



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

April 16, 2019

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

FROM: Craig G. Erlanger, Director */RA Kathryn M. Brock for/*
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

SUBJECT: QUARTERLY JANUARY-MARCH 2019 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 January 1 through March 31, 2019, 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 – January-March 2019

cc: SECY
EDO
OGC
OCA
OPA
CFO

CONTACT: Perry H. Buckberg, NRR/DORL
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SUBJECT: QUARTERLY JANUARY-MARCH 2019 REPORT ON THE STATUS OF PUBLIC PETITIONS UNDER TITLE 10 OF THE *CODE OF FEDERAL REGULATIONS*, SECTION 2.206 (CAC NO. TM3058) DATED APRIL 16, 2019

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ADAMS Accession No. ML19081A201

*concurrence via email

OFFICE	NRR/DORL/LPL22/PM	NRR/DORL/LPL22/LA	NRR/DORL/LPL22/BC	NRR/DORL/D
NAME	PBuckberg	IBetts	UShoop	CErlanger (KBrock for)
DATE	4/02/19	3/27/19	4/11/19	4/16/19

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Quarterly 10 CFR 2.206 Status Report – January-March 2019

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.

Licensee/Facility	Petitioner/EDO No.	Page
PETITIONS CLOSED DURING THIS PERIOD		
Entergy Nuclear Operations, Inc. Indian Point Nuclear Generating, Units 2 and 3	Paul Blanch LTR-18-0376-1	2
OPEN PETITIONS		
Entergy Nuclear Operations, Inc. Pilgrim Nuclear Power Station	David Lochbaum, Union of Concerned Scientists OEDO-15-00479	3
FirstEnergy Nuclear Operating Company Davis-Besse Nuclear Power Station, Unit No. 1, Perry Nuclear Power Plant, Unit No. 1, and Beaver Valley Power Station, Unit Nos. 1 and 2	Margrethe Kearney and Andrene Dabaghi OEDO-18-00160	5
OPEN PETITIONS UNDER CONSIDERATION		
Tetra Tech EC, Inc.	Steve Castleman OEDO-17-00454	7
Grand Gulf Nuclear Station, Unit No. 1	Troy Pruett OEDO-19-00053	9
Three Mile Island Nuclear Station, Unit No. 1	Three Mile Island Alert OEDO-19-00130	10
Diablo Canyon Nuclear Power Plant, Unit No. 1	Don Eichelberger OEDO-19-00131	11

CLOSED PETITION

LTR-18-0376-1 (Petition Age: 7 months)

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:	February 20, 2019
Petition Manager:	Perry Buckberg
Case Attorney:	Marcia Simon

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.
- 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.

Actions Completed This Quarter/Next Steps:

- On January 15, 2019, a closure letter (ADAMS Accession No. ML18331A483) was issued rejecting the petition for review. All actions on this petition are closed.

OPEN PETITION

OEDO-15-00479 (Petition Age: 45 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: February 8, 2019
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, February 7, 2017 and April 10, 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 events (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.
- 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.

Actions Completed This Quarter/Next Steps:

- On February 8, 2019, the petition manager informed the petitioner that the Commission provided direction on the MBDBE rule on January 24, 2019, and as a result, that the PRB is expected to convene to discuss the path forward for the petition.

- On February 21, 2019, the PRB met to discuss the path forward for the petition following the Commission direction, and it was decided that additional internal meetings would be needed. The petition manager will inform the petitioner once continued PRB deliberations are completed.

OPEN PETITION
OEDO-18-00160 (Petition Age: 12 months)

Facility: Davis-Besse Nuclear Power Station, Unit No. 1, Perry Nuclear Power Plant, Unit No. 1, and Beaver Valley Power Station, Unit Nos. 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: February 7, 2019

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, the licensee of Davis-Besse Nuclear Power Station, Unit No. 1, Perry Nuclear Power Plant, Unit No. 1, and Beaver Valley Power Station, Unit Nos. 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.
- On October 8, 2018, the petitioner submitted a supplement to the petition.

Actions Completed This Quarter/Next Steps:

- On January 8, 2019, a proposed DD was issued to the petitioner for comment, with a comment period of 14 days (ADAMS Accession No. ML18309A157).
- On January 22, 2019, the petitioner provided comments on the proposed director's decision (ADAMS Accession No. ML19037A340). The petition manager acknowledged receipt of the petitioner comments via e-mail on February 7, 2019.

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:	February 22, 2019
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 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.
- 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.

Actions Completed This Quarter/Next Steps:

- As a result of several internal deliberations, the PRB's initial determination is to reject the 2.206 petition.
- On February 22, 2019, the petition manager informed the petitioner that the PRB's initial determination is to reject the petition. The petitioner requested a 2nd opportunity to address

the PRB. The petitioner has since filed a FOIA request and has requested that the 2nd meeting be delayed until after the FOIA is fulfilled.

OPEN PETITION UNDER CONSIDERATION
OEDO-19-00053 (Petition Age: 2 months)

Facility:	Grand Gulf Nuclear Station, Unit No. 1
Licensee Type:	Reactor
Petitioner(s):	Troy Pruett
Date of Petition:	January 24, 2019
DD to be Issued by:	Office of Nuclear Reactor Regulation
Acknowledgement Letter Issued:	Not Applicable
Closure Letter Issued:	Not Applicable
Last Contact with Petitioner:	February 13, 2019
Petition Manager:	Siva Lingam
Case Attorney:	Marcia Simon

Issues/Actions Requested:

The petitioner requested that the NRC issue an Order to compel Grand Gulf Nuclear Station (Grand Gulf) to perform and submit an evaluation of the root and contributing causes for both the individual and the collective issues that have and are occurring at the facility, as described in the petition. In addition, the petitioner requests that the NRC direct Grand Gulf and Entergy to meet with the Commission at least annually to discuss performance concerns and improvement efforts.

Actions Completed This Quarter/Next Steps:

- On January 24, 2019, the petitioner filed a petition for enforcement action under 10 CFR 2.206.
- On February 13, 2019, the petition manager acknowledged receipt of the petition and offered the petitioner the opportunity to address the PRB. The petitioner responded to say they did not have a need to present to the PRB, but would be available to answer PRB questions.

OPEN PETITION UNDER CONSIDERATION
OEDO-17-00454 (Petition Age: 1 months)

Facility:	Three Mile Island Nuclear Station, Unit 1
Licensee Type:	Reactor
Petitioner(s):	Three Mile Island Alert
Date of Petition:	March 11, 2019
DD to be Issued by:	Office of Nuclear Reactor Regulation
Acknowledgement Letter Issued:	Not Applicable
Closure Letter Issued:	Not Applicable
Last Contact with Petitioner:	March 18, 2019
Petition Manager:	Justin Poole
Case Attorney:	TBD

Issues/Actions Requested:

The petitioner requested that the NRC shut down Three Mile Island (TMI) Unit 1 until the design issues with the steam generator tubes are understood and remediated.

Actions Completed This Quarter/Next Steps:

- On March 11, 2019, the petitioner filed a petition for enforcement action under 10 CFR 2.206.

OPEN PETITION UNDER CONSIDERATION
OEDO-17-00454 (Petition Age: 18 months)

Facility:	Diablo Canyon Nuclear Power Plant, Unit 1
Licensee Type:	Reactor
Petitioner(s):	Don Eichelberger
Date of Petition:	March 15, 2019
DD to be Issued by:	Office of Nuclear Reactor Regulation
Acknowledgement Letter Issued:	Not Applicable
Closure Letter Issued:	Not Applicable
Last Contact with Petitioner:	March 31, 2019
Petition Manager:	John Klos
Case Attorney:	TBD

Issues/Actions Requested:

The petitioner requested that the NRC not allow Diablo Canyon Nuclear Power Plant, Unit 1 to operate until reactor pressure-retaining weld inspections are carried out.

Actions Completed This Quarter/Next Steps:

- On March 15, 2019, the petitioner filed a petition for enforcement action under 10 CFR 2.206.
- On March 27, 2019, the petition manager scheduled an April 4, 2019, discussion with the petitioner to allow the petitioner to clarify the contents of the petition.
- On March 31, 2019, the petition manager clarified the scope of the April 4, 2019, discussion for the petitioner.