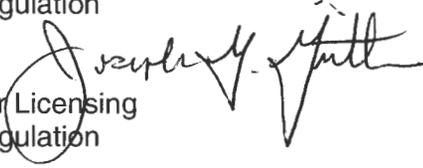




UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

January 29, 2018

MEMORANDUM TO: Michele G. Evans, Deputy Director
Reactor Safety Programs and Mission Support
Office of Nuclear Reactor Regulation

FROM: Joseph G. Giitter, Director 
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

SUBJECT: QUARTERLY OCTOBER-DECEMBER 2017 REPORT ON THE
STATUS OF PUBLIC PETITIONS UNDER TITLE 10 OF THE *CODE
OF FEDERAL REGULATIONS*, SECTION 2.206 (CAC NO. TM3058)

This memorandum transmits the Quarterly status report of petitions submitted under Title 10 of the *Code of Federal Regulations* (10 CFR) Section 2.206, "Requests for action under this subpart." This report covers open and closed petitions from October 1 through December 31, 2017, including their age statistics. The report also provides the status of incoming requests that the U.S. Nuclear Regulatory Commission staff is evaluating to determine whether they meet the criteria for review under the 10 CFR 2.206 process.

Enclosure:
Quarterly 10 CFR 2.206 Status Report

cc: SECY
EDO
OGC
OCA
OPA
CFO

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

Quarterly 10 CFR 2.206 Status Report

For each petition listed below, 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 evaluated against the criteria in Management Directive (MD) 8.11, "Review Process for 10 CFR 2.206 Petitions," to determine if it should be accepted for review under 10 CFR 2.206. A petition undergoing this evaluation is referred to as a petition under consideration. A petition is accepted for review under 10 CFR 2.206 in an acknowledgement letter, and is listed as an open petition until the staff formally grants or denies the requested actions in a Director's Decision (DD), after which it is listed as a closed petition. Before issuing a final DD, the NRC issues a proposed DD offering the petitioner and affected licensees an opportunity to comment. A petition that is not accepted for review under 10 CFR 2.206 is also listed as a closed petition, and the basis for why it is not being reviewed under 10 CFR 2.206 is communicated in a closure letter.

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CLOSED PETITION

OEDO-16-00104 (Petition Age: 23 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 Issued:	September 18, 2017
Final DD Issued:	December 12, 2017
Last Contact with Petitioner:	December 12, 2017
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 Specifications, and to implement plant modifications in accordance with current NRC regulatory requirements and staff guidance, or (2) issue orders to immediately shut down 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 Specification 3.8.1 (typical) requirements related to onsite and offsite 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 Petition Review Board (PRB), which the petitioners declined.
- On March 14, 2016, the PRB met on 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.
- On March 21, 2016, the NRC issued a letter to the petitioners (ADAMS Accession No. ML16069A214) denying the request for immediate action, and accepting the petition for review.
- On March 13 and June 26, 2017, the petition manager informed the petitioners that the target date to issue the proposed DD was September 29, 2017.
- On September 18, 2017, the proposed DD was issued to the petitioner and licensees for comment, with a comment period of 4 weeks (ADAMS Accession No. ML17156A180).

Actions Completed This Quarter/Next Steps:

- On December 12, 2017, the NRC issued the final DD (ADAMS Accession No. ML17304A893) denying the petition on the basis that previous actions taken by the NRC and licensees and NRC's oversight of the implementation of the industry's open phase condition initiative resolve the petitioners' concerns.
- After the final DD was issued, an inaccurate statement was identified by a licensee.
- The next step is to revise the DD to correct the inaccurate statement.

OPEN PETITION

OEDO-15-00479 (Petition Age: 30 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 Issued:	Not Applicable
Final DD Issued:	Not Applicable
Last Contact with Petitioner:	December 11, 2017
Petition Manager:	Booma Venkataraman
Case Attorney:	Olivia Mikula

Issues/Actions Requested:

The petitioner requested that NRC take enforcement action to require that the current licensing basis for Pilgrim Nuclear Power Station explicitly include flooding caused by local intense precipitation events or probable maximum precipitation events. The petitioner cited a letter dated March 12, 2015, 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 (ADAMS Accession No. ML12053A340), to satisfy one of NRC's post-Fukushima mandates.

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 September 2016, see the July-September 2016 10 CFR 2.206 status report (ADAMS Accession No. ML16264A169).
- On December 6, 2016, and February 7, 2017, the petition manager informed the petitioner that his petition was still under review.
- On April 10 and June 8, 2017, the petition manager informed the petitioner that his petition was still under review.
- On April 17, 2017, the NRC staff responded to the licensee's August 18, 2016, request and deferred the remaining flood assessments until December 31, 2019 (ADAMS Accession No. ML16278A313).
- On June 8 and August 8, 2017, the petition manager informed the petitioner that the issue of re-evaluated flooding hazards raised in the petition is currently being considered as part of SECY-16-0142, concerning the mitigation of beyond-design-basis (MBDBE) draft final rule dated December 15, 2016 (ADAMS Accession No. ML16301A005), and that the PRB review determined that the Commission's decision on the MBDBE draft final rule would likely disposition the petition.

Actions Completed This Quarter/Next Steps:

- On October 6 and December 11, 2017, the petition manager restated the information from the June 8 and August 8, 2017, communications to the petitioner as stated above.
- The next step is to issue a proposed DD reflecting the Commission's decision on the rule.

OPEN PETITION
OEDO-17-00104 (Petition Age: 11 months)

Facility:	Braidwood Station, Units 1 and 2, and Byron Station, Units 1 and 2
Licensee Type:	Reactor
Petitioner(s):	Barry Quigley
Date of Petition:	February 8, 2017
DD to be Issued by:	Office of Nuclear Reactor Regulation
Proposed DD Issued:	Not Applicable
Final DD Issued:	Not Applicable
Last Contact with Petitioner:	December 18, 2017
Petition Manager:	Joel Wiebe
Case Attorney:	Emily Monteith

Issues/Actions Requested:

The petitioner requested that the NRC take several enforcement actions regarding his concerns with high-energy line breaks (HELB) outside the containment as well as safety-conscious work environment (SCWE) concerns. He stated that the analysis of record (AOR) for the main steam isolation valve (MSIV) room pressurization following a HELB is deficient; corrective actions to resolve an issue in the AOR are long overdue and improperly tracked; a proposed revision to the AOR shows that the MSIV room roof slabs will be ejected by the high pressures in the MSIV room, becoming potential missiles; and that an SCWE is not assured.

Background:

- On February 8, 2017, the petitioner filed a petition for enforcement action under 10 CFR 2.206.
- On March 2, 2017, the petition manager acknowledged receipt of the petition and offered the petitioner the opportunity to address the PRB, which he accepted.
- On March 27, 2017, the petition manager confirmed details regarding the petitioner addressing the PRB.
- On April 13, 2017, the petitioner addressed the PRB.
- On May 17, 2017, the PRB met and made an initial recommendation to accept the petition for review.
- On June 2, 2017, the petition manager informed the petitioner that the petition was accepted for review.
- On July 17, 2017, an acknowledgement letter was issued to the petitioner accepting the petition for review (ADAMS Accession No. ML17125A245).
- On September 1, 2017, the petition manager received a voluntary response from the licensee (ADAMS Accession No. ML17255A824).

Actions Completed This Quarter/Next Steps:

- On December 18, 2017, the petition manager informed the petitioner, that on December 15, 2017, the NRC had issued violations as requested by the petitioner.
- The next step is to issue a proposed DD.

OPEN PETITION

OEDO-17-00070 (Petition Age: 11 months)

Facility:	Multiple
Licensee Type:	Reactor
Petitioner(s):	Beyond Nuclear, et al.
Date of Petition:	January 24, 2017
DD to be Issued by:	Office of Nuclear Reactor Regulation
Proposed DD Issued:	Not Applicable
Final DD Issued:	Not Applicable
Last Contact with Petitioner:	November 8, 2017
Petition Manager:	Merrilee Banic
Case Attorney:	Sarah Kirkwood

Issues/Actions Requested:

The petitioner requested that the NRC take emergency enforcement action per 10 CFR 2.206 at U.S. reactors that currently rely on potentially defective safety-related components and quality assurance documentation with anomalies supplied by AREVA-Le Creusot Forge and its subcontractor Japan Casting and Forging Corporation.

Background:

- On January 24, 2017, the petitioner filed a petition for an enforcement action under 10 CFR 2.206.
- On February 2, 2017, the petition manager acknowledged receipt of the petition and offered the petitioner the opportunity to address the PRB.
- On February 3, 2017, the petitioner requested a public meeting with the PRB.
- On February 8, 2017, the PRB met to make a decision on the emergency action request.
- On February 13, 2017, the petition manager informed the petitioner that an immediate action was not warranted.
- On March 8, 2017, the petitioner addressed the PRB in a public meeting.
- On April 11, 2017, the PRB met to make a decision on the petition.
- On May 19, 2017, the petition manager informed the petitioner of the PRB's initial recommendation to accept the petition, in part.
- On June 16, June 22, June 27, June 30, and July 5, 2017, the petitioner submitted supplements to his petition.
- On July 5, 2017, the petition manager asked the petitioner to respond as to whether he wished to address the PRB a second time. The petitioner did not respond.
- On August 30, 2017, an acknowledgement letter was issued to the petitioner (ADAMS Accession No. ML17198A329), accepting the petition, in part. A portion of the request was referred to another NRC program for review.

Actions Completed This Quarter/Next Steps:

- On November 8, 2017, the petition manager informed the petitioner that his petition was still under review and that the target date for a proposed DD was May 2018. The target date was revised because the NRC staff needed to receive and evaluate a technical report from an external entity concerning issues raised in the petition.
- The next step is to develop a proposed DD.

OPEN PETITION

OEEDO-17-00396-NMSS (Petition Age: 9 months)

Facility:	Pohakuloa Training Area (PTA)
Licensee Type:	Source material
Petitioner(s):	Michael Reimer
Date of Petition:	March 16, 2017
DD to be Issued by:	Office of Nuclear Material Safety and Safeguards
Acknowledgement Letter Issued:	November 10, 2017
Closure Letter Issued:	Not Applicable
Last Contact with Petitioner:	December 13, 2017
Petition Manager:	Amy Snyder
Case Attorney:	Emily Monteith

Issues/Actions Requested:

The petitioner requested that the NRC reconsider its position regarding the issuance of Amendment 2 to License SUC-1593 for the possession of depleted uranium located in radiation controlled areas on the United States Army's Pohakuloa Training Area, one of the facilities licensed under License SUC-1593. Concerns focus on lack of air monitoring and soil sampling, inappropriateness of the location and number of sediment samples, insufficient geologic sampling procedures for sediment collection, lack of transparency in the licensing process, and lack of transparency in the reporting of the licensee's environmental monitoring results.

Background:

- On March 16, 2017, the petitioner filed a petition for enforcement action under 10 CFR 2.206.
- For a complete summary of NRC actions through June 2017, see the April-June 2017 10 CFR 2.206 status report (ADAMS Accession No. ML17181A037).
- On June 27, July 11, July 27, and August 30, 2017, the PRB met on whether to accept the petition for review.
- On July 24, August 16, and August 18, 2017, the petitioner supplemented the petition.
- On September 28, 2017, the petitioner was informed of the PRB's recommendation to accept the petition in part, and parts of the petition not be accepted under 2.206 because insufficient facts were presented, there is another proceeding available, and the issues have already been the subject of NRC review and resolved. The petitioner was also offered a second opportunity to address the PRB, which he accepted.

Actions Completed This Quarter/Next Steps:

- On October 11, 2017, the petitioner addressed the PRB in a teleconference, and supplemented his petition.
- On October 12, 15, and 17, the petitioner supplemented his petition.
- On November 9, 2017, the NRC issued an acknowledgement letter (ADAMS Accession No. ML17278A938) informing the petitioner that his petition was accepted, in part, for review, as stated above.
- On November 10, 2017, the petitioner supplemented his petition.
- The next step is to issue a proposed DD.

OPEN PETITION UNDER CONSIDERATION
LTR-17-00189 (Petition Age: 8 months)

Facility:	Multiple
Licensee Type:	AP1000 reactors
Petitioner(s):	Thomas Saporito
Date of Petition:	May 2, 2017
DD to be Issued by:	Office of New Reactors
Acknowledgement Letter Issued:	Not Applicable
Closure Letter Issued:	Not Applicable
Last Contact with Petitioner:	October 26, 2017
Petition Manager:	Manny Comar
Case Attorney:	Marcia Simon

Issues/Actions Requested:

The petitioner requested that the NRC revoke and/or deny any NRC license requested by the licensee to build and/or conduct licensed operations of AP1000 reactors because of commercial viability issues.

Background:

- On May 2, 2017, the petitioner filed a petition for enforcement action under 10 CFR 2.206 related to Turkey Point Nuclear Units 6 and 7.
- On May 9, 2017, the petition manager acknowledged receipt of the petition.
- On May 22, 2017, the petitioner amended his petition to include all AP1000 reactors.
- On June 20, 2017, the petition manager confirmed with the petitioner that a teleconference with the PRB was scheduled for July 6, 2017.
- On July 6, 2017, the petitioner addressed the PRB via teleconference and submitted supplemental information.
- On July 27, 2017, the PRB met to evaluate the petition and supplemental information and make an initial recommendation on whether to accept the petition for review.
- On August 1, 2017, the petition manager informed the petitioner of the PRB's recommendation to reject the petition because it fails to provide sufficient facts to support the petition and raises issues that have already been reviewed, evaluated, and resolved by the NRC in accordance with MD 8.11, Part III, C. The petitioner was offered a second opportunity to address the PRB, which he accepted.
- On August 7, 2017, the petition manager provided the petitioner additional details of the basis for the PRB's recommendation and scheduled a teleconference for August 10, 2017.
- On August 8, 2017, the petitioner requested that the teleconference be rescheduled.
- On August 14, 2017, the petition manager and petitioner discussed alternative dates and rescheduled the teleconference for early September.
- On September 7, 2017, the petitioner requested rescheduling the teleconference, due to an approaching hurricane, and proposed the latter part of October 2017.

Actions Completed This Quarter/Next Steps:

- On October 26, 2017, the petitioner addressed the PRB in a teleconference.
- The PRB determined that the information presented by the petitioner did not change its initial recommendation.
- The next step is to issue a closure letter rejecting the petition for review based on the reasons stated above.

OPEN PETITION UNDER CONSIDERATION
OEDO-17-00454 (Petition Age: 6 months)

Facility:	Tetra Tech EC, Inc.
Licensee Type:	Materials
Petitioner(s):	Steve Castleman
Date of Petition:	June 29, 2017
DD to be Issued by:	Office of Nuclear Material Safety and Safeguards
Acknowledgement Letter Issued:	Not Applicable
Closure Letter Issued:	Not Applicable
Last Contact with Petitioner:	December 6, 2017
Petition Manager:	James Smith
Case Attorney:	Olivia Mikula

Issues/Actions Requested:

The petitioner requested that the NRC revoke the materials license for Tetra Tech EC, Inc., due to concerns about their role in the cleanup of Hunters Point Naval shipyard in San Francisco, CA, including remediation of radiological contamination. The submittal was lengthy with multiple attachments, and included requests and concerns outside 10 CFR 2.206.

Background:

- On June 29, 2017, the petitioner filed a petition for enforcement action under 10 CFR 2.206.
- On July 20, July 22, and August 1, 2017, the petition manager and petitioner discussed timing of a public meeting, with the date remaining to be determined.

Actions Completed This Quarter/Next Steps:

- On October 19, 2017, the PRB met and decided to hold the petition in abeyance because the issues raised are the subject of ongoing reviews separate from the 2.206 process.
- On December 6, 2017, the petition manager informed the petitioner that the processing of the petition was taking longer than the usual amount of time due to the need to obtain results from ongoing reviews outside the 2.206 process.
- The next step is for the PRB to determine if the issues separate from those that are the subject of ongoing reviews can continue to be evaluated in the 2.206 process.

OPEN PETITION UNDER CONSIDERATION
OEDO-17-0341 (Petition Age: 6 months)

Facility:	Multiple
Licensee Type:	Reactor
Petitioner(s):	Samuel Miranda
Date of Petition:	September 13, 2017
DD to be Issued by:	Office of Nuclear Reactor Regulation
Acknowledgement Letter Issued:	Not Applicable
Closure Letter Issued:	Not Applicable
Last Contact with Petitioner:	November 17, 2017
Petition Manager:	Lois James
Case Attorney:	Marcia Simon

Issues/Actions Requested:

The petitioner requested that the NRC take actions to compel licensees for multiple plants to show that plants licensed for extended lifetimes will not have a significant increase in the probability of an accident previously evaluated, particularly with respect to Condition III events.

Background:

- On September 13, 2017, the petitioner filed a petition for enforcement action under 10 CFR 2.206.

Actions Completed This Quarter/Next Steps:

- On October 5, 2017, the petition manager acknowledged receipt of the petition and offered the petitioner the opportunity to address the PRB, which he accepted.
- On November 16, 2017, the petitioner addressed the PRB in a public meeting and supplemented the petition.
- On December 5, 2017, the PRB met to evaluate the petition against the criteria in MD 8.11, and make an initial recommendation on whether to accept the petition.
- The next step is for the PRB to finalize and communicate the initial recommendation to the petitioner.

SUBJECT: QUARTERLY OCTOBER-DECEMBER 2017 REPORT ON THE STATUS OF PUBLIC PETITIONS UNDER TITLE 10 OF THE CODE OF FEDERAL REGULATIONS, SECTION 2.206 (CAC NO. TM3058) DATED JANUARY 29, 2018

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ADAMS Accession Nos.:

PKG: ML18009A354

Memo: ML18009A327

Enclosure: ML18009A273

*concurrence via email

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