



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

January 27, 2021

MEMORANDUM TO: Craig G. Erlanger, Deputy Director (Acting)
Reactor Safety Programs and Corporate Support
Office of Nuclear Reactor Regulation

FROM: Caroline L. Carusone, Deputy Director */RA/*
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

SUBJECT: QUARTERLY OCTOBER-DECEMBER 2020 REPORT ON THE
STATUS OF PUBLIC PETITIONS SUBMITTED 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 October 1 through December 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
October - December 2020

cc: SECY
EDO
OGC
OCA
OPA
OCFO

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

SUBJECT: QUARTERLY OCTOBER-DECEMBER 2020 REPORT ON THE STATUS OF PUBLIC PETITIONS SUBMITTED UNDER TITLE 10 OF THE *CODE OF FEDERAL REGULATIONS* SECTION 2.206 DATED JANUARY 27, 2021

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ADAMS Accession No. ML21008A326

OFFICE	NRR/DORL/LPL4/PM	NRR/DORL/LPL2-2/LA	NRR/DORL/LPL2-2/BC	NRR/DORL/DD
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DATE	01/8/2021	01/07/2021	01/13/2021	01/27/2021

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Quarterly 10 CFR 2.206 Status Report – October - December, 2020

For each open or closed 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, the submittal is evaluated against the screening criteria in Management Directive (MD) 8.11, “Review Process for 10 CFR 2.206 Petitions,” to determine if evaluation by a 10 CFR 2.206 Petition Review Board (PRB) is warranted or if the submittal will be dispositioned outside of the 10 CFR 2.206 process. If the submittal is dispositioned outside of the 10 CFR 2.206 process, the submitter will be notified via email and the submission will not be included in this report.

If PRB evaluation is warranted, the PRB determines if the petition should be accepted for further review. A petition undergoing this PRB evaluation is referred to as an ‘open petition under consideration’ in this report. If a petition is accepted for review under 10 CFR 2.206, an acknowledgement letter will be issued and the petition will continue to be 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 issuing a DD, the petition will be listed as a closed petition. 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 to the petitioner in a closure letter.

Licensee/Facility	Petitioner/EDO No.	Page
OPEN PETITIONS UNDER CONSIDERATION		
Tetra Tech EC, Inc.	David Anton OEDO-17-00454	2
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Boiling Water Mark I Plants	Beyond Nuclear OEDO-20-00413	7
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Beaver Valley, Unit 2	Thomas Saporito OEDO-20-00456	9

OPEN PETITION UNDER CONSIDERATION
OEDO-17-00454 (Petition Age: 42 months)

Facility:	Tetra Tech EC, Inc.
Licensee Type:	Materials
Petitioner(s):	David Anton
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 22, 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 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML18178A067).
- On July 20, July 22, and August 1, 2017, the petition manager and petitioner discussed timing of a public meeting.
- 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 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 is 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 was issued by the NRC 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.
- On April 24, 2020, and August 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.

Actions Completed This Quarter/Next Steps:

- On December 21, 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.
- On December 22, 2020, the petitioner informed the petition manager of changes to the petition contacts.
- 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-20-00148 (Petition Age: 8 months)

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:	November 4, 2020
Petition Manager:	Scott Wall
Case Attorney:	Rob Carpenter

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 to his questions about the COVID-19 impact on emergency planning.

Background:

- On April 16, 2020, the petitioner filed a petition under 10 CFR 2.206 (ADAMS No. ML20111A334).
- 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.
- On September 29, 2020, the petition manager informed the petitioner that the PRB's 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.

Actions Completed This Quarter/Next Steps:

- On October 9, 2020, the petitioner requested a delay in scheduling a meeting with the PRB until the NRC responds to the petitioner's Freedom of Information Act request.
- On November 4, 2020, the petition manager notified the petitioner that the PRB will delay scheduling the meeting with the PRB until after the response has been issued for the Freedom of Information Act request.
- The petition manager will communicate with the petitioner regarding the Freedom of Information Act request and will work with the petitioner to establish an agreeable date and time for the meeting between the petitioner and the PRB.

OPEN PETITION UNDER CONSIDERATION
OEDO-20-00406 (Petition Age: 3 months)

Facility:	National Institute of Standards and Technology - Center for Neutron Research
Licensee Type:	Research and Test
Petitioner(s):	NIST Fraternal Order of Police Labor Committee
Date of Petition:	September 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:	December 15, 2020
Petition Manager:	Xiaoson Yin
Case Attorney:	Rob Carpenter

Issues/Actions Requested:

The petitioner requests that the NRC require that the current licensing basis for the Center for Neutron Research explicitly include "Police Officers" in all licensing requirements as a new security force would be lesser trained and would reduced force capabilities.

Actions Completed This Quarter/Next Steps:

- On September 4, 2020, the petitioner filed a petition under 10 CFR 2.206 (ADAMS No. ML20283A668).
- On November 2, 2020, the petition manager informed the petitioner that a PRB would begin its evaluation and that concerns expressed in the petition do not warrant short-term immediate action.
- On November 12, 2020, the petition manager informed the petitioner that the PRB's 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 15, 2020, the meeting scheduled with the PRB was attempted but the petitioner was not present.
The petition manager will work with the petitioner to schedule another meeting between the petitioner and the PRB.

OPEN PETITION UNDER CONSIDERATION
OEDO-20-00414 (Petition Age: 2 months)

Facility:	San Onofre Nuclear Generating Station Units 2 and 3
Licensee Type:	Decommissioning
Petitioner(s):	Public Watchdogs
Date of Petition:	October 13, 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:	December 16, 2020
Petition Manager:	Tilda Liu
Case Attorney:	Rob Carpenter

Issues/Actions Requested:

The petitioners requested that the NRC issue Demands for Information to “Southern California Edison, Holtec, and all other licensees using the Holtec UMAX storage system; and, all other Holtec systems whose licensing documents (Final Safety Analysis Reports and/or Safety Evaluation Reports) claim: “There are no credible events that could result in the release of radioactive materials from the system.””

Actions Completed This Quarter/Next Steps:

- On October 13, 2020, the petitioner filed a petition under 10 CFR 2.206 (ADAMS No. ML20294A388).
- On November 13, 2020, the petition manager informed the petitioner that concerns expressed in the petition do not warrant short-term immediate action and that the screening process is continuing.
- On December 16, 2020, the petition manager informed the petitioner that a PRB would begin its evaluation.
- A PRB is evaluating the contents of the petition for acceptability into the 2.206 petition process.

OPEN PETITION UNDER CONSIDERATION
OEDO-20-00413 (Petition Age: 2 months)

Facility:	Boiling Water Reactors (BWRs) with Mark I Containment Systems
Licensee Type:	Reactor
Petitioner(s):	Mark Leyse, Beyond Nuclear
Date of Petition:	October 16, 2020 (ADAMS No. ML20294A240)
DD to be Issued by:	Office of Nuclear Reactor Regulation
Acknowledgement Letter Issued:	Not Applicable
Closure Letter Issued:	Not Applicable
Last Contact with Petitioner:	December 31, 2020
Petition Manager:	Perry Buckberg
Case Attorney:	Rob Carpenter

Issues/Actions Requested:

The petitioner requested that the NRC order all BWRs with Mark I containment systems to cease operation until the hardened containment vent system can be replaced with a higher capacity venting system.

Actions Completed This Quarter/Next Steps:

- On October 16, 2020, the petitioner filed a petition under 10 CFR 2.206 (ADAMS No. ML20294A240).
- On October 27, 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 begin its evaluation.
- On December 18, 2020, the petition manager informed the petitioner that the PRB's 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 28, 2020, the petitioner informed the petition manager that a meeting with the PRB was desired.
- A public meeting between the petitioner and the PRB is tentatively scheduled for February 3, 2021.

OPEN PETITION UNDER CONSIDERATION
OEDO-20-00442 (Petition Age: 2 months)

Facility:	Pressurized Water Reactors (PWRs)
Licensee Type:	Reactor
Petitioner(s):	Thomas Saporito
Date of Petitions:	October 31, 2020 & November 8, 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:	December 28, 2020
Petition Manager:	Robert Kuntz
Case Attorney:	Rob Carpenter

Issues/Actions Requested:

On October 31, 2020 (ADAMS No. ML20307A664), the petitioner requested that the NRC order the shutdown of all PWRs due to faulty testing procedures of core samples, ill-advised reactor pressure vessel data applications, and wear produced by extended power uprate thermal loading.

On November 8, 2020 (ADAMS No. ML20324A227), the petitioner requested that the NRC not accept assertions regarding the Beaver Valley, Unit 2, RPV sample testing made by licensee by letter dated October 28, 2020. The petitioner also requested that the NRC issue Confirmatory Orders requiring the licensee to test Beaver Valley, Unit 2, reactor samples with a newer test apparatus and to require that the licensee identify the current apparatus.

Actions Completed This Quarter/Next Steps:

- On October 31, 2020, the petitioner filed a petition under 10 CFR 2.206.
- On November 5, 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 begin its evaluation.
- On November 19, 2020, the petition manager provided the petitioner a status update.
- On December 21, 2020, the petition manager informed the petitioner that the PRB is incorporating the November 8, 2020, Beaver Valley, Unit 2 petition evaluation into the evaluation of this PWR petition, that the PRB's initial assessment was that the petitions do not meet the MD 8.11 criteria for acceptance under 10 CFR 2.206. The petition manager offered the petitioner an opportunity to address the PRB.
- On December 28, 2020, the petitioner informed the petition manager that a meeting with the PRB was desired.
- The petition manager will work with the petitioner to establish an agreeable date and time for the meeting between the petitioner and the PRB.

OPEN PETITION UNDER CONSIDERATION
OEDO-20-00456 (Petition Age: 2 months)

Facility:	Beaver Valley, Unit 2
Licensee Type:	Reactor
Petitioner(s):	Thomas Saporito
Date of Petition:	November 8, 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:	December 21, 2020
Petition Manager:	Jenny Tobin
Case Attorney:	Rob Carpenter

Issues/Actions Requested:

The petitioner requested that the NRC not accept assertions regarding RPV sample testing made by the licensee by letter dated October 28, 2020, and that the NRC issue Confirmatory Orders requiring the licensee to test reactor samples with a newer test apparatus and require that the licensee identify the current apparatus.

Actions Completed This Quarter/Next Steps:

- On November 8, 2020, the petitioner filed a petition under 10 CFR 2.206 (ADAMS No. ML20324A227).
- On November 17, 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 begin its evaluation.
- On November 19, 2020, the petition manager provided the petitioner a status update.
- On December 21, 2020, the petition manager informed the petitioner that the PRB is incorporating this Beaver Valley, Unit 2 petition evaluation into the evaluation of the related October 31, 2020, PWR petition. The evaluation status of this petition is represented in the status of the PWR petition on page 7 (OEDO-20-00442).