



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

July 30, 2020

MEMORANDUM TO: Mirela Gavrilas, 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 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 April 1 through June 30, 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
– April- June 2020

cc: SECY
EDO
OGC
OCA
OPA
CFO

CONTACT: Natreon J. Jordan, NRR/DORL
301-415-7410

Quarterly 10 CFR 2.206 Status Report – April – June, 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.

| Licensee/Facility | Petitioner/EDO No. | Page |
|---|---|------|
| PETITIONS CLOSED DURING THIS PERIOD | | |
| | | |
| | | |
| OPEN PETITIONS UNDER CONSIDERATION | | |
| Tetra Tech EC, Inc. | Steve Castleman OEDO-17-00454 | 4 |
| Tennessee Valley Authority Employee Concerns Program | Billie Garde OEDO-19-00288 | 6 |
| San Onofre Nuclear Generating Station, Units 2 and 3 | Public Watchdogs OEDO-20-00053 | 7 |
| Fermi Unit 2 | Beyond Nuclear Don’t Waste Michigan OEDO-20-00148 | 8 |

OPEN PETITION UNDER CONSIDERATION
OEDO-17-00454 (Petition Age: 36 months)

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|--------------------------------|--|
| 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: | April 24, 2020 |
| 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 petition review board (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 was to reject the 10 CFR 2.206 petition.

- On February 22, 2019, the petition manager informed the petitioner that the PRB's initial determination was 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 (Agencywide Documents Access and Management System (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:

- On April 24, 2020, the petition manager informed the petitioner that his petition was still being held in abeyance pending legal resolution of the Department of Justice civil complaint against Tetra Tech.
- The petition manager will continue to 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: 12 months)

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|--------------------------------|--------------------------------------|
| 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: | June 12, 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.
- 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.

Actions Completed This Quarter/Next Steps:

- On April 9, 2020, 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 April 20, 2020, the petitioner accepted the offer to the address the PRB.
- On June 12, 2020, the petitioner met with the PRB to provide supplemental information for consideration in the PRB's final assessment.
- The PRB is still considering the petition and all supplemental and meeting information while working to finalize a response to the petitioner.

OPEN PETITION UNDER CONSIDERATION
OEDO-20-00053 (Petition Age: 5 months)

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|--------------------------------|---|
| 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 Reactor Regulation |
| Acknowledgement Letter Issued: | Not Applicable |
| Closure Letter Issued: | Not Applicable |
| Last Contact with Petitioner: | June 24, 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 Independent Spent Fuel Storage Installation (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.

Background:

- 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.

Actions Completed This Quarter/Next Steps:

- On April 20, 2020, 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 April 29, 2020, the petitioner accepted the offer to the address the PRB and also requested proprietary documentation related to the SONGS ISFSI Final Safety Analysis Report flood analysis and documentation related to SONGS storage cask thermal cycling.
- On May 7, 2020, the petition manager confirmed that a meeting would be scheduled, referred the petitioner to the NRC Freedom of Information Act Guide for the flood analysis information and provided ADAMS accession numbers for documents related to the NRC staff's analysis of the SONGS ISFSI.

- On June 24, 2020, a public meeting was held, at the request of the petitioner, to allow the petitioner the opportunity to address the PRB in order to clarify or supplement the petition in response to the PRB's initial assessment.
- The PRB is still considering the petition and all supplemental and meeting information while working to finalize a response to the petitioner.

OPEN PETITION UNDER CONSIDERATION
OEDO-20-00148 (Petition Age: 2 months)

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|--------------------------------|--------------------------------------|
| Facility: | Fermi Unit 2 |
| Licensee Type: | Reactor |
| Petitioner(s): | Terry Lodge |
| Date of Petition: | April 16, 2020 |
| 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, 2020 |
| Petition Manager: | Scott Wall |
| Case Attorney: | Patrick Moulding |

Issues/Actions Requested:

The petitioner requested that the NRC issue demands for information to obtain a formal risk assessment of torus coating conditions, a list of tasks deferred due to the Coronavirus Disease 2019 (COVID-19) outbreak and answers about the COVID-19 impact on emergency planning.

Actions Completed This Quarter/Next Steps:

- On April 16, 2020, the petitioner filed a petition under 10 CFR 2.206.
- On April 22, 2020, the petition manager informed the petitioner that the initial screening of the petition had begun.
- On June 26, 2020, the petition manager informed the petitioner that the NRC had determined that immediate action was not warranted. The petition manager informed the petitioner that a PRB would be performing its initial assessment of the torus coating related request to determine if it should be accepted into the 10 CFR 2.206 process. The petition manager also informed the petitioner that their requests for information from DTE Energy related to deferred tasks and COVID-19 impacts on emergency planning have screened out of the 10 CFR 2.206 petition process.
- A PRB was established with plans to meet to consider information provided by the petitioner as part of the 10 CFR 2.206 process.

SUBJECT: QUARTERLY APRIL-JUNE 2020 REPORT ON THE STATUS OF PUBLIC PETITIONS UNDER TITLE 10 OF THE *CODE OF FEDERAL REGULATIONS* SECTION 2.206 (CAC NO. TM3058) DATED JULY 30, 2020

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