



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

April 19, 2023

MEMORANDUM TO: Michael F. King, Deputy Director
Reactor Safety Programs and Mission Support
Office of Nuclear Reactor Regulation

FROM: Jamie Heisserer, Deputy Director
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

SUBJECT: 200700062 - QUARTERLY JANUARY – MARCH 2023 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 January 1 through March 31, 2023, including their age statistics.

Enclosure:
Quarterly 10 CFR 2.206 Status Report
January – March 2023

cc: SECY
EDO
OGC
OCA
OPA
OCFO

CONTACT: Perry H. 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
 January – March 2023

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
PETITIONS CLOSED DURING THIS PERIOD		
NextEra Energy/Seabrook Station	C-10 Research & Education Foundation OEDO-22-00419	2
OPEN PETITIONS UNDER CONSIDERATION		
Tetra Tech EC, Inc.	David Anton OEDO-17-00454	3
All Licensees	Mark Leyse OEDO-23-00103	5

CLOSED PETITION
OEDO-21-00547 (Petition Age: 5 months)

Facility:	Seabrook Station
Licensee Type:	Power
Petitioner(s):	C-10 Research & Education Foundation
Date of Petition:	October 4, 2022
DD to be Issued by:	Office of Nuclear Reactor Regulation
Acknowledgment Letter Issued:	Not Applicable
Closure Letter Issued:	Not Applicable
Last Contact with Petitioner:	March 3, 2023
Petition Manager:	James Kim
Case Attorney:	Sara Kirkwood

Issues/Actions Requested:

The petitioner requested that the NRC issue an Order to NextEra seeking to hasten its compliance with the regulatory requirements related to Seabrook Station concrete degradation, the NRC's license amendment dated March 11, 2019, and the renewal of the operating license dated March 12, 2019.

Background:

- On October 4, 2022, the petitioner filed a petition for enforcement action under 10 CFR 2.206 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML22278A133).
- On October 13, 2022 (ML22287A147), 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.
- On November 17, 2022 (ML22321A252), 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 14, 2022, the petitioner addressed the PRB in a public meeting and provided written supplements to the petition (ML22350A103 and ML22349A106). The meeting transcript is also considered a supplement to the petition (ML23009B136).

Actions Completed This Quarter/Next Steps:

- On March 3, 2023, a closure letter (ML23020A100) 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: 69 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
Acknowledgment Letter Issued:	Not Applicable
Closure Letter Issued:	Not Applicable
Last Contact with Petitioner:	March 6, 2023
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. (Tetra Tech), 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 (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 (ML18212A267).
- 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 (ML18299A174).
- 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 via telephone that the PRB's initial determination was to reject the petition (ML19057A539). 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 (ML19196A076). 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 (ML19226A211).
- 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 (ML19309F257).
- 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, September 7, 2021, December 3, 2021, February 28, 2022, June 6, 2022, September 6, 2022, and December 2, 2022, 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 March 6, 2023, 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-23-00103 (Petition Age: 1 month)

Facility:	All NRC Licensees with Spent Fuel Pools
Licensee Type:	Power
Petitioner(s):	Mark Leyse
Date of Petition:	February 28, 2023
DD to be Issued by:	Office of Nuclear Reactor Regulation
Acknowledgment Letter Issued:	Not Applicable
Closure Letter Issued:	Not Applicable
Last Contact with Petitioner:	March 31, 2023
Petition Manager:	Natreon Jordan
Case Attorney:	Robert Carpenter

Issues/Actions Requested:

The petitioner requested the NRC order licensees to promptly transfer all sufficiently cooled spent fuel assemblies from spent fuel pools to dry cask storage as a means to reduce the likelihood of zirconium fires when spent fuel pool water levels are low.

Actions Completed This Quarter/Next Steps:

- On February 28, 2023, the petitioner filed a petition for enforcement action under 10 CFR 2.206 (ML23061A054).
- On March 14, 2023 (ML23074A279), 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.
- On March 26, 2023, the petitioner submitted a supplement (ML23087A167) to the original petition.
- On March 31, 2023, the NRC staff acknowledged receipt of the supplement, responded to the petitioner question regarding immediate action determinations, and stated that the supplement will be evaluated with the original petition (ML23090A158).
- 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.

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ADAMS Accession No. ML23094A122

OFFICE	NRR/DORL/LPL4/PM	NRR/DORL/LPL2-2/LA	NRR/DORL/LPL2-2/BC	NRR/DORL/DD
NAME	PBuckberg	RButler	DWrona	JHeisserer
DATE	4/10/2023	4/7/2023	4/17/2023	4/19/2023

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