

April 17, 1997

MEMORANDUM TO: L. Joseph Callan  
Executive Director for Operations

FROM: Roy P. Zimmerman Original signed by  
Associate Director for Projects  
Office of Nuclear Reactor Regulation

SUBJECT: MARCH 1997 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 March 1997. This report may not reflect changes in status that have occurred since petition managers submitted data on the March 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

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OFFICE	PM:PD41	E	LA:PD31	E	NMSS:RMB	E	OE	E	ADPR:NRR	E
NAME	J. Kennedy		C. Jamerson		M. Mattia		N. Mamish for J. Lieberman		R.P. Zimmerman	
DATE	04/14/97		04/14/97		04/14/97(e)		04/09/97(e)		04/17/97	

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Report on Status of Public Petitions  
Under 10 CFR 2.206

March 1997

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Report on  
Status of Public Petitions  
Under 10 CFR 2.206

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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: 4/30/97  
Last Contact with Petitioner(s): 2/3/97  
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 second supplemental request to this petition; an acknowledgment letter was issued on 11/2/94. The scheduled completion date was extended several times in 1995 to allow preparation and staff review 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. Because of the agency-wide implications of waste disposal, the completion date was again extended several times in 1996 to continue staff review of the Commission Options Paper. The staff contacted the petitioner by telephone on 8/20/96, 10/22/96, and 12/20/96 to discuss the status of the petition. The options paper for the Commission's consideration has been completed by the Office of Nuclear Material Safety and Safeguards. However, an out-of-court settlement occurred on 12/20/96 for cost recovery action NEORSRD brought against AMS and the other defendants. This settlement agreement addresses the majority of issues raised in the petition. The staff requested the petitioner's views regarding the impact of the settlement

agreement on the petition by letter dated 2/3/97. The petitioner's letter dated 3/4/97 indicated that the petitioner's requests are not completely covered by the settlement agreement, and the petition remains relevant.

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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: 7/30/97  
Last Contact with Petitioner(s): 2/3/97  
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. On 12/29/94 the Sewer District requested a license renewal hearing per Subpart L, 10 CFR 2.1205. The staff met on 3/14/95 to discuss the petition. 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. 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, 6/18/96, 8/20/96, 10/22/96, and 12/20/96. The completion date was extended in January 1997 to 3/30/97 to allow for the staff's review of the draft Director's Decision. The staff requested the petitioner's views regarding the impact of a settlement agreement on the petition by letter dated 2/3/97. The petitioner's letter dated 3/4/97 indicated that the petitioner's requests are not completely covered by the settlement agreement, and the petition remain relevant.

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Facility: Georgia Tech and All Licensees  
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):	3/31/97
Petition Manager:	M. Mendonca
Case Attorney:	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. 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 appearance, on 5/22/96.

In a telephone conversation on 5/31/96, the petitioner indicated to an NRC Region II official that she disagreed with the partial Director's Decision of 7/31/95. This was responded to by letter dated 9/26/96. On 6/17/96, the petitioner called the NRC Chairman to indicate that her supplement of 5/24/96 included all the information that the petitioner felt was related to the petition. 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. A status update letter was sent to the petitioner on 10/24/96. The petitioner was contacted by telephone on 12/31/96, 1/28/97, and 3/31/97 and informed of the status of the petition which is awaiting the ASLB decision.

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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: 5/16/97  
Last Contact with Petitioner(s): 3/3/97  
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. Based on a copy of the petition obtained by Northeast Utilities, the licensee voluntarily provided a response to the petition on 5/12/95. 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. 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 in 1995.

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, 8/12/96, 10/11/96, 1/8/97, and 3/3/97, the staff sent status update letters to the petitioner. The completion date was extended several times in 1996 and 1997 to allow time for further staff review.

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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: 5/31/97  
Last Contact with Petitioner(s): 2/21/97  
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 was extended in August 1996 to 10/31/96, and again in October 1996 to 5/31/97 to allow for additional staff review. 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. On 11/15/96 the staff issued a status update letter to the petitioners which included an example of a 10 CFR 50.54(f) letter sent to all plants (except Millstone) requiring information that will provide the staff with added assurance that plants are operated and maintained in accordance with their design bases and any deviations are reconciled in a timely manner. On 12/26/96, the staff issued a partial Director's Decision (DD-96-23) that addressed the technical aspects of the petitioners' requests. The wrongdoing aspects are still under review and will be addressed in a subsequent Director's Decision. On 2/21/97, the staff issued a status update letter to the petitioners which included the slides used by staff of the NRC's Office for Analysis and Evaluation of Operational Data during their 2/5/97 public presentation of their generic assessment of spent fuel cooling. See Attachment 3 for further information.

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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: 4/30/97  
Last Contact with Petitioner(s): 4/1/97  
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 the 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 inspection team (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 the 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 notified the petitioner of a delay in the completion date 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 had extended the 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 a civil penalty for violations of security requirements, as well as other violations cited in the 8/23/96 NOV. The staff extended the completion date for this petition to 2/28/97 to allow sufficient time for review of the NIH response and appropriate staff action. On 1/14/97 the staff forwarded to both NIH and the petitioner a complete version of a 1995 augmented inspection team report along with a copy of the final medical consultant's report. As requested by the petitioner, the petition manager informed the petitioner on 2/4/97 that the NRC's Office of Investigations (OI) had completed its report regarding this incident. The staff has reviewed the OI report and has met with all the NRC offices to coordinate resolution of the issues raised in the petition. The petitioner was contacted by telephone on 4/1/97 and informed of the status of the petition. See Attachment 3 for further details.

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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: 4/30/97  
Last Contact with Petitioner(s): 2/10/97  
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 was issued on 10/11/96. The scheduled completion date was revised in December 1996 to 3/31/97, and again in January 1997 to 4/15/97 to allow additional time for staff review. The petitioner was informed of the change in status by telephone on 1/7/97. A status update letter was sent to the petitioner on 2/10/97 stating that the staff expected to complete the review of the petition by 4/30/97.

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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: 9/6/96  
EDO Number: GT96659  
OGC Number: P-96-020  
Scheduled Completion Date: 4/20/97  
Last Contact with Petitioner(s): 3/26/97  
Petition Manager: P. Tam  
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. The petitioner manager was changed in December 1996 and the scheduled completion date was extended to 4/20/97. Status update letters were issued on 1/27/97 and 3/26/97 informing the petitioner of the status of the petition.

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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: On hold pending completion of adjudicatory proceedings  
Last Contact with Petitioner(s): 4/1/97  
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 petition will be considered as part of NSP's application for the offsite ISFSI. An acknowledgment letter was issued on 10/11/96.

The petitioner's attorney was informed by the staff on 11/22/96 that the petition addressed issues that were also part of adjudicatory proceedings associated with petitions to intervene. Therefore, no Director's Decision could be made until the adjudicatory proceedings were completed. Furthermore, the applicant has requested, and the staff has granted, a request that the license application review be suspended pending completion of Minnesota State judicial proceedings which could critically impact the continuation of the project. Subsequently, the Atomic Safety Licensing Board Panel which had scheduled a pre-hearing conference on the petitions to intervene also suspended its proceedings until the State court action is completed. The petitioner was contacted on 1/2/97 and informed of the status of the petition.

At the request of the Deputy Director, Nuclear Material Safety and Safeguards, the Office of the General Counsel was contacted to confirm that no action was possible on this petition until the adjudicatory proceedings described above are completed. The petitioner contacted the staff by telephone on 4/1/97 and was apprised that the status of the petition was unchanged.

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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: 4/25/97  
Last Contact with Petitioner(s): 4/1/97  
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 addressing the petitioner's immediate concern regarding offloading of the reactor core during the Point Beach Unit 2 refueling outage was issued on 10/11/96. The status of staff reviews related to NRC Bulletin 96-04, potential loading dates for VSC-24 casks, and staff activities related to the petition were discussed with the petitioner during a telephone conversation on 10/31/96. The petitioner was contacted by telephone on 12/3/96 to inform him that the confirmatory action letter had been closed for Arkansas Nuclear One (ANO) and that cask loading would be initiated at that facility. An acknowledgment letter denying the petitioner's second request was issued on 12/10/96. Material relevant to the petition was forwarded to the petitioner by letters dated 11/7/96 and 1/27/97. The scheduled completion date was extended in February 1997 to 3/31/97 to accommodate staff review of the draft Director's Decision. The due date was subsequently extended to 4/25/97 to support final staff review of the Director's Decision and to address recent events. The petitioner was contacted by telephone on 4/1/97 to inform him of the status of the Petition and a recent issue pertaining to the need to perform weld repairs during the welding of the lid on several VSC-24 casks at ANO.

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**Facility:** Shieldalloy  
**Petitioner:** S. Bauman  
**Date of Petitions:** 10/11/96 and 2/7/97

**Director's Decision To Be Issued by:** NMSS  
**Date Referred to Review Organization:** 10/23/96  
**EDO Number:** GT96775/GT97085  
**OGC Number:** P-96-023  
**Scheduled Completion Date:** 4/23/97  
**Last Contact with Petitioner(s):** 3/7/97  
**Petition Manager:** G. Comfort  
**Case Attorney:** M. Rafky

**Issues/Action Requested:** Requests that Shieldalloy's license for its Newfield, New Jersey site be revoked and "downgraded" to one permitting possession of low-level radioactive wastes for the purpose of decommissioning only. Petition also asserts, as a basis for this request, that Shieldalloy cannot meet NRC financial assurance requirements.

**Current Status:** An acknowledgment letter was issued on 11/14/96. The petitioner submitted an additional petition on 2/7/97 which will be combined with the first petition and answered simultaneously. An acknowledgment letter for the

2/7/97 petition was issued on 3/7/97. The draft Director's Decision is being reviewed by the staff.

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Facility: San Onofre Nuclear Generating Station  
Petitioner: S. Dwyer  
Date of Petition: 9/22/96, as supplemented 12/10/96

Director's Decision To Be Issued by: NRR  
Date Referred to Review Organization: 10/24/96  
EDO Number: GT96778  
OGC Number: P-96-024  
Scheduled Completion Date: On hold - awaiting additional information from petitioner  
Last Contact with Petitioner(s): 2/6/97  
Petition Manager: M. Fields  
Case Attorney: H. McGurren

Issues/Action Requested: Requests the NRC shut down the San Onofre Nuclear Generating Station "as soon as possible" pending a complete review of the "new seismic risk."

Current Status: The petitioner was contacted by internet electronic mail on 10/16/96 and informed that the 2.206 process is a public process. An acknowledgment letter was issued on 11/22/96. A second letter was sent to the staff from the petitioner on 12/10/96 which provided additional information regarding the petition. A supplemental acknowledgment letter to the petitioner in response to the 12/10/96 letter was issued on 2/6/97. The 2/6/97 letter informed the petitioner that the staff's review of the petition would be placed on hold until all the relevant information in support of the petition (as alluded to in the 12/10/96 supplement) had been provided to the staff.

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Facility: All Users of the VSC-24 Nuclear Waste Storage Cask  
Petitioners: M. Sinclair and E. Roemer on behalf of Don't Waste Michigan and Lake Michigan Federation, respectively  
Date of Petition: 10/18/96

Director's Decision To Be Issued by: NMSS  
Date Referred to Review Organization: 11/13/96  
EDO Number: GT96801  
OGC Number: P-96-025  
Scheduled Completion Date: 5/9/97  
Last Contact with Petitioners: 4/3/97  
Petition Manager: M. Bailey  
Case Attorney: L. Clark

Issues/Action Requested: Prohibit the loading of any and all VSC-24 nuclear waste storage casks by users of the cask under the general license, until the NRC, following an independent third party review of the VSC-24 cask design, has amended the Safety Analysis Report (SAR), Safety Evaluation Report (SER), and Certificate of Compliance (COC) to address the



significant safety concerns raised in the petition.

**Current Status:** The petitioners were contacted by telephone on 11/26/96 and informed that the 2.206 process is a public process. On 12/3/96 and 12/4/96, the petitioners were informed by telephone that the confirmatory action letter for Arkansas Nuclear One (ANO) had been closed and that ANO would begin loading spent fuel into a VSC-24 cask. An acknowledgment letter was issued on 12/10/96. A representative from the National Association of Corrosion Engineers (NACE) was contacted on 1/3/97 and 1/13/97 to gather information on NACE and to discuss the possibility of having NACE perform a third-party review of the cask, as requested by the petitioners. On 4/3/97, the staff informed the petitioners of a weld crack discovered by ANO during its third VSC-24 cask loading. The weld crack, which was discovered while welding the shield lid in place, was successfully repaired and tested, and cask loading was completed. On 4/7/97, the NRC conducted a special inspection at ANO to review this issue for any generic design or safety implications. The staff is evaluating the impact of this recent weld issue on the petition.

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**Facility:** Connecticut Yankee and Millstone Units 1, 2, and 3  
**Petitioners:** D. Katz, Citizens Awareness Network and P. Gunter, Nuclear Information and Resource Service  
**Date of Petition:** 11/25/96, as amended 12/23/96  
**Director's Decision To Be Issued by:** NRR  
**Date Referred to Review Organization:** 12/20/96  
**EDO Number:** GT96919  
**OCC Number:** P-96-026  
**Scheduled Completion Date:** 5/31/97  
**Last Contact with Petitioners:** 2/4/97  
**Petition Manager:** D. McDonald  
**Case Attorney:** R. Hoefling

**Issues/Action Requested:** Petitioners request the staff to take the following actions: (1) immediately suspend or revoke Northeast Utilities' (NU) license to operate the Connecticut Yankee (CY) and Millstone reactors due to chronic mismanagement; (2) investigate the possibility that NU made material misrepresentations to the NRC concerning engineering calculations and other information or actions relied upon to assure the adequacy of safety systems at CY and Millstone; (3) if an investigation determines that NU deliberately provided insufficient and/or false or misleading information to the NRC, revoke NU's operating licenses for CY and Millstone, or, if not, keep the reactors off-line pending a Department of Justice independent investigation; (4) if the reactors remain operating, petitioners request that they remain on the NRC's "watch list"; (5)

keep CY and Millstone off-line until NU's chronic mismanagement has been analyzed, remedial management programs put into effect and the NRC has evaluated and approved the effectiveness of NU's actions; (6) in the event NU decides to decommission any or all of the reactors at issue, petitioners request the NRC not to permit any decommissioning activity to take place until the above issues are resolved; and (7) commence an investigation into how the staff allowed the illegal situation at NU's Connecticut reactors to exist and continue over a decade.

**Current Status:** The petitioners were contacted by telephone on 12/19/96 and informed that the 2.206 process is a public process. The videotape which was provided with the petition has been transcribed and placed in the NRC's Public Document Room and the local public document rooms. An acknowledgment letter was issued on 1/23/97. The staff indicated in the acknowledgment letter that D. Katz, President of CAN had been added to the NRC service lists for the Millstone and Haddam Neck facilities to assure that the petitioners receive NRC correspondence relevant to the petition. The staff also indicated in the acknowledgment letter that the petition, the supplemental information, and a transcript of the videotape had been sent to the NRC's Office of the Inspector General (IG).

The staff received a letter dated 1/12/97 from CAN and NIRS expressing concern that the staff should not respond to the portions of the petition relating to the NRC staff, that the IG should be involved in those areas, and that the petitioners had not received the staff's acknowledgment letter. The petitioner was contacted on 1/28/97 and 2/4/97 to discuss the 1/12/97 letter. It was agreed that the acknowledgment letter had addressed the concerns expressed in the 1/12/97 letter.

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**Facility:** Vermont Yankee  
**Petitioner:** J. Block on behalf of Citizens Awareness Network, Inc.  
**Date of Petition:** 12/6/96

**Director's Decision To Be Issued by:** NRR  
**Date Referred to Review Organization:** 1/23/97  
**EDO Number:** GT96950  
**OGC Number:** P-96-027  
**Scheduled Completion Date:** 5/31/97  
**Last Contact with Petitioner:** 2/12/97  
**Petition Manager:** V. Rooney  
**Case Attorney:** R. Hoefling

**Issues/Action Requested:** Petitioners request the staff to evaluate two memoranda concerning the Vermont Yankee (VY) nuclear power station and take enforcement action, if it is warranted, based upon the information contained therein. The first document is a

Citizens Awareness Network (CAN) memorandum reviewing information presented by the licensee at an enforcement conference involving the VY residual heat removal (RHR) system minimum flow valves. The petitioner raises a concern that the corrective action taken by the licensee in opening these valves may have introduced an unreviewed safety question with regard to containment isolation. The second document is a CAN memorandum reviewing certain licensee event reports (LERs) submitted by the licensee on a variety of issues such as fire protection, tornado protection, thermal protection for piping lines, equipment operability and equipment testing.

Current Status: An acknowledgment letter was issued on 2/12/97. A draft Director's Decision has been prepared and is under staff review.

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Facility: Millstone and Connecticut Yankee  
Petitioner: E. Hadley on behalf of A. Cizek  
Date of Petition: 3/3/97

Director's Decision To Be Issued by: NRR  
Date Referred to Review Organization: 3/17/97  
EDO Number: GT97140  
OGC Number: P-97-004  
Scheduled Completion Date: 9/30/97  
Last Contact with Petitioners: 4/8/97  
Petition Manager: S. Reynolds  
Case Attorney: R. Hoefling

Issues/Action Requested: Petitioner proposes the operating licenses of Millstone Units 1, 2, and 3 and Connecticut Yankee each be modified to include seven provisions. The first four provisions would specify specific conditions (issuance of violations) that would trigger the operating license being suspended for a period of not less than 90 days and not more than 180 days. The fifth provision would specify that the operating license be revoked if within 5 years of a license suspension (based on the first four provisions) after three additional violations are issued. The sixth provision would specify that the facility could not be operated pending any appeals to the revocation. The seventh provision would establish a mechanism for NRC to designate an appropriate alternate licensee to operate the facility during any suspension or revocation and would require the licensee to post a bond in the amount of \$500,000,000 as reasonable assurance that this condition could be fulfilled.

Current Status: An acknowledgment letter was issued on 4/8/97.

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Facility: Connecticut Yankee  
Petitioners: R. Bassilakis, Citizens Awareness Network (CAN) and  
P. Gunter, Nuclear Information and Resource Service (NIRS)  
Date of Petition: 3/11/97

Director's Decision To Be Issued by: NRR  
Date Referred to Review Organization: 3/20/97  
EDO Number: GT97181  
OGC Number: P-97-003  
Scheduled Completion Date: 5/31/97  
Last Contact with Petitioners: 4/3/97  
Petition Manager: M. Fairtile  
Case Attorney: M. Rafky

Issues/Action Requested: Petitioners request (1) that the NRC commence enforcement action against Connecticut Yankee (CY) by means of a large civil penalty to assure compliance with safety-based radiological control routines, (2) modification of CY's license to prohibit any decommissioning activity, which would include dismantling or decontamination, until CY manages to conduct routine maintenance of the facility without any contamination events for at least 6 months, and (3) placement of CY (Haddam Neck) on the NRC's "watch list."

Current Status: An acknowledgment letter was issued on 4/3/97.

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END OF STATUS REPORT



Decisions Pending Before the Commission and the Courts

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Petitioners: M. Hobby/A. Mosbaugh  
Facility/EDO No.: Vogtle/5836  
Decision No./(Date): DD-97-06 (3/18/97) (Final)  
Comments: DD-93-08, a partial decision denying portions of this petition was vacated and remanded to the staff (CLI-93-15). DD-97-06 supersedes DD-93-08 and is a final decision. DD-97-06 granted the petitioner's requests in part, and denied them in part.

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Petitioner: S. Doyle  
Facility/EDO No.: Westinghouse Electric Corporation/GT96400  
Decision No./(Date): DD-97-07 (3/20/97) (Final)  
Comments: Denied.

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Petitioners: P. Gunter and W. de Camp, Jr.  
Facility/EDO No.: Oyster Creek/10473  
Decision No./(Date): DD-97-08 (4/2/97) (Final)  
Comments: Granted in part. Denied in part.

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END OF DECISIONS PENDING

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