



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

October 28, 2019

MEMORANDUM TO: Eric J. Benner, Acting Deputy Director
Reactor Safety Programs and Corporate Support
Office of Nuclear Reactor Regulation

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

SUBJECT: QUARTERLY JULY-SEPTEMBER 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 July 1 through September 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
– July-September 2019

cc: SECY
EDO
OGC
OCA
OPA
CFO

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

Quarterly 10 CFR 2.206 Status Report – July-September 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 Title 10 of the Code of Federal Regulations (10 CFR) Section 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 U.S. Nuclear Regulatory Commission (NRC or the Commission) 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-19-00130 (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:	July 11, 2019
Last Contact with Petitioner:	July 11, 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.
- On April 23, 2019, the petition review board (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.

Actions Completed This Quarter/Next Steps:

- On July 11, 2019, a closure letter (ADAMS Accession No. ML19189A333) was issued stating that the petition does not meet the criteria for consideration under 10 CFR 2.206. All actions on this petition are closed.

CLOSED PETITION

OEDO-19-00131 (Petition Age: 5 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:	August 1, 2019
Last Contact with Petitioner:	August 1, 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.
- 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.

Actions Completed This Quarter/Next Steps:

- On July 11, 2019, the PRB recommended to the Office of Nuclear Reactor Regulation (NRR) Office Director that the petition not be accepted for review. The NRR Office Director concurred with the recommendation.
- On July 16, 2019, the petition manager informed the petitioner by telephone 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. The petitioner declined.
- On August 1, 2019, a closure letter (ADAMS Accession No. ML19204A104) was issued stating that the petition does not meet the criteria for consideration under 10 CFR 2.206. All actions on this petition are closed.

CLOSED PETITION
OEDO-19-00053 (Petition Age: 8 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:	September 23, 2019
Last Contact with Petitioner:	September 23, 2019
Petition Manager:	Siva Lingam
Case Attorney:	Marcia Simon/Joe Gillespie

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 occurred 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.
- 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.

Actions Completed This Quarter/Next Steps:

- On July 25, 2019, the PRB met to discuss its initial assessment regarding the petition meeting the MD 8.11 criteria for acceptance.
- On August 20, 2019, the petition manager informed the petitioner of the PRB initial assessment 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 August 21, 2019, the petitioner requested additional clarification regarding the PRB's initial assessment.
- On August 29, 2019, the petition manager provided the petitioner a list of NRC publicly available documents that the PRB considered in its initial assessment.

- On August 29, 2019, the petitioner declined the opportunity to address the PRB.
- On September 23, 2019, a closure letter (ADAMS Accession No. ML19226A233) was issued stating that the petition does not meet the criteria for consideration under 10 CFR 2.206. All actions on this petition are closed.

OPEN PETITION

OEDO-15-00479 (Petition Age: 51 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:	August 13, 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 (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 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, 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.
- 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 manger included the estimate that the staff's 10 CFR 50.54(f) review will be completed by October 2019 and the NRC's proposed DD 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."

Actions Completed This Quarter/Next Steps:

- On August 13, 2019, the petition manager informed the petitioner that the PRB is developing the proposed director's decision.

OPEN PETITION UNDER CONSIDERATION
OEDO-17-00454 (Petition Age: 27 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:	August 15, 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 its role in the cleanup of Hunters Point Naval shipyard (HPNS) in San Francisco, California, 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.

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

Actions Completed This Quarter/Next Steps:

- On August 9, 2019, the licensee provided a response to the PRB regarding statements made by the petitioner during the June 25, 2019, public meeting and the petitioner's supplement submitted after the meeting.
- On September 12, 2019, the PRB met to discuss the final recommendation.

OPEN PETITION UNDER CONSIDERATION
OEDO-19-00288 (Petition Age: 4 months)

Facility:	Tennessee Valley Authority (TVA)
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:	July 8, 2019
Petition Manager:	Andy Hon
Case Attorney:	Rob Carpenter

Issues/Actions Requested:

The petitioner requested that the NRC take the following actions related to the new TVA Employee Concerns Program (ECP) and the TVA Safety-Conscious Work Environment (SCWE) in general: reiterate to TVA employees their rights and responsibilities to raise any safety-related concerns, require TVA to stop its ECP program conversion, and demand that TVA present its new ECP program to the NRC.

Background:

- 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.

Actions Completed This Quarter/Next Steps:

- On July 2, 2019, the petitioner provided additional information for the PRB to consider.
- On July 8, 2019, the petition manager informed the petitioner that the July 2, 2019, submittal was received and that the PRB will discuss this information in its next PRB meeting.
- On July 8, 2019, the PRB met to discuss the contents of the petition and to consider its initial assessment.
- On July 31, 2019, and August 6, 2019, the PRB met to discuss the contents of the petition and to consider its initial assessment.

OPEN PETITION UNDER CONSIDERATION
OEDO-19-00453 (Petition Age: 1 month)

Facility:	San Onofre Nuclear Generating Station
Licensee Type:	Decommissioning
Petitioner(s):	Oceansiders Against San Onofre Corruption
Date of Petition:	August 22, 2019
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:	September 26, 2019
Petition Manager:	TBD
Case Attorney:	TBD

Issues/Actions Requested:

The petitioner requested that the NRC revoke Coastal Development Permit (CDP) No. 9-15-0228 issued by the California Coastal Commission that an immediate cease and desist be issued to Southern California Edison. The petitioner also insisted that safer radioactive storage containers be required and that all stored materials be relocated away from densely populated areas.

Actions Completed This Quarter/Next Steps:

- On August 22, 2019, the petitioner filed a petition under 10 CFR 2.206.
- The NRC Office of Nuclear Material Safety and Safeguards is assessing the merits of the petition content and will respond accordingly

OPEN PETITION UNDER CONSIDERATION

OEDO-19-00454 (Petition Age: 1 months)

Facility:	San Onofre Nuclear Generating Station Units 2 & 3
Licensee Type:	Decommissioning
Petitioner(s):	Public Watchdogs
Date of Petition:	September 24, 2019
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:	Not Applicable
Petition Manager:	TBD
Case Attorney:	TBD

Issues/Actions Requested:

The petitioner requested that the NRC immediately suspend decommissioning operations at San Onofre Nuclear Generating Station, Units 2 and 3.

Actions Completed This Quarter/Next Steps:

- On September 24, 2019, the petitioner filed a petition under 10 CFR 2.206.
- The NRC Office of Nuclear Material Safety and Safeguards is assessing the merits of the petition content and will respond accordingly.

SUBJECT: QUARTERLY JULY-SEPTEMBER 2019 REPORT ON THE STATUS OF PUBLIC PETITIONS UNDER TITLE 10 OF THE *CODE OF FEDERAL REGULATIONS* SECTION 2.206 (CAC NO. TM3058) DATED OCTOBER 28, 2019

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ADAMS Accession No. ML19275D939

*concurrence by e-mail

OFFICE	NRR/DORL/LPL2-2/PM	NRR/DORL/LPL2-2/LA	NRR/DORL/LPL2-2/BC	NRR/DORL/D
NAME	PBuckberg	LRonewicz	UShoop	CErlanger (GSuber for)
DATE	10/03/2019	10/03/2019	10/22/2019	10/28/2019

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