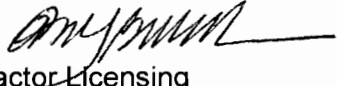




UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

January 30, 2017

MEMORANDUM TO: Michele G. Evans, Deputy Director for
Reactor Safety Programs and Corporate Support
Office of Nuclear Reactor Regulation

FROM: Anne T. Boland, Director 
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

SUBJECT: QUARTERLY OCTOBER-DECEMBER 2016 REPORT ON THE
STATUS OF PUBLIC PETITIONS UNDER TITLE 10 OF THE CODE
OF FEDERAL REGULATIONS, SECTION 2.206

This memorandum transmits the report giving the status of petitions submitted 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, 2016, including their age statistics. The report also provides the status of incoming letters that the U.S. Nuclear Regulatory Commission staff is evaluating to determine whether the letters meet the criteria for review under the 10 CFR 2.206 process.

Enclosure:
Quarterly 10 CFR 2.206 Status Report

cc: SECY
EDO
OGC
OCA
OPA
CFO

CONTACT: Merrilee J. Banic, NRR/DORL
301-415-2771

Quarterly 10 CFR 2.206 Status Report

For each petition listed below, the individual status page summarizes the issues raised by the petitioner, the current status, and the next steps.

When a petition is received, it is reviewed against criteria to determine if it should be accepted for evaluation or rejected. A petition undergoing this review is referred to as a petition under consideration. If a petition has been accepted for further evaluation, it is considered an open petition until the staff formally grants or denies the requested action in a Director's Decision (DD), when it is considered a closed petition. Before issuing a final DD, the NRC issues a proposed DD offering the petitioner and licensee an opportunity to comment. Rejection of a petition is communicated in a closure letter, which is also considered a closed petition.

Licensee/Facility	PETITIONER/EDO No.	Page
PETITIONS CLOSED DURING THIS PERIOD		
No petitions were closed this period	N/A	N/A
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Entergy Nuclear FitzPatrick, LLC James A. FitzPatrick Nuclear Power Plant	Beyond Nuclear, et al. G20120172	7
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OPEN PETITION

OEDO-15-00479 (Petition Age: 18 months)

Facility:	Pilgrim Nuclear Power Station
Licensee Type:	Reactor
Petitioner(s):	David Lochbaum, Union of Concerned Scientists
Date of Petition:	June 24, 2015
DD to be Issued by:	Office of Nuclear Reactor Regulation
Proposed DD Issued:	Not Applicable
Final DD Issued:	Not Applicable
Last Contact with Petitioner:	December 6, 2016
Petition Manager:	Booma Venkataraman
Case Attorney:	Robert Carpenter

Issues/Actions Requested:

The petitioner requested that NRC take enforcement action to require that the current licensing basis for Pilgrim explicitly include flooding caused by local intense precipitation events or probable maximum precipitation events. The petitioner cited a letter dated March 12, 2015, from Entergy Nuclear Operations, Inc. (the licensee), to NRC, which contained a flood re-evaluation report in response to NRC's 50.54(f) letter, dated March 12, 2012, to satisfy one of NRC's post-Fukushima mandates.

Background:

- On June 24, 2015, the petitioner filed a petition for an enforcement action under 10 CFR 2.206.
- For a complete summary of NRC actions through December 2015, see the October-December 2015 10 CFR 2.206 status report (ADAMS Accession No. ML16007A313).
- On February 11, 2016, the NRC issued an acknowledgement letter (ADAMS Accession No. ML15356A735) accepting the petition for review.
- On April 8, June 6, and August 8, 2016, the petition manager informed the petitioner that his petition was still under review.
- On August 8, 2016, the petitioner requested clarification on the staff interim position on the flooding hazard re-evaluation submitted for Pilgrim.
- On August 16, 2016, the NRC responded to the petitioner's request for clarification by e-mail (ADAMS Accession No. ML1616229A525), consistent with Management Directive 8.11, "Review Process for 10 CFR 2.206 Petitions," Handbook 8.11, Part III, (H).
- On August 18, 2016, the licensee proposed commitment changes and requested deferral of actions related to beyond-design-basis external events for flooding at Pilgrim (ADAMS Accession No. ML16250A018).

Actions Completed This Quarter/Next Steps:

- On October 25, 2016, the OEDO approved an extension until May 31, 2017, for the staff to review the commitment changes and requested deferral of actions mentioned above and to issue a proposed DD.
- On December 6, 2016, the petition manager informed the petitioner that his petition was still under review.
- The next step is to issue a proposed DD.

OPEN PETITION

OEDO-16-00104 (Petition Age: 10 months)

Facility:	All operating reactor licensees
Licensee Type:	Reactor
Petitioner(s):	Roy Mathew, et al.
Date of Petition:	February 19, 2016
DD to be Issued by:	Office of Nuclear Reactor Regulation
Proposed DD Issued:	Not Applicable
Final DD Issued:	Not Applicable
Last Contact with Petitioner:	November 15, 2016
Petition Manager:	Tanya Mensah
Case Attorney:	David Cylkowski

Issues/Actions Requested:

The petitioners requested that either (1) the NRC issue orders that require immediate corrective actions, including compensatory measures to address the operability of electric power systems in accordance with their plant technical specifications, and to implement plant modifications in accordance with current NRC regulatory requirements and staff guidance, or (2) issue orders to immediately shut down the nuclear power plants that are operating without addressing the significant design deficiency identified in NRC Bulletin 2012-01, "Design Vulnerability in Electric Power System" (ADAMS Accession No. ML12074A115), contending that licensees are not in compliance with their Technical Specification 3.8.1 (typical) requirements related to on-site and off-site power systems.

Background:

- On February 19, 2016, the petitioners filed a petition for an enforcement action under 10 CFR 2.206.
- On February 24, 2016, the petition manager acknowledged receipt of the petition, and offered the petitioners an opportunity to address the Petition Review Board (PRB), which the petitioners declined.
- On March 14, 2016, the PRB met to determine whether there was a need to take immediate actions, and to make an initial recommendation on the petition.
- On March 15, 2016, the petition manager informed the petitioners of the PRB's decision to deny the request for immediate action, and the PRB's initial recommendation to accept the petition for review. The petitioners declined a second opportunity to address the PRB, on the basis that the petition contained all of the relevant facts.
- On March 21, 2016, the NRC issued a letter to the petitioner (ADAMS Accession No. ML16069A214) denying the request for immediate action, and accepting the petition.
- On June 24, 2016, the petition manager informed the petitioners that the petition was still under review and that the next step would be to issue the proposed DD.

Actions Completed This Quarter/Next Steps:

- On November 15, 2016, the OEDO approved an extension request to issue a proposed DD by March 17, 2017, because the NRC is reviewing the policy matters associated with the petitioners' concerns in SECY 16-0068 (ADAMS Accession No. ML003763736).
- On November 15, 2016, the petition manager informed the petitioner that the OEDO had approved an extension until March 17, 2017, to issue the proposed DD.
- The next step is to complete the evaluation and the proposed DD.

OPEN PETITION

CLI-15-14 (Petition Age: 20 months)

Facility:	Diablo Canyon Nuclear Power Plant, Units 1 and 2
Licensee Type:	Reactor
Petitioner(s):	Friends of the Earth
Date of Petition:	May 21, 2015
DD to be Issued by:	Office of Nuclear Reactor Regulation
Proposed DD Issued:	Not Applicable
Final DD Issued:	Not Applicable
Last Contact with Petitioner:	August 18, 2016
Petition Manager:	Lisa Regner and Margaret Watford
Case Attorney:	Emily Monteith

Issues/Actions Requested:

The petition was referred to the 10 CFR 2.206 process by the Commission. The petitioners claim that the NRC is allowing the licensee to operate Diablo Canyon outside of the plant's licensing basis with respect to the analysis of new seismic data following discovery of the Shoreline Fault in 2008.

Background:

- On May 21, 2015, the Commission referred, in part, by way of SECY-15-0028, "Pacific Gas and Electric Company (Diablo Canyon Power Plant Units 1 and 2), Petition to Intervene and Request for Hearing by Friends of the Earth," to the OEDO for consideration under the 10 CFR 2.206 process.
- For a complete summary of NRC actions through March 2016, see the January-March 2016 10 CFR 2.206 status report (ADAMS Accession No. ML16007A313).
- On April 14, 2016, the NRC issued an acknowledgement letter to the petitioner accepting the petition for review (ADAMS Accession No. ML16084A717).
- On June 21, 2016, the PRB met to review a summary of the petitioner's concerns and the preliminary resolution for the proposed DD.
- On June 21, 2016, the licensee announced that it had reached an agreement with several groups, including Friends of the Earth, to discontinue seeking license renewal and to shut down both units by 2025.
- On July 20, 2016, the petitioner's legal representatives informed the NRC that they did not intend to withdraw the petition, despite the news of the licensee's shutting down in 2025.
- On August 2, 2016, the OEDO approved an extension until January 31, 2017, to issue a proposed DD.
- On August 18, 2016, the petitioner was informed that the petition was still under review.

Actions Completed This Quarter/Next Steps:

- On December 1, 2016, the PRB met to discuss a proposed DD.
- The next step is to issue a proposed DD.

OPEN PETITION
OEDO-16-00411 (Petition Age: 6 months)

Facility:	Indian Point Nuclear Generating Units 2 and 3
Licensee Type:	Reactor
Petitioner(s):	David Lochbaum, Union of Concerned Scientists
Date of Petition:	June 30, 2016
DD to be Issued by:	Office of Nuclear Reactor Regulation
Proposed DD Issued:	Not Applicable
Final DD Issued:	Not Applicable
Last Contact with Petitioner:	September 7, 2016
Petition Manager:	Douglas Pickett
Case Attorney:	Christopher Hair

Issues/Actions Requested:

Citing the discovery of unexpected degradation of the baffle-former bolts at the Indian Point Nuclear Generating Unit 2, the petitioner requested that NRC issue an order requiring the licensee to inspect the baffle bolts and to install the down-flow to up-flow modifications on Unit 2 during its next refueling outage, issue a demand for information requiring the licensee to submit an operability determination regarding continued operation of Unit 3 until its baffle bolts can be inspected per the Materials Reliability Program 227-A, and issue a demand for information requiring the licensee to submit an evaluation of the performance, role, and operating experience of the metal impact monitoring system in detecting and responding to indications of loose parts, such as broken baffle bolts, within the reactor coolant system.

Background:

- On June 30, 2016, the petitioners filed a petition for an enforcement action under 10 CFR 2.206.
- On June 30, 2016, the petition manager acknowledged receipt of the petition and offered the petitioner an opportunity to address the PRB.
- On July 28, 2016 the petitioner addressed the PRB by teleconference.
- On August 4, 2016, the PRB met to make an initial recommendation regarding the petition. The decision was to accept it for review.
- On August 4, 2016, the petition manager informed the petitioner that the petition was being accepted for review and offered a second opportunity to address the PRB. The petitioner declined the offer.
- On September 7, 2016, an acknowledgement letter (ADAMS Accession No. ML16231A140) was issued to the petitioner accepting the petition for review.

Actions Completed This Quarter/Next Steps:

- The next step is to issue the proposed DD.

OPEN PETITION

OEDO-16-00436 (Petition Age: 6 months)

Facility:	Diablo Canyon Nuclear Power Plant, Units 1 and 2
Licensee Type:	Reactor
Petitioner(s):	David Lochbaum, Union of Concerned Scientists
Date of Petition:	July 14, 2016
DD to be Issued by:	Office of Nuclear Reactor Regulation
Proposed DD Issued:	Not Applicable
Final DD Issued:	Not Applicable
Last Contact with Petitioner:	November 9, 2016
Petition Manager:	Margaret Watford
Case Attorney:	Robert Carpenter

Issues/Actions Requested:

The petitioner requested that the NRC "issue a Demand for Information pursuant to 10 CFR 2.204 to PG&E requiring the company to provide the NRC with a written explanation as to why its June 17, 2015, license amendment request failed to provide complete and accurate information needed by the NRC staff to complete its review and the measures it will implement so as to comply with 10 CFR 50.9 in future submittals to the NRC."

Background:

- On July 14, 2016, the petitioners filed a petition for an enforcement action under 10 CFR 2.206.
- On July 19, 2016, the petition manager acknowledged receipt of the petition and offered the petitioner an opportunity to address the PRB.
- On August 2, 2016, the petitioner addressed the PRB by teleconference.
- On August 8, 2016, the OEDO approved an extension until November 11, 2016, to issue a letter to the petitioner.
- On August 12 and 23, 2016, the PRB met to make an initial recommendation, which was to accept the petition for review.
- On September 13, 2016, the petition manager informed the petitioner of the initial recommendation to accept the petition and offered the petitioner a second opportunity to address the PRB.

Actions Completed This Quarter/Next Steps:

- On November 9, 2016, the NRC issued an acknowledgement letter (ADAMS Accession No. ML16285A220) to the petitioner accepting the petition for review.
- The next step is to prepare a proposed DD.

OPEN PETITION UNDER CONSIDERATION
EDO # G20120172 (Petition Age: 58 months)

Facility:	James A. FitzPatrick Nuclear Power Plant
Licensee Type:	Reactor
Petitioner(s):	Beyond Nuclear, et al.
Date of Petition:	March 9, 2012
DD to be Issued by:	Office of Nuclear Reactor Regulation
Acknowledgement Letter Issued:	Not Applicable
Closure Letter Issued:	Not Applicable
Last Contact with Petitioner:	November 29, 2016
Petition Manager:	Booma Venkataraman
Case Attorney:	Daniel Straus

Issues/Actions Requested:

The joint petitioners requested that the FitzPatrick operating license be immediately suspended because they believe the operators relied on non-conservative and wrong assumptions for the analysis of the capability of FitzPatrick's pre-existing ductwork containment vent system. The joint petitioners requested that the suspension of the operating license be in effect pending final resolution of a public challenge to the adequacy of the pre-existing vent line in light of the Fukushima Dai-ichi nuclear accident. The joint petitioners did not seek or request that FitzPatrick operators now install the Direct Torus Vent System since it was demonstrated to have experienced multiple failures to mitigate the severe nuclear accidents at Fukushima Dai-ichi.

Background:

- On March 9, 2012, the petitioners filed a petition for an enforcement action under 10 CFR 2.206.
- For a complete summary of NRC actions through December 2015, see the October-December 2015 10 CFR 2.206 status report (ADAMS Accession No. ML16007A313).
- On May 26, 2016, the petition manager informed the petitioners that the petition was still under review.
- On July 20, 2016, the PRB met to discuss the agency's resolution of issues relating to the petition.
- On July 26 and September 23, 2016, the petition manager informed the petitioners that the petition was still under review.

Actions Completed This Quarter/Next Steps:

- On October 17, 2016, the petition manager informed the petitioners of the PRB's revised initial recommendation to reject the petition because the concerns have already been subject to NRC review and evaluation. The petition manager also offered the petitioner another opportunity to address the PRB.
- On November 29, 2016, the petitioner informed the petition manager that it would not address the PRB.
- The next step is to develop a closure letter to the petitioner.

OPEN PETITION UNDER CONSIDERATION
LTR-16-0160 (Petition Age: 9 months)

Facility:	Turkey Point Nuclear Generating Units 3 and 4
Licensee Type:	Reactor
Petitioner(s):	Thomas Saporito
Date of Petition:	March 23, 2016
DD to be Issued by:	Office of Nuclear Reactor Regulation
Acknowledgement Letter Issued:	Not Applicable
Closure Letter Issued:	Not Applicable
Last Contact with Petitioner:	December 1, 2016
Petition Manager:	Audrey Klett
Case Attorney:	Matthew Ring

Issues/Actions Requested:

The petitioner requested that the NRC take escalated enforcement action and issue a confirmatory order to take Turkey Point to a cold-shutdown mode of operation until the licensee meets the conditions outlined in the petition concerning the discharge of radioactive isotopes and other contaminants into the surrounding environment.

Background:

- On March 23, 2016, the petitioner filed a petition for an enforcement action under 10 CFR 2.206.
- For a complete summary of NRC actions through June 2016, see the April-June 2016 10 CFR 2.206 status report (ADAMS Accession No. ML16179A106).
- On August 9 and 11, 2016, the petition manager informed the petitioner of the PRB's recommendation that the request did not meet the criteria for review and offered him a second opportunity to address the PRB which he accepted.
- On August 24, 2016, the petitioner requested a 90-day delay from September 1, 2016, to address the PRB because he was submitting a Freedom of Information Act (FOIA) request related to his petition.
- On August 30, 2016, the petition manager granted the request to delay addressing the PRB.

Actions Completed This Quarter/Next Steps:

- On December 1, 2016, the PRB held a second teleconference with the petitioner.
- On December 1, 2016, the PRB met internally and decided that its recommendation remained unchanged. The PRB determined that the request did not meet the criteria for review because the issues are not sufficiently supported, are outside of the NRC's jurisdiction to enforce, are not for enforcement-related action, or the issues raised have already been the subject of NRC evaluation and resolved.
- The next step is to develop a closure letter to the petitioner.

OPEN PETITION UNDER CONSIDERATION

LTR-16-0297-1 (Petition Age: 7 months)

Facility:	Indian Point Nuclear Generating, Units 2 and 3
Licensee Type:	Reactor
Petitioner(s):	Friends of the Earth, Nuclear Information and Resource Service, and Hudson River Sloop Clearwater
Date of Petition:	May 24, 2016
DD to be Issued by:	Office of Nuclear Reactor Regulation
Acknowledgement Letter Issued:	Not Applicable
Closure Letter Issued:	Not Applicable
Last Contact with Petitioner:	July 29, 2016
Petition Manager:	Douglas Pickett
Case Attorney:	Christopher Hair

Issues/Actions Requested:

Citing the unexpected degradation of the reactor vessel baffle-former bolts identified during the spring 2016 refueling outage at Indian Point Unit 2, the petitioners requested that the Commission take enforcement actions to (1) to prohibit the restart of Unit 2 until the Commission is satisfied that the unit can be safely restarted, and (2) order the immediate shutdown of Unit 3 so that the baffle-former bolts in that unit may be inspected.

Background:

- On May 2, 2016, the Friends of the Earth submitted a FOIA request (2016-0457) for all NRC documentation between March 7 and May 2, 2016, concerning reactor vessel baffle-former bolts at Indian Point. This was an extensive request and the FOIA staff believes it will take an additional 7-8 months to provide a complete response.
- On May 24, 2016, the petitioners filed a petition for an enforcement action directly with the Commission. The petition was subsequently referred for action under 10 CFR 2.206.
- On June 3, 2016, the PRB met regarding the request for prohibiting the restart of Unit 2, and the immediate shutdown of Unit 3. On that day, the petition manager informed the petitioner that the request for immediate actions was denied because there were no immediate safety-significant concerns which would adversely impact the public's health and safety.
- On June 14, 2016, the petitioners informed the petition manager that they rejected the NRC's treating the petition under the 2.206 process, and disagreed with the denial of the request for immediate actions.
- On June 16, 2016, the petitioner filed a petition for Writ of Mandamus with the United States Court of Appeals for the District of Columbia Circuit, compelling the NRC to prevent restart of the facility until the agency issued a reasoned decision on the petition.
- On June 22, 2016, the Nuclear Information and Resource Service and the Hudson River Sloop Clearwater requested to be co-petitioners to the original petition.
- On June 23, 2016, the Writ of Mandamus was denied.
- On June 24, 2016, the staff granted the requests to become co-petitioners.

Actions Completed This Quarter/Next Steps:

- The next step is for the petitioners to address the PRB.

OPEN PETITION UNDER CONSIDERATION
OEDO-16-00783 (Petition Age: 1 month)

Facility:	Braidwood Station, Units 1 and 2, and Byron Station, Units 1 and 2
Licensee Type:	Reactor
Petitioner(s):	Samuel Miranda
Date of Petition:	November 15, 2016
DD to be Issued by:	Office of Nuclear Reactor Regulation
Acknowledgement Letter Issued:	Not Applicable
Closure Letter Issued:	Not Applicable
Last Contact with Petitioner:	November 15, 2016
Petition Manager:	Joel Wiebe
Case Attorney:	Sara Kirkwood

Issues/Actions Requested:

The petitioner requested that the NRC (1) revoke the licensee's authorizations to operate the facilities at any uprated power level; (2) impose a license condition on current operations requiring the licensee to provide an acceptable demonstration of compliance with a design requirement that requires that nuclear plants be designed to prevent certain anticipated operational occurrences from developing into more serious events; and (3) require the licensee to file a 10 CFR Part 21 report regarding its statement of no significant hazards.

Background:

- On November 15, 2016, the petitioner filed a petition for an enforcement action under 10 CFR 2.206.

Actions Completed This Quarter/Next Steps:

- On December 12, 2016, the petition manager acknowledged receipt of the petition and offered the petitioner the opportunity to address the PRB.
- On December 12, 2016, the OEDO granted an extension until February 22, 2017, to issue a letter to the petitioner.
- On December 15, 2016, the petitioner accepted the invitation to address the PRB.
- The next step is for the petitioner to address the PRB.

SUBJECT: QUARTERLY OCTOBER-DECEMBER 2016 REPORT ON THE STATUS OF PUBLIC PETITIONS UNDER TITLE 10 OF THE CODE OF FEDERAL REGULATIONS, SECTION 2.206 DATED JANUARY 30, 2017

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ADAMS Accession Nos.: Pkg ML17003A158; **Memo ML17003A098**; Enclosure ML17003A097

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