



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

January 16, 2020

MEMORANDUM TO: Mirela Gavrilas, Acting Deputy Director  
Reactor Safety Programs and Corporate Support  
Office of Nuclear Reactor Regulation

FROM: Craig G. Erlanger, Director **/RA – Gregory F. Suber for/**  
Division of Operating Reactor Licensing  
Office of Nuclear Reactor Regulation

SUBJECT: QUARTERLY OCTOBER-DECEMBER 2019 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 October 1 through December 31, 2019, 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  
– October-December 2019

cc: SECY  
EDO  
OGC  
OCA  
OPA  
CFO

CONTACT: Perry H. Buckberg, NRR/DORL  
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SUBJECT: QUARTERLY OCTOBER-DECEMBER 2019 REPORT ON THE STATUS OF  
PUBLIC PETITIONS UNDER TITLE 10 OF THE *CODE OF FEDERAL  
REGULATIONS* SECTION 2.206 (CAC NO. TM3058) DATED  
JANUARY 16, 2020

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**ADAMS Accession No. ML20007E530**

\*concurrence by e-mail

OFFICE	NRR/DORL/LPL2-2/PM	NRR/DORL/LPL2-2/LA	NRR/DORL/LPL2-2/BC	NRR/DORL/D	NRR/DORL/LPL2 2/PM
NAME	PBuckberg	BAbeywickrama	UShoop	CErlanger (G. Suber for)	PBuckberg
DATE	1/13/2020	1/13/2020	1/16/2020	1/16/2020	1/16/2020

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Quarterly 10 CFR 2.206 Status Report – October – December, 2019

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 Title 10 of the *Code of Federal Regulations* (10 CFR) Section 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 U.S. Nuclear Regulatory Commission (NRC or the Commission) 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 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.

Licensee/Facility	Petitioner/EDO No.	Page
<b>PETITIONS CLOSED DURING THIS PERIOD</b>		
Entergy Nuclear Operations, Inc. Pilgrim Nuclear Power Station	David Lochbaum, Union of Concerned Scientists OEDO-15-00479	2
<b>OPEN PETITIONS UNDER CONSIDERATION</b>		
Tetra Tech EC, Inc.	Steve Castleman OEDO-17-00454	4
Tennessee Valley Authority Employee Concerns Program	Billie Garde OEDO-19-00288	6
San Onofre Nuclear Generating Station	Oceansiders Against San Onofre Corruption OEDO-19-00453	7
San Onofre Nuclear Generating Station, Units 2 and 3	Public Watchdogs OEDO-19-00454	8

## **CLOSED PETITION**

***OEDO-15-00479 (Petition Age: 53 months)***

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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:	October 8, 2019
Final DD Issued:	November 25, 2019
Last Contact with Petitioner:	November 25, 2019
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 10 CFR 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; February 7, 2017; and April 10, 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 events (MBDBE) draft final rule dated December 15, 2016 (ADAMS Accession No. ML16301A005), and that the petition review board (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, June 7, and August 7, 2018, the petition manager restated the information from the June 8, 2017, communication to the petitioner as stated above.
- On October 9 and December 10, 2018, the petition manager informed the petitioner that his petition was still being held in abeyance pending a Commission decision on SECY-16-0142.
- On February 8, 2019, the petition manager informed the petitioner that the Commission provided direction on the MBDBE rule on January 24, 2019, and as a result, the PRB is expected to convene to discuss the path forward for the petition.

- On February 21, 2019, the PRB met to discuss the path forward for the petition following the Commission direction, and it was decided that additional internal meetings would be needed. The petition manager will inform the petitioner once continued PRB deliberations are completed.
- On April 3, 2019, the petition manager informed the petitioner that the NRC staff cannot reply on the MBDBE rule to disposition the petition, as the staff has been directed to use the 10 CFR 50.54(f) process to ensure that each plant is able to withstand the effects of the reevaluated flooding and seismic hazards. Also, the petitioner was informed that Pilgrim Nuclear Power Station is expected to shut down on or around June 1, 2019, and the licensee plans to submit documentation regarding the reevaluated flood hazard activities after plant shutdown for staff review.
- On June 6, 2019, the petition manager informed the petitioner that Pilgrim Nuclear Power Station had permanently ceased power operations on May 31, 2019, and that the licensee plans to submit documentation regarding the reevaluated flood hazard activities by mid-summer 2019 for staff review. The petition manager included the estimate that the staff's 10 CFR 50.54(f) review will be completed by October 2019 and the NRC's proposed DD based on this review will potentially be issued by December 2019.
- On June 25, 2019, the petition manager informed the petitioner that the licensee had submitted a letter dated June 19, 2019, titled "Final Response Regarding Request for Information Pursuant to Title 10 CFR 50.54(f) Recommendations 2.1, 2.3, and 9.3 of the Near-Term Task Force Review of Insights from the Fukushima Dai-ichi Accident."
- On August 13, 2019, the petition manager informed the petitioner that the PRB is developing the proposed director's decision.

Actions Completed This Quarter/Next Steps:

- On October 8, 2019, a proposed DD was issued to the petitioner for comment, with a comment period of 14 days (ADAMS Accession No. ML17167A417).
- On November 25, 2019, the NRC issued the final DD (ADAMS Accession No. ML19303C304) stating that the actions requested in the petition will not be granted in whole or in part.

**OPEN PETITION UNDER CONSIDERATION**  
***OEDO-17-00454 (Petition Age: 30 months)***

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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:	December 19, 2019
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 its role in the cleanup of Hunters Point Naval shipyard (HPNS) in San Francisco, California, including remediation of radiological contamination. The submittal was lengthy with multiple attachments and included requests and concerns outside of the scope of 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 10 CFR 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 10 CFR 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.
- On August 15, 2018, the PRB met to discuss whether 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.
- On October 17, 2018, the petitioner 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.
- On October 29, 2018, the PRB met to discuss the information provided by the petitioner during the October 17, 2018, public meeting.
- As a result of several internal deliberations, the PRB's initial determination is to reject the 10 CFR 2.206 petition.

- On February 22, 2019, the petition manager informed the petitioner that the PRB's initial determination is to reject the petition. The petitioner requested a second opportunity to address the PRB.
- On June 25, 2019, the petitioner addressed the PRB in a second public meeting. The transcript will be considered a supplement to the petition. The petitioner also provided supplemental information after the meeting.
- On August 9, 2019, the licensee provided a response to the PRB regarding statements made by the petitioner during the June 25, 2019, public meeting and the petitioner's supplement submitted after the meeting.
- On September 12, 2019, the PRB met to discuss the final recommendation.

Actions Completed This Quarter/Next Steps:

- On December 19, 2019, a letter (ADAMS Accession No. ML19309F257) was issued stating that the petition will be held in abeyance and will be reassessed after the legal resolution of the DOJ civil complaint against Tetra Tech.

**OPEN PETITION UNDER CONSIDERATION**  
***OEDO-19-00288 (Petition Age: 6 months)***

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Facility:	Tennessee Valley Authority (TVA)
Licensee Type:	Reactor
Petitioner(s):	Billie P. Garde
Date of Petition:	June 4, 2019
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 17, 2019
Petition Manager:	Andy Hon
Case Attorney:	Rob Carpenter

Issues/Actions Requested:

The petitioner requested that the NRC take the following actions related to the new TVA Employee Concerns Program (ECP) and the TVA Safety-Conscious Work Environment (SCWE) in general: reiterate to TVA employees their rights and responsibilities to raise any safety-related concerns, require TVA to stop its ECP program conversion, and demand that TVA present its new ECP program to the NRC.

Background:

- On June 4, 2019, the petitioner filed a petition under 10 CFR 2.206.
- On June 11, 2019, the petitioner informed the petition manager that she wanted to offer the NRC other serious considerations that need to be addressed.
- On June 13, 2019, the petitioner provided clarifying information to the NRC staff.
- On June 27, 2019, the petition manager screened in the revised petition in accordance with MD 8.11 and began scheduling the initial PRB meeting.
- On July 2, 2019, the petitioner provided additional information for the PRB to consider.
- On July 8, 2019, the petition manager informed the petitioner that the July 2, 2019, submittal was received and that the PRB will discuss this information in its next PRB meeting.
- On July 8, 2019, the PRB met to discuss the contents of the petition and to consider its initial assessment.
- On July 31, 2019, and August 6, 2019, the PRB met to discuss the contents of the petition and to consider its initial assessment.

Actions Completed This Quarter/Next Steps:

- On November 12, 2019, the PRB met to discuss the contents of the petition and to consider its initial assessment.
- On December 17, 2019, the petition manager provided a status update to the petitioner.



**OPEN PETITION UNDER CONSIDERATION**  
***OEDO-19-00453 (Petition Age: 4 months)***

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Facility:	San Onofre Nuclear Generating Station
Licensee Type:	Decommisioning
Petitioner(s):	Oceansiders Against San Onofre Corruption
Date of Petition:	August 22, 2019
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:	December 20, 2019
Petition Manager:	Chris Allen
Case Attorney:	Rob Carpenter

Issues/Actions Requested:

The petitioner requested that the NRC revoke Coastal Development Permit (CDP) No. 9-15-0228 issued by the California Coastal Commission that an immediate cease and desist be issued to Southern California Edison. The petitioner also insisted that safer radioactive storage containers be required and that all stored materials be relocated away from densely populated areas.

Background:

- On August 22, 2019, the petitioner filed a petition under 10 CFR 2.206.

Actions Completed This Quarter/Next Steps:

- On September 25, 2019, the petition was assigned to the NRC Office of Nuclear Material Safety and Safeguards.
- On September 26, 2019, the NRC's Petition Coordinator informed the petitioner that the NRC had begun the review of their submittal.
- On November 8, 2019, the petition manager informed the petitioner that the NRC had determined that the requested immediate action was not warranted and that the staff was proceeding with its evaluation of the petition.
- On November 18, 2019, the petition manager informed the petitioner that their request for the NRC to revoke CDP No. 9-15-0228 had screened out of the 10 CFR 2.206 petition process and that a PRB was performing its initial assessment of the other requests in the petition to determine if they should be accepted into the 10 CFR 2.206 process.
- On December 20, 2019, the petition manager informed the petitioner that the PRB's initial assessment found 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.
- The petitioner had not responded to the petition manager as of December 31, 2019.

**OPEN PETITION UNDER CONSIDERATION**  
***OEDO-19-00454 (Petition Age: 4 months)***

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Facility:	San Onofre Nuclear Generating Station Units 2 & 3
Licensee Type:	Decommissioning
Petitioner(s):	Public Watchdogs
Date of Petition:	September 24, 2019
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:	December 23, 2019
Petition Manager:	Zahira Cruz
Case Attorney:	Rob Carpenter

Issues/Actions Requested:

The petitioner requested that the NRC immediately suspend decommissioning operations at San Onofre Nuclear Generating Station, Units 2 and 3.

Background:

- On September 24, 2019, the petitioner filed a petition under 10 CFR 2.206.

Actions Completed This Quarter/Next Steps:

- On September 25, 2019, the petition was assigned to the NRC Office of Nuclear Material Safety and Safeguards.
- On October 23, 2019, the petition manager informed the petitioner that the NRC had begun the initial screening of their submittal.
- On October 25, 2019, the petition manager informed the petitioner that the NRC had determined that the requested immediate action was not warranted and that the staff was proceeding with its evaluation of the petition.
- On October 30, 2019, the petitioner submitted exhibits to support the original petition.
- On November 18, 2019, the petition manager informed the petitioner that a PRB was performing its initial assessment of the petition for acceptance into the 10 CFR 2.206 process.
- On December 18, 2019, the petition manager informed the petitioner that the PRB 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 December 20, 2019, the petitioner accepted the offer to the address the PRB.
- On December 23, 2019, the NRC responded to the petitioner to state that planning for the petitioner's address to the PRB would be deferred until January 2020.