



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

October 26, 2016

MEMORANDUM TO: Chairman Burns
Commissioner Svinicki
Commissioner Baran

FROM: William M. Dean, Director *Michelle G. Evans for*
Office of Nuclear Reactor Regulation

SUBJECT: QUARTERLY JULY–SEPTEMBER 2016 REPORT ON THE
STATUS OF PUBLIC PETITIONS UNDER TITLE 10 OF THE *CODE
OF FEDERAL REGULATIONS*, SECTION 2.206

In accordance with the Staff Requirements Memorandum for SECY-93-355, "Review of Regulations and Practice Governing Citizen Petitions Under Title 10 of the *Code of Federal Regulations* (10 CFR) Section 2.206," dated February 3, 1994, the enclosed report gives the status of petitions submitted under 10 CFR 2.206, "Requests for action under this subpart."

This report covers open and closed petitions from July 1 through September 30, 2016, including their age statistics. The report also provides the status of incoming letters that the U.S. Nuclear Regulatory Commission staff is evaluating to determine whether the letters meet the criteria for review under the 10 CFR 2.206 process. This report is available in the Agencywide Documents Access and Management System (ADAMS Accession No. ML16264A170).

In SRM-SECY-16-0009, "Recommendations Resulting from the Integrated Prioritization and Re-Baselining of Agency Activities," dated April 13, 2016 (ADAMS Accession No. ML16104A158), the Commission approved the staff's recommendations related to the re-baselining of Agency activities. This included item 94 related to the implementation of efficiencies in the 10 CFR 2.206 process. The staff is updating Management Directive 8.11,

CONTACT: Merrilee J. Banic, NRR/DORL
301-415-2771

The Commissioners

- 2 -

"Review Process for 10 CFR 2.206 Petitions," to formalize these changes. To the extent that the staff's changes would propose to change the scope or frequency of activities tracked by the Commission, these would be presented to the Commission for formal direction.

Enclosure:

Quarterly 10 CFR 2.206 Status Report

cc: SECY

EDO

OGC

OCA

OPA

CFO

PETITIONS CLOSED DURING THIS PERIOD		
	PETITIONER/EDO No.	Page
St. Lucie Plant, Unit 2	Southern Alliance for Clean Energy OEDO-15-00026	2
Seabrook Station, Unit 1	Sandra Gavutis, C-10 Foundation OEDO-16-00007	3
Turkey Point Nuclear Generating, Units 3 and 4 and St. Lucie Plant, Units 1 and 2	Thomas Saporito LTR-16-0123	4
CURRENT STATUS OF OPEN PETITIONS		
James A. FitzPatrick Nuclear Power Plant	Beyond Nuclear, et al. G20120172	5
Pilgrim Nuclear Power Station	David Lochbaum, Union of Concerned Scientists OEDO-15-00479	6
All operating reactor licensees	Roy Mathew, et al. OEDO-16-00104	7
Diablo Canyon Nuclear Power Plant, Units 1 and 2	Friends of the Earth CLI-15-14	8
Indian Point Nuclear Generating, Units 2 and 3	David Lochbaum, Union of Concerned Scientists OEDO-16-0411	9
CURRENT STATUS OF OPEN PETITIONS UNDER CONSIDERATION		
Turkey Point Nuclear Generating, Units 3 and 4	Thomas Saporito LTR-16-0160	10
Indian Point Nuclear Generating, Units 2 and 3	Friends of the Earth LTR-16-0297-1	11
Diablo Canyon Nuclear Power Plant, Units 1 and 2	David Lochbaum, Union of Concerned Scientists	12

For each petition listed above, the individual status page summarizes the issues raised by the petitioner, the current status, and the next steps. When a petition is received, it is reviewed against criteria to determine if it should be accepted for evaluation or rejected. A petition undergoing this review is referred to as a petition under consideration. Rejection of a petition is communicated in a closure letter. If a petition has been accepted for further evaluation, it is considered an open petition until the staff formally grants or denies the requested action in a Director's Decision (DD).

Timeliness goals are established for each open petition as follows:

- Issue an acknowledgment letter within 35 days of the date of the incoming petition.
- Issue a proposed DD within 120 days of the acknowledgment letter.
- Issue a final DD within 45 days of the end of the comment period.

Enclosure

CLOSED PETITION

EDO # OEDO-15-00026 (Petition Age: 19 months)

Facility:	St. Lucie Plant, Unit 2
Licensee Type:	Reactor
Petitioner(s):	Southern Alliance for Clean Energy
Date of Petition:	December 19, 2014
DD to be Issued by:	Office of Nuclear Reactor Regulation
Proposed DD Issuance:	May 24, 2016
Final DD Issuance:	July 8, 2016
Last Contact with Petitioner:	July 8, 2016
Petition Manager:	Dennis Galvin
Case Attorney:	Emily Monteith

Issues/Actions Requested:

The Southern Alliance for Clean Energy (SACE) originally requested a hearing regarding St. Lucie's Unit 2 steam generators. The organization did not ask for any enforcement actions against the licensee. Rather, SACE argued that the staff's inspection and oversight of the replacement steam generators constituted a de facto license amendment.

Background:

- On December 19, 2014, the Commission denied SACE's request and referred it to the Office of the Executive Director for Operations (OEDO) for dispositioning under the 10 CFR 2.206 process (Memorandum and Order CLI-14-11).
- For a complete summary of NRC actions through September 2015, see the July–September 2015 10 CFR 2.206 status report (Agencywide Documents Access and Management System (ADAMS) Accession No. ML15279A566).
- On December 7, 2015, the petition manager informed the petitioner that the petition was still under review.
- On January 6, 2016, the OEDO approved an extension until June 10, 2016, to issue a proposed DD.
- On February 3, 2016, the petition manager informed the petitioner that the petition was still under review.
- On February 18, 2016, the petition manager informed the petitioner that the inspection report related to the petition was issued, and would be considered in the proposed DD.
- On April 14, 2016, the petition manager informed the petitioner that the Petition Review Board (PRB) was developing a DD.
- On May 24, 2016, the NRC issued a proposed DD (ADAMS Accession No. ML16055A311).

Current Status/Next Steps:

- On July 8, 2016, the NRC issued a final DD (ADAMS Accession No. ML16167A079). Based on NRC's inspection results, the NRC does not have a basis for taking the petitioner's requested enforcement actions against the licensee. All actions on this petition are closed.

CLOSED PETITION

OEDO-16-00007 (Petition Age: 7 months)

Facility:	Seabrook Station, Unit 1
Licensee Type:	Reactor
Petitioner(s):	Sandra Gavutis, C-10 Foundation
Date of Petition:	December 22, 2015
DD to be Issued by:	Office of Nuclear Reactor Regulation
Proposed DD Issuance:	Not Applicable
Final DD Issuance:	Not Applicable
Last Contact with Petitioner:	July 6, 2016
Petition Manager:	John Lamb
Case Attorney:	Matthew Ring

Issues/Actions Requested:

The petitioner requested the NRC to issue an order requiring immediate implementation and enforcement of ACI 349.3R and ASTM C 856-11 code standards requiring core sampling, and petrographic testing for the mechanical properties of tensile strength, Poisson's ratio, modulus of elasticity, and compressive strength, specifically for walls of the containment building and spent fuel pool at Seabrook Station.

Background:

- On December 22, 2015, petitioner filed a petition for an enforcement action under 10 CFR 2.206.
- On January 8, 2016, the petition manager acknowledged receipt of the petition, and offered the petitioner an opportunity to address the PRB.
- On January 14, 2016, the petitioner emailed the petition manager requesting a teleconference with the PRB.
- On February 12, 2016, David Lochbaum, of the Union of Concerned Scientists, stated that he would participate in the teleconference and submitted comments to support the petition.
- On February 15, 2016, the petitioner submitted additional comments on her petition.
- On February 16, 2016, the petitioner addressed the PRB by teleconference.
- On February 24, 2016, and March 17, 2016, the PRB met to make an initial recommendation on whether to accept the petition.
- On March 23, 2016, the petition manager informed the petitioner that the initial recommendation was to reject the petition because it addresses deficiencies within existing rules, and should be handled through a petition for rulemaking, and offered a second opportunity to address the PRB.
- On April 15, 2016, the OEDO issued an extension until July 29, 2016, to issue a letter to the petitioner.
- On June 6, 2016, the petitioner addressed the PRB through a public meeting.

Current Status/Next Steps:

- On July 6, 2016, the NRC issued a letter (ADAMS Accession No. ML16169A172) informing the petitioner that in accordance with Management Directive 8.11, "Review Process for 10 CFR 2.206 Petitions," Handbook 8.11, Part III, Section C.2, the PRB rejects the petition under the criterion that the request addresses deficiencies within existing NRC rules. All actions on this petition are closed.

CLOSED PETITION

LTR-16-0123 (Petition Age: 6 months)

Facility:	Turkey Point Nuclear Generating, Units 3 and 4 St. Lucie Plant, Units 1 and 2
Licensee Type:	Reactor
Petitioner(s):	Thomas Saporito
Date of Petition:	March 6, 2016
DD to be Issued by:	Office of Nuclear Reactor Regulation
Proposed DD Issuance:	Not Applicable
Final DD Issuance:	Not Applicable
Last Contact with Petitioner:	September 12, 2016
Petition Manager:	Perry Buckberg
Case Attorney:	Matthew Ring

Issues/Actions Requested:

The petitioner requested that the NRC take escalated enforcement action and issue a confirmatory order to take Turkey Point and St. Lucie to a cold shutdown mode of operation until the licensee meets conditions outlined in the petition concerning the operation of intake cooling water structures, piping, and facilities that provide an unauthorized means of entry to the protected area of the facilities.

Background:

- On March 6, 2016, petitioner filed a petition for an enforcement action under 10 CFR 2.206.
- On March 30, 2016, the petition manager acknowledged receipt of the petition, and offered the petitioner an opportunity to address the PRB, which he accepted.
- On May 18, 2016, the petitioner supplemented his petition.
- On May 19, 2016, the petitioner addressed the PRB via teleconference.
- On May 31, 2016, the PRB met to make an initial recommendation on whether to accept the petition for review.
- On June 29, 2016, the petition manager informed the petitioner that the initial recommendation was to reject the petition because the issues have already been reviewed, evaluated, and resolved by the NRC.

Current Status/Next Steps:

- On July 18, 2016, the PRB held a second teleconference with the petitioner.
- On September 12, 2016, the NRC issued a letter (ADAMS Accession No. ML16223A392) informing the petitioner that in accordance with Management Directive 8.11, "Review Process for 10 CFR 2.206 Petitions," Handbook 8.11, Part III, Section C.2, the PRB rejects the petition under the criterion that the petitioner raises issues that have already been subject of NRC staff review and evaluation for which a resolution has been achieved. All actions on this petition are closed.

OPEN PETITION

EDO # G20120172 (Petition Age: 55 months)

Facility:	James A. FitzPatrick Nuclear Power Plant
Licensee Type:	Reactor
Petitioner(s):	Beyond Nuclear, et al.
Date of Petition:	March 9, 2012
DD to be Issued by:	Office of Nuclear Reactor Regulation
Proposed DD Issuance:	To Be Determined
Final DD Issuance:	To Be Determined
Last Contact with Petitioner:	September 23, 2016
Petition Manager:	Booma Venkataraman
Case Attorney:	Daniel Straus

Issues/Actions Requested:

The joint petitioners requested that the FitzPatrick operating license be immediately suspended because they believe the operators relied on non-conservative, and wrong assumptions for the analysis of the capability of FitzPatrick's pre-existing ductwork containment vent system. The joint petitioners requested that the suspension of the operating license be in effect pending final resolution of a public challenge to the adequacy of the pre-existing vent line in light of the Fukushima Dai-ichi nuclear accident. The joint petitioners did not seek or request that FitzPatrick operators now install the Direct Torus Vent System since it was demonstrated to have experienced multiple failures to mitigate the severe nuclear accidents at Fukushima Dai-ichi.

Background:

- On March 9, 2012, the petitioners filed a petition for an enforcement action under 10 CFR 2.206.
- For a complete summary of NRC actions through March 2015, see the January–March 2015 10 CFR 2.206 status report (ADAMS Accession No. ML15097A477).
- On June 29, 2015, a second public meeting was held with the petitioners.
- On July 15, 2015, the PRB met to discuss the petition. The initial recommendation, which the petition manager conveyed to the petitioner on October 4, 2012, was to accept and hold in abeyance three issues addressing containment venting under severe accident conditions, and the design of vent systems being able to accommodate hydrogen gas.
- On November 12, 2015, the petition manager informed the petitioners that the petition was still under review.
- On May 26, 2016, the petition manager informed the petitioners that the petition was still under review.

Current Status/Next Steps:

- On July 20, 2016, the PRB met to discuss the agency's resolution of issues relating to the petition.
- On July 26, 2016, and September 23, 2016, the petition manager informed the petitioners that the petition was still under review.

OPEN PETITION

OEDO-15-00479 (Petition Age: 15 months)

Facility:	Pilgrim Nuclear Power Station
Licensee Type:	Reactor
Petitioner(s):	David Lochbaum, Union of Concerned Scientists
Date of Petition:	June 24, 2015
DD to be Issued by:	Office of Nuclear Reactor Regulation
Proposed DD Issuance:	To Be Determined
Final DD Issuance:	To Be Determined
Last Contact with Petitioner:	August 16, 2016
Petition Manager:	Booma Venkataraman
Case Attorney:	Robert Carpenter

Issues/Actions Requested:

The petitioner requested that NRC take enforcement action regarding the inclusion of heavy rainfall events within the licensing basis for the Pilgrim Nuclear Power Station. The petitioner cited a letter dated March 12, 2015 (ADAMS Accession No. ML15075A082), from Entergy Nuclear Operations, Inc. (the licensee) to NRC, which contained a flood re-evaluation report in response to NRC's 50.54(f) letter, dated March 12, 2012 (ADAMS Accession No. ML12073A348), to satisfy one of NRC's post-Fukushima mandates. The petitioner noted that doors exist at Pilgrim to protect equipment from submergence during heavy rainfall events, but such events are not included in the current licensing basis.

Background:

- On June 24, 2015, the petitioner filed a petition for an enforcement action under 10 CFR 2.206.
- For a complete summary of NRC actions through December 2015, see the October–December 2015 10 CFR 2.206 status report (ADAMS Accession No. ML16007A313).
- On February 11, 2016, the NRC issued an acknowledgement letter (ADAMS Accession No. ML15356A735) accepting the petition for review.
- On April 8, 2016, and on June 6, 2016, the petitioner manager informed the petitioner that his petition was still under review.

Current Status/Next Steps:

- On August 8, 2016, the petition manager informed the petitioner that his petition was still under review.
- On August 8, 2016, the petitioner requested clarification on the staff interim position on the flooding hazard re-evaluation submitted for Pilgrim.
- On August 16, 2016, the NRC responded to the petitioner's request for clarification.
- The next step is to prepare a proposed DD.

OPEN PETITION
OEDO-16-00104 (Petition Age: 7 months)

Facility:	All operating reactor licensees
Licensee Type:	Reactor
Petitioner(s):	Roy Mathew, et al.
Date of Petition:	February 19, 2016
DD to be Issued by:	Office of Nuclear Reactor Regulation
Proposed DD Issuance:	To Be Determined
Final DD Issuance:	To Be Determined
Last Contact with Petitioner:	June 24, 2016
Petition Manager:	Tanya Mensah
Case Attorney:	David Cylkowski

Issues/Actions Requested:

The petitioners requested that either (1) the NRC issue orders that require immediate corrective actions, including compensatory measures to address the operability of electric power systems in accordance with their plant technical specification, and to implement plant modifications in accordance with current NRC regulatory requirements and staff guidance, or (2) issue orders to immediately shutdown the nuclear power plants that are operating without addressing the significant design deficiency identified in NRC Bulletin 2012-01, "Design Vulnerability in Electric Power System" (ADAMS Accession No. ML12074A115), contending that licensees are not in compliance with their Technical Specifications 3.8.1 (typical) requirements related to on-site and off-site power systems.

Background:

- On February 19, 2016, the petitioners filed a petition for an enforcement action under 10 CFR 2.206.
- On February 24, 2016, the petition manager acknowledged receipt of the petition, and offered the petitioners an opportunity to address the PRB, which the petitioners declined.
- On March 14, 2016, the PRB met to determine whether there was a need to take immediate actions, and to make an initial recommendation on the petition.
- On March 15, 2016, the petition manager informed the petitioners of the PRB's decision to deny the request for immediate action, and the PRB's initial recommendation to accept the petition for review. The petition manager also offered the petitioners a second opportunity to address the PRB, which was declined on the basis that the petition contained all of the relevant facts.
- On March 21, 2016, the NRC issued a letter to the petitioner (ADAMS Accession No. ML16069A214) denying the request for immediate action, and accepting the petition for review.
- On June 10, 2016, the OEDO approved an extension request to issue a proposed DD by December 16, 2016, because the petitioners' concerns are still under NRC evaluation.
- On June 24, 2016, the petition manager informed the petitioners of the next step to issue the proposed DD.

Current Status/Next Steps:

- The next step is to prepare a proposed DD.

OPEN PETITION
CLI-15-14 (Petition Age: 17 months)

Facility:	Diablo Canyon Nuclear Power Plant, Units 1 and 2
Licensee Type:	Reactor
Petitioner(s):	Friends of the Earth
Date of Petition:	May 21, 2015
DD to be Issued by:	Office of Nuclear Reactor Regulation
Proposed DD Issuance:	To Be Determined
Final DD Issuance:	To Be Determined
Last Contact with Petitioner:	July 20, 2016
Petition Manager:	Lisa Regner and Margaret Watford
Case Attorney:	Emily Monteith

Issues/Actions Requested:

The petition was referred to the 10 CFR 2.206 process by the Commission. The petitioners claim that the NRC is allowing the licensee to operate Diablo Canyon outside of the plant's licensing basis with respect to the analysis of new seismic data following discovery of the Shoreline Fault in 2008.

Background:

- On May 21, 2015, the Commission referred, in part, by way of SECY-15-0028, "Pacific Gas and Electric Company (Diablo Canyon Power Plant Units 1 and 2), Petition to Intervene and Request for Hearing by Friends of the Earth," to the OEDO for consideration under the 10 CFR 2.206 process.
- For a complete summary of NRC actions through December 2015, see the October–December 2015 10 CFR 2.206 status report (ADAMS Accession No. ML16007A313).
- On January 7, 2016, the petition managers informed the petitioners that the petition was being accepted, and offered them another opportunity to address the PRB.
- On February 9, 2016, the petitioners submitted a written supplement to the petition in lieu of addressing the PRB.
- On March 16, 2016, the PRB met to discuss the supplement, and accepted the petition for review.
- On April 14, 2016, the NRC issued an acknowledgement letter to the petitioners accepting the petition for review (ADAMS Accession No. ML16084A717).
- On June 21, 2016, the PRB met to review a summary of the petitioner's concerns and the preliminary resolution for the proposed DD.
- On June 21, 2016, the licensee announced that it had reached an agreement with several groups, including Friends of the Earth, to discontinue seeking license renewal and to shutdown the units in 2025.

Current Status/Next Steps:

- On August 2, 2016, the OEDO approved an extension until January 31, 2017, to issue a proposed DD.
- On July 20, 2016, the petitioner's legal representatives directed NRC to continue working on the petition, despite the news of the licensee's shutting down in 2025.

OPEN PETITION

OEDO-16-00411 (Petition Age: 3 months)

Facility:	Indian Point Nuclear Generating, Units 2 and 3
Licensee Type:	Reactor
Petitioner(s):	David Lochbaum, Union of Concerned Scientists
Date of Petition:	June 30, 2016
DD to be Issued by:	Office of Nuclear Reactor Regulation
Proposed DD Issuance:	To Be Determined
Final DD Issuance:	To Be Determined
Last Contact with Petitioner:	September 7, 2016
Petition Manager:	Douglas Pickett
Case Attorney:	Christopher Hair

Issues/Actions Requested:

Citing the discovery of unexpected degradation of the baffle-former bolts at the Indian Point Nuclear Generating Unit 2, the petitioner requested that NRC issue an order requiring the licensee to inspect the baffle bolts and to install the down-flow to up-flow modifications on Unit 2 during its next refueling outage, issue a demand for information requiring the licensee to submit an operability determination regarding continued operation of Unit 3 until its baffle bolts can be inspected per the Material Reliability Project, 227-A, and issue a demand for information requiring the licensee to submit an evaluation of the performance, role and operating experience of the metal impact monitoring system in detecting and responding to indications of loose parts, such as broken baffle bolts, within the reactor coolant system.

Background:

- On June 30, 2016, the petitioners filed a petition for an enforcement action 10 CFR 2.206.

Current Status/Next Steps:

- On June 30, 2016, the petition manager acknowledged receipt of the petition and offered the petitioner an opportunity to address the PRB.
- On July 28, 2016 the petitioner addressed the PRB by teleconference.
- On August 4, 2016, the PRB met to make an initial recommendation regarding the petition. The decision was to accept it for review.
- On August 4, 2016, the petition manager informed the petitioner that the petition was being accepted for review and offered a second opportunity to address the PRB. The petitioner declined the offer.
- On September 7, 2016, an acknowledgement letter (ADAMS Accession No. ML16231A140) was issued to the petitioner accepting the petition for review.
- The next step is to issue the proposed DD.

OPEN PETITION UNDER CONSIDERATION

LTR-16-0160 (Petition Age: 6 months)

Facility:	Turkey Point Nuclear Generating Units 3 and 4
Licensee Type:	Reactor
Petitioner(s):	Thomas Saporito
Date of Petition:	March 23, 2016
DD to be Issued by:	Office of Nuclear Reactor Regulation
Proposed DD Issuance:	To Be Determined
Final DD Issuance:	To Be Determined
Last Contact with Petitioner:	August 30, 2016
Petition Manager:	Audrey Klett
Case Attorney:	Matthew Ring

Issues/Actions Requested:

The petitioner requested that the NRC take escalated enforcement action and issue a confirmatory order to take Turkey Point to a cold-shutdown mode of operation until the licensee meets the conditions outlined in the petition concerning the discharge of radioactive isotopes and other contaminants into the surrounding environment.

Background:

- On March 23, 2016, the petitioner filed a petition for an enforcement action under 10 CFR 2.206.
- On March 29, 2016, the petition manager acknowledged receipt of the petition and offered the petitioner an opportunity to address the PRB, which he accepted.
- On April 7, 2016, the PRB met to decide whether the NRC needed to take any immediate actions and determined that the petition did not raise public health or safety issues that necessitated immediate enforcement action to shutdown Turkey Point.
- On April 22, 2016, the petition manager informed the petitioner of the decision.
- On May 8, 2016, and May 9, 2016, the petitioner supplemented his petition.
- On May 10, 2016, the petitioner addressed the PRB via a teleconference.
- On May 23, 2016, the petitioner requested several versions of the updated final safety analysis report.
- On June 9, 2016, and June 30, 2016, the PRB met to discuss the petition review scope and status. The PRB determined that the request either did not meet the criteria for review because the issues are not sufficiently supported, are outside of the NRC's jurisdiction to enforce, are not for enforcement related action, or the issues raised have already been the subject of NRC evaluation and resolved.

Current Status/Next Steps:

- On August 9, 2016, and August 11, 2016, the petition manager informed the petitioner of the PRB's recommendation that the request did not meet the criteria for review and offered him a second opportunity to address the PRB which he accepted.
- On August 24, 2016, the petitioner requested a ninety day delay from September 1, 2016, to address the PRB because he was submitting a FOIA request related to his petition.
- On August 30, 2016, the petition manager granted the request to delay addressing the PRB.

OPEN PETITION UNDER CONSIDERATION

LTR-16-0297-1 (Petition Age: 4 months)

Facility:	Indian Point Nuclear Generating, Units 2 and 3
Licensee Type:	Reactor
Petitioner(s):	Friends of the Earth, Nuclear Information and Resource Service, and Hudson River Sloop Clearwater
Date of Petition:	May 24, 2016
DD to be Issued by:	Office of Nuclear Reactor Regulation
Proposed DD Issuance:	To Be Determined
Final DD Issuance:	To Be Determined
Last Contact with Petitioner:	July 29, 2016
Petition Manager:	Douglas Pickett
Case Attorney:	Christopher Hair

Issues/Actions Requested:

Citing the unexpected degradation of the reactor vessel baffle-former bolts identified during the spring 2016 refueling outage at Indian Point Unit 2, the petitioners requested that the Commission take the following enforcement actions (1) prohibit the restart of Unit 2 until the Commission is satisfied that the unit can be safely restarted, and (2) order the immediate shutdown of Unit 3 so that the baffle-former bolts in that unit may be inspected.

Background:

- On May 2, 2016, the Friends of the Earth submitted a FOIA request (2016-0457) for all NRC documentation between March 7 and May 2, 2016, concerning reactor vessel baffle-former bolts at Indian Point. This was an extensive request and the FOIA staff believes it will take an additional 7-8 months to provide a complete response.
- On May 24, 2016, the petitioners filed a petition for an enforcement action directly with the Commission. The petition was subsequently referred for action under 10 CFR 2.206.
- On June 3, 2016, the PRB met regarding the request for prohibiting the restart of Unit 2, and the immediate shutdown of Unit 3. On that day, the petition manager informed the petitioner that the request for immediate actions was denied because there were no immediate safety significant concerns which would adversely impact the public's health and safety.
- On June 14, 2016, the petitioners informed the petition manager that they rejected the NRC's treating the petition under the 2.206 process, and disagreed with the denial of the request for immediate actions.
- On June 16, 2016, the petitioner filed a petition for Writ of Mandamus with the United States Court of Appeals for the District of Columbia Circuit, compelling the NRC to prevent restart of the facility until the agency issued a reasoned decision on the petition.
- On June 22, 2016, the Nuclear Information and Resource Service and the Hudson River Sloop Clearwater requested to be co-petitioners to the original petition.
- On June 23, 2016, the Writ of Mandamus was denied.
- On June 24, 2016, the staff granted the requests to become co-petitioners.

Current Status/Next Steps:

- The next step is for the petitioners to address the PRB, which the petitioners want to defer until the NRC provides a complete response to their FOIA request.

OPEN PETITION UNDER CONSIDERATION

OEDO-16-00436 (Petition Age: 3 months)

Facility:	Diablo Canyon Nuclear Power Plant, Units 1 and 2
Licensee Type:	Reactor
Petitioner(s):	David Lochbaum, Union of Concerned Scientists
Date of Petition:	July 14, 2016
DD to be Issued by:	Office of Nuclear Reactor Regulation
Proposed DD Issuance:	To Be Determined
Final DD Issuance:	To Be Determined
Last Contact with Petitioner:	September 13, 2016
Petition Manager:	Margaret Watford
Case Attorney:	Christopher Hair

Issues/Actions Requested:

The petitioner requested that the NRC “issue a Demand for Information pursuant to 10 CFR 2.204 to PG&E requiring the company to provide the NRC with a written explanation as to why its June 17, 2015, license amendment request failed to provide complete and accurate information needed by the NRC staff to complete its review and the measures it will implement so as to comply with 10 CFR 50.9 in future submittals to the NRC.”

Background:

- On July 14, 2016, the petitioners filed a petition for an enforcement action 10 CFR 2.206.

Current Status/Next Steps:

- On July 19, 2016, the petition manager acknowledged receipt of the petition and offered the petitioner an opportunity to address the PRB.
- On August 2, 2016, the petitioner addressed the PRB by teleconference.
- On August 8, 2016, the OEDO approved an extension until November 11, 2016 to issue a letter to the petitioner.
- On August 12, 2016, and on August 23, 2016, the PRB met to make an initial recommendation, which was to accept the petition for review.
- On September 13, 2016, the petition manager informed the petitioner of the initial recommendation to accept the petition and offered the petitioner a second opportunity to address the PRB.

“Review Process for 10 CFR 2.206 Petitions,” to formalize these changes. To the extent that the staff’s changes would propose to change the scope or frequency of activities tracked by the Commission, these would be presented to the Commission for formal direction.

Enclosure:
Quarterly 10 CFR 2.206 Status Report

cc: SECY
EDO
OGC
OCA
OPA
CFO

DISTRIBUTION: 200700062

PUBLIC	RidsNrrMailCenter
RidsNrrOd	RGuzman, NRR/DORL
RidsNrrDprPgcb	RidsNrrDorLpl1-1
RCarpenter, OGC	DPickett, NRR/DORL
RidsRgn3MailCenter	RidsNrrDorLpl4
SSanders, NRR/DPR	PBuckberg, NRR/DORL
RidsRgn4MailCenter	RidsNrrDorLpl2-1
DHills, Region III	AKlett, NRR/DORL
RidsRgn1MailCenter	RidsNrrDorLpl1-2
TFarnholtz, Region IV	RidsNsirOd
RidsRgn2MailCenter	RidsNrrDpr
BKlukan, Region I	SStuchell, NRR/DPR
RidsEdoMailCenter	RBarkley, Region I
MWatford, NRR/DORL	TWertz, NRR
RidsOgcMailCenter	RidsNrrDorLpl2-2
TMensah, NRR/DPR	DGalvin, NRR/DORL
RidsOpaMail	RidsNrrDorLpl3-1
JLamb, NRR/DORL	MBanic, NRR/DPR
RidsOcaMailCenter	SLewman, OGC
BVenkataraman, NRR/DORL	LBaer, OGC
RidsOeMailCenter	LRegner, NRR/DORL
EMonteith, OGC	CHair, OGC

ADAMS Accession Nos.: Package: ML16264A166; Memo: ML16264A169;
Enclosure: ML16264A170; *concurrence via e-mail **NRR-106**

OFFICE	NRR/DPR/PGCB/PM	NRR/DPR/PGCB/LA*	NRR/DPR/PGCB/BC
NAME	MBanic (TMensah for)	ELee (w/comment)	SStuchell
DATE	09/22/2016	09/21/2016	10/13/2016
OFFICE	NRR/DORL/D	NRR/D	
NAME	ABoland	WDean (MEvans for)	
DATE	10/13/16	10/26/16	

OFFICIAL RECORD COPY