with the petitioner. 	09/24/09
<ul style="list-style-type: none"> On September 29, 2009, members of the PRB contacted the petitioner by telephone to inform him of the PRB's initial recommendation and to offer the petitioner a second opportunity to address the PRB. 	09/29/09
<ul style="list-style-type: none"> On October 1, 2009, the petitioner declined an opportunity to address the PRB again. The PRB plans to make a final recommendation to support issuance of the acknowledgement letter by November 18, 2009. 	10/01/09

FACILITY: Indian Point (IP), Units 2 & 3; Vermont Yankee Nuclear Power Station
REACTOR TYPE: Pressurized Water Reactor; Boiling Water Reactor
PETITIONER: Sherwood Martinelli



**OPEN PETITION
UNDER
CONSIDERATION
EDO # G20090487**

DATE OF PETITION: AUGUST 22, 2009
DIRECTOR'S DECISION (DD) TO BE ISSUED BY: NRR
PROPOSED DD ISSUANCE: N/A
FINAL DD ISSUANCE: N/A
LAST CONTACT WITH PETITIONER: SEPTEMBER 25, 2009
PETITION MANAGER: DOUG PICKETT
CASE ATTORNEY: N/A



ACTIONS REQUESTED AND ISSUES

The petitioner requests that the NRC suspend the operations of Entergy owned plants, (specifically for Indian Point Units 2 and 3 (IP3)) and Vermont Yankee Nuclear Station) until Entergy brings the decommissioning funds for all of its licensed nuclear reactors to the adequate minimum levels required by the NRC regulations.

BACKGROUND, ACTIONS & KEY MILESTONES

The petitioner filed a petition for an enforcement action under 10 CFR 2.206.	08/22/09
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CURRENT STATUS AND NEXT STEPS

PETITION AGE: 1 MONTH

- On September 3, 2009, the petition manager offered the petitioner to address the PRB prior to its initial meeting to make an initial recommendation. The petitioner requested an opportunity to address the PRB; however, due to scheduling conflicts, the petitioner requested that the telephone call be held in mid-October. The petition manager is in the process of coordinating a date for the call.
- On September 25, 2009, the petition manager spoke to the petitioner, after several attempts were made by phone and email, to confirm if the petitioner could support a call on October 20, 2009. The petitioner stated that he could not commit to this date yet. The PRB is awaiting further confirmation from the petitioner to finalize the logistics for the call.

09/03/09

09/25/09

FACILITY: Prairie Island Nuclear Power Plant
REACTOR TYPE: Pressurized Water Reactor
PETITIONER: David Lee Sebastian



**OPEN PETITION
UNDER
CONSIDERATION
EDO # G20090510**

DATE OF PETITION: SEPTEMBER 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: SEPTEMBER 30, 2009
PETITION MANAGER: THOMAS WENGERT
CASE ATTORNEY: N/A



ACTIONS REQUESTED AND ISSUES

The petitioner requests that the NRC issue an Order for compliance and to exhaust any and all administrative remedy on behalf of the petitioner to request that the Personnel Security Manager and Program Manager (for Northern States Power Company) and the Prairie Island Nuclear Power Plant, cease and desist from the current arbitrary practices using the Access Authorization Program/Fitness for Duty Program, for purposes other than their created intent.

BACKGROUND, ACTIONS & KEY MILESTONES		CURRENT STATUS AND NEXT STEPS PETITION AGE: 3 WEEKS	
The petitioner filed a petition for an enforcement action under 10 CFR 2.2.	09/04/09	<ul style="list-style-type: none"> On Thursday, September 24, 2009, the petition manager left messages by phone and email with the petitioner to discuss the 10 CFR 2.206 process. 	09/24/09
The NRC staff determined that the letter contained no allegations. On September 22, 2009, the letter was referred from allegations to the 10 CFR 2.206 process since it contained a request that the NRC take enforcement action against Prairie Island.	09/22/09	<ul style="list-style-type: none"> On September 28, 2009, the petition manager arranged a time to call the petitioner to discuss the 10 CFR 2.206 process further. The petitioner was unavailable. On September 30, 2009, the petition manager followed up with the petitioner by email to arrange a time for the initial call. A call will be held in the near future, per the petitioner's availability. 	09/28/09 09/30/09

FACILITY: Progress Energy Florida, Inc.
REACTOR TYPE: N/A - Corporation
PETITIONER: Charlie Callier



**OPEN PETITION
UNDER
CONSIDERATION
EDO # G20090524**

DATE OF PETITION: SEPTEMBER 6, 2009
DIRECTOR'S DECISION (DD) TO BE ISSUED BY: NRR
PROPOSED DD ISSUANCE: N/A
FINAL DD ISSUANCE: N/A
LAST CONTACT WITH PETITIONER: N/A
PETITION MANAGER: TRACY ORF
CASE ATTORNEY: N/A



ACTIONS REQUESTED AND ISSUES

The petitioner requests that the NRC halt and block Progress Energy Florida, Inc. from building and managing any more nuclear power plants. Progress Energy operates four nuclear plants; two in North Carolina, one in South Carolina, and one in Florida (Crystal River Nuclear Plant). The petitioner claims that Progress Energy Florida, Inc., has committed acts of perjury, deceit, and mail fraud related to an ongoing billing dispute with the petitioner.

BACKGROUND, ACTIONS & KEY MILESTONES

The petitioner filed a petition for an enforcement action under 10 CFR 2.206.

09/06/09

CURRENT STATUS AND NEXT STEPS

PETITION AGE: 3 WEEKS

- The NRC staff is evaluating the petition to determine if it falls within the scope of the 10 CFR 2.206 process.

09/30/09

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 Meeting ¹	Acknowledgment Letter/Days from Incoming Petition ²	Proposed Director's Decision/Age in Days ³	Final Director's Decision/Age in Days ⁴	Comments If Not Meeting the Agency's Completion Goals
NRR	N/A						

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.