

February 8, 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: JANUARY 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 January 31, 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 December 31, 2005.

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

Enclosures: As stated

CONTACT: Donna Williams, NRR/DPR  
301-415-1322

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**ADAMS Accession Number:** ML060320510

OFFICE	PM:PSPB	LA:PSPB	(A) DD:DPR	ADRA
NAME	DWilliams	DBaxley	RCorreia	GHolahan
DATE	2/6/06	2/1/06	2/7/06	2/8/06

OFFICIAL AGENCY RECORD

DISTRIBUTION FOR JANUARY 2006 REPORT ON THE STATUS OF PUBLIC PETITIONS  
UNDER TITLE 10 OF THE *CODE OF FEDERAL REGULATIONS*, SECTION 2.206

Date: February 8, 2006

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**Status of Open Petitions**

<u>Facility</u>	<u>Petitioner/EDO No.</u>	<u>Page</u>
Vermont Yankee	Jonathan Block G20050706.....	1

## Report on Status of Public Petitions Under 10 CFR 2.206

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Facilities:	<u>Vermont Yankee</u>
Petitioners:	Jonathan Block
Date of Petition:	October 11, 2005
Director's Decision to be Issued by:	NRR
EDO Number:	G20050706
Proposed DD Issuance:	December 7, 2005
Planned Final DD Issuance:	February 23, 2006
Last Contact with Petitioner:	December 7, 2005
Petition Manager:	Jim Shea
Case Attorney:	Giovonna Longo

### Issues/Actions requested:

That the NRC issue an emergency order for a temporary closure or de-rating of the Vermont Yankee Nuclear Power Station (VY) as a result of flood damage to the city of Keene, town of Hinsdale in New Hampshire, and other portions of New Hampshire that are part of existing evacuation routes for VY and are within the effluent pathway in an emergency event.

### Background:

During a telephone conversation with the petition manager on October 18, 2005, the petitioner informed the staff that he had received information from FEMA regarding the State of New Hampshire's awareness of evacuation issues at the time of the flooding and that alternate routes had been evaluated. Therefore the staff determined that the emergency request for temporary plant closure or de-rating was not necessary and was subsequently denied by the NRC's Petition Review Board (PRB). The petitioner further emphasized his broader concern regarding demonstration that FEMA and the State of New Hampshire actually have plans for an evacuation if an event occurred at VY simultaneously with a natural disaster such as the recent flooding. During the call, the petition manager informed the petitioner that his request met the criteria for review under 10 CFR 2.206. The petitioner was offered an invitation to address the PRB with additional information to support the petition but declined.

A combined acknowledgement letter and proposed Director's Decision was issued on December 7, 2005. The letter requested comments within 30 days. In its proposed Decision, the staff denied the Petitioner's request to shut down or de-rate the station because it concluded that there was no threat to the public health and safety. During the recent flooding, the State had established and coordinated potential alternate evacuation routes in the event of an accident at Vermont Yankee, and safe operation of the station was not threatened by the flooding.

### Current Status:

As of January 31, 2006, no comments had been received. The staff is planning to issue the final Decision by February 23, 2006.

## Status of Potential Petitions Under Consideration

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Facility: All operating and decommissioned power reactors and all operating and decommissioned research and test reactors  
Petitioner: David Lochbaum and others  
Date of Petition: January 25, 2006  
EDO Number: TBD  
PRB meeting: TBD

Issues/Actions requested:

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

Current Status:

The staff has offered the petitioner an opportunity to address the PRB. The petitioner has accepted and a meeting will be scheduled at a mutually agreeable date and time.

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Facility: Peach Bottom and Three Mile Island  
Petitioner: Eric Epstein  
Date of Petition: November 18, 2005  
EDO Number: G20050793  
PRB meeting: December 21, 2005

Issues/Actions requested:

The petitioner is requesting that the NRC issue a Demand for Information to Exelon Generation Company, requiring them to demonstrate that emergency preparedness planning for day care and nursery school populations within each facilities' Emergency Planning Zone is adequate or that adequate interim compensatory actions have been taken. The petitioner also requests that the indirect license transfers associated with the PSEG-Exelon merger be held in abeyance until the licensees can demonstrate compliance with the licenses with regards to emergency planning.

Current Status:

The petitioner addressed the PRB during a teleconference on December 21, 2005. The staff is reviewing the additional information obtained during the teleconference.

**AGE STATISTICS FOR AGENCY 2.206 PETITIONS**

Assigned Action Office	FACILITY/ Petitioner	Incoming petition	PRB meeting <sup>1</sup>	Acknowledgment letter/days from incoming <sup>2</sup>	Proposed DD issuance Date/age <sup>3</sup>	Date for final DD/age <sup>4</sup>	Comments if not meeting the Agency's Completion Goals
NRR	All plants that use Hemyc fire barrier/ NIRS	05/12/05	06/01/05	06/27/05 33	10/20/05 115	01/09/06 50	
NRR	Vermont Yankee/ Jonathan Block	10/11/05	N/A	11/30/05 28	12/07/05 57	02/23/06	

- 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.