



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

July 19, 2023

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

FROM: Jamie M. Heisserer, Deputy Director **/RA/**
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

SUBJECT: 200700062 - QUARTERLY APRIL – JUNE 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 April 1 through June 30, 2023, including their age statistics.

Enclosure:
Quarterly 10 CFR 2.206 Status Report
April – June 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
April – June 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		
Tetra Tech EC, Inc.	David Anton OEDO-17-00454	2
OPEN PETITIONS UNDER CONSIDERATION		
All Licensees	Mark Leyse OEDO-23-00103	4

CLOSED PETITION
OEDO 17 00454 (Petition Age: 72 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:	June 26, 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 (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 (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, December 2, 2022, and 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.

Actions Completed This Quarter/Next Steps:

- On June 26, 2023, a closure letter (ML19101A254) was issued stating that the NRC has determined it may reassess the petition although the civil case is ongoing and that the PRB determined 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-23-00103 (Petition Age: 4 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:	June 27, 2023
Petition Manager:	Perry Buckberg
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.

Background:

- 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).

Actions Completed This Quarter/Next Steps:

- On April 18, 2023, the petitioner submitted a supplement (ML23087A167) to the original petition.
- On April 21, 2023, the NRC staff acknowledged receipt of the supplement, stated that the supplement will be evaluated with the original petition, and stated that PRB evaluation of the petition for acceptance is ongoing (ML23090A158).
- On May 11, 2023, June 6, 2023, and June 27, 2023, the petition manager informed the petitioner that the PRB was still performing its initial evaluation of the petition.
- The PRB continues to evaluate 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. ML23184A140

OFFICE	NRR/DORL/LPL4/PM	NRR/DORL/LPL2-2/LA	NRR/DORL/LPL2-2/BC	NRR/DORL/DD
NAME	PBuckberg	RButler	DWrona	JHeisserer
DATE	7/3/2023	7/6/2023	7/10/2023	7/19/2023

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