



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

January 17, 2019

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

FROM: Craig G. Erlanger, Director *Craig Erlanger*
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

SUBJECT: QUARTERLY OCTOBER-DECEMBER 2018 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, 2018, 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 – October-December 2018

cc: SECY
EDO
OGC
OCA
OPA
CFO

CONTACT: Perry H. Buckberg, NRR/DORL
301-415-1383

Quarterly 10 CFR 2.206 Status Report - October-December 2018

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 U.S. Nuclear Regulatory Commission (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.

OPEN PETITIONS		
Entergy Nuclear Operations, Inc. Pilgrim Nuclear Power Station	David Lochbaum, Union of Concerned Scientists OEDO-15-00479	2
FirstEnergy Nuclear Operating Company Davis-Besse Nuclear Power Station, Unit 1, Perry Nuclear Power Plant, Unit 1, and Beaver Valley Power Station, Units 1 and 2	Margrethe Kearney and Andrene Dabaghi OEDO-18-00160	3
OPEN PETITIONS UNDER CONSIDERATION		
Tetra Tech EC, Inc.	Steve Castleman OEDO-17-00454	5
Entergy Nuclear Operations, Inc. Indian Point Nuclear Generating, Units 2 and 3	Paul Blanch LTR-18-0376-1	6

OPEN PETITION

OEDO-15-00479 (Petition Age: 42 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 10, 2018
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 (Agencywide Documents Access and Management System (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, 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 Petition Review Board (PRB) review determined that the Commission's decision on the MBDBE draft final rule would likely disposition the petition.
- On August 8, October 6, and December 11, 2017, and on February 9, April 9, June 7 and August 7, 2018, the petition manager restated the information from the June 8, 2017, communication to the petitioner as stated above.

Actions Completed This Quarter/Next Steps:

- On October 9 and December 10, 2018, the petition manager informed the petitioner that his petition was still being held in abeyance pending a Commission decision on SECY-16-0142.
- The next step is to issue a proposed DD reflecting the Commission's decision on the rule.

OPEN PETITION

OEDO-18-00160 (Petition Age: 9 months)

Facility: Davis-Besse Nuclear Power Station, Unit 1, Perry Nuclear Power Plant, Unit 1, and Beaver Valley Power Station, Units 1 and 2

Licensee Type: Reactor

Petitioner(s): Margrethe Kearney and Andrene Dabaghi

Date of Petition: March 27, 2018

DD to be Issued by: Office of Nuclear Reactor Regulation

Acknowledgement Letter Issued: August 27, 2018

Closure Letter Issued: Not Applicable

Last Contact with Petitioner: October 8, 2018

Petition Manager: Bhalchandra Vaidya

Case Attorney: Lorraine Baer

Issues/Actions Requested:

The petitioner requested that the NRC take numerous enforcement actions against FirstEnergy Nuclear Operating Company (FENOC) and First Energy Nuclear Generation (NG), the licensee of Davis-Besse Nuclear Power Station, Unit 1, Perry Nuclear Power Plant, Unit 1, and Beaver Valley Power Station, Units 1 and 2, for failing to comply with nuclear decommissioning funding requirements of 10 CFR 50.75.

Background:

- On March 27, 2018, the petitioner filed a petition for enforcement action under 10 CFR 2.206.
- On April 16, 2018, the petition manager acknowledged receipt of the petition and offered the petitioner the opportunity to address the PRB. The petitioner response requested a delay in addressing the PRB pending a decision by the bankruptcy court.
- On April 30, 2018, the PRB met and concluded that the petition was not requesting immediate enforcement action and that such action was not warranted.
- On May 2, 2018, the petition manager informed the petitioner of the PRB's conclusion that immediate enforcement was not warranted.
- On May 7, 2018, the petition manager offered the petitioner an opportunity to address the PRB prior to the second PRB meeting scheduled for June 12, 2018. The petitioner initially declined but eventually was able to commit to addressing the PRB on June 19, 2018.
- On June 12, 2018, the PRB met to discuss the petition in preparation for the public meeting with the petitioner.
- On June 19, 2018, the petitioners addressed the PRB in a public meeting. The petitioner did not submit additional information during the meeting, but the transcript is considered a supplement to the petition.
- On July 9 and July 23, 2018, the PRB met to discuss the information provided by the petitioner during the June 19, 2018, public meeting, and make its initial recommendation whether to accept the petition for review.
- On August 2, 2018, the PRB recommended to the Office of Nuclear Reactor Regulation (NRR) Office Director that the petition be accepted for review in its entirety. The NRR Office Director concurred with the recommendation.
- On August 2, 2018, the petition manager informed the petitioner of the PRB's initial recommendation to accept the petition. The petitioner declined a second opportunity to address the PRB.

- On August 27, 2018, an acknowledgement letter was issued to the petitioner (ADAMS Accession No. ML18220B314), accepting the petition for review.
- On September 4 and September 27, 2018, the PRB met to review the petition and to discuss the content of the draft proposed DD.

Actions Completed This Quarter/Next Steps:

- On October 8, 2018, the petitioner submitted a supplement to the petition.
- The next step is to issue the proposed DD.

OPEN PETITION UNDER CONSIDERATION
OEDO-17-00454 (Petition Age: 18 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:	October 17, 2018
Petition Manager:	James Smith
Case Attorney:	Lorraine Baer

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 (HPNS) in San Francisco, CA, including remediation of radiological contamination. The submittal was lengthy with multiple attachments, and included requests and concerns outside of the scope of 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.
- 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.
- On February 13, 2018, the petitioner supplemented the petition with information pertaining to other HPNS site areas that may have included work done by Tetra Tech at Parcels C and E at HPNS.
- On June 18, 2018, the petition manager discussed with the petitioner the petition status and the next possible opportunity to address the PRB.
- On August 15, 2018, the PRB met to discuss whether or not the petition meets the MD 8.11 criteria for acceptance.
- On September 13, 2018, the petitioner and the petition manager discussed logistics of a tentative meeting.

Actions Completed This Quarter/Next Steps:

- On October 17, 2018, the petitioner addressed the PRB in a public meeting. The petitioner did not submit additional information during the meeting, but the transcript is considered a supplement to the petition.
- On October 29, 2018, the PRB met to discuss the information provided by the petitioner during the October 17, 2018, public meeting.
- The next step is for the PRB to make its initial recommendation regarding accepting the petition for review, or rejecting the petition.

OPEN PETITION UNDER CONSIDERATION
LTR-18-0376-1 (Petition Age: 4 month)

Facility:	Indian Point Nuclear Generating, Units 2 and 3
Licensee Type:	Reactor
Petitioner(s):	Paul Blanch
Date of Petition:	September 17, 2018
DD to be Issued by:	Office of Nuclear Reactor Regulation
Acknowledgement Letter Issued:	Not Applicable
Closure Letter Issued:	Not Applicable
Last Contact with Petitioner:	December 7, 2018
Petition Manager:	TBD
Case Attorney:	TBD

Issues/Actions Requested:

The petitioner requested that the NRC take enforcement actions against Entergy Nuclear Operations, Inc., Indian Point Nuclear Generating, Units 2 and 3, for violating the requirements of 10 CFR 50.5 and 10 CFR 50.9 in that it provided material false and misleading information to the NRC.

Background:

- On September 17, 2018, the petitioner filed a petition for enforcement action under 10 CFR 2.206.

Actions Completed This Quarter/Next Steps:

- On October 11, 2018, the petitioner supplemented the petition.
- On October 18, 2018, the NRC staff informed the petitioner that the petition and the supplement are being reviewed.
- On October 23, 2018, the petitioner supplemented the petition.
- On October 25, 2018, the NRC staff met and determined that no immediate enforcement action is warranted.
- On November 7, 2018, the NRR Office Director was briefed regarding the NRC staff's immediate action determination and the path forward for the petition review.
- On November 13, 2018, the petitioner supplemented the petition.
- On November 27, 2018, the petition manager informed the petitioner of the NRC staff's determination that immediate enforcement was not warranted.
- On December 3, 2018, the petitioner requested documentation related to the NRC staff's immediate action determination.
- On December 7, 2018, the NRC staff provided additional clarification on the staff's immediate action determination.
- The next step is for the PRB to make its initial determination regarding accepting the petition for review, or rejecting the petition.

SUBJECT: QUARTERLY OCTOBER-DECEMBER 2018 REPORT ON THE STATUS OF PUBLIC PETITIONS UNDER TITLE 10 OF THE CODE OF FEDERAL REGULATIONS, SECTION 2.206 (CAC NO. TM3058) DATED JANUARY 17, 2019

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ADAMS Accession No. ML18360A487

*concurrence via email

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