



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

January 24, 2022

MEMORANDUM TO: Michael F. King, Deputy Director  
Reactor Safety Programs and Mission 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 2021 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 being evaluated 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, 2021, including their age statistics.

Enclosure:  
Quarterly 10 CFR 2.206 Status Report  
October – December 2021

cc: SECY  
EDO  
OGC  
OCA  
OPA  
OCFO

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

Quarterly Status Report of Public Petitions Submitted Under Title 10 of the  
*Code of Federal Regulations (10 CFR) Section 2.206*  
 October – December, 2021

For each open or closed petition listed below, the individual status page summarizes the issues raised by the petitioner, the background, 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 consideration by a Petition Review Board (PRB) is warranted or if the submittal will be dispositioned outside of the 10 CFR 2.206 process. If a submittal is currently being screened, it will not be included in this report. If a submittal has been screened and dispositioned outside of the 10 CFR 2.206 process, the submitter will be notified, and the submission will not be included in this report.

If PRB consideration is warranted, the petition will be referred to as an “open petition under consideration” in this report. If a PRB makes its final determination to not accept a petition for further review, the submitter will be notified, and the petition will be listed as a closed petition.

If a PRB accepts a petition for further review under 10 CFR 2.206, the petition will continue to be listed as an “open petition under consideration” 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.

Licensee/Facility	Petitioner/Ticket No.	Page
<b>PETITIONS CLOSED DURING THIS PERIOD</b>		
Fermi Unit 2	Beyond Nuclear Don't Waste Michigan OEDO-20-00148	2
<b>OPEN PETITIONS UNDER CONSIDERATION</b>		
Tetra Tech EC, Inc.	David Anton OEDO-17-00454	4
Waste Control Specialists, LLC Andrews County Texas Consolidated Interim Storage Facility (CISF)	Attorney General of New Mexico OEDO-21-00547	6

**CLOSED PETITION**  
***OEDO-20-00148 (Petition Age: 18 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:	October 4, 2021
Last Contact with Petitioner:	October 4, 2021
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 (Agencywide Documents Access and Managements System (ADAMS) Accession 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.
- 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 9, 2020, the petition manager notified the petitioner that the PRB agreed to delay scheduling the meeting with the PRB until after the response has been issued for the Freedom of Information Act request.
- On July 12, 2021, after confirming that the petitioner had received over 1300 pages of information through the Freedom of Information Act request since November 9, 2020, the petition manager contacted the petitioner to offer another opportunity to address the PRB. The petition manager reminded the petitioner of the September 2020 PRB initial assessment to not accept the petition for review. The petition manager requested a response by July 26, 2021.

- On July 27, 2021, after receiving no response from the petitioner regarding the opportunity to address the PRB, the petition manager informed the petitioner that the PRB would be moving ahead with its final determination regarding acceptance or nonacceptance of the petition for review.

Actions Completed This Quarter/Next Steps:

- On October 4, 2021, a closure letter (ADAMS Accession No. ML21216A118) was issued stating that the petition does not meet the criteria for consideration under 10 CFR 2.206. All actions on this petition are completed.

**OPEN PETITION UNDER CONSIDERATION**  
***OEDO-17-00454 (Petition Age: 54 months)***

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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
Acknowledgment Letter Issued:	Not Applicable
Closure Letter Issued:	Not Applicable
Last Contact with Petitioner:	December 3, 2021
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 (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, "Review Process for 10 CFR 2.206 Petitions" 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, August 24, 2020, and December 21, 2020, the petition manager informed the petitioner that the 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.
- On May 7, 2021, and September 7, 2021, the petition manager informed the petitioner that the 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 3, 2021, the petition manager informed the petitioner that the 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 check for updates regarding the civil complaint. The petition manager will inform the petitioner if any emergent petition-related activity occurs and will inform the petitioner whether or not there is a change to the abeyance status of the petition.

**OPEN PETITION UNDER CONSIDERATION**  
***OEDO-21-00547 (Petition Age: 1 month)***

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Facility:	Waste Control Specialists (WCS), LLC Andrews County Texas CISF
Licensee Type:	Materials
Petitioner(s):	Attorney General of New Mexico
Date of Petition:	December 20, 2021
DD to be Issued by:	Office of Nuclear Material Safety and Safeguards
Acknowledgment Letter Issued:	Not Applicable
Closure Letter Issued:	Not Applicable
Last Contact with Petitioner:	December 27, 2021
Petition Manager:	Perry Buckberg
Case Attorney:	Rob Carpenter

Issues/Actions Requested:

The petitioner requests that the NRC revoke the materials license for the WCS Andrews County site due to their concerns that the NRC did not adequately consider the affects this site will have on the state of New Mexico.

Actions Completed This Quarter/Next Steps:

- On December 20, 2021, the petitioner filed a petition for enforcement action under 10 CFR 2.206 (ADAMS Accession No. ML21362A429).
- On December 27, 2021 (ADAMS Accession No. ML22003A045), 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 of the petition.
- The PRB is evaluating the petition in accordance with MD 8.11 Section III.C to determine if it should be accepted into the 10 CFR 2.206 process.

SUBJECT: QUARTERLY OCTOBER – DECEMBER 2021 REPORT ON THE STATUS OF PUBLIC PETITIONS SUBMITTED UNDER TITLE 10 OF THE *CODE OF FEDERAL REGULATIONS*, SECTION 2.206 (CAC NO. TM3058) DATED JANUARY 24, 2022

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**ADAMS Accession No. ML22006A338**

OFFICE	NRR/DORL/LPL4/PM	NRR/DORL/LPL2-2/LA	NRR/DORL/LPL2-2/BC	NRR/DORL/DD
NAME	PBuckberg	RButler	DWrona	CCarusone
DATE	1/11/2022	1/10/2022	1/14/2022	1/24/2022

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