



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

July 23, 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/ Gregory F. Suber for**
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

SUBJECT: QUARTERLY APRIL-JUNE 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 April 1 through June 30, 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 – April-June 2019

cc: SECY
EDO
OGC
OCA
OPA
CFO

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

Quarterly 10 CFR 2.206 Status Report – April-June 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
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CLOSED PETITION

OEDO-18-00160 (Petition Age: 13 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: April 3, 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.
- 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.

Actions Completed This Quarter/Next Steps:

- On April 3, 2019, the NRC issued the final DD (ADAMS Accession No. ML19052A042) stating that the actions requested in the petition will not be granted in whole or in part.

OPEN PETITION
OEDO-15-00479 (Petition Age: 48 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: June 25, 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.
- 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.
- On April 3, 2019, the petition manager informed the petitioner that the NRC staff cannot reply on the MBDBE rule to disposition the petition as the staff has been directed to use the 10 CFR 50.54(f) process to ensure that each plant is able to withstand the effects of the reevaluated flooding and seismic hazards. Also, the petitioner was informed that Pilgrim Nuclear Power Station is expected to shut down on or around June 1, 2019, and the licensee plans to submit documentation regarding the reevaluated flood hazard activities after plant shutdown for staff review.

Actions Completed This Quarter/Next Steps:

- On June 6, 2019, the petition manager informed the petitioner that Pilgrim Nuclear Power Station had permanently ceased power operations on May 31, 2019, and that the licensee plans to submit documentation regarding the reevaluated flood hazard activities by mid-summer 2019 for staff review. The petition manager included the estimate that the staff's 10 CFR 50.54(f) review will be completed by October 2019 and the NRC's proposed director's decision based on this review will potentially be issued by December 2019.
- On June 25, 2019, the petition manager informed the petitioner that the licensee had submitted a letter dated June 19, 2019, titled "Final Response Regarding Request for Information Pursuant to Title 10 CFR 50.54(f) Recommendations 2.1, 2.3, and 9.3 of the Near-Term Task Force Review of Insights from the Fukushima Dai-ichi Accident."

OPEN PETITION UNDER CONSIDERATION
OEDO-17-00454 (Petition Age: 21 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:	June 28, 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.
- 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 second opportunity to address the PRB.

Actions Completed This Quarter/Next Steps:

- On June 5, 2019, the petition manager offered the petitioner a second opportunity to address the PRB.
- On June 25, 2019, the petitioner addressed the PRB in a second public meeting. The petitioner provided supplemental information after the meeting and the transcript will be considered a supplement to the petition.

OPEN PETITION UNDER CONSIDERATION
OEDO-19-00053 (Petition Age: 5 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:	April 3, 2019
Petition Manager:	Siva Lingam/April Pulvirenti
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.

Background:

- 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.

Actions Completed This Quarter/Next Steps:

- On April 3, 2019, the petition manager asked the petitioner if he was agreeable to following the revised Management Directive (MD) 8.11, "Review Process for 10 CFR 2.206 Petitions," that was issued March 1, 2019. The petitioner had no objection and the petition manager began following the revised MD 8.11 process.
- On April 29, 2019, the PRB met to assign petition review actions to the PRB members.
- On May 23, 2019, the PRB met to discuss its initial assessment regarding the petition meeting the MD 8.11 criteria for acceptance.
- On June 5, 2019, the petition manager requested PRB member draft input for use in a closure or acknowledgement letter that will address the petitioner's concerns.

OPEN PETITION UNDER CONSIDERATION
OEDO-17-00454 (Petition Age: 4 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:	June 26, 2019
Petition Manager:	Justin Poole
Case Attorney:	Joe Gillespie

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.

Background:

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

Actions Completed This Quarter/Next Steps:

- On April 23, 2019, the PRB met to assign petition review actions to the PRB members.
- On May 28, 2019, the PRB met to discuss its initial assessment regarding the petition meeting the MD 8.11 criteria for acceptance.
- On June 5, 2019, the petition manager informed the petitioner that the PRB initial assessment was that the petition did not meet the MD 8.11 criteria for accepting petitions under 10 CFR 2.206. The petition manager offered the petitioner an opportunity to address the PRB.
- On June 26, 2019, the petitioner addressed the PRB in a public meeting. The transcript is considered a supplement to the petition.
- On June 27, 2019, the petitioner submitted supplemental information.

OPEN PETITION UNDER CONSIDERATION
OEDO-17-00454 (Petition Age: 4 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:	April 25, 2019
Petition Manager:	John Klos
Case Attorney:	Joe Gillespie

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.

Background:

- 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.

Actions Completed This Quarter/Next Steps:

- On April 25, 2019, the petitioner filed a revised petition for enforcement action under 10 CFR 2.206.
- On May 28, 2019, the petition manager screened in the revised petition in accordance with MD 8.11 and began identifying members for the PRB.
- On June 27, 2019, the PRB met to discuss the contents of the petition and to consider its initial assessment.

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

Facility:	Tennessee Valley Authority
Licensee Type:	Reactor
Petitioner(s):	Billie P. Garde
Date of Petition:	June 4, 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:	June 13, 2019
Petition Manager:	Andy Hon
Case Attorney:	Rob Carpenter

Issues/Actions Requested:

The petitioner requested that the NRC become involved with the Tennessee Valley Authority (TVA) Employee Concerns Program (ECP).

Background:

Actions Completed This Quarter/Next Steps:

- On June 4, 2019, the petitioner filed a petition under 10 CFR 2.206.
- On June 11, 2019, the petitioner informed the petition manager that she wanted to offer the NRC other serious considerations that need to be addressed.
- On June 13, 2019, the petitioner provided clarifying information to the NRC staff.
- On June 27, 2019, the petition manager screened in the revised petition in accordance with MD 8.11 and began scheduling the initial PRB meeting.

SUBJECT: QUARTERLY APRIL-JUNE 2019 REPORT ON THE STATUS OF PUBLIC PETITIONS UNDER TITLE 10 OF THE *CODE OF FEDERAL REGULATIONS*, SECTION 2.206 (CAC NO. TM3058) DATED JULY 23, 2019

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*concurrence via email

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NAME	PBuckberg	BClayton (JBurkhardt for)	UShoop	CErlanger (GSuber for)
DATE	07/08/19	07/08/19	07/18/19	07/23/19

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