

June 23, 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: MAY 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 May 1997. This report may not reflect changes in status that have occurred since petition managers submitted data on the May status. Attachment 1 gives the status of petitions before the Offices of Nuclear Material Safety and Safeguards and Nuclear Reactor Regulation. 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: H. L. Thompson, EDO R. L. Bangart, OSP
E. L. Jordan, EDO G. P. Caputo, OI
P. G. Norry, EDO J. F. Cordes, Jr., OCAA
J. Blaha, EDO J. R. Goldberg, OGC
K. D. Cyr, OGC L. J. Chandler, OGC
S. J. Collins, NRR C. J. Paperiello, NMSS
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DATE	06/17/97		06/17/97		06/16/97(e)		06/23/97	

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UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

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C. J. Paperiello, NMSS
Regional Administrators
OCA
OPA

CONTACT: Janet Kennedy, NRR
415-3267

Report on Status of Public Petitions
Under 10 CFR 2.206

May 1997

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Report on
Status of Public Petitions
Under 10 CFR 2.206

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): 4/11/97
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 remains relevant. The completion date was extended in March 1997 to 7/30/97 to allow time for license renewal proceedings. The petitioner was contacted by telephone on 4/11/97 and informed of the status of the petition.

Facility: Georgia Tech and All Licensees
Petitioner: P. Blockey-O'Brien
Date of Petition: 10/23/94; supplement 1 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): 6/3/97
Petition Manager: M. Mendonca
Case Attorney: R. Weisman

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 appearances 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, 3/31/97, and 6/3/97 and informed of the status of the petition. The ASLB panel decision was issued on 4/3/97 (LBP-97-7) which authorized the staff to issue the requested license renewal upon the staff making requisite findings with respect to matters not embraced within the initial Director's Decision. On 5/30/97, the ASLB decision became final.

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: 11/15/97

Last Contact with Petitioner(s):
Petition Manager:
Case Attorney:

4/22/97
S. Dembek
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. On 4/22/97, the staff issued a status update letter to the petitioners which included an information copy of a 4/15/97 letter in which the staff answered various spent fuel pool safety questions posed by a member of the public. In May 1997, the completion date was extended to 11/15/97 to allow for completion of the OI review. See Attachment 3 for further information.

Facility: **National Institutes of Health (NIH)**
Petitioners: Drs. M. Ma and B. Zheng (L. 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: 7/31/97
Last Contact with Petitioner(s): 5/22/97
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, 5/1/97, and 5/22/97 and informed of the status of the petition. The Commission issued an Order Imposing Civil Monetary Penalty to NIH on 5/20/97 for the failure to secure licensed material or maintain surveillance over it to prevent unauthorized removal, which addresses a portion of the petitioner's concerns. The staff is currently drafting a Director's Decision. See Attachment 3 for further details.

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:	6/30/97
Last Contact with Petitioner(s):	5/19/97
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, 3/26/97, and 5/19/97 informing the petitioner of the status of the petition.

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):	6/2/97
Petition Manager:	M. Delligatti
Case Attorney:	L. Clark

Issues/Action Requested: Petition requests 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.

The Minnesota State House of Representatives recently passed a bill removing the requirement for away-from-reactor storage. The companion Senate bill does not contain the same language. A conference committee is scheduled to meet to discuss this discrepancy.

On 5/13/97, the Minnesota Court of Appeals ruled that the Minnesota Environmental Quality Board acted appropriately when it stopped the siting process for the off-site facility and in certifying NSP's good faith efforts. The court allows a 30-day appeal period. NSP has indicated that it will take no action until the appeal period ends. The petitioner was notified of this decision by letter dated 6/2/97.

Facility:	<u>San Onofre Nuclear Generating Station</u>
Petitioner:	S. Dwyer
Date of Petition:	9/22/96, as supplemented 12/10/96 and 6/3/97

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:	9/5/97
Last Contact with Petitioner(s):	5/1/97
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."
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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
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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. In a letter dated 5/1/97, the staff informed the petitioner that we were renewing our review of his concerns. On 6/3/97, the petitioner provided a second supplement to the original petition. As a result of this additional information, the completion date has been extended to 9/5/97.

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: 6/26/97
Last Contact with Petitioners: 5/2/97
Petition Manager: M. Bailey
Case Attorney: L. Clark, W. Reamer

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. On 4/21/97, a letter was sent to the petitioners to forward documents that were related, at least indirectly, to this petition. On 5/2/97, the petitioners were contacted by telephone to inform them of the status of the petition.

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
OGC Number: P-96-026
Scheduled Completion Date: 7/11/97
Last Contact with Petitioners: 4/10/97
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.

The petitioners were provided a status update letter dated 4/10/97 indicating that the staff continues to review the petition and will continue to provide status updates. The staff also followed up with the petitioners on the discussion of the IG's involvement by indicating that the IG would receive all correspondence relating to the petition for its consideration. In May 1997, the completion date was extended to 7/11/97 to allow time for further staff review.

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:	7/8/97
Last Contact with Petitioner:	5/1/97
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. A status update letter was sent to the petitioner on 5/1/97.

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.

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: 8/8/97
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. In May 1997 the scheduled completion date was extended to 8/8/97 to allow time for additional staff review.

Facility: **Turkey Pt. and St. Lucie**
Petitioner: T. Saporito
Date of Petition: 4/23/97, as supplemented 5/11/97 and 5/17/97

Director's Decision To Be Issued by:	NRR
Date Referred to Review Organization:	5/2/97
EDO Number:	GT97311
OGC Number:	P-97-008
Scheduled Completion Date:	8/30/97
Last Contact with Petitioner:	6/14/97
Petition Manager:	L. Wiens
Case Attorney:	S. Chidake

Issues/Action Requested:

Petitioner requests that the NRC: (1) take enforcement action to modify, suspend, or revoke Florida Power & Light's (FP&L, the licensee) operating licenses for all four nuclear reactors until such time as the licensee can sufficiently demonstrate to the NRC and the public that employees at the licensee's nuclear facilities are exposed to a work environment which encourages employees to freely raise safety concerns directly to the NRC without being required to first identify their perceived safety concerns to the licensee; (2) take escalated enforcement action in accordance with 10 CFR 2.202 and/or in accordance with other NRC regulations due to discriminatory practices of the licensee in violation of NRC regulations at 10 CFR 50.7 and/or in accordance with other NRC regulations; and that the enforcement action be escalated retroactive from the initial occurrence of the violation by the licensee; (3) conduct a public hearing and permit petitioners leave to intervene at said hearing to perfect an evidentiary record in consideration of whether the licensee has violated NRC requirements and/or regulations with respect to the operating licenses the Agency issued to the licensee to allow operation of its nuclear facilities; (4) require the licensee to post a written notice along side each NRC Form 3 currently posted at the licensee's nuclear facilities, which alerts employees that they can directly contact the NRC about safety concerns without first having to identify their safety concerns to the licensee; (5) require the licensee to provide a copy of the aforementioned posted communications to all employees at the licensee's nuclear facilities and to take necessary measures to insure that all employees are made aware of those communications through the licensee's General Employee Training Program; and (6) require the licensee to provide the Agency with written documents authored by Mr. James Broadhead, or other officer of the licensee under affirmation that the Agency's requirements as described above in items 4 and 5 have been fully complied with.

Current Status: The petitioner was contacted by telephone on 5/22/97 and informed that the 2.206 process is a public process. An acknowledgment letter was issued on 6/14/97.

Facility: **San Onofre Nuclear Generating Station**
Petitioner: S. Dwyer
Date of Petition: 4/25/97

Director's Decision To Be Issued by: NRR
Date Referred to Review Organization: 5/2/97
EDO Number: GT97339
OGC Number: P-97-009
Scheduled Completion Date: 10/30/97
Last Contact with Petitioner:
Petition Manager: M. Fields
Case Attorney: H. McGurren

Issues/Action Requested: Petitioner believes that San Onofre will not be able to withstand a major seismic event due to the degradation of steam generator internal tube supports. In addition, petitioner requests that a thorough investigation should be done in Unit 2 to find any corrosion of the steam generator internal tube supports similar to that identified in Unit 3. Further, petitioner requests that a general seismic evaluation upgrade should be done for the San Onofre steam generators and a retrofitting upgrade of the steam generator supports could be done at the same time.

Current Status: An acknowledgment letter is being drafted.

Facility: **Prairie Island Nuclear Generating Station**
Petitioner: Prairie Island Indian Community
Date of Petition: 5/28/97

Director's Decision To Be Issued by: NRR
Date Referred to Review Organization: 6/2/97
EDO Number: GT97414
OGC Number: P-97-010
Scheduled Completion Date: 10/30/97
Last Contact with Petitioner:
Petition Manager: W. Reckley
Case Attorney: L. Clark

Issues/Action Requested: Requests the staff to: (1) determine that Northern States Power (NSP) violated the requirements of 10 CFR 72.122(l)

by using its Materials License No. SNM-2506 for an independent spent fuel storage installation (ISFSI) prior to establishing conditions for safely unloading the Transnuclear TN-40 dry storage containers; (2) suspend Materials License No. SNM-2506 for cause under 10 CFR 50.100 until such time as all significant issues in the unloading process, as described in the petition, have been resolved, the unloading process has been demonstrated, and until an independent third party review of the TN-40 unloading procedure has been conducted; (3) provide petitioners an opportunity to participate fully in the review of the unloading procedure for the TN-40 cask, hold hearings and allow petitioners to participate fully in these and any other procedures initiated in response to this petition; and (4) update the technical specifications for the Prairie Island ISFSI to incorporate mandatory unloading procedure requirements.

Current Status: An acknowledgment letter is being drafted.

END OF STATUS REPORT

Decisions Pending Before the Commission and the Courts

Petitioner:	S. Bauman
Facility/EDO No.:	<u>Shieldalloy and Cypress Foote</u> /GT96596
Decision No./(Date):	DD-97-12 (6/6/97) (Final)
Comments:	Denied.

Petitioner:	Northeast Ohio Regional Sewer District
Facility/EDO No.:	<u>Advanced Medical Systems, Inc.</u> /8663
Decision No./(Date):	DD-97-13 (6/13/97) (Final)
Comments:	Granted in part. Denied in part.

Petitioner:	Worrall, Berkeley Township Environmental Commission
Facility/EDO No.:	<u>Oyster Creek</u> /GT97256
Decision No./(Date):	DD-97-14 (6/16/97) (Final)
Comments:	Dismissed as premature.

END OF DECISIONS PENDING