



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

October 22, 2018

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

FROM: Craig G. Erlanger, Director *Craig G. Erlanger*
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

SUBJECT: QUARTERLY JULY-SEPTEMBER 2018 REPORT ON THE STATUS
OF PUBLIC PETITIONS UNDER TITLE 10 OF THE *CODE OF
FEDERAL REGULATIONS*, SECTION 2.206 (CAC NO. TM3058)

This memorandum transmits the quarterly status report 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 July 1 through September 30, 2018, including their age statistics. The report also provides the status of incoming requests that the U.S. Nuclear Regulatory Commission staff is evaluating to determine whether they meet the criteria for review under the 10 CFR 2.206 process.

Enclosure:
Quarterly 10 CFR 2.206 Status Report –
July-September 2018

cc: SECY
EDO
OGC
OCA
OPA
CFO

CONTACT: Perry H. Buckberg, NRR/DORL
301-415-1383

Quarterly 10 CFR 2.206 Status Report - July-September 2018

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 evaluated against the criteria in Management Directive (MD) 8.11, "Review Process for 10 CFR 2.206 Petitions," to determine if it should be accepted for review under 10 CFR 2.206. A petition undergoing this evaluation is referred to as a petition under consideration. A petition is accepted for review under 10 CFR 2.206 in an acknowledgement letter, and is listed as an open petition until the staff formally grants or denies the requested actions in a Director's Decision (DD), after which it is listed as a closed petition. Before issuing a final DD, the U.S. Nuclear Regulatory Commission (NRC) issues a proposed DD offering the petitioner and affected licensees an opportunity to comment. A petition that is not accepted for review under 10 CFR 2.206 is also listed as a closed petition, and the basis for why it is not being reviewed under 10 CFR 2.206 is communicated in a closure letter.

PETITIONS CLOSED DURING THIS PERIOD		
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FirstEnergy Nuclear Operating Company Davis-Besse Nuclear Power Station, Unit 1, Perry Nuclear Power Plant, Unit 1, and Beaver Valley Power Station, Units 1 and 2	Margrethe Kearney and Andrene Dabaghi OEDO-18-00160	5
OPEN PETITIONS UNDER CONSIDERATION		
Tetra Tech EC, Inc.	Steve Castleman OEDO-17-00454	7
Entergy Nuclear Operations, Inc. Indian Point Nuclear Generating, Units 2 and 3	Paul Blanch LTR-18-0376-1	8

CLOSED PETITION
OEDO-17-00070 (Petition Age: 18 months)

Facility:	Multiple
Licensee Type:	Reactor
Petitioner(s):	Beyond Nuclear, et al.
Date of Petition:	January 24, 2017
DD to be Issued by:	Office of Nuclear Reactor Regulation
Proposed DD Issued:	June 6, 2018
Final DD Issued:	August 2, 2018
Last Contact with Petitioner:	August 3, 2018
Petition Manager:	Perry Buckberg
Case Attorney:	Sarah Kirkwood

Issues/Actions Requested:

The petitioner requested that the NRC take emergency enforcement action per 10 CFR 2.206 at U.S. reactors that currently rely on potentially defective safety-related components and quality assurance documentation with anomalies supplied by AREVA-Le Creusot Forge and its subcontractor Japan Casting and Forging Corporation.

Background:

- On January 24, 2017, the petitioner filed a petition for an enforcement action under 10 CFR 2.206.
- On February 2, 2017, the petition manager acknowledged receipt of the petition and offered the petitioner the opportunity to address the petition review board (PRB).
- On February 3, 2017, the petitioner requested a public meeting with the PRB.
- On February 8, 2017, the PRB met to make a decision on the emergency action request.
- On February 13, 2017, the petition manager informed the petitioner that an immediate action was not warranted.
- On March 8, 2017, the petitioner addressed the PRB in a public meeting.
- On April 11, 2017, the PRB met to make a decision on the petition.
- On May 19, 2017, the petition manager informed the petitioner of the PRB's initial recommendation to accept the petition, in part.
- On June 16, June 22, June 27, June 30, and July 5, 2017, the petitioner submitted supplements to his petition.
- On July 5, 2017, the petition manager asked the petitioner to respond as to whether he wished to address the PRB a second time. The petitioner did not respond.
- On August 30, 2017, an acknowledgement letter was issued to the petitioner (ADAMS Accession No. ML17198A329), accepting the petition, in part. A portion of the request was referred to another NRC program for review.
- On November 8, 2017, the petition manager informed the petitioner that his petition was still under review and that the target date for a proposed DD was May 2018. The target date was revised because the NRC staff needed to receive and evaluate a technical report from an external entity concerning issues raised in the petition.
- On January 18, 2018, the petition manager informed the petitioner that his petition was still under review and that the target date for a proposed DD was May 2018.
- On March 26, 2018, the petition manager informed the petitioner that his petition was still under review but that the target date for the proposed DD may change.
- On June 6, 2018, a proposed DD was issued to the petitioner for comment, with a comment period of 14 days (ADAMS Accession No. ML18107A402). No comments were received.

Actions Completed This Quarter/Next Steps:

- On August 2, 2018, the NRC issued the final DD (ADAMS Accession No. ML18173A154) stating that the actions requested in the petition will not be granted in whole or in part.

OPEN PETITION

OEDO-15-00479 (Petition Age: 39 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:	August 7, 2018
Petition Manager:	Booma Venkataraman
Case Attorney:	Olivia Mikula

Issues/Actions Requested:

The petitioner requested that NRC take enforcement action to require that the current licensing basis for Pilgrim Nuclear Power Station 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 (ADAMS Accession No. ML12053A340), 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 September 2016, see the July-September 2016 10 CFR 2.206 status report (ADAMS Accession No. ML16264A169).
- On December 6, 2016, and February 7, 2017, the petition manager informed the petitioner that his petition was still under review.
- On April 10 and June 8, 2017, the petition manager informed the petitioner that his petition was still under review.
- On April 17, 2017, the NRC staff responded to the licensee's August 18, 2016, request and deferred the remaining flood assessments until December 31, 2019 (ADAMS Accession No. ML16278A313).
- On June 8, 2017, the petition manager informed the petitioner that the issue of re-evaluated flooding hazards raised in the petition is currently being considered as part of SECY-16-0142, concerning the mitigation of beyond-design-basis (MBDBE) draft final rule dated December 15, 2016 (ADAMS Accession No. ML16301A005), and that the PRB review determined that the Commission's decision on the MBDBE draft final rule would likely disposition the petition.
- On August 8, October 6, and December 11, 2017, and on February 9, April 9, and June 7, 2018, the petition manager restated the information from the June 8, 2017, communication to the petitioner as stated above.

Actions Completed This Quarter/Next Steps:

- On August 7, 2018, the petition manager informed the petitioner that his petition was still being held in abeyance pending a Commission decision on SECY-16-0142.
- The next step is to issue a proposed DD reflecting the Commission's decision on the rule.

OPEN PETITION

OEDO-18-00160 (Petition Age: 6 months)

Facility:	Davis-Besse Nuclear Power Station, Unit 1, Perry Nuclear Power Plant, Unit 1, and Beaver Valley Power Station, Units 1 and 2
Licensee Type:	Reactor
Petitioner(s):	Margrethe Kearney and Andrene Dabaghi
Date of Petition:	March 27, 2018
DD to be Issued by:	Office of Nuclear Reactor Regulation
Acknowledgement Letter Issued:	August 27, 2018
Closure Letter Issued:	Not Applicable
Last Contact with Petitioner:	July 28, 2018
Petition Manager:	Bhalchandra Vaidya
Case Attorney:	Lorraine Baer

Issues/Actions Requested:

The petitioner requested that the NRC take numerous enforcement actions against FirstEnergy Nuclear Operating Company (FENOC) and First Energy Nuclear Generation (NG), the licensee of Davis-Besse Nuclear Power Station, Unit 1, Perry Nuclear Power Plant, Unit 1, and Beaver Valley Power Station, Units 1 and 2, for failing to comply with nuclear decommissioning funding requirements of 10 CFR 50.75.

Background:

- On March 27, 2018, the petitioner filed a petition for enforcement action under 10 CFR 2.206.
- On April 16, 2018, the petition manager acknowledged receipt of the petition and offered the petitioner the opportunity to address the PRB. The petitioner response requested a delay in addressing the PRB pending a decision by the bankruptcy court.
- On April 30, 2018, the PRB met and concluded that the petition was not requesting immediate enforcement action and that such action was not warranted.
- On May 2, 2018, the petition manager informed the petitioner of the PRB's conclusion that immediate enforcement was not warranted.
- On May 7, 2018, the petition manager offered the petitioner an opportunity to address the PRB prior to the second PRB meeting scheduled for June 12, 2018. The petitioner initially declined but eventually was able to commit to addressing the PRB on June 19, 2018.
- On June 12, 2018, the PRB met to discuss the petition in preparation for the public meeting with the petitioner.
- On June 19, 2018, the petitioners 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.

Actions Completed This Quarter/Next Steps:

- On July 9 and 23, 2018, the PRB met to discuss the information provided by the petitioner during the June 19, 2018, public meeting, and make its initial recommendation whether to accept the petition for review.
- On August 2, 2018, the PRB recommended to the Office of Nuclear Reactor Regulation (NRR) Office Director that the petition be accepted for review in its entirety. The NRR Office Director concurred with the recommendation.

- On August 2, 2018, the petition manager informed the petitioner of the PRB's initial recommendation to accept the petition. The petitioner declined a second opportunity to address the PRB.
- On August 27, 2018, an acknowledgement letter was issued to the petitioner (ADAMS Accession No. ML18220B314), accepting the petition for review.
- On September 4, 2018, and September 27, 2018, the PRB met to review the petition and to discuss the content of the draft proposed DD.
- The next step is to issue the proposed DD.

OPEN PETITION UNDER CONSIDERATION
OEDO-17-00454 (Petition Age: 15 months)

Facility:	Tetra Tech EC, Inc.
Licensee Type:	Materials
Petitioner(s):	Steve Castleman
Date of Petition:	June 29, 2017
DD to be Issued by:	Office of Nuclear Material Safety and Safeguards
Acknowledgement Letter Issued:	Not Applicable
Closure Letter Issued:	Not Applicable
Last Contact with Petitioner:	September 13, 2018
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., due to concerns about their role in the cleanup of Hunters Point Naval shipyard (HPNS) in San Francisco, CA, including remediation of radiological contamination. The submittal was lengthy with multiple attachments, and included requests and concerns outside 10 CFR 2.206.

Background:

- On June 29, 2017, the petitioner filed a petition for enforcement action under 10 CFR 2.206.
- On July 20, July 22, and August 1, 2017, the petition manager and petitioner discussed timing of a public meeting, with the date remaining to be determined.
- 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 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 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.
- On June 18, 2018, the petition manager discussed with the petitioner the petition status and the next possible opportunity to address the PRB.

Actions Completed This Quarter/Next Steps:

- On August 15, 2018, the PRB met to discuss whether or not the petition meets the MD 8.11 criteria for acceptance.
- On September 13, 2018, the petitioner and the petition manager discussed logistics of a tentative meeting.
- The next step will be to provide the petitioner a chance to address the PRB before the PRB makes its initial recommendation.

OPEN PETITION UNDER CONSIDERATION
LTR-18-0376-1 (Petition Age: 1 month)

Facility:	Indian Point Nuclear Generating, Units 2 and 3
Licensee Type:	Reactor
Petitioner(s):	Paul Blanch
Date of Petition:	September 17, 2018
DD to be Issued by:	Office of Nuclear Reactor Regulation
Acknowledgement Letter Issued:	Not Applicable
Closure Letter Issued:	Not Applicable
Last Contact with Petitioner:	Not Applicable
Petition Manager:	TBD
Case Attorney:	TBD

Issues/Actions Requested:

The petitioner requested that the NRC take enforcement actions against Entergy Nuclear Operations, Inc., Indian Point Nuclear Generating, Units 2 and 3, for violating the requirements of 10 CFR 50.5 and 10 CFR 50.9 in that it provided material false and misleading information to the NRC.

Actions Completed This Quarter/Next Steps:

- On September 17, 2018, the petitioner filed a petition for enforcement action under 10 CFR 2.206.
- The next step will be to acknowledge receipt of the petition.

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ADAMS Accession No. ML18275A381

*concurrence via email

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