



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

July 19, 2024

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

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

A handwritten signature in cursive script, appearing to read "Jamie Pelton".

Signed by Pelton, Jamie
on 07/19/24

SUBJECT: 200700062 - QUARTERLY APRIL – JUNE 2024 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, 2024, including their age statistics.

Enclosure:
Quarterly 10 CFR 2.206 Status Report
April – June 2024

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
 April – June 2024

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		
Diablo Canyon Nuclear Power Plant, Unit 1	San Luis Obispo Mothers for Peace and Friends of the Earth OEDO-23-00350	2
OPEN PETITIONS UNDER CONSIDERATION		
Holtec	Beyond Nuclear, Michigan Safe Energy Future, and Don’t Waste Michigan OEDO-24-00011	3
Diablo Canyon Nuclear Power Plant, Units 1 and 2	San Luis Obispo Mothers for Peace, Friends of the Earth, and Environmental Working Group OEDO-24-00083	5

CLOSED PETITION

OEDO-23-00350 (Petition Age: 9 months)

Facility:	Diablo Canyon Nuclear Power Plant, 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:	June 18, 2024
Last Contact with Petitioner:	June 18, 2024
Petition Manager:	Natreon Jordan
Case Attorney:	Robert Carpenter

Issues/Actions Requested:

The petitioners requested that the NRC take enforcement action against Pacific Gas and Electric Co. by ordering immediate closure of Diablo Canyon Nuclear Power Plant, Unit 1 pending the completion of a series of remedial actions to assess reactor pressure vessel embrittlement.

Background:

- On September 14, 2023, the petitioners filed a request for hearing under 10 CFR 2.309, "Hearing requests, petitions to intervene, requirements for standing, and contentions" (ML23257A302).
- On October 2, 2023, the request was referred to the 10 CFR 2.206 process, by the NRC Office of the Secretary (SECY) (ML23275A225).
- On October 6, 2023, the petition was assigned to the Office of Nuclear Reactor Regulation, via ticket OEDO-23-00350.
- On November 6, 2023, the petition manager informed the petitioners that the NRC had determined that immediate action was not warranted. The petition manager informed the petitioners that a PRB would begin its evaluation of the petition (ML23335A101).
- On March 8, 2024 (ML23334A199), the petition manager informed the petitioners 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 and offered the petitioners an opportunity to address the PRB in a public meeting.
- On March 19, 2024, the petitioners requested additional time to consider the public meeting offer.

Actions Completed This Quarter/Next Steps:

- On April 29, 2024, the petitioner addressed the PRB in a public meeting. The meeting transcript (ML24132A002) is considered a supplement to the petition.
- On June 18, 2024, a closure letter (ML24155A218) 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-24-00011 (Petition Age: 7 months)

Facility:	Holtec
Licensee Type:	Power
Petitioner(s):	Beyond Nuclear, Michigan Safe Energy Future, and Don't Waste Michigan
Date of Petition:	December 5, 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 4, 2024
Petition Manager:	James Kim
Case Attorney:	Robert Carpenter

Issues/Actions Requested:

The petitioners requested that the NRC take enforcement action against Holtec Palisades LLC and Holtec Decommissioning International (Holtec) alleging that Holtec misused decommissioning funds at the Palisades Nuclear Plant.

Background:

- On December 5, 2023, the petitioners filed a request for hearing under 10 CFR 2.309 (ML23339A192).
- On December 18, 2024, the request was referred to the 10 CFR 2.206 process, by the SECY (ML23352A325).
- On January 16, 2024, the petition was assigned to the Office of Nuclear Reactor Regulation, via ticket OEDO-24-00011.
- On February 1, 2024, the petition manager informed the petitioners that the NRC had determined that immediate action was not warranted. The petition manager also informed the petitioners that the contention regarding the misuse of decommissioning funding had screened into the 2.206 process (ML24032A244).
- On February 15, 2024, the petition manager provided a status update to the petitioners.
- On February 29, 2024 (ML24061A014), the petition manager informed the petitioners 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 and offered the petitioners an opportunity to address the PRB in a public meeting.
- On March 20, 2024, the petitioners agreed to hold a public meeting on April 10, 2024 (ML24085A152).

Actions Completed This Quarter/Next Steps:

- On April 10, 2024, the petitioner addressed the PRB in a public meeting. The meeting transcript (ML24114A016) is considered a supplement to the petition.
- On May 15, 2024, the petition manager informed the petitioner (ML24170A881) that the 2023 decommissioning funding misuse concern expressed during the April 10, 2024, public meeting is being accepted into the 2.206 process and will be held in abeyance (MD 8.11, Section III.C.3) pending the outcome of the NRC staff review.

- On June 4, 2024, the petition manager sent a status update to the petitioner.
- The PRB will continue to evaluate the petition in accordance with MD 8.11 and the petition manager will inform the petitioner if any emergent petition-related activity occurs.

OPEN PETITION UNDER CONSIDERATION
OEDO-24-00083 (Petition Age: 4 months)

Facility:	Diablo Canyon Nuclear Power Plant, Unit 1 and Unit 2
Licensee Type:	Power
Petitioner(s):	San Luis Obispo Mothers for Peace, Friends of the Earth, and Environmental Working Group
Date of Petition:	March 4, 2024
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 22, 2024
Petition Manager:	Perry Buckberg
Case Attorney:	Robert Carpenter

Issues/Actions Requested:

The petitioners requested that the NRC take enforcement action against Pacific Gas and Electric Co. by ordering immediate closure of Diablo Canyon Nuclear Power Plant, Units 1 and 2, due to the assertion that there is unacceptable risk of a seismically induced severe accident.

Background:

- On March 4, 2024, the petitioners submitted a petition to the NRC (ML24067A066).
- On March 12, 2024, the petition was referred to the 10 CFR 2.206 process, by the SECY (ML24072A529).
- On March 14, 2024, the petition was assigned to the Office of Nuclear Reactor Regulation, via ticket OEDO-24-00083.
- On March 28, 2024, the petition manager informed the petitioners that the NRC had determined that immediate action was not warranted. The petition manager informed the petitioners that a PRB would begin its evaluation of the petition (ML24088A238).

Actions Completed This Quarter/Next Steps:

- On April 11 and May 9, 2024, the petition manager sent the petitioners status updates.
- On May 15, 2024 (ML24136A162), the petition manager informed the petitioners 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 and offered the petitioners an opportunity to address the PRB in a public meeting.
- On June 7, 2024, the petitioners supplemented the petition (ML24162A079) in response to the May 15, 2024, initial assessment.
- The PRB will continue 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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