



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

April 20, 2020

MEMORANDUM TO: Mirela Gavrilas, Deputy Director
Reactor Safety Programs and Corporate Support
Office of Nuclear Reactor Regulation

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

SUBJECT: QUARTERLY JANUARY-MARCH 2020 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, 2020, 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 2020

cc: SECY
EDO
OGC
OCA
OPA
CFO

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SUBJECT: QUARTERLY JANUARY-MARCH 2020 REPORT ON THE STATUS OF PUBLIC PETITIONS UNDER TITLE 10 OF THE *CODE OF FEDERAL REGULATIONS* SECTION 2.206 (CAC NO. TM3058) DATED APRIL 20, 2020

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ADAMS Accession No. ML20097D146

*concurrence by e-mail

OFFICE	NRR/DORL/LPL2-2/PM	NRR/DORL/LPL2-2/LA	NRR/DORL/LPL2-2/BC*	NRR/DORL/D*	NRR/DORL/LPL2 2/PM
NAME	PBuckberg	BAbeywickrama	UShoop	CElanger MShams for	PBuckberg
DATE	4/8/2020	04/08/2020	4/18/2020	4/20/2020	4/20/2020

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Quarterly 10 CFR 2.206 Status Report – January – March, 2020

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-19-00454 (Petition Age: 5 months)

Facility:	San Onofre Nuclear Generating Station Units 2 and 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:	February 26, 2020
Last Contact with Petitioner:	February 26, 2020
Petition Manager:	Zahira Cruz
Case Attorney:	Rob Carpenter

Issues/Actions Requested:

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

Background:

- On September 24, 2019, the petitioner filed a petition under 10 CFR 2.206.
- On September 25, 2019, the petition was assigned to the NRC Office of Nuclear Material Safety and Safeguards.
- On October 23, 2019, the petition manager informed the petitioner that the NRC had begun the initial screening of their submittal.
- On October 25, 2019, the petition manager informed the petitioner that the NRC had determined that the requested immediate action was not warranted and that the staff was proceeding with its evaluation of the petition.
- On October 30, 2019, the petitioner submitted exhibits to support the original petition.
- On November 18, 2019, the petition manager informed the petitioner that a petition review board (PRB) was performing its initial assessment of the petition for acceptance into the 10 CFR 2.206 process.
- On December 18, 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 December 20, 2019, the petitioner accepted the offer to the address the PRB.
- On December 23, 2019, the NRC informed the petitioner that coordinating the schedule for the petitioner's address to the PRB would be deferred until January 2020.

Actions Completed This Quarter/Next Steps:

- On January 21, 2020, the petitioner addressed the PRB in a public meeting. The transcript is considered a supplement to the petition.
- On February 26, 2020, a closure letter (ADAMS Accession No. ML20038A336) 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-19-00453 (Petition Age: 7 months)

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:	March 4, 2020
Last Contact with Petitioner:	March 4, 2020
Petition Manager:	Chris Allen
Case Attorney:	Rob Carpenter

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.

Background:

- On August 22, 2019, the petitioner filed a petition under 10 CFR 2.206.
- On September 25, 2019, the petition was assigned to the NRC Office of Nuclear Material Safety and Safeguards.
- On September 26, 2019, the NRC's Petition Coordinator informed the petitioner that the NRC had begun the review of their submittal.
- On November 8, 2019, the petition manager informed the petitioner that the NRC had determined that the requested immediate action was not warranted and that the staff was proceeding with its evaluation of the petition.
- On November 18, 2019, the petition manager informed the petitioner that their request for the NRC to revoke CDP No. 9-15-0228 had screened out of the 10 CFR 2.206 petition process and that a PRB was performing its initial assessment of the other requests in the petition to determine if they should be accepted into the 10 CFR 2.206 process.
- On December 20, 2019, the petition manager informed the petitioner that the PRB's initial assessment found 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 had not responded to the petition manager as of December 31, 2019.

Actions Completed This Quarter/Next Steps:

- On January 20, 2020, the petitioner provided a supplement to the petition.
- On January 22, 2020, the petitioner addressed the PRB in a public meeting. The transcript is considered a supplement to the petition.
- On March 4, 2020, a closure letter (ADAMS Accession No. ML20057G184) 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 UNDER CONSIDERATION
OEDO-17-00454 (Petition Age: 33 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 19, 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 10 CFR 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 10 CFR 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 10 CFR 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.
- 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.
- On December 19, 2019, a letter (ADAMS Accession No. ML19309F257) was issued stating that the petition will be held in abeyance and will be reassessed after the legal resolution of the Department of Justice civil complaint against Tetra Tech.

Actions Completed This Quarter/Next Steps:

- The petition manager will inform the petitioner when any emergent petition-related activity occurs and/or will periodically inform the petitioner that the petition remains in abeyance.

OPEN PETITION UNDER CONSIDERATION
OEDO-19-00288 (Petition Age: 9 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:	February 18, 2020
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.
- 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.
- On November 12, 2019, the PRB met to discuss the contents of the petition and to consider its initial assessment.
- On December 17, 2019, the petition manager provided a status update to the petitioner.

Actions Completed This Quarter/Next Steps:

- On January 9, 2020, the petition manager provided the petitioner with an NRC inspection report related to the concerns raised in the petition and a status update.
- On February 5, 2020, the PRB met to discuss its initial assessment in light of the inspection results.
- On February 18, 2020, the petition manager provided a status update to the petitioner.
- The PRB will meet to determine if its initial assessment remains valid and the petition manager will inform the petitioner of the PRB's initial assessment.

OPEN PETITION UNDER CONSIDERATION
OEDO-20-00053 (Petition Age: 2 months)

Facility:	San Onofre Nuclear Generating Station Units 2 and 3
Licensee Type:	Decommissioning
Petitioner(s):	Public Watchdogs
Date of Petition:	February 4, 2020
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 28, 2020
Petition Manager:	Chris Bajwa
Case Attorney:	Rob Carpenter

Issues/Actions Requested:

The petitioner requested that the NRC immediately suspend decommissioning operations at San Onofre Nuclear Generating Station (SONGS), Units 2 and 3. The petitioner also requested that the NRC require the licensee to report SONGS as operating in an unanalyzed condition, and that the NRC order the licensee to take immediate actions to preclude flooding of the ISFSI. In addition, the petitioner requested that the NRC inform the California Coastal Commission that it is unacceptable to approve the removal of the Spent Fuel Pools at this time.

Actions Completed This Quarter/Next Steps:

- On February 4, 2020, the petitioner filed a petition under 10 CFR 2.206.
- On February 14, 2020, the petition manager informed the petitioner that the NRC had determined that the requested immediate action was not warranted and that the staff was proceeding with its evaluation of the petition.
- On February 28, 2020, the petition manager informed the petitioner that their request for the NRC to direct the California Coastal Commission regarding its approval of the removal of spent fuel pools at SONGS had screened out of the 10 CFR 2.206 petition process and that a PRB was performing its initial assessment of the other requests in the petition to determine if they should be accepted into the 10 CFR 2.206 process.
- The petition manager may soon inform the petitioner of the PRB's initial assessment.