

June 8, 2006

MEMORANDUM TO: Luis A. Reyes  
Executive Director for Operations

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

SUBJECT: MAY 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 May 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 May 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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TITLE 10 OF THE *CODE OF FEDERAL REGULATIONS*, SECTION 2.206

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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

## 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: **May 9, 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 petitioners 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 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 met with the petitioner on April 5, 2006. The meeting handouts and transcript are available on the NRC public webpage ([www.nrc.gov/reactors/operating/ops-experience/tritium/public-meetings.html](http://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.

### Current Status:

**By letter dated April 26, 2006, the petitioner submitted a letter which discusses the merits of the petition versus the NRC undertaking rulemaking to address the issue of groundwater contamination.**

The NRC held a public meeting with the Nuclear Energy Institute on May 9, 2006. The industry participants announced and described an initiative that would apply to all operating and decommissioning power reactors. The initiative proposes to address the issue of unmonitored releases of radioactive liquid effluents by having each licensee perform assessments, monitoring, and additional reporting to the NRC and local authorities. Many of the petitioners participated in the meeting.

## Status of Potential Petitions Under Consideration

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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 informed the staff that they would submit a supplement to the petition. The staff delayed making a decision on whether the petition met the criteria of 10 CFR 2.206 pending receipt of the supplement.

On May 4, 2006, the staff sent a letter to the petitioner, acknowledging receipt of the petition and providing a transcript of the teleconference. As of May 31, 2006, the petitioner had not provided a supplement to the petition.

One of the issues raised in the petition is also the subject of an open inspection item that is currently under review. Upon resolution of the open inspection item, the staff will determine if a separate review should be opened under the 2.206 process.

Facility: South Texas Project  
Petitioners: Service Employees International Union  
Date of Petition: May 16, 2006  
EDO Number: G20060525  
PRB meeting: TBD

Issues/Actions requested:

That the NRC issue a Demand for Information that would require STPNOC to provide the NRC with copies of:

- (1) any assessments of the safety conscious work environment at STP conducted since January 1, 2004, and
- (2) summaries of any associated action plans and the results of efforts to remediate problems revealed by these surveys and surveys in 2001 and 2003.

Current Status:

The staff contacted the petitioner on June 1, 2006, to inform him that we have received the petition and to offer an opportunity to address the board.

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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	04/05/06	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.