

August 17, 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: JULY 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 July 31, 2006, there were three open petitions that were accepted for review under the 2.206 process; two in the Office of Nuclear Reactor Regulation (NRR) and one in the Office of Nuclear Material Safety and Safeguards. 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 July 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  
301-415-1322

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

Date: August 17, 2006

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**Status of Open Petitions**

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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 28, 2006

Final DD Issuance: September 11, 2006

Last Contact with Petitioner: June 28, 2006

Petition Manager: Jon Hopkins

Case Attorney: Giovonna Longo

### Issues/Actions requested:

The petitioner is requesting that the NRC issue a Demand for Information (DFI) 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.

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.

On June 28, 2006, the NRC issued a proposed Director's Decision to the petitioners for comment. The proposed Director's Decision states that, because the industry initiative will provide the petitioners with the requested information, the portion of the Petition related to power reactors is considered granted in part, even though the NRC will not use a DFI as the mechanism to obtain the information. The NRC proposes to deny the portion of the Petition related to research and test reactors (RTR) because existing regulatory programs ensure that there is minimal risk of a significant release of contaminated liquid effluents and the NRC does not need additional information from the RTR licensees. The NRC staff requested that comments be submitted by July 28, 2006.

**Current Status:**

Comments on the proposed Decision were submitted by letter dated July 20, 2006, from David Lochbaum on behalf of over 24 organizations and individuals. The NRC staff is reviewing the comments and preparing the final Director's Decision.

Facility:	Palisades Nuclear Power Plant
Petitioners:	Terry Lodge, Counsel for Petitioners
Date of Petition:	April 4, 2006
Director's Decision to be Issued by:	NMSS
EDO Number:	G20060369
Proposed DD Issuance:	October 25, 2006
Final DD Issuance:	TBD
Last Contact with Petitioner:	June 27, 2006
Petition Manager:	Ray Wharton
Case Attorney:	Giovonna Longo

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).

Background:

The NRC 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 NRC 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 NRC staff sent a letter to the petitioners, acknowledging receipt of the petition and providing a transcript of the teleconference. As of June 30, 2006, the petitioners had not provided a supplement to the petition.

Current Status:

On June 9, 2006, the NRC staff sent a status letter to the petitioners, indicating that the staff will continue to process the petition in accordance with the 2.206 process.

On June 27, 2006, the NRC staff sent a letter to the petitioner stating that the request to condemn and stop the use of the two concrete pads does not require immediate action. The letter also stated that the petition was accepted for review under the 2.206 process in part, specifically with respect to slope stability of the concrete pad constructed in 2003. Those portions of the petition concerning the older concrete pad constructed in 1992 and soil liquefaction related to the newer pad were not accepted for review because those issues have already been the subject of NRC staff review and have been resolved.

The NRC staff review of the slope stability analysis for the newer pad is currently ongoing; however, a revised schedule has yet to be established. When this technical issue is resolved, the NRC staff will respond to the petition in a timely manner.

Facility:	South Texas
Petitioners:	Service Employees International Union
Date of Petition:	May 16, 2006, as supplemented June 26, 2006
Director's Decision to be Issued by:	NRR
EDO Number:	G20060525
Proposed DD Issuance:	November 24, 2006
Final DD Issuance:	TBD
Last Contact with Petitioner:	July 28, 2006
Petition Manager:	Mohan Thadani
Case Attorney:	Giovonna Longo

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.

Background:

The NRC staff met with the petitioner on June 27, 2006. The petitioner discussed his concerns and requested actions, and provided a supplement to the petition.

Current Status:

The PRB determined that the petition meets the criteria for review under 10 CFR 2.206. An acknowledgment letter was issued on July 28, 2006.



## Status of Potential Petitions Under Consideration

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Facilities: Vermont Yankee, Indian Point, and an unidentified plant  
Petitioner: Michael Mulligan  
Date of Petition: May 31, June 2, and June 12, 2006  
EDO Number: G20060576, G20060552, and G20060571

### Issues/Actions requested:

- that the surge protector in the switchgear room at Vermont Yankee be replaced within 6 months or the unit be shutdown;
- that the NRC, NEI, INPO, and State of NY be reorganized within 1 year or both Indian Point units be shutdown; and
- that all degradations identified in the normal and emergency service water system of the unidentified plant be fixed or the plant be shutdown within a year.

### Current Status:

The NRC staff determined that the petitions do not meet the criteria for review under 10 CFR 2.206 and issued a letter to the petitioner on July 12, 2006. The letter stated that the petitions do not meet the criteria of 2.206 for the following reasons: The component(s) cited as defective at Vermont Yankee in the petition of May 31 and supplemented on June 22, had operated as designed, and therefore, following a review, no violations of NRC regulations were cited. The petition requests of June 2 and 7, addressed deficiencies with the NRC. These issues are not considered under 10 CFR 2.206. The NRC staff has referred these concerns to the Office of the Inspector General for it's review. Finally, the petition of June 12, does not provide sufficient supportive factual information. In addition, the system(s) that are referenced in the petition have been the subject of NRC staff review and evaluation.

**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	06/28/06 119	09/11/06	
NMSS	Palisades	04/04/06	04/26/06	06/27/06 84	10/25/06	TBD	The staff delayed issuing the acknowledgement letter pending receipt of a supplement to the petition.
NRR	South Texas	05/16/06	06/27/06	7/28/06 73	11/24/06	TBD	The NRC staff delayed issuing the acknowledgement letter due to review of a supplement to the petition.

- 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.