



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

January 19, 1995

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MEMORANDUM TO: James M. Taylor  
Executive Director for Operations

FROM: Roy P. Zimmerman  
Associate Director for Projects

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

Attached is the monthly report for January which reflects the status of 10 CFR 2.206 petitions as of the end of December 1994, as directed by Management Directive 8.11, "Review Process for 10 CFR 2.206 Petitions." Attachment 1 gives the status of petitions before the Offices of Nuclear Material Safety and Safeguards, Nuclear Reactor Regulation, Enforcement, and State Programs. Attachment 2 lists decisions before the Commission and Courts. Attachment 3 lists other sensitive matters related to specific petitions. By issuing the monthly report on the status of pending 10 CFR 2.206 petitions, the staff is documenting its responsiveness to petitioners.

To further enhance the staff's responsiveness, the nonsensitive parts of the monthly report will be placed in the Public Document Room and on the electronic bulletin board system 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. (title withheld - Internal Distribution Only)

cc w/ att: K. D. Cyr, OGC  
W. T. Russell, NRR  
R. M. Bernero, NMSS  
J. Lieberman, OE  
R. L. Bangart, OSP  
J. F. Cordes, Jr., OCAA  
J. R. Goldberg, OGC  
L. J. Chandler, OGC  
Regional Administrators  
SECY  
OCA  
OPA

CONTACT: Charles Thomas, NRR  
415-1325

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# Report on Status of Public Petitions Under 10 CFR 2.206

December 1994

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\*Includes Attachments 1, 2, and 3. Petitions in the status report are arranged by EDO number.

Report on  
Status of Public Petitions  
Under 10 CFR 2.206

Facility: Chemetron-Newburgh Heights Ohio (Harvard Avenue Site)  
Petitioner: McGean-Rohco, Inc. (Dr. Klaus R. Romer, James A. Lucas)  
Date of Petition: 1/6/89

Director's Decision To Be Issued By: NMSS  
Date Referred To Review Organization: 1/31/89  
EDO Number: 4182  
OGC Number: P-91-012  
Scheduled Completion Date: 1/31/95  
Last Contact with Petitioner(s): 11/21/94  
Petition Manager: T. Johnson  
Case Attorney: M. Finkelstein

Issues/Action Requested: Compel immediate decontamination and impose sanctions for failure to do so.

Current Status: A progress letter was sent to the petitioner on 6/20/89 denying the request for immediate relief, deferring a decision on sanctions, and reporting on the status of decontamination activities at the site. A second progress letter was sent to the petitioner on 7/31/89 reporting on the status of decontamination efforts and approving an extension in the deadline to complete decommissioning. Orders modifying the license were issued on 4/8/92 and 5/13/92 requiring a final site characterization report by 6/15/92. Chemetron submitted the report on 6/15/92. A third progress letter was sent to the petitioner on 5/22/92 discussing the 4/8/92 and 5/13/92 orders modifying the license. The license was amended on 5/25/93 to require Chemetron to submit a final site remediation plan by 10/01/93. A fourth progress letter was sent to the petitioner on 6/11/93 discussing the NRC approval of the final site characterization report, the Ohio Environmental Protection Agency (OEPA) permit process for addressing solid waste issues, and the license amendment establishing a submittal date for the final site remediation plan. Chemetron submitted a site remediation plan on 10/1/93. A confirmatory order was issued on 10/29/93 to require submittal of sections omitted from the site remediation plan. Chemetron submitted the remaining sections on 11/11/93. A fifth progress letter was sent to the petitioner on 4/3/94 discussing the submittal of the site remediation plan, the 10/29/93 confirmatory order, and OEPA requirements for addressing the solid waste issues. The license was amended on 8/9/94 to authorize the remediation of the McGean-Rohco buildings. A sixth progress letter was sent to the petitioner on 9/9/94 discussing the 8/9/94 license amendment, the status of the remediation plan review, post-closure restrictions, and the schedule for submitting the application for closure authorization to OEPA. Seventh progress letter sent to Petitioner 11/21/94 discussing status of McGean-Rohco building remediation, the remediation plan review, and the

submission to OEPA of the application for closure authorization. A Director's Decision is deferred pending Chemetron's completion of decontamination activities.

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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: 8/15/95  
Last Contact with Petitioner(s): Continually, thru hearing  
Petition Manager: D. Hood  
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 acknowledgement 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 Panel (ASLBP) 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 is scheduled to begin on 1/4/95. The final Director's Decision is expected to be issued by 8/15/95 if an ASLBP decision is issued by 7/15/95.

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Facility: State of Utah  
Petitioner: U.S. Ecology  
Date of Petition: 9/21/92

Director's Decision To Be Issued By: OSP  
Date Referred To Review Organization: 10/92  
EDO Number: 8099  
OGC Number: P-92-022  
Scheduled Completion Date: 2/1/95  
Last Contact with Petitioner(s): 8/5/94  
Petition Manager: S. Droggitis  
Case Attorney: D. Gauch/M. Finkelstein

Issues/Action Requested: Revoke or suspend agreement with Utah under Section 274 of the Atomic Energy Act for failure

to require State or Federal ownership of land at Envirocare facility.

Current Status: An acknowledgement letter was issued on 10/26/92. The petitioner submitted supplemental information on 12/8/92 and sent a letter to Chairman Selin on 7/8/93 following the 6/28/93 Commission Decision, which found Utah's rationale of exercising effective control of the Envirocare waste disposal site acceptable without State or Federal Government land ownership. A draft Director's Decision is in final preparation. OGC concurred on 1/12/95, and package is undergoing final management review. Director's Decision is expected to be issued by 2/1/95.

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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: 3/30/95  
Last Contact with Petitioner(s): 1/10/95  
Petition Manager: J. DeCicco  
Case Attorney: M. Stein

Issues/Action Requested: Modify license regarding offsite release of cobalt-60.

Current Status: An acknowledgement 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 (NEORS) site characterization report was submitted on 6/30/94. A draft Director's Decision is undergoing internal review. A NEORS letter of 9/13/94 contained supplemental requests to this petition. An acknowledgement letter was sent to the petitioner on 10/14/94. A NEORS letter of 10/13/94 also contained a supplemental request to this petition; acknowledgement letter was issued on 11/2/94. Draft Director's Decision undergoing review to include all supplemental requests was sent to OGC for management review on 12/28/94.

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Facility: All Pressurized Water Reactors  
Petitioner: GreenPeace (J. Willis)  
Date of Petition: 3/24/93

Director's Decision To Be Issued by: NRR  
Date Referred To Review Organization: 4/30/93  
EDO Number: 8737  
OGC Number: P-93-004



Scheduled Completion Date: 12/30/94  
Last Contact with Petitioner(s): 9/94  
Petition Manager: J. Davis/ D. Brinkman  
Case Attorney: A. Jorgensen

Issues/Action Requested: Perform immediate full inspection of all reactor vessel head penetrations for cracking, and publish the results.

Current Status: An acknowledgement letter was issued on 6/7/93. An update letter was sent to the petitioner on 1/27/94. A Director's Decision was deferred pending the results of the initial round of inspections which have recently been completed. The final Director's Decision is under review and is in concurrence.

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Facility: Palo Verde  
Petitioner: T. Saporito  
Date of Petition: 5/12/93

Director's Decision To Be Issued By: NRR  
Date Referred To Review Organization: 5/27/93  
EDO Number: 8923  
OGC Number: P-93-009  
Scheduled Completion Date: 2/17/95  
Last Contact with Petitioner(s): 12/14/94  
Petition Manager: B. Holian  
Case Attorney: H. McGurren

Issues/Action Requested: Immediately shut down the Palo Verde units and survey the breadth of any chilling effect, on the basis of asserted discrimination.

Current Status: An acknowledgement letter was issued on 7/9/93. Supplemental information was received on 10/26/93, 1/15/94, 6/2/94, and 11/14/94. The supplemental information included the petitioner's 10/23/93 complaint to the Department of Labor, and alleged retaliatory conduct and chilling effect at The Atlantic Group. The most recent acknowledgement letter was issued on 12/20/94. Issues are being evaluated. See Attachment 3 for other information.

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Facility: St. Lucie Unit 2  
Petitioner: Florida Municipal Power Agency (R. Jablon, Esq.)  
Date of Petition: 7/02/93

Director's Decision To Be Issued By: NRR  
Date Referred To Review Organization: 8/17/93  
EDO Number: 9102  
OGC Number: P-93-012  
Scheduled Completion Date: 5/31/95  
Last Contact with Petitioner(s): 10/26/94  
Petition Manager: B. Lambe  
Case Attorney: E. Holler

Issues/Action Requested: Take enforcement action requiring Florida Power and Light (FP&L) Company to transmit power over its network among the various sections of Florida Municipal Power Agency (FMPA) on a network basis without imposing multiple charges (antitrust license conditions).

Current Status: An acknowledgement letter was issued on 9/1/93. On 10/28/93, the Federal Energy Regulatory Commission (FERC) issued a proposed order directing that FP&L provide network transmission service to the FMPA. On 12/16/93, the United States District Court, Middle District of Florida, issued a memorandum decision and order finding that FMPA's claim for damages against FP&L is prohibited by the filed rate doctrine, denying all other pending motions as moot because of the FERC action, and dismissing the case. See *Florida Municipal Power Agency v. Florida Power and Light Company*, 839 FSupp 1563 (M.D.Fla.). The District Court decision has been appealed by FP&L and FMPA. The rate schedule of the ordered network service is before the FERC. Further action on the petition is awaiting completion of the FERC action and resolution of the appeal. On 10/26/94, the staff requested that the status of FMPA's 2.206 petition be updated in light of recent rulings by FERC, District Court and appeals at FERC and in the Circuit Court. FMPA responded to the staff's request by letter dated 12/5/94. FMPA's counsel addressed the status of the relevant court and FERC proceedings, as well as other related developments. In mid-December, counsel for FP&L contacted the staff and indicated that FP&L would be responding to FMPA's 12/5/94 filing. The relevant data provided by these filings will be incorporated in the staff's analysis and findings.

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Facility: Millstone  
Petitioner: A. Ross  
Date of Petition: 8/7/93

Director's Decision To Be Issued By: OE  
Date Referred To Review Organization: 8/18/93  
EDO Number: 9241  
OGC Number: P-93-015  
Scheduled Completion Date: 1/31/95  
Last Contact with Petitioner(s): 10/31/94  
Petition Manager: R. Rosano  
Case Attorney: L. Clark

Issues/Action Requested: Take enforcement action for violations of 10 CFR 50.7 and deliberate misconduct rule by a supervisor and a department manager who discriminated against him.

Current Status: An acknowledgement letter was issued on 9/1/93. Issues are being evaluated. See Attachment 3 for other information.

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Facility: Millstone  
Petitioner: C. Reynolds  
Date of Petition: 8/22/93

Director's Decision To Be Issued By: OE  
Date Referred To Review Organization: 8/31/93  
EDO Number: 9287  
OGC Number: P-93-016  
Scheduled Completion Date: 1/31/95  
Last Contact with Petitioner(s): 9/20/94  
Petition Manager: R. Rosano  
Case Attorney: L. Clark

Issues/Action Requested: Investigate the maintenance department management and reinstatement pending an investigation of retaliation complaints.

Current Status: An acknowledgement letter was issued on 9/21/93. The petitioner responded on 10/19/93. The staff responded to the petitioner's response on 11/23/93. Issues are being evaluated. See Attachment 3 for other information.

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Facility: Northeast Utilities  
Petitioner: C. Marien  
Date of Petition: 8/21/93

Director's Decision To Be Issued By: OE  
Date Referred To Review Organization: 8/31/93  
EDO Number: 9293  
OGC Number: P-93-018  
Scheduled Completion Date: 1/31/95  
Last Contact with Petitioner(s): 9/10/93  
Petition Manager: R. Rosano  
Case Attorney: L. Clark

Issues/Action Requested: Take accelerated enforcement action for willful violation of employee protection mandated by 10 CFR 50.7 by managers who harassed and intimidated her for raising concerns about the licensee's Fitness-for-Duty Program.

Current Status: An acknowledgement letter was issued on 9/10/93. Marien and Nerricio petitions will be addressed jointly in one Director's Decision. Draft Director's Decision is being prepared. See Attachment 3 for other information.

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Facility: Northeast Utilities  
Petitioner: M. Nericcio  
Date of Petition: 8/21/93

Director's Decision To Be Issued By: OE  
Date Referred To Review Organization: 8/31/93  
EDO Number: 9296



OGC Number: P-93-019  
Scheduled Completion Date: 1/31/95  
Last Contact with Petitioner(s): 9/10/93  
Petition Manager: R. Rosano  
Case Attorney: L. Clark

Issues/Action Requested: Take accelerated enforcement action for willful violation of employee protection mandated by 10 CFR 50.7 by managers who harassed and intimidated her for raising concerns about the licensee's Fitness-for-Duty Program.

Current Status: An acknowledgement letter was issued on 9/10/93. Marien and Nericcio petitions will be addressed jointly in one Director's Decision. Draft Director's Decision is being prepared. See Attachment 3 for other information.

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Facility: National Institutes of Health (NIH)  
Petitioner: North Bethesda Congress of Citizens' Associations  
Date of Petition: 12/2/93

Director's Decision To Be Issued By: NMSS  
Date Referred To Review Organization: 12/17/93  
EDO Number: 9573  
OGC Number: P-93-028  
Scheduled Completion Date: 1/31/95  
Last Contact with Petitioner(s): 12/17/94  
Petition Manager: S. Sherbini  
Case Attorney: G. Longo

Issues/Action Requested: Suspend authority to incinerate NRC-licensed materials.

Current Status: An acknowledgement letter was issued on 2/24/94. Immediate suspension of incineration was denied by letter of 2/24/94. NIH facilities were inspected on 4/18-22/94, and again on 5/9-13/94. These inspections included review of activities addressed in the petition. NIH notified NRC that incineration was permanently halted at the NIH campus on 8/5/94. A license amendment to withdraw the license condition authorizing incineration was also requested. A draft Director's Decision was modified to reflect these changes and is under review. A letter to inform the petitioner of current status of the petition is being prepared.

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Facility: UMETCO  
Petitioner: Envirocare of Utah, Inc.  
Date of Petition: 1/13/94

Director's Decision To Be Issued By: NMSS  
Date Referred To Review Organization: 2/7/94  
EDO Number: 9692  
OGC Number: P-94-003  
Scheduled Completion Date: 1/31/95

Last Contact with Petitioner(s): 12/14/94  
Petition Manager: S. Wastler/S. Lewis  
Case Attorney: H. McGurren/S. Lewis

Issues/Action Requested: Initiate a proceeding to modify, suspend, or revoke UMETCO's materials license pending an environmental assessment with regard to UMETCO's operation of its White Mesa Mill. Determine whether this facility must conform to applicable Environmental Protection Agency standards.

Current Status: An acknowledgement letter was issued on 2/21/94. Envirocare's request for a hearing was denied by order of the Atomic Safety and Licensing Board Panel on 3/4/94. A status update letter was sent to the petitioner on 5/3/94. Director's Decision is with OGC for comment. NMSS to revise document in accordance with extensive OGC comments.

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Facility: Turkey Point, St. Lucie  
Petitioner: T. Saporito  
Date of Petition: 3/7/94

Director's Decision To Be Issued By: OE  
Date Referred To Review Organization: 3/23/94  
EDO Number: 9836  
OGC Number: P-94-005  
Scheduled Completion Date: 1/31/95  
Last Contact with Petitioner(s): 4/7/94  
Petition Manager: R. Rosano  
Case Attorney: L. Clark

Issues/Action Requested: Issue show cause order for discrimination found by the Department of Labor.

Current Status: An acknowledgement letter was issued on 4/7/94. A response to this and the petitioner's 6/7/94 petition (EDO 10146) is in preparation. See Attachment 3 for other information.

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Facility: Watts Bar  
Petitioner: G. Gillilan  
Date of Petition: 2/25/94

Director's Decision To Be Issued By: OE  
Date Referred To Review Organization: 3/24/94  
EDO Number: 9838  
OGC Number: P-94-006  
Scheduled Completion Date: 1/31/95  
Last Contact with Petitioner(s): 4/7/94  
Petition Manager: R. Rosano  
Case Attorney: H. McGurren

Issues/Action Requested: Immediately impose civil penalties for discrimination.

Current Status: An acknowledgement letter was issued on 4/7/94. Issues are being evaluated. Supplemented by letters of 6/28/94, 7/6/94, and 12/5/94. See Attachment 3 for other information.

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Facility: Northeast Utilities/Connecticut Yankee and Millstone  
Petitioner: R. Gavensky  
Date of Petition: 3/10/94

Director's Decision To Be Issued By: NRR  
Date Referred To Review Organization: 3/24/94  
EDO Number: 9867  
OGC Number: P-94-007  
Scheduled Completion Date: 1/9/95  
Last Contact with Petitioner(s): 11/28/94  
Petition Manager: G. Vissing  
Case Attorney: R. Hoefling

Issues/Action Requested: Temporarily revoke licenses of Northeast Utilities pending investigation of allegations concerning receipt inspection activities.

Current Status: An acknowledgement letter was issued on 5/9/94. A draft Director's Decision is under review.

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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: 8/31/95  
Last Contact with Petitioner(s): 5/5/94  
Petition Manager: J. Shea  
Case Attorney: L. Clark

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 acknowledgement 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 spent fuel storage pool safety concerns. The first progress report is scheduled for 1/95 and will apprise the petitioner of the action

plan. The Director's Decision is scheduled for 8/95, pending the results of site audits identified in the action plan.

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Facility: Millstone  
Petitioner: A. Ross  
Date of Petition: 5/23/94

Director's Decision To Be Issued By: OE  
Date Referred To Review Organization: 6/8/94  
EDO Number: 10119  
OGC Number: P-94-013  
Scheduled Completion Date: 1/31/95  
Last Contact with Petitioner(s): 10/31/94  
Petition Manager: R. Rosano  
Case Attorney: L. Clark

Issues/Action Requested: Issue a Severity Level II violation and sanctions against a maintenance manager for telling an employee he must report safety concerns to management.

Current Status: An acknowledgement letter was issued on 6/16/94. Issues are being evaluated. See Attachment 3 for other information.

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Facility: Palo Verde  
Petitioner: T. Saporito  
Date of Petition: 5/27/94

Director's Decision To Be Issued By: OE/NRR  
Date Referred To Review Organization: 5/31/94  
EDO Number: 10121  
OGC Number: P-94-014  
Scheduled Completion Date: 2/14/95  
Last Contact with Petitioner(s): 7/26/94  
Petition Manager: R. Rosano  
Case Attorney: A. Jorgensen

Issues/Action Requested: Modify, suspend, or revoke the operating license authorizing the operation of the three reactors at Palo Verde. Base action on continued employment of The Atlantic Group, statements by a licensee official concerning Saporito's application, termination of an employee, and eddy current testing.

Current Status: An acknowledgement letter was issued on 7/26/94. Issues are being evaluated. Supplemented 7/8/94.

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Facility: Turkey Point, St. Lucie  
Petitioner: T. Saporito  
Date of Petition: 6/7/94

Director's Decision To Be Issued By: OE  
Date Referred To Review Organization: 6/16/94  
EDO Number: 10146  
OGC Number: P-94-015  
Scheduled Completion Date: 1/31/95  
Last Contact with Petitioner(s): 6/24/94  
Petition Manager: R. Rosano  
Case Attorney: L. Clark

Issues/Action Requested: Issue a show cause order for retaliation and an escalated enforcement action against the responsible individuals.

Current Status: An acknowledgement letter was issued on 6/24/94. A combined response with the petitioner's 3/7/94 petition (EDO 9836) is in preparation.

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Facility: ANO 1 & 2  
Petitioner: Wisconsin Citizens' Utility Board  
Date of Petition: 7/5/94

Director's Decision To Be Issued By: NMSS  
Date Referred To Review Organization: 7/29/94  
EDO Number: 10261  
OGC Number: P-94-016  
Scheduled Completion Date: 2/10/95  
Last Contact with Petitioner(s): 11/94  
Petition Manager: C. Haughney/J. Schneider  
Case Attorney: C. Reamer/M. Finkelstein

Issues/Action Requested: Determine the applicability of 10 CFR 72.48 to 10 CFR Part 72 Subparts K and L.

Current Status: An acknowledgement letter was issued 8/16/94. A draft letter enclosing drafts of Director's Decision and Federal Register Notice is under review. Staff was contacted by phone call from Mr. Dums during first week of November. OGC comments were received 11/10/94 on drafts being incorporated by staff. Second set of OGC comments, received 12/15/94, being incorporated.

Resource limitations on staff have limited the development of rulemaking on the clarification of 10 CFR 72.48 issue. Staff is also addressing a similar issue regarding 10 CFR 72.48 in its response to public comments for the rulemaking to approve the Standardized NuHoms Systems for spent fuel storage.

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

Director 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: 3/6/95  
Last Contact with Petitioner(s): 1/10/95  
Petition Manager: J. DeCicco  
Case Attorney: M. Stein

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

Current Status: An acknowledgement letter was issued on 9/7/94. Staff is researching Picker license file to establish use/discontinuance of flow-rate alarms in the 1970s. AMS license expires December 1994; renewal application was due at the end of November 1994. First draft reviewed by OGC, is in NMSS for rewrite 12/28/94.

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Facility: San Onofre Nuclear Generating Station, Units 1, 2, and 3  
Petitioner: T. Dougherty  
Date of Petition: 8/10/94

Director Decision To Be Issued By: NRR  
Date Referred to Review Organization: 9/1/94  
EDO Number: 10416  
OGC Number: P-94-021  
Scheduled Completion Date: 1/23/95  
Last Contact with Petitioner(s): 1/95 ltr. Unlisted phone no.  
Petition Manager: M. Fields  
Case Attorney: J. McGurren

Issues/Action Requested: Shut down and dismantle the San Onofre Nuclear Generating Station because of seismic concerns and a newspaper article discussing the issuance of the vehicle bomb rule by the Commission.

Current Status: An acknowledgement letter was issued on September 22, 1994. Technical input for the Director's Decision has been prepared by the Civil Engineering and Geosciences Branch and the Safeguards Branch in NRR.

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

Director 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: 1/30/95  
Last Contact with Petitioner(s): 1/3/95  
Petition Manager: A. Dromerick  
Case Attorney: G. Longo

Issues/Action Requested: Immediately suspend Oyster Creek License until (1) licensee inspects and repairs or replaces all

safety-class reactor internal component parts subject to embrittlement and cracking and (2) provides an analysis on the synergistic effects of through wall cracking of multiple safety-class components.

Fuel pool cooling design has deficiencies on single unit General Electric boiling water reactors as it pertains to Oyster Creek.

Current Status: Acknowledgement letter was issued on 10/27/94. On 12/13/94, the petitioners issued 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.

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Facility: Comanche Peak  
Petitioners: P. Gunter (NIRS) & B. Brink (CFUR)  
Date of Petition: 9/26/94

Director Decision To Be Issued By: NRR  
Date Referred to Review Organization: 10/6/94  
EDO Number: 10492  
OGC Number: P-94-024  
Scheduled Completion Date: 2/7/95  
Last Contact with Petitioner(s): 1/12/95  
Petition Manager: T. Polich  
Case Attorney: G. Longo

Issues/Action Requested: Immediately suspend the Comanche Peak Unit 1 license until the following corrective actions are taken by the licensee: (1) Perform additional destructive analysis for Thermo-Lag configurations in proportion to the total installed amount to determine the degree of the "dry joint" occurrence and (2) Perform fire tests on the upgraded "dry joint" Thermo-Lag configurations for conduit and cable trays to rate the barrier as a tested configuration in compliance with fire protection regulations.

Current Status: An acknowledgement letter was issued on 11/7/94. OGC has proposed that this Comanche Peak 2.206 petition be incorporated into the generic Thermo-Lag 2.206 petition OGC No. P-94-026.

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Facility: San Onofre Nuclear Generating Station, Units 2 and 3  
Petitioner: R. M. Dean  
Date of Petition: 9/19/94

Director Decision To Be Issued By: NRR  
Date Referred to Review Organization: 10/5/94  
EDO Number: 10498  
OGC Number: P-94-025

Scheduled Completion Date: 2/28/95  
Last Contact with Petitioner(s): 12/29/94  
Petition Manager: M. Fields  
Case Attorney: M. Finkelstein

Issues/Action Requested: Shut down San Onofre Units 2 and 3 because of concerns about the emergency evacuation plans.

Current Status: The acknowledgement letter was issued on 10/28/94. NRR will provide response to emergency evacuation concerns once FEMA has provided us with the necessary information. In a letter dated December 29, 1994, the NRC informed Mr. Dean that his November 11, 1994, letter containing concerns related to the ability of Orange County to effectively participated in the emergency evacuation plans (due to the financial problems) would be added to his 2.206 Petition.

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Facility: Peach Bottom Atomic Power Station, Units 2 and 3  
Petitioner: Maryland Safe Energy Coalition (Richard Ochs)  
Date of Petition: 10/6/94

Director Decision To Be Issued By: NRR  
Date Referred to Review Organization: 10/21/94  
EDO Number: 10547  
OGC Number: P-94-030  
Scheduled Completion Date: 9/01/95

Last Contact with Petitioner(s): 12/2/94  
Petition Manager: J. Shea  
Case Attorney: G. Longo

Issues/Action Requested: Immediately (1) shut down both units until risk of fire near electrical cables due to combustible insulation is corrected (Thermo-lag), (2) suspend Peach Bottom operating license pending inspection of all safety class components and analysis of synergistic effects of cracks in multiple reactor components (core shroud and vessel internal concerns), (3) shut down both units because of 8/3/94 loss of emergency cooling water, and (4) shut down both units because of equipment problems identified by NRC in 8/16/94 inspection report.

Current Status: An acknowledgement letter was issued on 12/2/94. The acknowledgement letter denied the petitioner's request for immediate action. The staff is preparing a Partial Director's Decision to address requests 2, 3 and 4 of the petition. A Director's Decision for request 1 of the petition will be prepared in conjunction with the Director's Decisions for Petitions P-94-026 and P-94-029 below.

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Facility: All Reactor Licensees Using Thermo-Lag 330  
Petitioner: GE Stockholders' Alliance (P. Birnie)

Date of Petition: 10/21/94

Director Decision To Be Issued By: NRR  
Date Referred to Review Organization: 11/14/94  
EDO Number: 10582  
OGC Number: P-94-026  
Scheduled Completion Date: 4/15/95  
Last Contact with Petitioner(s): 11/30/94  
Petition Manager: M. Gamberoni  
Case Attorney: G. Longo

Issues/Action Requested: Shut down all reactors where Thermo-Lag is used until it has been removed and replaced.

Current Status: An acknowledgement letter and Federal Register notice were issued on 12/15/94.

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Facility: All Reactor Licensees Using Thermo-Lag 330  
Petitioner: Toledo Coalition for Safe Energy (C. Johnston)  
Date of Petition: 10/25/94

Director Decision To Be Issued By: NRR  
Date Referred to Review Organization: 11/14/94  
EDO Number: 10595  
OGC Number: P-94-029  
Scheduled Completion Date: 4/15/95  
Last Contact with Petitioner(s): 12/15/94  
Petition Manager: M. Gamberoni  
Case Attorney: G. Longo

Issues/Action Requested: Immediately shut down all reactors where Thermo-Lag is used until it has been removed and replaced.

Current Status: An acknowledgement letter and Federal Register notice were issued on 12/15/94.

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Facility: Georgia Tech and All Licensees  
Petitioner: P. Blockey-O'Brien  
Date of Petition: 10/23/94

Director 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: 3/22/95  
Last Contact with Petitioner(s): 11/22/94  
Petition Manager: M. Mendonca  
Case Attorney: M. Stein

Issues/Action Requested: Withdraw license, 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 State and oceans of the world, and

revoke all licenses that use as low as reasonably achievable; 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 that the 2.206 process is a public process on 11/21/94. The acknowledgement letter was issued on 11/22/94. Initial outline of the review plan is being drafted. The Petitioner was contacted and has responded with a second and third letter. Acknowledgement letters are in process.

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Facility: All Reactor Licensees Using Thermo-Lag 330  
Petitioner: D. Cinquemani  
Date of Petition: 10/21/94

Director Decision To Be Issued By: NRR  
Date Referred to Review Organization: 11/14/94  
EDO Number: 10601  
OGC Number: P-94-029  
Scheduled Completion Date: 4/15/95  
Last Contact with Petitioner(s): 12/15/94  
Petition Manager: M. Gamberoni  
Case Attorney: G. Longo

Issues/Action Requested: Shut down of all reactors where Thermo-Lag is used until it has been removed and replaced.

Current Status: An acknowledgement letter and Federal Register notice were issued on 12/15/94.

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Facility: All Reactor Licensees Using Thermo-Lag 330  
Petitioner: R. Benjan  
Date of Petition: 10/26/94

Director Decision To Be Issued By: NRR  
Date Referred to Review Organization: 11/18/94  
EDO Number: 10622  
OGC Number: P-94-029  
Scheduled Completion Date: 4/15/95  
Last Contact with Petitioner(s): 12/15/94  
Petition Manager: M. Gamberoni  
Case Attorney: G. Longo

Issues/Action Requested: Immediately shut down all reactors where Thermo-Lag is used.

Current Status: An acknowledgement letter and Federal Register notice were issued on 12/15/94.

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Facility: Zion Nuclear Power Station  
Petitioner: R. Rutherford  
Date of Petition: 11/3/94



Director Decision To Be Issued By: NRR  
Date Referred to Review Organization: 12/94  
EDO Number: 10638  
OGC Number:  
Scheduled Completion Date: 6/95  
Last Contact with Petitioner(s): 12/22/94  
Petition Manager: C. Shiraki  
Case Attorney:

Issues/Action Requested: Recommend withdrawal of approval of the security system at the Zion Nuclear Power Station.

Current Status: An acknowledgement letter and Federal Register notice was issued on 12/22/94.

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Facility: Oyster Creek Nuclear Generating Station  
Petitioners: P. Gunter and W. de Camp, Jr.  
Date of Petition: 12/8/94

Director Decision To Be Issued By: NRR  
Date Referred to Review Organization: 12/94  
EDO Number: 10697  
OGC Number:  
Scheduled Completion Date:  
Last Contact with Petitioner(s): 1/3/95  
Petition Manager: P. McKee  
Case Attorney: G. Longo

Issues/Action Requested: Immediately suspend operating license for Oyster Creek Nuclear Generating Station (OCNGS) until GPUN removes Thermo-Lag fire barrier material and replaces it with a competitive product that meets current NRC fire protection regulations.

Current Status: An acknowledgement letter and Federal Register notice were issued on 1/3/95. May be part of generic issue related to Thermo-Lag.

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END OF STATUS REPORT

Decisions Pending Before the Commission and the Courts

Petitioner	Facility/ EDO Number	Decision No.	Comments
M. Hobby A. Mosbaugh	<u>Vogtle/</u> 0005836	DD-93-08 (Partial Decision) (4/23/93) (Denial)	Vacated and remanded to staff (CLI-93-15).
P. Blanch	<u>Rosemount, Inc.</u> 0008449	DD-94-12 (Final) (12/15/94)	Granted in part.
T. Saporito	<u>South Texas</u> 0008864	DD-94-13 (Final) (12/20/94)	Granted portion requesting NRC enforcement action against HP&L for discrimination. Denied requests for immediate shutdown.
Battelle Permit Opposition Committee	<u>Battelle</u> 0009708	DD-94-11 (Granted) (12/14/94)	
P. Blanch	<u>Rosemount, Inc.</u> 0009922	DD-94-12 (Final) (12/15/94)	Granted in part.
Gov. M.O. Leavitt et al.	<u>UMETCO</u> 0010025	DD-94-10  (12/14/94)	
END OF DECISIONS PENDING			

From: Robert E. Shewmaker (RES), NMSS  
To: WJS2 Wayne Slawinski, RIII  
Date: Monday, January 30, 1995 7:43 am  
Subject: INFO on BASEMENT SLAB BORINGS

I believe there were a total of three borings made through the basement concrete floor slab. If you have information I would like to know the following or what I have indicated is correct.

1. What was the location of each of the borings? For example, centered on the south WHUT room wall at a distance of 3 feet from the outside face of the wall.
2. What date were the borings made?
3. The section exposed consisted of:
  - 6" concrete slab
  - 2" mud slab concrete
  - ? of gravel of size/grade
  - contact with silt/shale rock
  - Total depth of boring below
  - top of concrete slab \_\_\_\_\_
4. Was there groundwater contacted in any of the borings, and if so, what was the depth below the top of the concrete basement slab to the water?

Dup 1p.

F/3

From: Wayne J. Slawinski (WJS2), *RILL*  
To: CH1:HMS3:HMS1:TW4:TW7:RES *Robert Shawmaker, NMSS*  
Date: Tuesday, January 31, 1995 9:16 am  
Subject: INFO on BASEMENT SLAB BORINGS -Reply

1. Total of 3 core borings were made by contractor. Locations as follows:
  - (1) Front Basement, approx two feet from exterior of east WHUT room wall
  - (2) In entryway from back to front basement, approx three feet south of WHUT room labrynth entrance
  - (3) Back basement, approx two feet from exterior of west WHUT room wall
2. Borings were made by contractor the week of 11/21/94
3. Boring depths as follows:
  - \* Cored 6" thru cement foundation slab
  - \* Cored 3" thru combined mud and gravel fill (gravel composition unknown)
  - \* cored additional 10-12", depending on location, into soil beneath mud/gravel fill
  - \* Shale formation struck at 10-12" below foundation slab. Shale struck at 10" below slab on east wall boring
4. Water not evident upon initial boring down 10-12" below foundation slab; however, the following week, water was present in all three borings just below 6" slab. This water was sampled and sent for radiological analysis. Analysis results unknown at this time.

*Dupe 1b*  
~~9509140066~~



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

March 3, 1995

MEMORANDUM TO: Kevin Null  
Materials Licensing Section  
Division of Radiation Safety  
and Safeguards, Region III

FROM: Louis M. Bykoski  
Materials Decommissioning Section  
Low-Level Waste and Decommissioning  
Projects Branch  
Division of Waste Management, NMSS

SUBJECT: REVIEW OF DECOMMISSIONING FUNDING PLAN FOR ADVANCED MEDICAL  
SYSTEMS, INC., NRC LICENSE NO. 34-19089-01

*Louis M. Bykoski*

Our contractor, ICF Incorporated and the Office of General Counsel (OGC) have reviewed and provided comments on the Advanced Medical Systems Inc., nonstandard financial assurance submittal sent to us for review.

You should carefully review all the comments before preparing the deficiency letter. We have attached the comments of ICF and OGC, and a cost review by Larry Pittiglio of our staff to assist you in your review.

Should you have any further questions with regard to the comments, please call me on (301) 415-6754, or Larry Pittiglio on (301) 415-6702, or Bradley Jones of OGC, on (301) 415-1628.

Attachments: As stated

*Date 1/6*  
*19503150189 XH*

*F/S*  
RECEIVED  
MAR 04 1995  
REGION II