

MEMORANDUM TO: James M. Taylor  
Executive Director for Operations  
FROM: Original signed by:  
Roy P. Zimmerman  
Associate Director for Projects  
Office of Nuclear Reactor Regulation

October 23, 1996

SUBJECT: SEPTEMBER 1996 REPORT ON THE STATUS OF PUBLIC PETITIONS  
UNDER 10 CFR 2.206

The attached monthly report reflects the status of 10 CFR 2.206 petitions as of the end of September 1996. This report may not reflect changes in status that have occurred since petition managers submitted data on the September status. Attachment 1 gives the status of petitions before the Offices of Nuclear Material Safety and Safeguards, Nuclear Reactor Regulation, and Enforcement. Attachment 2 lists decisions before the Commission and the courts. Attachment 3 lists other sensitive matters which are for internal distribution only.

By issuing the monthly report on the status of pending 10 CFR 2.206 petitions, the staff is documenting its responsiveness to petitioners.

To enhance staff responsiveness to the public, those parts of the monthly report not of a sensitive nature will be placed in the Public Document Room and on the electronic bulletin board system, making them readily accessible to the public.

Attachments: 1. Report on Status of Public Petitions Under 10 CFR 2.206  
2. Decisions Pending Before the Commission and the Courts  
3. Internal Distribution Only

cc w/atts: J. L. Milhoan, EDO  
H. L. Thompson, EDO  
J. Blaha, EDO  
K. D. Cyr, OGC  
F. J. Miraglia, NRR  
C. J. Paperiello, NMSS  
J. Lieberman, OE  
E. Julian, SECY  
R. L. Bangart, OSP  
G. P. Caputo, OI  
J. F. Cordes, Jr., OCAA  
J. R. Goldberg, OGC  
L. J. Chandler, OGC  
Regional Administrators  
OCA  
OPA

CONTACT: Janet Kennedy, NRR  
415-3267

Distribution:

Central Files J. Roe (e) G. Beveridge P. Lohaus P. Anderson/EDO  
PUBLIC w/att 1 & 2 only (Att 3 is "NOT FOR EXTERNAL DISTRIBUTION")  
B. McCabe E. Adensam (e) F. Cameron/OGC A. Chaffee  
R. Zimmerman M. Thadani C. Jamerson J. Kennedy

To receive a copy of this document, indicate in the box: "C" = Copy without attachment/enclosure "E" = Copy with attachment/enclosure "N" = No copy DOCUMENT NAME: P:\206\OCT96RPT.WP

OFFICE	LA:PD31	E	PM:PDVI-1	E	NMSS:RMB	E	OE	E	ADRP:NRR#3	E
NAME	C. Jamerson		J. Kennedy		G.G. Beveridge		N. Mamish for J. Lieberman		R.P. Zimmerman RPZ	
DATE	10/15/96		10/23/96		10/15/96(e)		10/16/96(e)		10/23/96	

OFFICIAL RECORD COPY (e) e-mail concurrence

NRC FILE CENTER COPY

x- L-4-1 PT 2

9610290059 961023  
PDR ORG NE ED PDR

96-134

DFD3/1

Qm-8  
Rept



UNITED STATES  
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

October 23, 1996

MEMORANDUM TO: James M. Taylor  
Executive Director for Operations

FROM: Roy P. Zimmerman *Roy P. Zimmerman*  
Associate Director for Projects  
Office of Nuclear Reactor Regulation

SUBJECT: SEPTEMBER 1996 REPORT ON THE STATUS OF PUBLIC PETITIONS  
UNDER 10 CFR 2.206

The attached monthly report reflects the status of 10 CFR 2.206 petitions as of the end of September 1996. This report may not reflect changes in status that have occurred since petition managers submitted data on the September status. Attachment 1 gives the status of petitions before the Offices of Nuclear Material Safety and Safeguards, Nuclear Reactor Regulation, and Enforcement. Attachment 2 lists decisions before the Commission and the courts. Attachment 3 lists other sensitive matters which are for internal distribution only.

By issuing the monthly report on the status of pending 10 CFR 2.206 petitions, the staff is documenting its responsiveness to petitioners.

To enhance staff responsiveness to the public, those parts of the monthly report not of a sensitive nature will be placed in the Public Document Room and on the electronic bulletin board system, making them readily accessible to the public.

Attachments: 1. Report on Status of Public Petitions Under 10 CFR 2.206  
2. Decisions Pending Before the Commission and the Courts  
3. Internal Distribution Only

cc w/atts: J. L. Milhoan, EDO  
H. L. Thompson, EDO  
J. Blaha, EDO  
K. D. Cyr, OGC  
F. J. Miraglia, NRR  
C. J. Paperiello, NMSS  
J. Lieberman, OE  
E. Julian, SECY

R. L. Bangart, OSP  
G. P. Caputo, OI  
J. F. Cordes, Jr., OCAA  
J. R. Goldberg, OGC  
L. J. Chandler, OGC  
Regional Administrators  
OCA  
OPA

CONTACT: Janet Kennedy, NRR  
415-3267

Report on Status of Public Petitions  
Under 10 CFR 2.206

September 1996

Contents\*

<u>Facility</u>	<u>Petitioner/EDO No.</u>	<u>Page No.</u>
Vogtle	Hobby and Mosbaugh/5836	1,32
Advanced Medical Systems, Inc.	Northeast Ohio Regional Sewer District/8663	2
All Power Reactors	Blanch/9968	3
Advanced Medical Systems, Inc.	Northeast Ohio Regional Sewer District/10395	4
Oyster Creek	Gunter and de Camp, Jr./10473	5
Georgia Tech and All Licensees	Blockey-O'Brien/10598	6
Millstone	Ross/10600	8
Millstone	Ross/15	9
Millstone	Ross/16	10
Millstone	Ross/17	11
Prairie Island Units 1 and 2	Bjoralt and Gunter/433	12
Millstone	Galatis et al./603	14,33
Palisades	Sinclair and Skavroneck/665	16
National Institutes of Health	Ma and Zheng/721	18
Palisades Plant, Point Beach Units 1 and 2, and Arkansas Nuclear One, Units 1 and 2	Shillinglaw/872	20
Davis-Besse	Toledo Coalition for Safe Energy, et al./886	21
Perry and Davis Besse	City of Cleveland/972	22
Catawba	Morris/GT96045	23,33
All Nuclear Power Plants	Morris/GT96105	24
Maine Yankee	Burt, Friends of the Coast/GT96181	24
Crystal River	Bennett/GT96209	32
Oyster Creek	de Camp/GT96345	25
Westinghouse Electric Corporation	Doyle/GT96400	26
St. Lucie, Units 1 and 2	Saporito et al./GT96445	27
Oyster Creek	de Camp/GT96452	27
Shieldalloy and Cypress Foote	Bauman/GT96596	28
Maine Yankee and All Other Plants Using the RELAP Code for ECCS Analyses	Sears/GT96659	29
Northern States Power Company Independent Spent Fuel Storage Installation	Florence Township/GT96669 /GT96670	29
Point Beach, Units 1 and 2	Dums, Wisconsin's Citizens' Utility Board/GT96774	30

\*Includes Attachments 2 and 3.

Report on  
Status of Public Petitions  
Under 10 CFR 2.206

---

Facility: Vogtle  
Petitioners: M. Hobby and A. Mosbaugh  
Date of Petition: 9/11/90

Director's Decision To Be Issued by: NRR  
Date Referred to Review Organization: 9/21/90  
EDO Number: 5836  
OGC Number: P-90-009  
Scheduled Completion Date: 11/30/96  
Last Contact with Petitioner(s): 8/27/96  
Petition Manager: D. Wheeler  
Case Attorney: R. Hoefling

Issues/Action Requested: Take immediate action regarding alleged "illegal transfer" of operating licenses, repeated and willful violations of NRC requirements, and unsafe management practices at operating reactors.

Current Status: An acknowledgment letter was issued on 10/23/90. The Director of the Office of Nuclear Reactor Regulation issued a partial Director's Decision on 4/23/93 (DD-93-08). On 7/14/93, the Commission vacated the partial Director's Decision and requested that a final Director's Decision await completion of a related hearing (CLI-93-15). On 2/18/94, the Atomic Safety and Licensing Board (ASLB) granted intervenor status to petitioner Mosbaugh, admitting him as a party in the license amendment proceeding concerning the proposed transfer of operating licenses from Georgia Power to Southern Nuclear Operating Company. The contention admitted encompasses some of the issues in the 2.206 petition. The hearing on the "illegal transfer" issue was held 1/4-13/95. The hearing on the final issue (an alleged misrepresentation of diesel generator test results) began on 4/17/95. On 2/1/96 the NRC issued a Board Notification, 96-01, to the petitioners' attorney advising them of pending actions. On 4/10/96, OGC telephoned the petitioner's legal counsel in the ASLB proceeding to provide a status update on the 2.206 petition and inform the legal counsel that there were no new developments.

The hearings were completed and the final filings from all parties were submitted to the ASLB by 12/22/95. On 6/20/96 Georgia Power Company and intervenor Mosbaugh filed a joint motion informing the Board that they had arrived at a settlement "in principle" and asked the Board to defer issuing any decision until 9/20/96. One of the conditions of the settlement was that the Board terminate the proceedings without a decision. On 8/2/96, petitioner



Mosbaugh filed a withdrawal of his intervention and, on the same day, petitioner Mosbaugh and the licensee filed a joint motion requesting that the ASLB issue an order terminating the proceedings without issuing a decision. The ASLB issued an order on 8/16/96 dismissing the case without a decision. The staff received an extension for the scheduled completion date until 10/31/96. On 7/1/96 and 8/27/96, the staff telephoned petitioner Hobby's legal counsel to provide an update on the status of the petition.

---

Facility: Advanced Medical Systems, Inc.  
Petitioner: Northeast Ohio Regional Sewer District (W. Schatz)  
Date of Petition: 3/3/93

Director's Decision To Be Issued by: NMSS  
Date Referred to Review Organization: 3/17/93  
EDO Number: 8663  
OGC Number: P-93-003  
Scheduled Completion Date: 12/26/96  
Last Contact with Petitioner(s): 8/20/96  
Petition Manager: J. DeCicco  
Case Attorney: R. Weisman

Issues/Action Requested: Modify license for AMS to (1) assume all costs resulting from offsite release of cobalt-60 that has been deposited at the Southerly Treatment Plant and (2) decontaminate the sewer connecting AMS with public sewer system.

Current Status: An acknowledgment letter was issued on 4/2/93. Extensive environmental surveys were completed by Region III during the week of 5/24/93 and an inspection report was issued on 7/29/93. A Northeast Ohio Regional Sewer District (NEORSRD) site characterization report was submitted on 6/30/94. A NEORSRD letter of 9/13/94 contained supplemental requests to this petition. An acknowledgment letter was issued on 10/14/94. A NEORSRD letter of 10/13/94 contained a supplemental request to this petition; an acknowledgment letter was issued on 11/2/94. The scheduled completion date was extended in January and March 1995 to allow preparation of an options paper for the Commission's consideration. The staff provided status updates to the petitioner by telephone on 5/30/95, 8/1/95, 10/3/95, 12/4/95, 2/12/96, 4/16/96, and 6/18/96. The completion date was extended in June 1995 to allow additional time for development of the Commission Options Paper. The completion date was extended in September 1995 to allow time for completion of further staff review in support of the Commission Options Paper. Because of the agency-wide implications of waste disposal, the completion date was extended in December 1995 until 3/29/96, and again in March 1996 to 12/26/96 to continue staff review of the Commission Options Paper. The staff contacted the

petitioner by telephone on 8/20/96 to discuss the status of the petition.

---

Facility: All Power Reactors  
Petitioner: P. Blanch  
Date of Petition: 4/13/94

Director's Decision To Be Issued by: NRR  
Date Referred to Review Organization: 4/19/94  
EDO Number: 9968  
OGC Number: P-94-010  
Scheduled Completion Date: 10/31/96  
Last Contact with Petitioner(s): 9/11/96  
Petition Manager: J. Shea  
Case Attorney: R. Hoeftling

Issues/Action Requested: Immediately issue an information notice regarding potential spent fuel pool meltdown, require each licensee to immediately evaluate compliance regarding this potential deficiency, deny all requests for license amendments for expanding spent fuel pool capacity until matter is resolved, and suspend issuing Notices of Enforcement Discretion until evaluations are complete.

Current Status: An acknowledgment letter was issued on 5/5/94. Although the staff concluded that the originally postulated sequence of events was not sufficiently safety significant to warrant immediate action, it has developed a generic action plan to address overall safety concerns about spent fuel storage pools. The first progress report was issued on 1/19/95 and apprised the petitioner of the action plan. The petitioner responded to the 1/19/95 update with a letter dated 1/26/95. In his response, the petitioner requested that the staff address his petition requests more directly. NRR staff spoke with the petitioner on 3/3/95. On 9/28/95, the staff sent a response to the petitioner's letters of 1/26/95, 2/28/95, and 3/2/95. A status update letter was sent to the petitioner on 6/19/95. The scheduled completion date was extended to 12/31/95 in August 1995 to be consistent with completion of the staff action plan on generic fuel pool cooling issues. The staff sent a letter to the petitioner on 10/12/95 regarding the status of the staff's action plan. The staff sent status update letters to the petitioner on 1/23/96 and 3/27/96. The scheduled completion date was revised in December 1995 to allow for consideration of recent spent fuel pool concerns at Millstone. The completion date was extended in April 1996 to 7/31/96 to be consistent with the completion of the staff action plan on spent fuel pool cooling issues. The scheduled completion date is contingent upon completion of the Commission recommendations paper.

A progress report was sent to the petitioner on 6/11/96 which included the staff's spent fuel pool survey report dated 5/21/96. The staff forwarded the results of the Task Action Plan for Spent Fuel Storage Pool Safety to the Commission on 7/29/96. It is expected that the final Director's Decision will draw heavily on the results of the Action Plan. The completion date for this petition was extended to 9/30/96 to allow consideration of the Action Plan Report. A status update letter was sent to the petitioner on 9/11/96 forwarding the staff's final report on the Task Action Plan for Spent Fuel Storage Pool Safety. The completion date was extended to 10/31/96 to allow completion of the staff's review of the final Director's Decision.

---

Facility: Advanced Medical Systems, Inc.  
Petitioner: Northeast Ohio Regional Sewer District  
Date of Petition: 8/19/94

Director's Decision To Be Issued by: NMSS  
Date Referred to Review Organization: 8/29/94  
EDO Number: 10395  
OGC Number: P-94-020  
Scheduled Completion Date: 11/29/96  
Last Contact with Petitioner(s): 8/20/96  
Petition Manager: J. DeCicco  
Case Attorney: R. Weisman

Issues/Action Requested: Amend AMS license to install, maintain, and operate alarms on all drains from London Road facility.

Current Status: An acknowledgment letter was issued on 9/7/94. The staff completed its research of Picker Corporation's (previous licensee) license file to establish use/discontinuance of flow-rate alarms in the 1970s. The staff met on 3/14/95 to discuss the petition. The staff provided status updates to the petitioner by telephone on 5/30/95, 8/1/95, 10/3/95, 12/4/95, 2/12/96, 4/16/96, and 6/18/96. The scheduled completion date was delayed in June 1995 because of a license amendment request from AMS on 3/22/95, which requested installation of a sampling system on a proposed lateral sewer line. The completion date was extended in August 1995 to allow time for completion of the staff's review. On 12/29/94 the Sewer District requested a license renewal hearing per Subpart L, 10 CFR 2.1205; action on the Director's Decision has been deferred until completion of the license renewal proceedings. The petitioner was contacted by telephone on 8/20/96 to discuss the status of the petition.

---

Facility: Oyster Creek Nuclear Generating Station  
Petitioners: P. Gunter and W. de Camp, Jr.  
Date of Petition: 9/19/94, as supplemented 12/13/94

Director's Decision To Be Issued by: NRR  
Date Referred to Review Organization: 9/29/94  
EDO Number: 10473  
OGC Number: P-94-023  
Scheduled Completion Date: 10/31/96  
Last Contact with Petitioner(s): 10/8/96  
Petition Manager: R. Eaton  
Case Attorney: G. Longo

Issues/Action Requested: Immediately suspend Oyster Creek license until the licensee (1) inspects and repairs or replaces all safety-class reactor internal component parts subject to embrittlement and cracking, (2) provides an analysis on the synergistic effects of through-wall cracking of multiple safety-class components, and (3) addresses generic spent fuel pool design deficiencies of Oyster Creek.

Current Status: An acknowledgment letter was issued on 10/27/94. On 12/13/94, the petitioners sent a letter appealing NRC's denial to immediately suspend Oyster Creek's operating license. The petitioners stated that the staff did not address their concerns regarding reactor vessel internal cracking and spent fuel pool cooling. A letter responding to the petitioners' appeal was issued on 4/10/95. The staff indicated that it is treating the 12/13/94 letter as a supplement to the 9/26/94 petition. The staff also indicated that NRC regulations make no provisions for appeal or reconsideration of such administrative determinations. The staff advised the petitioners that they provided no bases for revisiting the denial of the 9/19/94 request for immediate suspension of the license.

On 3/20/95, a letter was sent to the petitioners, for information only, transmitting an NRC letter dated 3/8/95 to Messrs. Lochbaum and Prevatte relating to the safety of spent fuel pool storage at the Susquehanna Steam Electric Station. On 5/22/95, Paul Gunter called to request information regarding Oyster Creek shroud bracket fabrication. The petition manager provided the requested information by telephone on 5/23/95.

On 6/16/95, Paul Gunter called to ask why GPUN was moving fuel. The NRC staff advised Mr. Gunter that to the best of its knowledge, the fuel was being moved to a different area of the spent fuel pool to prepare for moving fuel to the dry fuel storage facility. The staff advised Mr. Gunter that GPUN did not intend to transfer the failed fuel element into the dry fuel storage facility. The staff issued a partial Director's Decision (DD-95-18) on 8/4/95 denying Requests (1) and (2) of the 9/19/94

petition and Request (1) of the 12/13/94 supplemental petition.

In a letter of 9/1/95, the Secretary of the Commission advised the petitioners that the Commissioners allowed the time provided by NRC regulations within which the Commission may act to review Director's Decision 95-18 to expire; accordingly, Director's Decision 95-18 became a final agency action on 8/28/95. Paul Gunter called on 9/14/95 to make sure that the staff was continuing to review the spent fuel pool cooling concern. The petition manager advised Mr. Gunter that the staff is reviewing this issue generically and that upon completion of its review, NRC will provide him with its evaluation.

In a letter of 11/22/95 to the petitioners, the staff updated the status of its generic review and indicated that it had completed onsite assessments of spent fuel operations at four sites in addition to the detailed review at Susquehanna Steam Electric Station in response to the 10 CFR Part 21 report. The scheduled completion date was extended in January 1995 to 1/30/96, and again in January 1996 to 7/31/96 because of additional time required for staff review and resolution of issues on a generic action plan on spent fuel storage. In a letter to the petitioners of 1/24/96, the staff updated the status of the petition and enclosed a copy of Information Notice (IN) 95-54, "Decay Heat Management Practices During Refueling Outages," dated 12/1/95. The staff provided a status update to the petitioners by telephone on 2/29/96. On 4/24/96, the staff informed the petitioner of a change in the NRC petition manager. The petitioner was contacted by telephone on 7/16/96 and informed of a change in the scheduled completion date to 8/31/96. In August 1996, the scheduled completion date was changed to 9/30/96 to allow for additional staff review. In September 1996, the completion date was extended to 10/31/96 to allow additional time for review of the draft Director's Decision. The petitioner was contacted by telephone on 10/8/96 and informed of the change in completion date.

---

Facility:	<u>Georgia Tech and All Licensees</u>
Petitioner:	P. Blockey-O'Brien
Date of Petition:	10/23/94; supplemented 11/12/94, 12/4/94, 2/21/95, 2/23/95, 3/6/95, 3/28/95, 4/18/95, 5/18/95, 6/27/95, 7/18/95, 8/18/95, 8/21/95, 8/28/95, 8/31/95, 9/17/95, 10/27/95, 1/10/96, 1/27/96, 3/14/96, and 5/24/96
Director's Decision To Be Issued by:	NRR
Date Referred to Review Organization:	11/15/94
EDO Number:	10598
OGC Number:	P-94-027
Scheduled Completion Date:	6/30/97
Last Contact with Petitioner(s):	8/16/96



Petition Manager:  
Case Attorney:

M. Mendonca  
M. Stein

Issues/Action Requested:

Withdraw license from, shut down, and decommission the Neely Nuclear Research Reactor at the Georgia Institute of Technology; revoke all licenses to discharge radioactive wastes to sewers and waters of the United States and oceans of the world, and revoke all licenses that use as low as reasonably achievable criterion; and add requirements to license for the transportation of radioactive material and to prohibit the transport of radioactive material by mail.

Current Status:

The petitioner was informed on 11/21/94 that the 2.206 process is a public process. An acknowledgment letter was issued on 11/22/94. The petitioner was contacted and has responded with supplemental letters dated 11/12/94, 12/4/94, 2/21/95, 2/23/95, 3/6/95, 3/28/95, 4/18/95, 5/18/95, 6/27/95, and 7/18/95. The scheduled completion date of the initial response letter was delayed in February 1995 because of the increased scope as a result of supplements and potential hearing issues. A status update letter was sent to the petitioner on 6/5/95. The scheduled completion date was extended in July 1995 to accommodate the remaining necessary reviews. The staff issued a partial Director's Decision (DD-95-15) on 7/31/95 denying the requested actions based on the petition issues considered to date. The final Director's Decision will depend on the license renewal process, including potential Atomic Safety and Licensing Board hearings and appeals. The staff expects to complete this action by 12/31/96.

In a letter dated 8/29/95, the Secretary of the Commission informed the petitioner that the partial Director's Decision constituted the final action of the Commission on the petition issues considered to date. On 9/12/95, the staff responded to the petitioner's additional letters of 8/18/95, 8/21/95, 8/28/95, and 8/31/95. The staff received additional letters dated 9/17/95, 10/27/95, 1/10/96, 1/27/96, and 3/14/96. The staff provided a status update to the petitioner by letter dated 9/12/95. On 11/15/95, the petitioner was again informed of the status of the response to the petition via personal interaction at a Georgia Tech Research Reactor prehearing conference. The petition manager provided a status update to the petitioner by telephone on 1/22/96. A written update responding to the petitioner's 10/27/95, 1/10/96, 1/27/96, and 3/14/96 letters was sent to the petitioner on 3/22/96. The petitioner was contacted on 5/22/96 by the petition manager at a limited appearance hearing for the ongoing license renewal proceeding. The petitioner was informed that evaluation of the petition was pending completion of the ongoing Atomic Safety and Licensing Board (ASLB) proceeding. The petitioner sent in a supplement dated 5/24/96, which was docketed and provided to the ASLB panel for the license renewal proceeding.

during the limited appearances on 5/22/96. On 6/17/96 the petitioner called the NRC Chairman to indicate that all the information on her petition had been provided by her 5/24/96 supplement. The petition manager returned the call on 6/18/96 and discussed the status of the 2.206 review with the petitioner. Because of delays in the scheduled completion of the ASLB hearing on the remaining contention, the completion date for this petition was extended to 6/30/97. The petitioner was contacted by telephone on 8/16/96 to discuss the status of the petition.

---

Facility: **Millstone**  
Petitioner: A. Ross  
Date of Petition: 1/15/95; supplements of 10/28/94 and 10/14/95

Director's Decision To Be Issued by: NRR  
Date Referred to Review Organization: 2/7/95  
EDO Number: 10600  
OGC Number: P-95-007  
Scheduled Completion Date: 11/30/96  
Last Contact with Petitioner(s): 8/12/96  
Petition Manager: J. Andersen  
Case Attorney: S. Chidake1

Issues/Action Requested: Take "accelerated" enforcement action against Northeast Utilities for violations at Millstone involving procedure compliance, work control, and tagging control.

Current Status: An acknowledgment letter was issued on 2/23/95. The petitioner submitted additional information on 2/8/95, 2/20/95, and 2/23/95. In the 2/23/95 letter, the petitioner requested that the EDO act on the petition as soon as possible. The staff responded to the additional submittals on 3/20/95. Status update letters were sent to the petitioner on 5/9/95, 7/19/95, and 10/4/95. The status of the petitions was discussed in telephone calls with the petitioner on 5/25/95, 6/2/95, 7/24/95, 8/14/95, 9/22/95, and 5/29/96. On 5/30/95 and 6/2/95, the NRC staff discussed Northeast Utilities' letters of 3/15/95, 3/24/95, and 5/12/95 in telephone calls with the petitioner. An inspection (50-245/95-22, 50-336/95-22, 50-423/95-22) was conducted at the site in May and June 1995 to audit the licensee's response to the petitioner's concerns, which had been forwarded to the licensee. The licensee responded with its investigation into the matters during the first quarter of 1995. Because the results from the inspection were needed to prepare the Director's Decision, the scheduled completion date was extended to 9/30/95, and again to 12/30/95. The completion date was extended in November 1995 to 3/30/96, in March 1996 to 5/30/96, in May 1996 to 7/1/96, in June 1996 to 8/30/96, and in August 1996 to 11/30/96 to allow time for further staff review.

Based on a copy of the petition obtained by Northeast Utilities, the licensee voluntarily provided a response to the petition on 5/12/95. In a letter dated 10/9/95, the petitioner stated that the NRC update letters were inadequate. In a letter dated 10/16/95, Congressman Gejdenson requested information concerning the petitioner's 10/9/95 letter. The staff responded to the petitioner on 12/12/95 (and to Congressman Gejdenson on 12/14/95) and provided a status update on his petitions. In a letter dated 10/14/95, the petitioner submitted an additional 10 CFR 2.206 request. On 11/24/95 the staff responded to the petitioner's 10/14/95 letter and informed the petitioner that its 10/14/95 letter will be treated as a supplement to this petition. On 2/7/96, 4/16/96, and 8/12/96, the staff sent status update letters to the petitioner.

---

Facility: Millstone  
Petitioner: A. Ross  
Date of Petition: 1/5/95

Director's Decision To Be Issued by: NRR  
Date Referred to Review Organization: 1/20/95  
EDO Number: 15  
OGC Number: P-95-004  
Scheduled Completion Date: 11/8/96  
Last Contact with Petitioner(s): 8/12/96  
Petition Manager: J. Andersen  
Case Attorney: S. Chidake1

Issues/Action Requested: Institute sanctions against department manager, first-line supervisor, and two co-workers for engaging in deliberate misconduct in violation of 10 CFR 50.5; investigate procedure violations.

Current Status: An acknowledgment letter was issued on 2/23/95. Status update letters were sent to the petitioner on 5/9/95, 7/19/95, and 10/4/95. The status of the petitions was discussed in telephone calls with the petitioner on 5/25/95, 6/2/95, 7/24/95, 8/14/95, 9/22/95, and 5/29/96. On 5/30/95 and 6/2/95, the NRC staff discussed Northeast Utilities' letters of 3/15/95, 3/24/95, and 5/12/95 in telephone calls with the petitioner. An inspection (50-245/95-22, 50-336/95-22, 50-423/95-22) was conducted at the site in May and June 1995 to audit the licensee's response to the petitioner's concerns, which had been forwarded to the licensee. The licensee responded with its investigation into the matters during the first quarter of 1995. Because the results from the inspection were needed to prepare the Director's Decision, the scheduled completion date was extended to 9/30/95, and again to 12/30/95. The completion date was extended in November 1995 to 3/30/96, in March 1996 to 5/30/96, in May 1996 to 7/1/96, in June 1996 to 8/30/96, and in August 1996 to 9/11/96 to allow time for further staff review.

Based on a copy of the petition obtained by Northeast Utilities, the licensee voluntarily provided a response to the petition on 8/31/95. In a letter dated 10/9/95, the petitioner stated that the NRC update letters were inadequate. In a letter dated 10/16/95, Congressman Gejdenson requested information concerning the petitioner's 10/9/95 letter. The staff responded to the petitioner on 12/12/95 (and to Congressman Gejdenson on 12/14/95) and provided a status update on his petitions. On 2/7/96, 4/16/96, and 8/12/96, the staff sent status update letters to the petitioner. The draft Director's Decision is being reviewed by the staff.

---

Facility: Millstone  
Petitioner: A. Ross  
Date of Petition: 1/2/95

Director's Decision To Be Issued by: NRR  
Date Referred to Review Organization: 1/20/95  
EDO Number: 16  
OGC Number: P-95-003  
Scheduled Completion Date: 11/1/96  
Last Contact with Petitioner(s): 8/12/96  
Petition Manager: J. Andersen  
Case Attorney: S. Chidake1

Issues/Action Requested: Issue Severity Level II and III violations against department head and first-line supervisor for violation of 10 CFR 50.7, institute sanctions against first-line supervisor, licensee, and Unit 1 organization for engaging in deliberate misconduct in violation of 10 CFR 50.5, and remove first-line supervisor from his position until issue can be resolved.

Current Status: An acknowledgment letter was issued on 2/23/95. Status update letters were sent to the petitioner on 5/9/95, 7/19/95, and 10/4/95. The status of the petitions was discussed in telephone calls with the petitioner on 5/25/95, 6/2/95, 7/24/95, 8/14/95, 9/22/95, and 5/29/96. On 5/30/95 and 6/2/95, the NRC staff discussed Northeast Utilities' letters of 3/15/95, 3/24/95, and 5/12/95 in telephone calls with the petitioner. An inspection (50-245/95-22, 50-336/95-22, 50-423/95-22) was conducted at the site in May and June 1995 to audit the licensee's response to the petitioner's concerns, which had been forwarded to the licensee. The licensee responded with its investigation into the matters during the first quarter of 1995. Because the results from the inspection were needed to prepare the Director's Decision, the scheduled completion date was extended to 9/30/95, and again to 12/30/95. The completion date was extended in November 1995 to 3/30/96, in March 1996 to 5/30/96, in May 1996 to 7/1/96, in June 1996 to 8/30/96, and in August 1996 to 9/11/96 to allow time for further staff review.



Based on a copy of the petition obtained by Northeast Utilities, the licensee voluntarily provided a response to the petition on 8/31/95. In a letter dated 10/9/95, the petitioner stated that the NRC update letters were inadequate. In a letter dated 10/16/95, Congressman Gejdenson requested information concerning the petitioner's 10/9/95 letter. The staff responded to the petitioner on 12/12/95 (and to Congressman Gejdenson on 12/14/95) and provided a status update on his petitions. In a letter dated 11/28/95 regarding the petitioner's harassment and intimidation (H&I) claims, the NRC stated that in light of previous findings and a review of the petitioner's remaining claims, it has determined not to expend further investigatory effort on the remaining H&I claims. On 2/7/96, 4/16/96, and 8/12/96, the staff sent status update letters to the petitioner. The draft Director's Decision is being reviewed by the staff.

---

Facility: Millstone  
Petitioner: A. Ross  
Date of Petition: 12/30/94

Director's Decision To Be Issued by: NRR  
Date Referred to Review Organization: 1/20/95  
EDO Number: 17  
OGC Number: P-95-002  
Scheduled Completion Date: 11/1/96  
Last Contact with Petitioner(s): 8/12/96  
Petition Manager: J. Andersen  
Case Attorney: S. Chidakel

Issues/Action Requested: Require licensee to review the work orders of the last 10-12 years to ensure that no QA work deficiencies exist; issue Severity Level I violation against licensee and its managers for violations of 10 CFR 50.7; issue a Severity Level III violation against a gas turbine system engineer for violation of 10 CFR 50.7; and institute sanctions against the system engineer, the licensee, and its managers for engaging in deliberate misconduct in violation of 10 CFR 50.5.

Current Status: An acknowledgment letter was issued on 2/23/95. Status update letters were sent to the petitioner on 5/9/95, 7/19/95, and 10/4/95. The status of the petitions was discussed in telephone calls with the petitioner on 5/25/95, 6/2/95, 7/24/95, 8/14/95, 9/22/95, and 5/29/96. On 5/30/95 and 6/2/95, the NRC staff discussed Northeast Utilities' letters of 3/15/95, 3/24/95, and 5/12/95 in telephone calls with the petitioner. An inspection (50-245/95-22, 50-336/95-22, 50-423/95-22) was conducted at the site in May and June 1995 to audit the licensee's response to the petitioner's concerns, which had been forwarded to the licensee. The licensee responded with its investigation into the matters during the first



quarter of 1995. Because the results from the inspection were needed to prepare the Director's Decision, the scheduled completion date was extended to 9/30/95, and again to 12/30/95. The completion date was extended in November 1995 to 3/30/96, in March 1996 to 5/30/96, in May 1996 to 7/1/96, in June 1996 to 8/30/96, and in August 1996 to 9/11/96 to allow time for further staff review.

Based on a copy of the petition obtained by Northeast Utilities, the licensee voluntarily provided a response to the petition on 8/31/95. In a letter dated 10/9/95, the petitioner stated that the NRC update letters were inadequate. In a letter dated 10/16/95, Congressman Gejdenson requested information concerning the petitioner's 10/9/95 letter. The staff responded to the petitioner on 12/12/95 (and to Congressman Gejdenson on 12/14/95) and provided a status update on his petitions. In a letter dated 11/28/95 regarding the petitioner's harassment and intimidation (H&I) claims, the NRC stated that in light of previous findings and a review of the petitioner's remaining claims, it has determined not to expend further investigatory effort on the remaining H&I claims. On 2/7/96, 4/16/96, and 8/12/96, the staff sent status update letters to the petitioner. The draft Director's Decision is being reviewed by the staff.

---

Facility: Prairie Island Units 1 and 2  
Petitioners: S. Bjoralt and P. Gunter  
Date of Petition: 6/5/95, with addenda dated 2/19/96 and 3/13/96

Director's Decision To Be Issued by: NRR  
Date Referred to Review Organization: 6/7/95  
EDO Number: 433  
OGC Number: P-95-013  
Scheduled Completion Date: 10/30/96  
Last Contact with Petitioner(s): 9/6/96  
Petition Manager: B. Wetzel  
Case Attorney: R. Hoefling

Issues/Action Requested: Immediately suspend the operating licenses of Prairie Island Units 1 and 2 and conduct an evening public hearing to discuss any NRC denial of requested actions. The petition raises a number of concerns, including cracking of the Prairie Island steam generator tubes and reactor vessel head penetrations, use of the transfer channel between the reactor core and the fuel pool during unloading and loading of dry cask storage units, and the use of the Prairie Island crane for an extended period.

An addendum to the original petition was sent to the NRC on 2/19/96, requesting that the NRC not allow Unit 1 to restart from its refueling outage until a full-length inspection of steam generator

tubes is performed using the Zetec Plus-Point probe. The addendum used as a basis Mr. Russell's remarks in a Commission briefing on 1/31/96, that instances of free-span cracking had been identified in steam generator inspections.

An additional addendum was sent to the NRC on 3/13/96. The petitioners request that the NRC require the licensee for Prairie Island (Northern States Power Company) to conduct mid-cycle outages for Units 1 and 2 and perform full-length eddy-current inspections using the Plus-Point probe. If the NRC denies this request, the petitioners request an informal hearing in the Red Wing, Minnesota, area.

**Current Status:**

The NRC staff issued an acknowledgment letter on 6/19/95, which denied the petitioners' request to immediately suspend the operating licenses of Prairie Island Units 1 and 2 on the basis that no new information was provided by the petitioners that involved a significant safety concern. One of the petitioners wrote to NRC Chairman Selin on 6/21/95 to refute the acknowledgment letter and to state that the staff response "side-steps the serious problems raised in the Petition." The NRC staff has held numerous telephone conversations with the petitioner to discuss issues raised in the petition, as well as other issues he has brought up in the course of conversation. The staff responded to the petitioner's letter of 6/21/95 in a letter on 7/12/95 in which the staff reiterated the fact that the petition contained no new information, and that in accordance with 2.206 guidance, the NRC does not intend to hold an informal public meeting. The staff also forwarded Prairie Island Inspection Report No. 95002 to the petitioners on 7/27/95. This report summarized dry cask storage inspection activities at Prairie Island.

The scheduled completion date was extended in September 1995 to 12/15/95, in November 1995 to 1/19/96, and in January 1996 to 4/30/96 to allow time for additional staff review and to address policy-related issues related to dry cask storage. The staff sent a letter to the licensee on 9/25/95 requesting certain plant-specific information to assess Prairie Island's susceptibility to the vessel head penetration cracking phenomenon experienced at a foreign reactor. A copy of this letter was also sent to the petitioners for information. The staff provided a status update to the petitioners by telephone on 9/27/95. The licensee submitted its response to NRC's request for additional information regarding the vessel head penetration cracking issue on 10/24/95. The licensee also forwarded a copy of its response directly to both petitioners. The petition manager provided a status update to the petitioners by telephone on 12/13/95, 2/8/96, and 2/29/96. The staff issued a letter to the petitioners acknowledging their 2/19/96 addendum on 3/1/96 and denied their request to not allow Unit 1 to restart.

A copy of the acknowledgment letter was telecopied to the petitioners on 3/1/96.

The petitioners wrote two addenda to the original petition dated 2/19/96 and 3/13/96 dealing with steam generator tube cracking. The staff issued acknowledgment letters to the addenda on 3/1/96 and 4/22/96. The scheduled completion date was extended in March 1996 to 10/30/96 to allow additional time for staff review of the two addenda to the petition and the outstanding issues on the steam generators at Prairie Island. The petition manager contacted the petitioners by telephone on 5/13/96 and notified them of the schedule change. The petition manager contacted the petitioners by telephone on 7/8/96 and notified them that they would be receiving a copy of the meeting summary for a recent meeting held on 5/9/96, between the staff and the licensee on the status of the steam generators at Prairie Island. On 9/6/96, the petitioners were contacted by telephone and informed that they would be receiving a copy of a letter that the staff sent to the licensee rescinding a commitment to perform a mid-cycle outage to perform steam generator tube inspections.

---

Facility: Millstone  
Petitioners: G. Galatis, and E. Hadley on behalf of We the People, Inc.  
Date of Petition: 8/21/95, supplemented 8/28/95

Director's Decision To Be Issued by: NRR  
Date Referred to Review Organization: 8/30/95  
EDO Number: 603  
OGC Number: P-95-015  
Scheduled Completion Date: 10/31/96  
Last Contact with Petitioner(s): 9/19/96  
Petition Manager: S. Dembek  
Case Attorney: R. Hoefling

Issues/Action Requested: The petitioners allege that Northeast Utilities (NU) has offloaded more fuel assemblies into the spent fuel pool than permitted under License Amendments 39 and 40; that NU has knowingly operated Millstone in violation of its operating licenses; and that NU has submitted material false statements. Petitioners seek institution of a proceeding to suspend the operating license for Millstone Unit 1 for 60 days after the unit is brought into compliance with the license and the design basis. In addition, the petitioners request that the operating license be revoked until the facility is in full compliance with the terms and conditions of its license; before reinstatement of the license, a detailed independent analysis of the offsite dose consequences of total loss of spent fuel pool water be conducted; that enforcement action be

taken against NU pursuant to 10 CFR 50.5 and 50.9; that actions be taken regarding a proposed license amendment pending before the Commission wherein NU seeks to increase the amount of spent fuel it may offload and that the amendment be denied; that the NRC retain an independent expert, at NU's expense, to prepare a safety analysis report on the proposed amendment; and that, before the issuance of any amendment, an analysis including both the probability and consequences of applicable events be conducted. In the supplement, Mr. Galatis raises additional concerns. These concerns are that NU also committed violations by offloading more than one-third of a core of fuel at Millstone Units 2 and 3 and Seabrook Unit 1. In addition, with regard to Millstone Unit 3, Mr. Galatis is concerned that NU submitted a material false statement to the NRC associated with a license amendment and that an unanalyzed condition exists with regard to system piping for full-core offload events. With regard to Seabrook Unit 1, Mr. Galatis is concerned about technical specification violations associated with a criticality analysis. Finally, the petitioners make the additional request that a public hearing be held in the vicinity of Millstone Unit 1 to permit comment by the public on the issues raised in the petition.

Current Status:

Northeast Utilities (NU) voluntarily provided its response to the 8/21/95 letter on 9/22/95 and to the 8/28/95 supplement on 10/11/95. On 9/22/95, the staff contacted the petitioner to inform him that issuance of the acknowledgment letter had been delayed because of ongoing investigations by the Office of Investigations (OI) and the Inspector General (IG) as well as independent NRC reviews. The staff also informed the petitioner that if he wanted to intervene in the Millstone Unit 1 spent fuel pool amendment, he had until 9/29/95 to do so. The acknowledgment letter was issued on 10/26/95. The staff completed its review of the licensee's amendment request and on 11/9/95 issued the amendment and safety evaluation. The staff reviewed the IG and OI reports to determine if future inspections at Millstone were needed. A spent fuel pool inspection was conducted at Millstone in March 1996 to review the 10 CFR 2.206 concerns as well as other spent fuel pool issues. The scheduled completion date was extended in February 1996 to 7/30/96 because of technical issues requiring further staff review. On 2/1/96 and 4/9/96, the staff issued status update letters to the petitioner. On 2/5/96, a *Federal Register* notice was issued announcing a 10 CFR 2.206 informal public hearing to be held on 3/7/96. The 3/7/96 meeting was postponed because of poor weather. The meeting that was subsequently held on 4/8/96 was well attended and there was considerable public interest in the issues raised in



the petition. However, the staff did not identify any significant new safety issues requiring further staff action. On 4/12/96 the staff mailed the petitioners and the licensee an advance copy of the 4/8/96 meeting transcript. On 4/24/96 the staff mailed the petitioners the official transcript. On 6/7/96 the staff issued a status update letter to the petitioners. The update letter included a 5/21/96 report on the NRC's survey of refueling practices and a 5/17/96 letter from NU that answered an NRC question raised during the 4/8/96 informal public hearing. On 7/19/96 the staff issued a status update letter to the petitioners and sent the petitioners a copy of the NRC inspection report for the Millstone 1 spent fuel pool issues. The completion date has been extended to 10/31/96 to allow for additional staff review. See Attachment 3 for further information. On 9/19/96 the staff issued a status update letter to the petitioners and sent the petitioners an NRC memorandum dated 7/26/96 informing the Commission of the resolution of the spent fuel storage pool action plan issues.

---

Facility: Palisades Plant  
Petitioners: M. Sinclair and S. Skavroneck on behalf of Don't Waste Michigan and Lake Michigan Federation, respectively  
Date of Petition: 9/19/95, as amended 9/30/96

Director's Decision To Be Issued by: NRR  
Date Referred to Review Organization: 10/4/95  
EDO Number: 665  
OGC Number: P-95-019  
Scheduled Completion Date: 10/31/96  
Last Contact with Petitioner(s): 9/30/96  
Petition Manager: W. Reckley  
Case Attorney: L. Clark

Issues/Action Requested: (1) Determine that Consumers Power Company violated the requirements of 10 CFR 72.212(b) by using the general license provided by 10 CFR 72.210 prior to establishing that conditions set forth in Certificate of Compliance Number 1007, Revision 0, for a cask unloading procedure had been met. (2) Suspend Consumers Power Company's use of the general license until (a) the safety issues have been resolved, (b) NRC has documented review and approval of the revised cask unloading procedure, and (c) Cask No. 4 has been unloaded. (3) Require a penalty of \$1,300,000 be paid by Consumers Power Company. (4) Allow petitioners to participate in the review of the procedures and any other hearings and proceedings initiated in response to this petition.

Current Status: The petition manager spoke with the petitioners by telephone on 10/16/95 to inform them that the 10 CFR 2.206



process is public and to obtain clarification on one issue. The staff issued an acknowledgment letter on 10/24/95. The petition manager, the Palisades project manager, and a member of the Plant Systems Branch spoke to the petitioner and another member of the public on 11/15/95. Most of the questions asked by the petitioner concerned transportation casks and were only vaguely related to the petition. On 11/20/95 the staff sent Consumers Power Company a request for information on cask unloading procedures. A copy of the request was forwarded to the petitioners. The petition manager provided an update to the petitioners on 12/15/95 and 12/18/95. Consumers Power Company responded to the request for additional information on 12/20/95. The staff sent a copy of the request for additional information and the licensee response of 12/20/95 by letter to the petitioners on 2/14/96. In response to a request from Petitioner Sinclair, the staff sent a letter dated 12/28/95, documenting that the staff is not aware of any reactor licensee who has offloaded a spent fuel dry storage cask. In a letter dated 6/18/96, the staff identified the subsequent offloading of a cask at Point Beach and corrected the record by identifying two additional occurrences of cask unloadings in the 1980's.

The scheduled completion date was delayed because of the staff review (begun before the petition was received) of Revision 1 to the Palisades cask unloading procedure. On 2/14/96, the staff extended the due date for the Director's Decision to 6/28/96 on the basis of the current status of the staff's review of Revision 1 of the unloading procedure. The staff provided an update of the status of the petition by telephone to Petitioner Skavroneck on 2/21/96, and to Petitioner Sinclair on 3/25/96. The completion of the review of Revision 1 has slipped pending additional review of the 5/28/96 hydrogen ignition event at Point Beach. In addition, a second request for additional information was sent to the licensee in a letter dated 6/20/96. The licensee responded to this request in a letter dated 7/19/96.

In a phone conversation between the NRC case attorney and the attorney for the Lake Michigan Federation, the Lake Michigan Federation attorney indicated that she felt there were documents the petition manager should have forwarded that had not been sent. The NRC case attorney agreed to look at recent documents associated with this docket and send any required by NRC procedures. The Lake Michigan Federation attorney also indicated that she believed the staff's denial of the Petition to Intervene from the Michigan Attorney General was inappropriate because she considers this to be a proceeding. The NRC case attorney explained the staff's position that it is not a proceeding based on Section 2.206. The petitioner's attorney did not agree and sent a letter to that effect on 5/8/96.

The staff received the 5/8/96 letter from the attorney for the Lake Michigan Federation questioning the staff's handling of this petition and the 2.206 process in general. The staff responded on 6/6/96 and explained that the NRC's review of the petition is not the subject of a formal proceeding. On 7/18/96, the staff responded to a similar letter dated 5/15/96 from the Assistant Attorney General for the State of Michigan. The staff also received a letter dated 7/12/96 from the Attorney General of Michigan regarding the timeliness of the staff's response to the petition and the event at Point Beach. Chairman Jackson responded to the Attorney General in a letter dated 8/26/96.

The public exit meeting for the inspection of Revision 1 of the Palisades cask unloading procedure has been delayed due to the event at Point Beach. Based on the anticipated technical and resource implications of the Point Beach event, the staff extended the due date for this petition to 10/31/96. Following routine update discussions with the petitioner on 6/17/96, the staff provided, by letter dated 7/2/96, a list of documents received or transmitted by the staff pertaining to the petition. On 6/17/96 the staff received a letter from the petitioners regarding the hydrogen ignition event at Point Beach. The staff responded to the 6/17/96 letter in a letter dated 8/8/96.

Due to concerns related to the timeliness of responding to this petition, the staff has decided to pursue completion of the Director's Decision prior to completion of the inspection of the revised Palisades cask unloading procedure. The status of the staff's review was conveyed to petitioner Sinclair in a telephone conversation on 8/28/96. A telephone conversation was held with petitioner Roemer on 9/25/96 regarding related documents, processes related to confirmatory action letters, and the status of the petition review. Additional documents related to the petition were sent to the petitioners on 9/30/96. The petitioners amended the petition on 9/30/96 to include issues identified following the hydrogen ignition event at Point Beach.

---

Facility: National Institutes of Health (NIH)  
Petitioners: Drs. M. Ma and B. Zheng (D. Katz)  
Date of Petition: 10/10/95

Director's Decision To Be Issued by: NMSS  
Date Referred to Review Organization: 10/10/95  
EDO Number: 721  
OGC Number: P-95-021  
Scheduled Completion Date: 11/30/96  
Last Contact with Petitioner(s): 10/2/96  
Petition Manager: C. Jones  
Case Attorney: G. Longo

Issues/Action Requested: (1) Suspend or revoke materials license of NIH because of willful, reckless, and deliberate violation of numerous regulatory requirements resulting in internal contamination of the petitioner, the petitioner's fetus, and other NIH employees; (2) take other appropriate enforcement action against NIH for its willful and reckless violation of 10 CFR Part 20.

Current Status: The petitioner was informed on 10/17/95 that the 2.206 process is a public process. An acknowledgment letter was issued on 10/30/95. The request that license No. 19-00296-10 be immediately suspended or revoked pending resolution of petition was denied in the acknowledgment letter. On 11/2/95, the NRC issued a demand for information to NIH in which it requested that NIH submit a complete and thorough response to each of the issues raised in the petition. The response was received by the NRC on 12/11/95. The NRC, in a letter to NIH dated 1/29/96, forwarded to NIH a redacted version of a 1995 augmented team inspection (AIT) report and scheduled an open predecisional enforcement conference at NRC Headquarters on 2/26/96. NIH responded in a letter dated 2/14/96 requesting an extension of the predecisional enforcement conference until the middle of April. In a letter dated 3/19/96 to NIH's General Council, the NRC stated that the open predecisional enforcement conference had been set for 4/19/96 at NRC Headquarters and that several apparent violations identified during the 1995 NRC AIT, as well as during a special inspection conducted in late 1995, would be discussed at the conference.

The petitioners submitted a reply (dated 3/25/96) to NIH's response to NRC's Demand for Information which discusses a number of concerns raised by NIH's submittal to the NRC (dated 12/11/95). On 3/25/96 NIH wrote to NRC's General Counsel requesting, among other items, that the NRC hold the predecisional enforcement conference in Region I, and that the meeting be held as a closed meeting not open to the public. Subsequently, a representative from NRC's Office of General Counsel informed NIH that NRC's plans were to go forward with an open conference on 4/19/96. NIH responded in writing (letter dated 4/16/96) and informed the NRC that NIH would not attend the enforcement conference scheduled on 4/19/96 in order to preserve privacy interests associated with the issues raised and would instead make a written submission to the NRC AIT inspection report by 5/24/96.

The staff extended completion of this 2.206 by 3 months due to the delay in receiving the NIH submittal and notified the petitioner of the delay by telephone on 5/6/96. NIH submitted its response on 5/23/96 (which was received by NRC on 5/28/96) to the apparent violations as described in an NRC letter dated 1/29/96. The staff reviewed the document and on 6/6/96 placed a copy of the NIH redacted response in the NRC Public Document Room.

The petition manager provided a status update to the petitioner by telephone on 6/5/96. The staff issued a Notice of Violation (NOV) and proposed imposition of civil penalty on 8/23/96 regarding the failure to secure from unauthorized removal or limit access to licensed materials that were stored in unrestricted areas. The petitioner was contacted by telephone on 8/23/96 and informed that the staff was requesting a 3-month extension to the scheduled completion date to allow time for additional staff review of the exposure events.

On 9/23/96, NIH responded to the above-referenced NOV, and protested the proposed imposition of civil penalty for violations of security requirements, as well as other violations cited in the 8/23/96 NOV. The staff is currently reviewing the NIH response. As a result, the completion date was extended to 11/30/96.

---

Facilities: Palisades Plant, Point Beach Units 1 and 2, Arkansas  
Petitioner: Nuclear One, Units 1 and 2  
Date of Petition: F. Shillinglaw  
11/17/95

Director's Decision To Be Issued by: NRR  
Date Referred to Review Organization: 12/28/95  
EDO Number: 872  
OGC Number: P-95-023  
Scheduled Completion Date: 10/31/96  
Last Contact with Petitioner(s): 9/30/96  
Petition Manager: W. Reckley  
Case Attorney: L. Clark

Issues/Action Requested: NRC take action to prohibit loading of VSC-24 casks at any nuclear site until the MSB #4 cask with indications in a weld, located at the Palisades nuclear plant, is unloaded and the lessons learned are incorporated into the unloading procedures. In support of this request the petitioner pointed out that a dry cask storage action plan issued by the NRC on 7/28/95, states that the unloading procedures developed by licensees tend to be simplistic in that they do not consider certain contingencies and assumptions. The petitioner asserts that because these types of problems are discovered through experience, the proper way to unload the casks will not be known until the defective cask at Palisades is actually unloaded. In addition, the petitioner states that matters such as cooling, radiation exposure control during cutting, shim removal, and pool contamination require detailed NRC evaluation and, therefore, should not be simply left to the licensees to perform without NRC oversight.



Current Status:

The staff discussed the 10 CFR 2.206 process with the petitioner on 12/7/95 because the letter submitted was not clearly a petition. The petitioner was informed that the 2.206 process is a public process. The petitioner indicated she wanted the letter handled as a 10 CFR 2.206 petition. The acknowledgment letter to the petitioner was issued on 1/18/96. The staff plans to use the results of a similar 2.206 petition dated 9/19/95 (EDO 665) and the separate staff review of Revision 1 of the Palisades cask unloading procedure in responding to this petition. The scheduled completion date was initially based on the estimated completion date of 4/30/96 for the staff review of Revision 1 of the Palisades procedure. On 2/14/96, the scheduled completion date was extended to 6/28/96 on the basis of the status of the staff's inspection of Revision 1 of the unloading procedure. The staff continues to review information submitted by the Palisades licensee in letters dated 12/20/95 and 7/19/96 in response to an NRC request for additional information on a related petition (EDO 665). The staff provided an update to the petitioner by letter dated 4/10/96. The completion of the review of Revision 1 to the cask unloading procedure has been delayed due to the 5/28/96 hydrogen ignition event during loading of a cask at Point Beach.

Based on the anticipated technical and resource implications of the Point Beach event, the staff extended the due date for this petition to 10/31/96. The staff provided the petitioner with a status update in a letter dated 6/11/96. Due to concerns related to the timeliness of responding to the petition, the staff has decided to pursue completion of the Director's Decision prior to completion of the inspection of the revised cask unloading procedure. The status of the staff's review was conveyed to the petitioner in a telephone conversation on 8/26/96. A collection of documents related to the petition were sent to the petitioner on 9/30/96.

---

Facility: Davis-Besse  
Petitioners: Toledo Coalition for Safe Energy, et al.  
Date of Petition: 12/5/95

Director's Decision To Be Issued by: NMSS  
Date Referred to Review Organization: 12/15/95  
EDO Number: 886  
OGC Number: P-95-024  
Scheduled Completion Date: 11/15/96  
Last Contact With Petitioner(s): 9/17/96  
Petition Manager: E. Shum  
Case Attorney: L. Clark

Issues/Action Requested: Requests the NRC to immediately issue orders to prevent the loading of spent nuclear fuel into the VECTRA Technologies Inc., NUHOMS-24P dry shielded canisters at the Davis-Besse nuclear power station



until an NRC rulemaking and/or license modification hearing is conducted on all safety-related changes which have been made to the canisters, as described in the Safety Analysis Report.

**Current Status:** The petitioner was informed that the 2.206 process is a public process. An acknowledgment letter was issued on 12/18/95 denying the petitioner's request to immediately issue orders to prevent cask loading. A status letter was sent to the petitioner on 1/23/96. The staff is preparing a draft Director's Decision. Because of the additional review required, in March 1996 the scheduled completion date for the Director's Decision was extended. The staff provided a status update to the petitioner by telephone on 4/18/96. The staff extended the completion date in May 1996 from 5/6/96 to 9/30/96. This extension was needed to support a staff inspection of the cask manufacturer which is scheduled for August 1996. The petitioner was contacted by telephone on 6/19/96 and informed of the delay in the completion date. The inspection report will be referenced in the final Director's Decision. The staff contacted the petitioner by telephone on 9/17/96 and provided him a status update report. The scheduled completion date was extended in September 1996 to 11/15/96 to allow additional time for staff review.

---

**Facilities:** Perry Nuclear Power Plant, Unit 1, and Davis-Besse Nuclear Power Station  
**Petitioner:** City of Cleveland, Ohio (Cleveland Public Power)  
**Date of Petition:** 1/23/96, as supplemented 5/31/96, and 8/13/96

**Director's Decision To Be Issued by:** NRR  
**Date Referred to Review Organization:** 2/8/96  
**EDO Number:** 972  
**OGC Number:** P-96-002  
**Scheduled Completion Date:** 10/31/96  
**Last Contact with Petitioner(s):** 9/9/96  
**Petition Manager:** J. Hopkins  
**Case Attorney:** S. Hom

**Issues/Action Required:** Requests that Cleveland Electric Illuminating Company (CEI) provide wheeling and interconnection services specified in the petition under antitrust license conditions for Perry and Davis-Besse.

**Current Status:** An acknowledgment letter was issued on 3/4/96. On 4/12/96, the staff sent a request for information to CEI regarding the issues in the petition. CEI responded to the request for information on 5/6/96. Additionally, by a separate letter dated 4/12/96, NRC offered the petitioner an opportunity for an informal public hearing. By letter dated 5/17/96 the petitioner declined the offer of an informal public hearing. The staff provided a status update to the petitioner by telephone on 5/28/96. By

letter dated 5/31/96, the petitioner provided additional information regarding the petition. By letter of 6/6/96, the licensee provided additional information concerning one of the issues in the petition. On 7/10/96 the petitioner was contacted by telephone and informed that the NRC review was continuing. On 7/31/96 the Federal Energy Regulatory Commission (FERC) issued an order relating to the issues contained in the petition. As a result of the FERC order, CEI provided additional information dated 8/2/96, 8/8/96, and 8/21/96 discussing compliance with the FERC order. The petitioner also submitted additional information dated 8/13/96 related to the FERC order. As a result of the additional information and the FERC order, the staff extended the completion date for this petition to 9/23/96 to allow time for additional staff review. On 9/9/96, the petitioner was contacted by telephone and informed that the NRC review was continuing. By letter dated 9/23/96, CEI provided additional information relating to the FERC decision. As a result of the 9/23/96 letter, the staff extended the completion date to 10/31/96.

---

Facility: Catawba Nuclear Generating Station  
Petitioner: C. Morris  
Date of Petition: 2/13/96

Director's Decision To Be Issued by: NRR  
Date Referred to Review Organization: 2/28/96  
EDO Number: GT96045  
OGC Number: P-96-004  
Scheduled Completion Date: 10/31/96  
Last Contact with Petitioner(s): 6/10/96  
Petition Manager: P. Tam  
Case Attorney: M. Rafky

Issues/Action Requested: Immediately suspend the operating license of Catawba Nuclear Station (CNS) and ten other licensees (not specifically identified). The petitioner also requests that enforcement action be taken against CNS and that the NRC hold an enforcement conference for each of the ten other licensees. In addition, the petitioner requests that the good engineering practice of coordinating all circuit breakers be added to NRC regulations. The petitioner further expresses concerns regarding the NRC staff's handling of a differing professional opinion submitted in a memorandum dated 7/28/94 and addressing the CNS breaker miscoordination issue.

Current Status: An acknowledgment letter was issued on 4/2/96 denying the petitioner's request to immediately suspend the operating license of CNS and ten other licensees. The staff met with Duke Power Company on 4/17-18/96 regarding the issues raised in the petition. The staff requested additional

information from the licensee on 4/30/96. The licensee responded by letter dated 5/17/96. The petitioner was informed by letter dated 6/10/96 of the status of the staff's review of the petition. The completion date for this petition was extended in July 1996 to 8/16/96, and in August 1996 to 9/6/96 to allow for additional staff review of the draft Director's Decision. The petitioner has not been contacted in the last 60 days due to matters of a personal nature.

---

Facility: All Nuclear Power Plants  
Petitioner: C. Morris  
Date of petition: 3/5/96

Director's Decision To Be Issued by: NRR  
Date Referred to Review Organization: 3/18/96  
EDO Number: GT96105  
OGC Number: P-96-006  
Scheduled Completion Date: 10/31/96  
Last Contact With Petitioner(s): 4/17/96  
Petition Manager: R. Clark  
Case Attorney: M. Rafky

Issues/Action Requested: Suspend the operating licenses of all nuclear power plants within 90 days until such time as those licensees have discovered the reasons for the repeated errors in their electrical distribution system designs and in their undervoltage relay (UVR) set points, and provided convincing evidence that these deficiencies have been corrected. The petitioner also requests that the aforementioned evidence be submitted for review by a competent third party, and that if the NRC finds that licensees may safely operate with UVRs that do not remain properly set, it should do so in the context of a public meeting.

Current Status: An acknowledgment letter was issued on 4/17/96 denying the petitioner's request for immediate suspension of the operating licenses for all nuclear power plants. The completion date for this petition was extended to 8/16/96 to allow for additional staff review of the draft Director's Decision. The petitioner has not been contacted in the last 60 days due to matters of a personal nature. The completion date has been extended to 9/6/96 to allow additional time for staff review of the draft Director's Decision.

---

Facility: Maine Yankee  
Petitioner: A.D. Burt (Friends of the Coast - Opposing Nuclear Pollution)  
Date of Petition: 1/20/96

Director's Decision To Be Issued by: NRR  
Date Referred to Review Organization: 4/3/96  
EDO Number: GT96181  
OGC Number: P-96-009  
Scheduled Completion Date: 11/22/96  
Last Contact with Petitioner(s): 5/13/96  
Petition Manager: K. Jabbour  
Case Attorney: R. Weisman

Issues/Action Requested: Take expedited action to: (1) suspend the operating license of Maine Yankee pending resolution of the petition; (2) examine and test by plug sampling (or other ASME-approved methods) all large piping welds that may have been susceptible to microfissures at the time of construction; (3) reanalyze the Maine Yankee containment as one located in an area where seismic risk is not "low"; (4) reduce the licensed operating capacity of Maine Yankee to a level consistent with a flawed containment and/or flawed reactor coolant piping welds; (5) hold an informal public hearing in the area of the plant regarding the petition; and (6) place the petitioner on the service and mailing lists relevant to the group's interests in safety at Maine Yankee and intention to participate in all public forums opened by the NRC.

Current Status: An acknowledgment letter was issued on 5/13/96 denying the petitioner's request to immediately suspend the operating license of Maine Yankee. Input from Maine Yankee regarding the thermal-hydraulic analysis is due to the staff on 11/1/96. The staff plans to contact the petitioner in October 1996 and inform her of the staff's decision regarding whether or not to issue a partial Director's Decision in November 1996.

---

Facility: Oyster Creek  
Petitioner: W. de Camp, Oyster Creek Nuclear Watch  
Date of Petition: 5/11/96

Director's Decision To Be Issued by: NRR  
Date Referred to Review Organization: 6/12/96  
EDO Number: GT96345  
OGC Number: P-96-018  
Scheduled Completion Date: 10/31/96  
Last Contact with Petitioner(s): 10/8/96  
Petition Manager: R. Eaton  
Case Attorney: H. McGurran

Issues/Action Requested: Requests NRC take "appropriate disciplinary action" against the licensee regarding a statement the licensee made in a neighborhood news letter which the petitioner believes to be inaccurate.

Current Status: The staff contacted the petitioner by telephone on 7/16/96 and informed him of the staff's intent to issue a Director's Decision for this petition in conjunction with the Director's Decision for a similar petition (GT96452). The petitioner was also informed that the 2.206 process is a public process. The scheduled completion date was extended in August 1996 to 9/30/96, and again in September 1996 to 10/31/96 to allow time for additional staff review. The petitioner was contacted by telephone on 10/8/96 and informed of the change in completion date.

---

Facility: Westinghouse Electric Corporation  
Petitioner: Shannon T. Doyle  
Date of Petition: 5/30/96

Director's Decision To Be Issued by: OE  
Date Referred to Review Organization: 6/5/96  
EDO Number: GT96400  
OGC Number: P-96-014  
Scheduled Completion Date: 12/9/96  
Last Contact with Petitioner(s): 9/30/96  
Petition Manager: N. Mamish  
Case Attorney: S. ChidakeI

Issues/Action Requested: Requests the NRC to take immediate action and issue a show cause order or civil penalty pertaining to Westinghouse's allegedly providing false information to the Department of Labor (DOL) Administrative Law Judge concerning qualifications for health physics (HP) technicians at Westinghouse.

Current Status: The petitioner was contacted by telephone on 7/7/96. An acknowledgment letter was issued on 8/16/96 that (1) denied the petitioner's request to institute a show cause order or civil penalty; (2) requested additional information from the petitioner relating to missing pages from an enclosure from the National Registry of Radiation Protection Technologists (NRRPT); (3) requested a complete copy of the transcript of the testimony given in the hearing before the DOL Administrative Law Judge; and (4) requested additional clarification regarding the alleged false statement by Westinghouse. A separate letter was sent to Westinghouse on 8/16/96 requesting a response within 30 days to the issues raised in the petition.

The petitioner contacted the NRC's Office of Enforcement on 9/5/96 to determine if Westinghouse was required to respond to the staff's letter of 8/16/96, and whether the petitioner could get a copy of Westinghouse's letter before responding to the staff's letter to him of 8/16/96. The staff contacted the petitioner on 9/6/96 and informed him that Westinghouse is not a licensee of the Commission and therefore is not required to respond to the staff's



letter, and that the petitioner could get a copy of Westinghouse's response, but that the petitioner cannot wait on the Westinghouse response before responding to the NRC's letter to him.

On 9/30/96, the staff contacted the petitioner by telephone to identify whether he had responded to the staff's letter of 8/16/96. The petitioner stated that he would mail his response by 10/4/96.

---

Facility: St. Lucie, Units 1 and 2  
Petitioners: T. Saporito and National Litigation Consultants  
Date of Petition: 6/12/96

Director's Decision To Be Issued by: NRR  
Date Referred to Review Organization: 06/21/96  
EDO Number: GT96445  
OGC Number: P-96-016  
Scheduled Completion Date: 11/8/96  
Last Contact with Petitioner(s): 9/5/96  
Petition Manager: L. Wiens  
Case Attorney: H. McGurren

Issues/Action Requested: Requests the NRC to (1) issue a confirmatory order requiring that the licensee not operate St. Lucie, Unit 1, above 50 percent of its power level capacity, (2) require the licensee to specifically identify the "root cause" for the premature failure of the steam generator tubing, and (3) require the licensee to specifically state the corrective measures it will implement to prevent recurrence of steam generator tube failures in all the steam generators in Unit 1 and Unit 2.

Current Status: An acknowledgment letter was issued on 7/8/96. A status update letter was sent to the petitioner on 9/5/96.

---

Facility: Oyster Creek  
Petitioner: W. de Camp, Oyster Creek Nuclear Watch  
Date of Petition: 6/14/96

Director's Decision To Be Issued by: NRR  
Date Referred to Review Organization: 7/1/96  
EDO Number: GT96452  
OGC Number: P-96-018  
Scheduled Completion Date: 10/31/96  
Last Contact with Petitioner(s): 10/8/96  
Petition Manager: R. Euton  
Case Attorney: H. McGurren

Issues/Action Requested: Requests NRC take action in relation to apparently false public testimony given by the management of GPU Nuclear. Specifically, petitioner requests (1) that the NRC investigate the situation at

Oyster Creek in order to ascertain whether there is some special factor at Oyster Creek that would indeed justify Mr. Barton's [then Director of Oyster Creek Station] sworn statement that it is unsafe to operate the Oyster Creek reactor without full core offload capacity, and (2) that if no special situation disqualifies Oyster Creek from operating without full core offload capacity, that NRC take appropriate disciplinary action against GPU Nuclear management for making a false statement under oath.

Current Status: The staff contacted the petitioner by telephone on 7/16/96 and informed him of the staff's intent to issue a Director's Decision for this petition in conjunction with the Director's Decision for a similar petition (GT96345). The petitioner was also informed that the 2.206 process is a public process. The scheduled completion date was extended in August 1996 to 9/30/96 and in September 1996 to 10/31/96 to allow time for additional staff review. The petitioner was contacted by telephone on 10/8/96 and informed of the change in the scheduled completion date.

---

Facility: Shieldalloy and Cypress Foote (previously Foote Mineral)  
Petitioner: S. Bauman  
Date of Petition: 7/22/96

Director's Decision To Be Issued by: NMSS  
Date Referred to Review Organization: 8/27/96  
EDO Number: GT96596  
OGC Number: P-96-019  
Scheduled Completion Date: 12/31/96  
Last Contact with Petitioner(s): 10/2/96  
Petition Manager: J. Kennedy  
Case Attorney: M. Rafky

Issues/Action Requested: Requests that Foote Mineral's license be reinstated, and that Shieldalloy and Cypress Foote be made co-responsible licensees with regard to the proper remediation and decommissioning of the Shieldalloy site. Also requests that any and all parties found to be involved in any wrongdoing as alleged in this complaint be terminated from employment, and that where appropriate, criminal charges be pursued. Requests that the environmental impact statement now being performed for the Shieldalloy site be terminated, and that Shieldalloy and Cypress Foote be jointly ordered to submit a decommissioning plan for licensed materials that includes only a plan to remediate licensed materials (to include grading and evaluation of all various assorted options, including disposal at a licensed disposal facility). Finally, the petition requests that the Ohio Environmental Protection Agency and

Department of Health evaluate all unlicensed slag found at the Shieldalloy site. In Section Two of the petition, the petitioner alleges that Shieldalloy's decommissioning plan would wrongfully mix licensed and unlicensed waste.

Current Status: The petitioner was contacted on 10/2/96 and informed that the 2.206 process is a public process. An acknowledgment letter is being prepared.

---

Facility: Maine Yankee and All Other Plants Using the RELAP Code for ECCS Analyses

Petitioner: P. Sears

Date of Petition: 8/19/96

Director's Decision To Be Issued by: NRR

Date Referred to Review Organization: 9/9/96

EDO Number: GT96659

OGC Number: P-96-020

Scheduled Completion Date: 1/31/97

Last Contact with Petitioner(s): 9/24/96

Petition Manager: D. Dorman

Case Attorney: G. Longo

Issues/Action Requested: Requests the NRC take action with regard to the Maine Yankee Nuclear Power Station and all users of the RELAP computer code for emergency core cooling systems (ECCS). Specifically, the petitioner requests that the NRC fine Maine Yankee Atomic Power Company and Yankee Atomic Electric Company if computer runs have not been kept in accordance with YAEC's computer code quality assurance procedures, and that the NRC inspect all users of RELAP and fine those users not operating within required computer code verification procedures.

Current Status: An acknowledgment letter was issued on 9/24/96.

---

Facility: Northern States Power Company ISFSI

Petitioner: Florence Township, MN

Date of Petitions: 8/26/96

Director's Decision To Be Issued by: NMSS

Date Referred to Review Organization: 9/13/96

EDO Number: GT96669/GT96670

OGC Number: P-96-021

Scheduled Completion Date: 2/15/97

Last Contact with Petitioner(s): 10/3/96

Petition Manager: M. Delligatti

Case Attorney: L. Clark

Issues/Action Requested: Two petitions request that the NRC take various actions regarding Northern States Power Company's

(NSP) application for an Independent Spent Fuel Storage Installation (ISFSI). Specifically, petitioner requests that the NRC reject NSP's application for an ISFSI, or, in the alternative, suspend taking any action on the application pending the completion of litigation in the State courts. Requests that NSP be required to name the local governments expected to respond in the event of an emergency and allow 60 days for local governments to comment on the proposed emergency plan. Requests the NRC take enforcement action against NSP for violating the requirements of 10 CFR 72.32(a)(14) by not permitting the petitioner to comment on the proposed emergency plan before submission to the NRC. Specifically, the NRC is asked to impose a penalty in the amount of one million dollars and require NSP to compensate petitioner in the amount of \$7500 for time expended by its Board and attorney in attempting to obtain the emergency plan before submission to the NRC.

Current Status: The attorney for the petitioner was informed on 10/3/96 that the 2.206 process is a public process. The staff has determined that only the request for enforcement action falls within the purview of 10 CFR 2.206. All other aspects of the petitions will be considered as part of NSP's application for the offsite ISFSI. An acknowledgment letter is being prepared.

---

Facility: Point Beach  
Petitioner: D. Dums on behalf of Wisconsin's Citizens' Utility Board  
Date of Petitions: 9/30/96

Director's Decision To Be Issued by: NRR  
Date Referred to Review Organization: 10/2/96  
EDO Number: GT96774  
OGC Number: P-96-022  
Scheduled Completion Date: 2/15/97  
Last Contact with Petitioner(s): 10/3/96  
Petition Manager: W. Reckley  
Case Attorney: L. Clark

Issues/Action Requested: (1) Order Wisconsin Electric Power Company (WEPCO) to retain 24 empty and available spaces in the Point Beach spent fuel pool to provide the capability to permit retrieval of spent fuel from a VSC-24 cask in the event of an accident requiring removal of spent fuel from the cask or in the event that conditions of the Certificate of Compliance (COC) for the VSC-24 require removal of spent fuel from the cask, until such time that WEPCO has other options available to it to remove spent fuel from a cask in the event conditions warrant it.

(2) Order users of the VSC-24 cask not to load VSC-24 casks until the COC, Safety Analysis Report (SAR) and Safety Evaluation Report (SER) are amended to contain operating controls and limits that prevent hazardous conditions, including but not limited to the generation of explosive gases, due to VSC-24 material reactions with environments encountered during loading, storage, and unloading of the VSC-24 cask.

Current Status: The petitioner was informed on 10/3/96 that the 2.206 process is a public process. An acknowledgment letter is being prepared.

END OF STATUS REPORT

---



Decisions Pending Before the Commission and the Courts

---

Petitioners: M. Hobby/A. Mosbaugh  
Facility/EDO No.: Vogtle/5836  
Decision No./(Date): DD-93-08 (4/23/93) (Partial)  
Comments: Denied. DD-93-08 was vacated and remanded to staff (CLI-93-15).

---

Petitioner: L. D. Putney, Esq., on behalf of B. L. Bennett  
Facility/EDO No.: Crystal River/GT96209  
Decision No./(Date): DD-96-13 (10/7/96) (Final)  
Comments: Denied.

---

END OF DECISIONS PENDING