

July 18, 2006

MEMORANDUM TO: Luis A. Reyes
Executive Director for Operations

FROM: Gary M. Holahan, Associate Director */RA/*
for Risk Assessment and New Projects
Office of Nuclear Reactor Regulation

SUBJECT: JUNE 2006 REPORT ON THE STATUS OF PUBLIC PETITIONS
UNDER TITLE 10 OF THE *CODE OF FEDERAL REGULATIONS*,
SECTION 2.206

The enclosed report gives the status of petitions submitted under Title 10 of the *Code of Federal Regulations*, Section 2.206. As of June 30, 2006, there was one open petition that was accepted for review under the 2.206 process in the Office of Nuclear Reactor Regulation (NRR). Information that has changed since the last monthly report is highlighted.

Enclosure 1 provides a detailed status of the open petition.

Enclosure 2 provides the status of incoming letters that the staff is reviewing to determine if they meet the criteria for review under the 2.206 process.

Enclosure 3 shows the age statistics for the open 2.206 petitions as of June 30, 2006.

This report, Director's Decisions, and other 2.206-related documents are placed in the Agencywide Documents Access and Management System (ADAMS). By making these documents readily accessible to the public, the staff is addressing the performance goal of ensuring openness in our regulatory process.

Enclosures: As stated

CONTACT: Donna Williams, NRR
301-415-1322

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| NAME | DWilliams | DBaxley | HNieh | GHolahan |
| DATE | 7/11/06 | 7/11/06 | 7/17/06 | 7/18/06 |

OFFICIAL AGENCY RECORD

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TITLE 10 OF THE *CODE OF FEDERAL REGULATIONS*, SECTION 2.206

Date: July 18, 2006

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Status of Open Petitions

| <u>Facility</u> | <u>Petitioner/EDO No.</u> | <u>Page</u> |
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| All operating and decommissioned power reactors and research and test reactors | David Lochbaum and others G20060099..... | 1 |
| Palisades Nuclear Power Plant | Terry Lodge, Counsel for Petitioners G20060369..... | 3 |

Report on Status of Public Petitions Under 10 CFR 2.206

| | |
|--------------------------------------|---|
| Facilities: | All operating and decommissioned power reactors and all operating and decommissioned research and test reactors |
| Petitioners: | David Lochbaum and others |
| Date of Petition: | January 25, 2006, as supplemented February 2, 2006 |
| Director's Decision to be Issued by: | NRR |
| EDO Number: | G20060099 |
| Proposed DD Issuance: | June 28, 2006 |
| Final DD Issuance: | September 11, 2006 |
| Last Contact with Petitioner: | June 28, 2006 |
| Petition Manager: | Bill Reckley |
| Case Attorney: | Giovonna Longo |

Issues/Actions requested:

The petitioner is requesting that the NRC issue a Demand for Information (DFI) requiring licensees to submit information related to monitoring of radioactively contaminated water and leakage detection systems.

Background:

The petitioners provided several examples of the release from various nuclear facilities of water containing radioactive materials. The petitioners contend that the multiple examples raise the possibility of similar unmonitored releases at other nuclear facilities.

The staff determined that the petition meets the criteria for review under 10 CFR 2.206. By letter dated February 2, 2006, the petitioner supplemented his petition to add three new petitioners. By letter dated March 1, 2006, the staff informed the petitioner that the petition had been accepted for review under 10 CFR 2.206.

The staff met with the petitioner on April 5, 2006. The meeting handouts and transcript are available on the NRC public webpage (www.nrc.gov/reactors/operating/ops-experience/tritium/public-meetings.html).

By letter dated April 17, 2006, Connecticut Yankee Atomic Power Company submitted comments on the petition, specifically providing information on activities at the Haddam Neck Plant.

By letter dated April 26, 2006, the petitioner submitted a letter which discusses the merits of the petition versus the NRC undertaking rulemaking to address the issue of groundwater contamination.

The NRC held a public meeting with the Nuclear Energy Institute on May 9, 2006. The industry participants announced and described an initiative that would apply to all operating and decommissioning power reactors. The initiative proposes to address the

issue of unmonitored releases of radioactive liquid effluents by having each licensee perform assessments, monitoring, and additional reporting to the NRC and local authorities. Many of the petitioners participated in the meeting.

Current Status:

On June 28, 2006, the NRC issued a proposed Director's Decision to the petitioners for comment. The proposed Director's Decision states that, because the industry initiative will provide the petitioners with the requested information, the portion of the Petition related to power reactors is considered granted in part, even though the NRC will not use a DFI as the mechanism to obtain the information. The NRC proposes to deny the portion of the Petition related to research and test reactors (RTR) because existing regulatory programs ensure that there is minimal risk of a significant release of contaminated liquid effluents and the NRC does not need additional information from the RTR licensees. The NRC staff requested that comments be submitted by July 28, 2006.

| | |
|--------------------------------------|--------------------------------------|
| Facility: | Palisades Nuclear Power Plant |
| Petitioners: | Terry Lodge, Counsel for Petitioners |
| Date of Petition: | April 4, 2006 |
| Director's Decision to be Issued by: | NMSS |
| EDO Number: | G20060369 |
| Proposed DD Issuance: | October 25, 2006 |
| Final DD Issuance: | TBD |
| Last Contact with Petitioner: | June 27, 2006 |
| Petition Manager: | Ray Wharton |
| Case Attorney: | Giovonna Longo |

Issues/Actions requested:

That the NRC condemn and force a halt to the use of the two concrete pads holding dry casks storing used nuclear fuel at the Palisades Nuclear Power Plant. The petitioners state that the pads, on which radioactive waste are stored, do not conform with longstanding NRC requirements for earthquake stability standards because they were built on compacted sand and other subsurface materials, dozens of feet above bedrock. In particular, the petitioners claim that the pads are in violation of requirements in 10 CFR 72.212(b)(2)(i)(B).

Background:

The staff held a teleconference with the petitioners on April 26, 2006. The petitioners informed the staff that they would submit a supplement to the petition. The staff delayed making a decision on whether the petition met the criteria of 10 CFR 2.206 pending receipt of the supplement.

On May 4, 2006, the staff sent a letter to the petitioner, acknowledging receipt of the petition and providing a transcript of the teleconference. As of June 30, 2006, the petitioner had not provided a supplement to the petition.

Current Status:

On June 9, 2006, the staff sent a status letter to the petitioner, indicating that the staff will continue to process the petition in accordance with the 2.206 process.

On June 27, 2006, the staff sent a letter to the petitioner stating that the request to condemn and stop the use of the two ISFSI concrete pads does not require immediate action. The letter also stated that the petition was accepted for review under the 2.206 process in part, specifically with respect to slope stability of the concrete pad constructed in 2003. Those portions of the petition concerning the older concrete pad constructed in 1992 and soil liquefaction related to the newer pad were not accepted for review because those issues have already been the subject of NRC staff review and have been resolved.

NRC staff review of the slope stability analysis for the newer pad is currently ongoing; however, a revised schedule has yet to be established. When this technical issue is resolved, the staff will respond to the petition in a timely manner.

Status of Potential Petitions Under Consideration

Facility: South Texas Project
Petitioner: Service Employees International Union
Date of Petition: May 16, 2006, **as supplemented June 26, 2006**
EDO Number: G20060525
PRB meeting: **June 27, 2006**

Issues/Actions requested:

That the NRC issue a Demand for Information that would require STPNOC to provide the NRC with copies of:

- (1) any assessments of the safety conscious work environment at STP conducted since January 1, 2004, and
- (2) summaries of any associated action plans and the results of efforts to remediate problems revealed by these surveys and surveys in 2001 and 2003.

Current Status:

The NRC staff met with the petitioner on June 27, 2006. The petitioner discussed his concerns and requested actions, and provided a supplement to his petition. The NRC staff is evaluating the information provided during the meeting and the supplemental petition, to determine if it meets the criteria for review under 10 CFR 2.206.

Facilities: Vermont Yankee, Indian Point, and an unidentified plant
Petitioners: Michael Mulligan
Date of Petition: May 31, June 2, and June 12, 2006
EDO Number: G20060576, G20060552, and G20060571

Issues/Actions requested:

- that the surge protector in the switchgear room at Vermont Yankee be replaced within 6 months or the unit be shutdown;
- that the NRC, NEI, INPO, and State of NY be reorganized within 1 year or both Indian Point units be shutdown; and
- that all degradations identified in the normal and emergency service water system of the unidentified plant be fixed or the plant be shutdown within a year.

Current Status:

The NRC staff is reviewing the petitions to determine if they meet the criteria for review under 10 CFR 2.206.

Enclosure 2

| Assigned Action Office | FACILITY/ Petitioner | Incoming petition | PRB meeting ¹ | Acknowledgment letter/days from incoming ² | Proposed DD issuance Date/age ³ | Date for final DD/age ⁴ | Comments if not meeting the Agency's Completion Goals |
|------------------------|---|-------------------|--------------------------|---|--|------------------------------------|---|
| NRR | All operating and decommissioned power reactors and test and research reactors/ David Lochbaum and others | 01/25/06 | 04/05/06 | 03/01/06 35 | 06/28/06 119 | 09/11/06 | |
| NMSS | Palisades | 04/04/06 | 04/26/06 | 06/27/06 84 | 10/25/06 | TBD | The staff delayed issuing the acknowledgement letter pending receipt of a supplement to the petition. |

- 1) Goal is to hold a PRB meeting, which the petitioner is invited to participate in, within 2 weeks of receipt of petition.
- 2) Goal is to issue acknowledgment letter within 35 days of the date of incoming petition.
- 3) Goal is to issue proposed DD within 120 days of the acknowledgment letter.
- 4) Goal is to issue final DD within 45 days of the end of the comment period.