

April 12, 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: MARCH 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 March 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). One petition was closed in March. Information that has changed since the last monthly report is highlighted.

Enclosure 1 provides a detailed status of the open petition.

Enclosure 2 shows the age statistics for the open 2.206 petitions as of March 31, 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/DPR  
301-415-1322

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**ADAMS Accession Number: ML060950292**

OFFICE	PM:PSPB	LA:PSPB	DD:DPR	ADRA
NAME	DWilliams	DBaxley	HNieh	GHolahan
DATE	4/7/06	4/5/06	4/10/06	4/12/06

OFFICIAL AGENCY RECORD

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

Date: April 12, 2006

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**Status of Open Petitions**

<u>Facility</u>	<u>Petitioner/EDO No.</u>	<u>Page</u>
All operating and decommissioned power reactors and research and test reactors	David Lochbaum and others G20060099.....	1

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

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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: Giovanna 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 March 1, 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 Petition Review Board. The meeting has been scheduled for April 5, 2006.

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**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 operating and decommissioned power reactors and test and research reactors/ David Lochbaum and others	01/25/06	04/5/06	03/01/06 35	06/29/06 155	TBD	
NRR	Vermont Yankee/ Jonathan Block	10/11/05	N/A	12/07/05 56	12/07/05 0	03/04/06 56	<p>The completion date for the acknowledgement exceeded 35 days because it was issued with the proposed Director's Decision which required additional review and concurrence time, as well as coordination with FEMA due to the technical issue.</p> <p>The due date assigned to the final Decision was 120 days after the acknowledgement letter. Because the acknowledgement letter was issued jointly with the proposed Decision, this resulted in the final Decision being issued slightly more than 45 days after the proposed, but significantly ahead of the 120 day clock.</p>

- 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.