



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

October 16, 2023

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

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

SUBJECT: 200700062 - QUARTERLY JULY – SEPTEMBER 2023 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 July 1 through September 30, 2023, including their age statistics.

Enclosure:
Quarterly 10 CFR 2.206 Status Report
July – September 2023

cc: SECY
EDO
OGC
OCA
OPA
OCFO

CONTACT: Perry H. 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
July – September 2023

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 |
|---|-----------------------------|------|
| OPEN PETITIONS UNDER CONSIDERATION | | |
| All Licensees | Mark Leyse OEDO-23-00103 | 2 |

OPEN PETITION UNDER CONSIDERATION
OEDO-23-00103 (Petition Age: 7 month)

| | |
|-------------------------------|---|
| Facility: | All NRC Licensees with Spent Fuel Pools |
| Licensee Type: | Power |
| Petitioner(s): | Mark Leyse |
| Date of Petition: | February 28, 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: | September 29, 2023 |
| Petition Manager: | Perry Buckberg |
| Case Attorney: | Robert Carpenter |

Issues/Actions Requested:

The petitioner requested the NRC order licensees to promptly transfer all sufficiently cooled spent fuel assemblies from spent fuel pools to dry cask storage as a means to reduce the likelihood of zirconium fires when spent fuel pool water levels are low.

Background:

- On February 28, 2023, the petitioner filed a petition for enforcement action under 10 CFR 2.206 (ML23061A054).
- On March 14, 2023 (ML23074A279), the petition manager informed the petitioner that the NRC had determined that immediate action was not warranted. The petition manager informed the petitioner that a PRB would begin its evaluation of the petition.
- On March 26, 2023, the petitioner submitted a supplement (ML23087A167) to the original petition.
- On March 31, 2023, the NRC staff acknowledged receipt of the supplement, responded to the petitioner question regarding immediate action determinations, and stated that the supplement will be evaluated with the original petition (ML23090A158).
- On April 18, 2023, the petitioner submitted a supplement (ML23087A167) to the original petition.
- On April 21, 2023, the NRC staff acknowledged receipt of the supplement, stated that the supplement will be evaluated with the original petition, and stated that PRB evaluation of the petition for acceptance is ongoing (ML23090A158).
- On May 11, 2023, June 6, 2023, and June 27, 2023, the petition manager informed the petitioner that the PRB was still performing its initial evaluation of the petition.

Actions Completed This Quarter/Next Steps:

- On July 21, 2023 (ML23202A067), the petition manager informed the petitioner 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. The petition manager offered the petitioner an opportunity to address the PRB.

- On September 12, 2023, the petitioner addressed the PRB in a public meeting and provided written supplements to the petition (ML23256A313). The meeting transcript is also considered a supplement to the petition (ML23258A163).
- The PRB continues to evaluate the petition, as supplemented, in accordance with MD 8.11 Section III.C to determine if it should be accepted into the 10 CFR 2.206 process.

SUBJECT: 200700062 - QUARTERLY JULY – SEPTEMBER 2023 REPORT ON THE STATUS OF PUBLIC PETITIONS SUBMITTED UNDER TITLE 10 OF THE CODE OF FEDERAL REGULATIONS, SECTION 2.206 (CAC NO. TM3058) DATED OCTOBER 16, 2023

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