May 9, 2006

MEMORANDUM TO: Luis A. Reyes
Executive Director for Operations

FROM: Gary M. Holahan, Associate Director ***/RA by WBeckner for/***
for Risk Assessment and New Projects
Office of Nuclear Reactor Regulation

SUBJECT: APRIL 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 April 30, 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 April 30, 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: ML061240484

OFFICE	PM:PSPB	LA:PSPB	DD:DPR	ADRA
NAME	DWilliams	DBaxley	HNieh	GHolahan
DATE	5/5/06	5/4/06	5/5/06	5/9/06

OFFICIAL AGENCY RECORD

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Date: May 9, 2006

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Status of Open Petitions

Enclosure 1

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.

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.

Current Status:

The staff met with the petitioner on April 5, 2006. The meeting handouts (and the meeting transcript when it has been completed) are available on the NRC public webpage (www.nrc.gov/reactors/operating/ops-experience/tritium/public-meetings.html)

By letter dated April 17, 2006, Connecticut Yankee Atomic Power Company submitted comments on the petition, specifically providing information on activities at the Haddam Neck Plant.

Status of Potential Petitions Under Consideration

Facility:	Palisades Nuclear Power Plant
Petitioners:	Terry Lodge, Counsel for Petitioners
Date of Petition:	April 4, 2006
EDO Number:	20060369
PRB meeting:	April 26, 2006

Issues/Actions requested:

That the NRC condemn and force a halt to the use of the two concrete pads holding dry casks storing used nuclear fuel at the Palisades Nuclear Power Plant. The petitioners state that the pads, on which radioactive waste are stored, do not conform with longstanding NRC requirements for earthquake stability standards because they were built on compacted sand and other subsurface materials, dozens of feet above bedrock. In particular, the petitioners claim that the pads are in violation of requirements in 10 CFR 72.212(b)(2)(i)(B).

Current Status:

The staff held a teleconference with the petitioners on April 26, 2006. The petitioners have informed the staff that they will submit a supplement to the petition. Another PRB meeting to determine whether the petition meets the criteria of 10 CFR 2.206 will be held following receipt of the supplement.

Facility:	Fermi, Unit 2
Petitioners:	Andrew V. Antrassian, Recording Secretary Local 223, Fermi Division Utility Workers Union of America, AFL-CIO
Date of Petition:	April 5, 2006
EDO Number:	G20060381
PRB meeting:	April 19, 2006

Issues/Actions requested:

That the NRC take action as may be proper to prevent the operating authority at Fermi, Unit 2 from being divided in a manner which hinders and obstructs the preferred, normal, and natural progression of non-licensed operator to licensed reactor operator. The basis for this request is a proposed action by the reactor operators to seek representation by a separate and distinct union than non-licensed operators.

Current Status:

The staff has reviewed the request and determined that it does not meet the criteria of 10 CFR 2.206 because union issues are not within the jurisdiction of the NRC, and the petitioners do not assert that the action is in violation of any NRC regulation.

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	04/05/06	03/01/06 35	06/29/06	TBD	

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.