



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

January 26, 2024

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

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

SUBJECT: 200700062 - QUARTERLY OCTOBER - DECEMBER 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 October 1 through December 31, 2023, including their age statistics.

Enclosure:  
Quarterly 10 CFR 2.206 Status Report  
October – December 2023

cc: SECY  
EDO  
OGC  
OCA  
OPA  
OCFO

CONTACT: Daniel G. King, NRR/DORL  
301-415-1233

Quarterly Status Report of Public Petitions Submitted Under Title 10 of the  
*Code of Federal Regulations* (10 CFR), Section 2.206  
October – December 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
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Turkey Point Nuclear Plant Units 3 and 4 and all Pressurized Water Reactors with Renewed Facility Operating Licenses or Under Review	Thomas Saporito LTR-23-0216-1	4
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## **CLOSED PETITION**

***OEDO-23-00103 (Petition Age: 9 months)***

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Facility:	All NRC Licensees with Spent Fuel Pools
Licensee Type:	Power
Petitioner(s):	Mark Leyse
Date of Petition:	February 28, 2023
DD may be Issued by:	Office of Nuclear Reactor Regulation
Acknowledgment Letter Issued:	Not Applicable
Closure Letter Issued:	November 29, 2023
Last Contact with Petitioner:	November 29, 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).
- On April 18, 2023, the petitioner submitted a supplement (ML23087A167) to the original petition.
- 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.
- On July 21, 2023 (ML23202A067), 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 September 12, 2023, the petitioner addressed the PRB in a public meeting and provided written supplements to the petition (ML23256A313). The meeting transcript is also considered a supplement to the petition (ML23258A163).

Actions Completed This Quarter/Next Steps:

- On November 29, 2023, a closure letter (ML23284A171) 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**  
***LTR-23-0216-1 (Petition Age: 3 months)***

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Facility:	Turkey Point Nuclear Plant Units 3 and 4 (Turkey Point) and all Pressurized Water Reactors (PWR) with Renewed Facility Operating Licenses (RFOL) or Under with RFOL Applications Under Review
Licensee Type:	Power
Petitioner(s):	Thomas Saporito
Date of Petition:	September 17, 2023
DD may be Issued by:	Office of Nuclear Reactor Regulation
Acknowledgment Letter Issued:	Not Applicable
Closure Letter Issued:	Not Applicable
Last Contact with Petitioner:	December 19, 2023
Petition Manager:	Perry Buckberg
Case Attorney:	Robert Carpenter

Issues/Actions Requested:

The petitioner requested that the NRC deny the Subsequent License Renewal (SLR) for Turkey Point because of the claim that the Reactor Pressure Vessel (RPV) condition has not been adequately assessed for the subsequent period of extended operation. Also, that all PWRs operating under a RFOL be shut down until licensees can effectively test their RPVs consistent with the petitioner's methods. Also, to require all RFOL PWR applicants to assess RPVs consistent with the petitioner's methods.

Actions Completed This Quarter/Next Steps:

- On September 17, 2023, the petitioner filed a petition for enforcement action under 10 CFR 2.206 (ML23262A760).
- On October 23, 2023, the portion of the petition related to assessing Turkey Point reactor pressure vessel (RPV) integrity for the subsequent period of extended operation was screened into the 10 CFR 2.206 process (ML23296A222).
- On November 3, 2023, 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 (ML23307A238) in a public meeting.
- On November 4, 2023, the petitioner submitted an amendment to the original petition (ML23310A134).
- On November 30, 2023, the petitioner addressed the PRB in a public meeting. The meeting transcript is also considered a supplement to the petition (ML23339A188).
- The PRB will continue to evaluate the petition, as amended, in accordance with MD 8.11 Section III.C to determine if it should be accepted into the 10 CFR 2.206 process.

**OPEN PETITION UNDER CONSIDERATION**  
***OEDO-23-00311 (Petition Age: 4 month)***

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Facility:	All NRC Licensees
Licensee Type:	Power
Petitioner(s):	Thomas Saporito
Date of Petition:	August 27, 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:	December 1, 2023
Petition Manager:	James Kim
Case Attorney:	Robert Carpenter

Issues/Actions Requested:

The petitioner requested the NRC take enforcement action against all licensees of commercial boiling water reactors and pressurized water reactors including specific actions against licensees of the AP1000 reactors.

Background:

- On August 27, 2023, the petitioner filed a petition for enforcement action under 10 CFR 2.206 (ML23264A854).

Actions Completed This Quarter/Next Steps:

- On October 25, 2023 (ML23307A069), 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 30, 2023, 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 (ML23334A199) in a public meeting.
- On December 1, 2023, Mr. Saporito declined the offer to meet with the PRB and, therefore, withdrew concerns expressed in the petition from the 2.206 process (ML23335A109).
- A closure letter is being drafted to summarize the PRB evaluation and petitioner interactions and will need to be concurred by appropriate NRC staff before being issued.

**OPEN PETITION UNDER CONSIDERATION**  
***OEDO-23-00350 (Petition Age: 4 month)***

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Facility:	Diablo Canyon Unit 1 (Diablo)
Licensee Type:	Power
Petitioner(s):	San Luis Obispo Mothers for Peace and Friends of the Earth
Date of Petition:	September 14, 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:	December 12, 2023
Petition Manager:	Natreon Jordan
Case Attorney:	Robert Carpenter

Issues/Actions Requested:

The petitioner requested that the NRC take enforcement action against Pacific Gas and Electric Co. by ordering immediate closure of Diablo Canyon pending the completion of a series of remedial actions.

Background:

- On September 14, 2023, the petitioner filed a request for hearing under 10 CFR 2.309 (ML23257A302).
- On September 25, 2023, the request was referred to the 10 CFR 2.206 process, by the NRC Office of General Counsel (OGC).

Actions Completed This Quarter/Next Steps:

- On October 6, 2023, the petition was assigned to the Office of Nuclear Reactor Regulation, via ticket OEDO-23-0350.
- On November 6, 2023, 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 (ML23335A101).
- 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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STATUS OF PUBLIC PETITIONS SUBMITTED UNDER TITLE 10 OF THE  
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DATED JANUARY 26, 2024

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**ADAMS Accession No. ML24010A112**

OFFICE	NRR/DORL/LLPB/PM	NRR/DORL/LPL2-2/LA	NRR/DORL/LPL2-2/BC	NRR/DORL/DD
NAME	DKing	RButler	DWrona	JHeisserer
DATE	1/10/2024	1/16/2024	1/22/2024	1/26/2024

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