

March 13, 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: FEBRUARY 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 February 28, 2006, there were two open petitions that were 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 petitions.

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 February 28, 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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DATE	3/10/06	3/9/06	3/9/06	3/13/06

OFFICIAL AGENCY RECORD

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

Date: March 13, 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
All operating and decommissioned power reactors and research and test reactors	David Lochbaum and others G20060099.....	2

Report on Status of Public Petitions Under 10 CFR 2.206

Facility:	Vermont Yankee
Petitioner:	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
Final DD Issuance:	March 4, 2006
Last Contact with Petitioner:	March 4, 2006
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:

No comments were received on the proposed Director's Decision. The staff issued the final Decision on March 4, 2006.

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 29, 2006
Final DD Issuance:	TBD
Last Contact with Petitioner:	March 1 2006
Petition Manager:	Bill Reckley
Case Attorney:	Giovonna Longo

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.

Background:

The petitioner 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.

Current Status:

The staff has 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 June 29, 2006, the staff informed the petitioner that the petition had been accepted for review under 10 CFR 2.206.

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.

Status of Potential Petitions Under Consideration

Facilities: 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. Based on the information provided in the petition and the teleconference, and in consultation with FEMA, the staff determined that the petition does not meet the criteria for review under 10 CFR 2.206. The NRC based its decision on the adequacy of emergency preparedness for commercial nuclear power plants on a review of the FEMA findings and determinations regarding the State and local emergency plans and on the NRC assessment of the licensee's onsite emergency plans. Demanding information from the licensee would not facilitate our assessments since we are already engaged in discussions with the Department of Homeland Security (DHS) and offsite response organizations regarding this matter. The questions about the evacuation of childcare facilities are currently being considered by the NRC, DHS, and the appropriate offsite response organizations as a result of mr. Epstein's inquiries, other activities within Pennsylvania (e.g., legislation related to licensing childcare facilities), the Commission's directions to the NRC staff associated with the denial of the petition for rulemaking, and the DPO filed by a member of the NRC staff.

AGE STATISTICS FOR AGENCY 2.206 PETITIONS

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	TBD	03/01/06 35	6/29/06	TBD	
NRR	Vermont Yankee/ Jonathan Block	10/11/05	N/A	11/30/05 28	12/07/05 57	03/04/06	

- 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.