

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

**PETITIONS CLOSED DURING THIS PERIOD**

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**FACILITY:** Florida Power & Light Company, Turkey Point (TP) Units 6 and 7 Application  
**REACTOR TYPE:** Advanced Passive 1000 (AP 1000) Design  
**PETITIONER:** Thomas Saporito



**CLOSED PETITION  
UNDER  
CONSIDERATION  
EDO # G20090604**

**DATE OF PETITION:** OCTOBER 17, 2009  
**DIRECTOR'S DECISION (DD) TO BE ISSUED BY:** NRO  
**PROPOSED DD ISSUANCE:** N/A  
**FINAL DD ISSUANCE:** N/A  
**LAST CONTACT WITH PETITIONER:** N/A  
**PETITION MANAGER:** MANNY COMAR  
**CASE ATTORNEY:** N/A



### ACTIONS REQUESTED AND ISSUES

The petitioner requests that the NRC take enforcement action against Florida Power and Light Company (FPL), regarding the licensee's June 30, 2009, Combined Operation License Application (COLA).

#### BASIS FOR THE REQUEST

For the reasons set forth in the petition request, the petitioner requests that the NRC should issue a Confirmatory Order rejecting and denying the proposed route for the construction of high-voltage distribution power lines as defined in the licensee's COLA to protect the public health and safety.

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.	10/17/09	<ul style="list-style-type: none"> <li>The NRC staff evaluated the petition to determine if it was within the scope of the 10 CFR 2.206 process.</li> </ul>	10/17/09
		<ul style="list-style-type: none"> <li>On November 17, 2009, the NRC staff issued its closure letter (ADAMS Accession No. ML093100269). The NRC staff determined that the petition did not meet the criteria for review under 10 CFR 2.206 because it is a challenge to the FPL license application. This type of request should initially be addressed in the context of the relevant licensing action, not under 10 CFR 2.206. As part of the NRC review to determine the adequacy of FPL's license application during its licensing review, there will be an opportunity for the public to raise concerns regarding FPL's license application, including by requesting formal participation in the process. The petitioner was added to the mailing list to ensure that he receives direct notification of an opportunity to raise concerns regarding FPL's license application in that proceeding.</li> </ul>	11/17/09

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



**OPEN PETITION**  
**EDO # G20090107**

**DATE OF PETITION:** JANUARY 11, 2009  
**DIRECTOR'S DECISION (DD) TO BE ISSUED BY:** NRR  
**PROPOSED DD ISSUANCE:** MARCH 19, 2010  
**FINAL DD ISSUANCE:** N/A  
**LAST CONTACT WITH PETITIONER:** NOVEMBER 19, 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: 10 MONTHS**

The petitioner filed a petition for an enforcement action under 10 CFR 2.206.	01/11/09	<ul style="list-style-type: none"> <li>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.</li> </ul>	05/01/09
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		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		06/25/09
The Petition Review Board (PRB) reviewed the petition to determine if it met 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		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		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		08/10/09
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"> <li>On July 10, 2009, the PRB held a telephone call with the petitioner.</li> <li>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.</li> <li>On November 19, 2009, the PRB issued an acknowledgement letter to the petitioner, accepting the petition in part for review under 10 CFR 2.206. (ADAMS Accession No. ML091880900)</li> </ul>	11/19/09



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



**OPEN PETITION**  
**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:** MARCH 19, 2010  
**FINAL DD ISSUANCE:** N/A  
**LAST CONTACT WITH PETITIONER:** NOVEMBER 19, 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: 5 MONTHS**

<ul style="list-style-type: none"> <li>On September 1, 2009, the petitioner addressed the PRB.</li> </ul>	09/01/09
<ul style="list-style-type: none"> <li>On September 15, 2009, the PRB met internally and made an initial recommendation to accept the petition, in part, for review under 2.206.</li> </ul>	09/15/09
<ul style="list-style-type: none"> <li>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.</li> </ul>	09/24/09
<ul style="list-style-type: none"> <li>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.</li> </ul>	09/29/09
<ul style="list-style-type: none"> <li>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.</li> </ul>	10/01/09
<ul style="list-style-type: none"> <li>On November 19, 2009, the PRB issued an acknowledgement letter to the petitioner, accepting the petition in part for review under 10 CFR 2.206. (ADAMS Accession No. ML092800432)</li> </ul>	11/19/09

**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:** NOVEMBER 10, 2009  
**PETITION MANAGER:** JOHN BOSKA  
**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
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.	09/03/09

### CURRENT STATUS AND NEXT STEPS

**PETITION AGE: 3 MONTHS**

<ul style="list-style-type: none"> <li>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. The call tentatively planed for October 20, 2009, was cancelled on October 19, 2009, since the petitioner was unavailable.</li> </ul>	09/25/09
<ul style="list-style-type: none"> <li>On October 27, 2009, the petition manager spoke to the petitioner. The petitioner was still unable to confirm his availability for a future telephone call to address the PRB. The petition manager is still following up with the petitioner to establish a future date for a telephone call.</li> </ul>	10/27/09
<ul style="list-style-type: none"> <li>On November 10, 2009, the petition manager informed the petitioner that the PRB planned to proceed with an internal meeting to make an initial recommendation to accept or reject the petition for review under 10 CFR. Once the initial recommendation has been made, the petition manager will inform the petitioner and provide him with a second opportunity to address the PRB. An internal PRB meeting is scheduled for December 8, 2009.</li> </ul>	11/10/09

**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:** OCTOBER 26, 2009  
**PETITION MANAGER:** TERRY BELTZ  
**CASE ATTORNEY:** MAURI LEMONCELLI



### 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 MONTHS	
The petitioner filed a petition for an enforcement action under 10 CFR 2.2.	09/04/09	<ul style="list-style-type: none"> <li>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.</li> </ul>	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"> <li>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.</li> <li>On September 30, 2009, the petition manager followed up with the petitioner by email to arrange a time for the initial call.</li> <li>On October 13, 2009, the petitioner addressed the PRB by telephone to clarify the information that was provided in the petition request.</li> <li>On Monday, October 26, 2009, the PRB met internally to make an initial recommendation to accept or reject the petition under 10 CFR 2.206. The PRB Chair recommended that additional coordination with the NRC's Office of General Counsel and the Allegations Coordinator occur prior to finalizing the initial recommendation.</li> <li>On December 2, 2009, the PRB made an initial recommendation to accept the petition for review, in part under 10 CFR 2.206. The petition manager is following up to inform the petitioner of the initial recommendation and to offer him a second opportunity to address the PRB, if he has additional information to provide before the PRB makes a final recommendation.</li> </ul>	09/28/09  09/30/09  10/13/09  10/26/09  12/02/09

<b>FACILITY:</b> Exelon Corporation <b>REACTOR TYPE:</b> N/A <b>PETITIONER:</b> Thomas Saporito		<b>OPEN PETITION UNDER CONSIDERATION</b> <b>EDO # G20090638</b>
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<b>DATE OF PETITION:</b> <b>DIRECTOR'S DECISION (DD) TO BE ISSUED BY:</b> <b>PROPOSED DD ISSUANCE:</b> <b>FINAL DD ISSUANCE:</b> <b>LAST CONTACT WITH PETITIONER:</b> <b>PETITION MANAGER:</b> <b>CASE ATTORNEY:</b>	<b>OCTOBER 25, 2009</b> <b>NRR</b> <b>N/A</b> <b>N/A</b> <b>N/A</b> <b>BRENDA MOZAFARI</b> <b>N/A</b>	<b>NO IMAGE AVAILABLE</b>
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### ACTIONS REQUESTED AND ISSUES

In summary, the petitioner requests that the NRC:

1. Immediately investigate apparent violations of 10 CFR 50.7 by Exelon Corporation et al, in taking adverse actions against the petitioner by refusing to hire him solely because of his past, present, and continuing "protected activity";
2. Issue a Confirmatory Order and Notice of Violation imposing a civil monetary penalty against Exelon in the sum total amount of \$100,000;
3. Issue a Confirmatory Order and Notice of Violation imposing a civil monetary penalty against Exelon's Chief Executive Officer in the sum total amount of \$100,000;
4. Issue a Confirmatory Order preventing Mr. Rowe from participating in NRC licensed activities for a period of not less than five-years; and
5. Issue a Confirmatory Order requiring Exelon Corporation to hire an independent contractor to evaluate the workplace environment at all of its NRC-licensed nuclear facilities to ensure that the work environments comply with the NRC's requirement that nuclear workers are free and feel free to report any perceived nuclear safety concern directly to the NRC or to the licensee without fear of retaliation.

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.	10/25/09	<ul style="list-style-type: none"> <li>The NRC staff is in the process of evaluating if the petition is within the scope of the 10 CFR 2.206 process.</li> </ul>	11/24/09

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 <sup>1</sup>	Acknowledgment Letter/Days from Incoming Petition <sup>2</sup>	Proposed Director's Decision/Age in Days <sup>3</sup>	Final Director's Decision/Age in Days <sup>4</sup>	Comments If Not Meeting the Agency's Completion Goals
NRR	Turkey Point, Units 3 and 4 / Thomas Saporito <b>G20090107</b>	1/11/09	3/05/09 64 days	11/19/09 311 days			On March 3, 2009, the petition was assigned to NRR as a 2.206 petition. The first PRB meeting was held on March 5, 2009.  The acknowledgement letter issuance was delayed to support additional interactions with the petitioner and to coordinate with Region II prior to documenting the final PRB recommendation.
NRR	Idaho State University, Research & Test Reactor / Kevan Crawford <b>G20090374</b>	6/26/09	9/15/09 81 days	11/19/09 146 days			The PRB meeting was delayed to support a request from the petitioner to address the PRB by phone, before it met internally to make an initial recommendation. There were several schedule conflicts, therefore we were not able to hold a call with the petitioner until September 1, 2009. The delay in holding the PRB meeting also impacted our ability to issue an acknowledgement letter in accordance with the NRC's timeliness goals.

<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.