

MEMORANDUM TO: William D. Travers
Executive Director for Operations

FROM: Bruce A. Boger
Acting Associate Director for Projects
Office of Nuclear Reactor Regulation

SUBJECT: DECEMBER 1998 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 December 31, 1998. During the month, Director's Decision (DD-98-11) on Advanced Medical Systems, Inc. (EDO10395) and Director's Decision (DD-98-12) on Haddam Neck (G980168) became final agency actions and were closed. Also, during the month, the Director's Decision (DD-98-13) on Vermont Yankee (G980358) was issued and a proposed petition on Nine Mile Point Unit 1 (G19980733) was closed per the results of the Petition Review Board (PRB) meeting decision of December 18, 1998. The PRB concluded that the letter regarding Nine Mile Point Unit 1 did not meet the staff's criteria pursuant to 10 CFR 2.206.

Attachments 1, 2, 3, and 4 provide the status of petitions for the Offices of Nuclear Material Safety and Safeguards and Nuclear Reactor Regulation. Attachment 1 includes petitions with status change from the previous update, Attachment 2 includes petitions with no status change from the previous update, and Attachment 3 lists other sensitive matters, which are for internal distribution only. Please note that Attachment 1 also includes first time additions to the list of petitions. Attachment 4 lists the Director's Decisions/Petitions that have been closed during the year.

Attachment 5 reflects the age and staff hours expended on open 2.206 petitions as of December 31, 1998. This table reflects input from the Office of Nuclear Reactor Regulation (NRR), Office of Nuclear Material Safety and Safeguards (NMSS), and the Office of the General Counsel (OGC). Attachment 6 provides a summary of the status of NRR §2.206 petitions exceeding the 120-day scheduled completion goal.

By issuing the monthly report on the status of pending 10 CFR 2.206 petitions, the staff is documenting its responsiveness to petitioners. Those parts of the monthly report not of a sensitive nature and recently issued Director's Decisions are placed in the Public Document Room and are placed as a link on the NRC external home page, making them readily accessible to the public. The URL address for the WWW link is <http://www.nrc.gov/NRC/PUBLIC/2206/index.html>.

Attachments: As stated

cc w/atts: F. Miraglia, DEDR/OEDO P. Lohaus, OSP W. Kane, NMSS
M. Knapp, DEDO/OEDO J. Lieberman, OE E. Julian, SECY
P. Norry, DEDM/OEDO J. Cordes, Jr., OCAA G. Caputo, OI
J. Blaha, AO/EDO J. Goldberg, OGC OCA
K. Cyr, OGC L. Chandler, OGC OPA
S. Collins, NRR C. Paperiello, NMSS P. Goldberg, NMSS
Regional Administrators

CONTACT: Ram Subbaratnam, NRR
415-1478

MEMORANDUM TO: William D. Travers
Executive Director for Operations

FROM: Bruce A. Boger
Acting Associate Director for Projects
Office of Nuclear Reactor Regulation

SUBJECT: DECEMBER 1998 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 December 31, 1998. During the month, Director's Decision (DD-98-11) on Advanced Medical Systems, Inc. (EDO10395) and Director's Decision (DD-98-12) on Haddam Neck (G980168) became final agency actions and were closed. Also, during the month, the Director's Decision (DD-98-13) on Vermont Yankee (G980358) was issued and a proposed petition on Nine Mile Point Unit 1 (G19980733) was closed per the results of the Petition Review Board (PRB) meeting decision of December 18, 1998. The PRB concluded that the letter regarding Nine Mile Point Unit 1 did not meet the staff's criteria pursuant to 10 CFR 2.206.

Attachments 1, 2, 3, and 4 provide the status of petitions for the Offices of Nuclear Material Safety and Safeguards and Nuclear Reactor Regulation. Attachment 1 includes petitions with status change from the previous update, Attachment 2 includes petitions with no status change from the previous update, and Attachment 3 lists other sensitive matters, which are for internal distribution only. Please note that Attachment 1 also includes first time additions to the list of petitions. Attachment 4 lists the Director's Decisions/Petitions that have been closed during the year.

Attachment 5 reflects the age and staff hours expended on open 2.206 petitions as of December 31, 1998. This table reflects input from the Office of Nuclear Reactor Regulation (NRR), Office of Nuclear Material Safety and Safeguards (NMSS), and the Office of the General Counsel (OGC). Attachment 6 provides a summary of the status of NRR §2.206 petitions exceeding the 120-day scheduled completion goal.

By issuing the monthly report on the status of pending 10 CFR 2.206 petitions, the staff is documenting its responsiveness to petitioners. Those parts of the monthly report not of a sensitive nature and recently issued Director's Decisions are placed in the Public Document Room and are placed as a link on the NRC external home page, making them readily accessible to the public. The URL address for the WWW link is <http://www.nrc.gov/NRC/PUBLIC/2206/index.html>.

Attachments: As stated

cc w/atts: F. Miraglia, DEDR/OEDO P. Lohaus, OSP W. Kane, NMSS
M. Knapp, DEDO/OEDO J. Lieberman, OE E. Julian, SECY
P. Norry, DEDM/OEDO J. Cordes, Jr., OCAA G. Caputo, OI
J. Blaha, AO/EDO J. Goldberg, OGC OCA
K. Cyr, OGC L. Chandler, OGC OPA
S. Collins, NRR C. Paperiello, NMSS P. Goldberg, NMSS
Regional Administrators

CONTACT: Ram Subbaratnam, NRR, 415-1478

*See previous concurrence

J:\2206\1998\1998\PERSONALWEB\NRC\PUBLIC\2206\1998\December\ORIGINALS\december.wpd

DISTRIBUTION: See next page

OFFICE	PDII-3/PM	LA:PDII-2	PDII-2/PD	NMSS/IMNS/IMOB*	(A)DPRE:D	(A)ADPR:NRR
NAME	RSubbaratnam	EDunnington	HBerkow	PGoldberg	JZwolinski	BBoger
DATE	1/ /99	1/ /99	1/ /99	1/ 6 /99	1/ /99	1/ /99

OFFICIAL RECORD COPY

Memorandum dated: _____

Distribution:

Central Files	P. Anderson, OEDO	G. Tracy
B. McCabe	F. Cameron/OGC	P. Lohaus
PDII-2 r/f	E. Dunnington	E. Adensam
B. Sheron	B. Boger	J. Zwolinski
E. Baker/OD	M. Stein/OE	H. Berkow
R. Subbaratnam	L. Davis/OGC	T. Essig
F. Davis, OGC		

PUBLIC w/att 1, 2, 4, 5 & 6 only (**Att 3 is "NOT FOR EXTERNAL DISTRIBUTION"**)

Report on Status of Public Petitions
 Under 10 CFR 2.206 with Status Change from Previous Update
 December 31, 1998
 (Table of Contents)

Attachment 1

<u>Facility</u>	<u>Petitioner/EDO No.</u>	<u>Page No.</u>
D.C. Cook, Units 1 and 2	Lochbaum/GT97724	3
Haddam Neck	Block, CAN/G980168	4
River Bend	UCS/ G980592.....	5
Advanced Medical Systems, Inc.	Northeast Ohio Regional Sewer District/EDO10395	6
Vermont Yankee	Citizens Awareness Network/G980358.....	7
Perry Nuclear Station, Unit 1	UCS/G19980678.....	8
Diablo Canyon, Units 1 & 2	UCS/G19980678.....	9
Nine Mile Point Unit 1*	P. Gunter et al./G19980733.....	10
Vermont Yankee	Daly/G980233	11
Atlas Corporation	Chancellor/Nelson(G980547).....	12
Haddam Neck	Bassilakis, CAN/G980568.....	13

Key:

* Denotes addition to the petition list from previous update

Report on Status of Public Petitions
Under 10 CFR 2.206 with No Status Change from Previous Update
December 31, 1998
(Table of Contents)

Attachment 2

Connecticut Yankee	Bassilakis, CAN/GT97181	14
Army Corps of Engineers	NRDC/G19980622/T.Cochran.....	15
Connecticut Yankee and Millstone	Katz, Citizens Awareness Network(CAN)/GT96919.....	16
Millstone	Galatis, We the People, Inc./EDO603	17
Browns Ferry 1	Lochbaum/G980199.....	18

Attachment 1
Report on
Status of Public Petitions
Under 10CFR 2.206 with Status Change from Previous Update

Facility: **Donald C. Cook, Units 1 and 2**
Petitioner: D. Lochbaum, Union of Concerned Scientists
Date of Petition: 10/9/97

Director's Decision To Be Issued by: NRR
Date Referred to Review Organization: 10/15/97
EDO Number: GT97724
OGC Number: P-97-013
Scheduled Completion Date: 02/01/99
Last Contact with Petitioner: 11/24/98
Petition Manager: John Stang
Case Attorney: R. Hoefling

Issues/Action Requested:

Petitioner requests that the operating licenses for Donald C. Cook Units 1 and 2 be modified, revoked, or suspended until the licensee can provide reasonable assurance that their systems are in conformance with design and licensing bases requirements. The petitioner requests that a public hearing into this matter be held in the Washington, DC area prior to the first unit at D.C. Cook being authorized to restart so that the petitioner can present information supporting the contentions in this petition.

Background:

The acknowledgment letter was issued on 12/9/97. The petitioner sent in a letter on 1/6/98 objecting to the use of the criteria to determine if a public hearing would be held without first asking him if he had new information to present. The petitioner stated that he did have new information but did not provide it. A public meeting (not hearing) was held on 1/12/98 to allow the petitioner to present his concerns.

The petitioner sent in an addendum to the petition on 1/12/98, which provided a written copy of the issues he presented at the 1/12/98 meeting. In addition, the petitioner submitted a request on 1/15/98, to review the draft confirmatory action letter and follow up inspection report prior to Cook being authorized to restart. An acknowledgment letter for both the 1/12 and 1/15 requests was issued on 2/23/98. The petitioner was contacted by phone on 2/10/98 to clarify how issues he raised in the letter were addressed in the acknowledgment letter, and to provide him with a general status update on Cook and the petition. The petitioner was contacted by phone on 2/23/98, to advise him of a meeting to be held at the Cook site to discuss their concerns, CAL and other issues. RAI requesting licensee to respond to questions in the petition was issued on 6/13/98. On 7/13/98, the petitioner was contacted to give a status update and to provide clarifications on the petition response. The licensee responded to the RAI on July 31, 1998. On August 19, 1998, an informal public hearing was held to allow the petitioner an opportunity to provide clarification of the issues raised in the petition. The licensee also participated in the hearing. NRR is waiting for inspection results from a licensee Safety System Functional Inspection being performed on the AFW system before a final Director's Decision can be issued. This inspection is scheduled to be completed in January. On a letter dated November 24, 1998, a letter was sent to the petitioner providing the latest status of the Director's Decision (DD).

Current Status:

NRR is currently preparing final DD.

Facility: **Haddam Neck Nuclear Power Station**
Petitioner: J. Block
Date of Petition: 3/13/98

Director's Decision To Be Issued by: NRR
Date Referred to Review Organization: 3/20/98
EDO Number: G980168
OGC Number: P-98-004

Scheduled Completion Date: 11/16/98
Last Contact with Petitioner: 9/18/98
Petition Manager: T. Fredrichs
Case Attorney: M. Rafky

Issues/Action Requested:

Petitioners requested immediate suspension of the licensee's operating license. Petitioners present three issues in support of their request: 1) that contaminated materials were released offsite, 2) that on-site radiological failures have occurred, and 3) that the licensee's planned procedure to ventilate the spent fuel building through open doors and roof hatches, in the event that the spent fuel pool cooling system becomes inoperable and cannot be restored, constitutes an unmonitored, unplanned release of radiation.

Background:

An acknowledgment letter was issued on 4/22/98. RAI sent to licensee on 5/28/98 requesting their plans for using the roof hatch for ventilation, and requesting dose projections if that ventilation path is used. A copy of the RAI was sent to petitioners. RAI response from licensee received 6/29/98.

Current Status:

The Director's Decision (DD-98-12) became final agency action after the Commission's 25-day review period on 12-22-98 and was closed.

Facility: **River Bend Station**
Petitioner: D. Lochbaum
Date of Petition: 9/25/98

Director's Decision To Be Issued by: NRR
Date Referred to Review Organization: 9/29/98
EDO Number: G980592
OGC Number: P-98-14
Scheduled Completion Date: 2/28/99
Last Contact with Petitioner: 11/2/98
Petition Manager: R. Fretz
Case Attorney: R. Hoefling

Issues/Action Requested:

The Petition requested enforcement action to require an immediate shutdown of the River Bend Station (RBS) that the facility remain shut down until all failed fuel assemblies are removed from the reactor core. The RBS licensee, Entergy Operations, Inc., had recently filed NRC Daily Event Report No. 34815, in which it reported "a possible defect in fuel cladding." As an alternate action, the Petitioner also stated that RBS could be restarted following the proposed shutdown after its design and licensing bases were updated to permit operation with failed fuel assemblies. In addition, the Petitioner requested a public hearing to present new plant-specific information regarding the operation of RBS, as well as to discuss a UCS report dated April 2, 1998, entitled "Potential Nuclear Safety Hazard/Reactor Operation With Failed Fuel Cladding."

Background:

An acknowledgment letter was issued on 10/29/98. Since the petition did not provide specific information which would lead the staff to conclude that an urgent safety problem existed, the Petitioner's request for the immediate shutdown of RBS was denied. However, in the acknowledgment letter the NRC offered the Petitioner an opportunity for an informal public hearing. On 11/6/98, the Petitioner responded to the NRC's acknowledgment letter, and accepted the offer for an informal public hearing.

Current Status:

The response for this petition is being coordinated with a similar petition associated with Perry Nuclear plant. The NRC has written to the licensee, in a letter dated 12/1/98, requesting their participation in the hearing and a formal response to the issues raised in the 9/25/98 Petition. An informal public hearing is currently scheduled to be held on February 22, 1999.

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

Director's Decision To Be Issued by: NMSS
Date Referred to Review Organization: 8/29/94
EDO Number: 10395
OGC Number: P-94-020
Scheduled Completion Date: 11/5/98
Last Contact with Petitioner(s): 8/21/98
Petition Manager: J. DeCicco
Case Attorney: R. Weisman

Issues/Action Requested:

Amend AMS license to install, maintain, and operate alarms on all drains from the London Road facility.

Background:

An acknowledgment letter was issued on 9/7/94. On 12/29/94 the Sewer District requested a license renewal hearing per Subpart L, 10 CFR 2.1205. 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 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. A decision was made by the staff to defer the Director's Decision until completion of the license renewal application review process.

Current Status:

The Director's Decision (DD-98-11) became final agency action after the Commission's 25-day review period on 11/30/98 and notice was served to the petitioner by a letter dated 12-3-98 and was closed.

Facility: **Vermont Yankee Nuclear Power Station**
Petitioner: Citizens Awareness Network
Date of Petition: 5/27/98 and 6/9/98

Director's Decision To Be Issued by: NRR
Date Referred to Review Organization: 6/2/98
EDO Number: G980358
OGC Number: P-98-10
Scheduled Completion Date: 12/6/98
Last Contact with Petitioner: 9/16/98
Petition Manager: R. Croteau
Case Attorney: R. Hoefling

Issues/Action Requested:

Immediate enforcement action by suspending the operating license until the entire facility has been subjected to an independent safety analysis review similar to the one conducted at Maine Yankee Atomic Power Station. As an alternative, **prior to restart:** 1) Require VY management to certify under oath that all back-up safety systems and all security systems are fully operable, and all safety systems and security systems meet and comply with NRC requirements. 2) VY be held to compliance with all of the restart criteria and protocols in the NRC Manual. 3) VY only be allowed to resume operations after the NRC has conducted a "vertical slice" examination of the degree to which the new design basis documents (DBDs) and FSAR accurately describe at least two of the primary safety systems for the VY reactor. 4) Once operation resumes, VY only be allowed to continue operation for so long as it adheres to its schedule for coming into compliance and completing the DBD and FSAR project. 5) NRC hold a public hearing prior to restart to discuss the changes to the torus, VY DBD and FSAR projects, and VY scheduled completion of these projects in relation to operational safety.

Background:

The request was based on 50.72 reports and other information already available to the NRC. No new issues were presented. The plant restarted from the outage prior to receiving this request in NRR. Immediate response denying the request was issued on July 6, 1998. The licensee was requested by a letter dated July 9, 1998, to address the issues raised by the petitioner. The licensee responded by letter dated September 14, 1998, and Director's Decision was prepared with input from Region I.

Current Status:

The Director's Decision (DD-98-13) on the petition was issued on December 7, 1998. The decision will become final agency action after the Commission's 25-day review period.

Facility: **Perry Nuclear Station, Unit 1**

Petitioner: D. Lochbaum

Date of Petition: 11/9/98

Director's Decision To Be Issued by: NRR
Date Referred to Review Organization: 11/13/98
EDO Number: G19980678
OGC Number: P-98-16
Scheduled Completion Date: 4/11/99
Last Contact with Petitioner: 11/2/98
Petition Manager: D. Pickett
Case Attorney: R. Hoefling

Issues/Action Requested:

The Petition requested enforcement action to require an immediate shutdown of the Perry Nuclear Power Plant (PNPP) and that the facility remain shut down until all failed fuel assemblies are removed from the reactor core. As an alternate action, the Petitioner asserted that PNPP could be restarted after its design and licensing bases were updated to permit operation with failed fuel assemblies. Additionally, the Petitioner requested a public hearing to present new information on reactor operation with failed fuel assemblies as well as to discuss the April 1998 UCS report on reactor operation with failed fuel assemblies. As the basis for the request, the petition states that with one or more failed fuel assemblies is not permitted by Perry's design and licensing bases. More specifically, UCS contends that Perry is also violating its worker radiation protection program (ALARA) licensing basis.

Background:

A PRB meeting was held on November 23, 1998 to screen the petition. Since the petition did not provide specific information which would lead the staff to conclude that an urgent safety problem existed, the Petitioner's request for the immediate shutdown of PNPP is being denied. However, in the acknowledgment letter the NRC offered the Petitioner an opportunity for an informal public hearing and will be coordinated with a similar petition associated with River Bend Station.

Current Status:

The acknowledgment letter and Federal Register notice denying the petitioner's request for an immediate shutdown were issued on December 16, 1998. An informal public hearing that will be combining both the River Bend and petitions is currently scheduled to be held on February 22, 1999.

Facility: **Diablo Canyon Units 1 and 2**

Petitioner: D. Lochbaum

Date of Petition: 11/24/98

Director's Decision To Be Issued by: NRR

Date Referred to Review Organization: 11/30/98

EDO Number: G19980707

OGC Number: P-98-017

Scheduled Completion Date: 4/30/99

Last Contact with Petitioner: 12/23/98

Petition Manager: S. Bloom

Case Attorney: S. Chidakel

Issues/Action Requested:

The Petition requests that the operating licenses for Diablo Canyon Units 1 and 2 be modified to require that the plant's owners have an independent contractor evaluate the facility's safety culture. Additionally, the Union of Concerned Scientists (UCS) requested an informal hearing be held near Diablo Canyon to examine the concerns raised by the petition.

As the basis for the request, the petition states that the recent revoking of the security access authorization for an operator at the plant may have a "chilling effect" with others at the plant and could lead to obvious negative safety implications. The petitioners are concerned about the clear indications that the safety culture at Diablo Canyon is not conducive to employee's raising safety concerns with fear of retaliation.

Background:

A PRB meeting was held on 12/7/98. The petitioner was contacted during the week of January 4, 1999 to inform him that an informal public meeting has been scheduled for January 15, 1999 with PG&E to discuss the results of their safety-conscious survey.

Current Status:

The acknowledgment letter and Federal Register notice were issued on December 30, 1998. A meeting is scheduled for January 15, 1999, with the licensee and their contractor to discuss the results of their safety-conscious survey with the NRC.

Facility:	Nine Mile Point Unit 1
Petitioner:	P. Gunter et al.
Date of Petition:	12/14/98
Director's Decision To Be Issued by:	N/A
Date Referred to Review Organization:	12/14/98
EDO Number:	G19980733
OGC Number:	
Scheduled Completion Date:	2/15/99
Last Contact with Petitioner:	
Petition Manager:	D. Hood
Case Attorney:	R. Hoefling

Issues/Action Requested:

Petitioner requests that NRC convene a public hearing to consider revocation of the NMP1 operating license based on the following new information for which petitioner claims:

- 1) NMPC's conclusion for continued operation before reinspecting the core shroud is based on an analytical model for crack growth rate that is non-conservative because it is based on unirradiated base metals not representative of in situ metal found in the core. The depth of the crack measured during RFO-14 was less than when measured during RFO-13. Some foreign reactors have replaced shrouds or discontinued operation rather than repairing the shrouds.
- 2) NMPC's model for crack growth rate is non-conservative because it relies upon a single inspection data point of the vertical cracking. No observed field data on vertical weld cracking is available to support an understanding of the degradation mechanism. NMPC's back-calculation to the onset of cracking is non-physical and is based on pure speculation about crack initial conditions.
- 3) NMPC indicates that cracks have moved outside of the Heat Affected Zone along vertical welds; this constitutes an unreviewed safety issue because it represents a new and unanalyzed challenge to the structural integrity of the shroud not bound by the current safety evaluation.
- 4) By deferring its mid-cycle inspection, NMPC has contradicted BWROG's 1994 advice that "Shroud cracking is a signal to reevaluate, in more detail, the potential for cracking in other vessel internals." Petitioner contends that an accurate, predictive empirical model on IGSCC should be developed.
- 5) Shroud cracking is an unqualified risk to public health and safety because the NRC has not published the risk factors for core shroud cracking (i.e., supplemented GL 94-03 and NUREG-1544), assessed the level of risk as a function of the extent of shroud cracking, nor determined the extent of shroud cracking that represents an unacceptable safety risk.

Background:

A PRB meeting was held on 12/18/98.

Current Status:

This is a new petition. This petition is being closed per PRB meeting decision taken on December 18, 1998, since the petition did not qualify to be treated as a petition under 10 CFR 2.206. A one-step acknowledgment/closeout letter is scheduled for issue by February 15, 1999.

Facility:	Vermont Yankee Nuclear Power Station
Petitioner:	M. Daly, New England Coalition on Nuclear Pollution, Inc.
Date of Petition:	4/10/98
Director's Decision To Be Issued by:	NRR
Date Referred to Review Organization:	4/15/98
EDO Number:	G980233
OGC Number:	P-98-09
Scheduled Completion Date:	1/28/99
Last Contact with Petitioner:	12/21/98
Petition Manager:	R. Croteau
Case Attorney:	H. McGurren

Issues/Action Requested:

The Petitioner requests that the NRC issue an order requiring that the licensee's more limiting administrative limit which preclude Vermont Yankee Nuclear Power Station (Vermont Yankee) from operating with a torus water temperature above 80°F or with service water injection water temperature greater than 50°F, shall remain in effect until certain conditions are met. The conditions include a complete reconstitution of the licensing basis for the maximum torus water temperature, submittal to the NRC of a TS amendment request establishing the correct maximum torus water temperature, and completion of NRC review of the amendment request.

Background:

The current TS specify a maximum torus temperature of 100°F, however, the licensee determined that 90°F has been used as an input to the containment response analysis. The licensee then instituted administrative controls to limit torus temperature to 90°F while a TS change was prepared. While performing preliminary calculations and evaluations to verify the adequacy of the 90°F limit, the licensee determined that it was necessary to further reduce the administrative limit to 80°F until the final analysis was completed. This issue was discussed with the licensee in a series of meetings on March 5, March 24, and April 7, 1998. During the meetings the licensee indicated that the adequacy of a 90°F initial torus temperature would be confirmed and a TS amendment request would be submitted before restart from the outage (May 1998). The licensee has restarted the plant, administratively controlling torus temperature to 90°F. The Petition Review Board met on 4/16/98, and a letter denying the petitioner's immediate request was issued on May 13, 1998. The licensee submitted the TS amendment specifying a torus water temperature limit of 90°F, and the amendment was issued on 12/28/98.

Current Status:

The Director's Decision is being prepared based on the safety evaluation developed in support of the TS amendment.

Facility: **Atlas Corporation's Uranium Mill Tailings Pile at Moab, Utah**
Petitioner: State of Utah
Date of Petition: 9/10/98

Director's Decision To Be Issued by: NMSS/DWM
Date Referred to Review Organization: 9/10/98
EDO Number: G19980547
OGC Number: P-98-012
Scheduled Completion Date: 01/9/99
Last Contact with Petitioner: 10/16/98
Petition Manager: Myron Fliegel
Case Attorney: J McGurren

Issues/Action Requested:

The petitioner is concerned that over a 1,000 year period the Colorado River could migrate to the uranium mill tailings pile at Moab, Utah, compromise pile integrity, and cause a major release of contaminants. The petitioner claims that the rock apron design for the uranium mill tailings pile does not provide "Reasonable assurance" against engineering failure, so that 10 CFR 40, Appendix A is not satisfied. The petitioner requests that the NRC disapprove the Atlas Corporation rock apron design and require the licensee to use a rock apron design by the U.S. Corps of Engineers. This design differs from the Atlas Corporation design in the size, gradation, and volume of rock necessary to protect the tailings pile from erosion by the Colorado River.

Background:

The State of Utah sought to intervene in Atlas Corporation's August 2, 1988, request to amend its license to provide for long-term safekeeping of its uranium mill tailings pile at Moab, Utah. The State objected that insufficient care had been taken to protect the tailings should the Colorado River migrate in the direction of the pile. The request for hearing and petition for leave to intervene was denied as untimely in an August 13, 1998, ruling by Administrative Judge Peter B. Bloch, and was referred to the NRC staff for appropriate disposition under 10 CFR § 2.206. Judge Bloch's decision to refer the petition to the staff is in compliance with Subpart L § 2.1205(l)(2), which states (part 118 of 10 CFR 40) that "*if a request for a hearing on the petition for leave to intervene is found to be untimely and the requestor or petitioner fails to establish that it otherwise should be entertained on the paragraph (l)(1) of this section, the request or petition will be treated as a petition under § 2.206 and referred for appropriate disposition.*"

An initial review board meeting was held on October 7, 1998. The board determined that the request meets the 10 CFR 2.206 review criteria and planned appropriate actions. The petitioner was notified by letter dated October 16, 1998, that the request for hearing had been referred to the staff for consideration under 10 CFR 2.206. A notice to that effect was published in the Federal Register on October 22, 1998.

Current Status:

Director's Decision on the Petition has been prepared and is currently under review.

Facility: **Haddam Neck Nuclear Power Station**
Petitioner: Citizens Awareness Network (CAN)
Date of Petition: 9/11/98

Director's Decision To Be Issued by: NRR
Date Referred to Review Organization: 9/17/98
EDO Number: G980568
OGC Number: P-98-013
Scheduled Completion Date: 1/25/99
Last Contact with Petitioner: 11/18/98
Petition Manager: T. Fredrichs
Case Attorney: M. Rafky

Issues/Action Requested:

Petitioners requested 1) immediate revocation or suspension of the licensee's operating license, 2) an informal hearing on the petition in the vicinity of the site, and 3) that the NRC consider requiring CYAPCO to conduct decommissioning activities under 10 CFR Part 72. Petitioners present two bases in support of their request: the CYAPCO 1) demonstrates incompetence in creating and maintaining a safe work environment and an effective trained staff, and 2) is not conducting its decommissioning activities in accordance with its Post Shutdown Decommissioning Activities Report (PSDAR).

Background:

A Petition Review Board convened September 21, 1998, and concluded that the requests met the requirements of 10 CFR 2.206 petition. An acknowledgment letter and Federal Register notice were issued on October 7, 1998.

Current Status:

A final Director's Decision has been prepared and is in concurrence chain.

Attachment 2
Report on
Status of Public Petitions
Under 10CFR 2.206 with No Status Change from Previous Update

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: 12/31/98
Last Contact with Petitioners: 11/18/98
Petition Manager: T. Fredrichs
Case Attorney: M. Rafky

Issues/Action Requested:

Petitioners request (1) that the NRC commence enforcement action against Connecticut Yankee (CY) (Haddam Neck) 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 on the NRC's "watch list."

Background:

An acknowledgment letter was issued on 4/3/97. The petitioner was contacted by telephone on 7/9/97 and informed of the status of the petition. A partial Director's Decision (DD-97-19) was issued on 9/3/97. DD-97-19 denied requests (2) and (3) above. In a public meeting on 10/27/97, which the petitioner attended, the staff stated that it was pursuing enforcement action regarding the remaining open item in the petition. Request (1) regarding enforcement action has been deferred and will be the subject of a final Director's Decision, currently scheduled for 12/31/98.

Current Status:

There is no change in status for this update.

Facility: **Multiple Sites under the United States Formerly Utilized Sites Remedial Action Program (FUSRAP)**

Petitioner: Thomas Cochran, Natural Resources Defense Council James Sottile, IV, Caplin & Drysdale Christian R. Pastore, Caplin & Drysdale

Date of Petition: 10/15/98
Director's Decision To Be Issued by: OGC
Date Referred to Review Organization: 10/21/98
EDO Number: G19980622
OGC Number: P-98-015
Scheduled Completion Date: 2/15/99
Last Contact with Petitioner: 10/15/98
Petition Manager: J. Holonich
Case Attorney: H. Newsome

Issue/ Action Requested:

The petitioners have requested that NRC exert authority to ensure that the Corps of Engineers' handling of radioactive materials in connection with the Formerly Utilized Sites Remedial Action Program (FUSRAP) is effected in accord with a properly issued license and all other applicable requirements.

Background:

Until recently, FUSRAP was administered by the Department of Energy. In October of 1997, Congress transferred funding for FUSRAP from DOE to the Corps of Engineers. NRDC believes that the Corps should obtain an NRC license to conduct activities under FUSRAP. At this time, NRC has not required the Corps to obtain a license. Office of the General Counsel (OGC) is currently reviewing NRDC's request. An acknowledgment letter was issued on November 30, 1998.

Current Status:

There is no change status for this update.

Facility: **Connecticut Yankee and Millstone Units 1, 2, and 3**

Petitioners: D. Katz, Citizens Awareness Network (CAN) 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: 12/31/98
Last Contact with Petitioners: 11/24/98
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's) license to operate the Connecticut Yankee (CY) (Haddam Neck) 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.

Background:

A Director's Decision (DD-97-21) addressing most of the issues was issued to the petitioners on 9/12/97. DD-97-21 partially granted some of the petitioner's requests. Request (3) above was partially deferred for the Millstone plants and will be addressed in a subsequent final Director's Decision. The Petitioner was sent a status update letter on 11/24/98.

Current Status:

There is no change in status for this update.

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: 3/20/99@

Last Contact with Petitioner(s): 11/19/98

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 a 60 day license suspension for Millstone Unit 1 (after the unit is brought into compliance with the license and the design basis). Petitioners also 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 probabilities and consequences of applicable events be conducted. In the supplement, Mr. Galatis raised additional concerns including concerns at Millstone Units 2 and 3 and Seabrook.

Background:

Northeast Utilities (NU) provided its responses in 9/22/95 and 10/11/95 letters. The acknowledgment letter was issued on 10/26/95. 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 staff conducted a hearing with the petitioner on April 18, 1997. The wrongdoing aspects are still under review and will be addressed in a subsequent Director's Decision. An enforcement panel met on 10/13/98. Region I has drafted a commission paper to resolve the enforcement issues associated with this petition. Final resolution and the schedule for completion of the petition will occur following resolution of enforcement issues.

Current Status:

There is no change in status for this update.

@Denotes an extension is on request

Facility: **Browns Ferry Nuclear Plant Unit 1**

Petitioner: D.Lochbaum

Date of Petition: 4/5/98

Director's Decision To Be Issued by: NRR

Date Referred to Review Organization: 4/6/98

EDO Number: G980199

OGC Number: P-98-007

Scheduled Completion Date: 2/23/99

Last Contact with Petitioner: 10/26/98

Petition Manager:
Case Attorney:

A. DeAgazio
R. Hoefling

Issues/Action Requested:

The petitioner asked for an informal hearing requesting that the Operating License for Browns Ferry, Unit 1 be revoked and 2) that NRC should require the Tennessee Valley Authority (TVA) to submit either a decommissioning plan or lay-up plan for Brown's Ferry, Unit 1. As the basis for the Union of Concerned Scientists (UCS) request, the petitioner asserts that because Browns Ferry Unit 1 has been on Administrative hold" since June 1, 1985, and has not been operated since then, revocation of the operating license and requiring relicensing, if TVA later decides to restart Unit 1, is a better, safer process than is the current inspection Manual Chapter 0350 restart process. Further, the petitioner asserts that requiring a decommissioning plan would provide assurance that the irradiated fuel is stored safely and that Units 2 and 3 are sufficiently independent of Unit 1 for safe operation.

Background:

This petition was received on April 5, 1998. The 2.206 petition review board convened in mid-April 1998, and endorsed a proposed course of action. The acknowledgment letter was issued 4/29/98 with a decision not to hold an informal hearing on the UCS petition. The petitioner sent in another letter dated June 5, 1998, requesting the staff to reconsider conducting a public hearing. The staff has determined that while the 2.206 petition alone does not meet the criteria contained in the Management Directive 8.11 regarding a hearing, the staff has chosen to conduct an informal hearing near the Browns Ferry site to afford the petitioner, licensee and the members of the public the opportunity to provide relevant information to the staff. A Federal Register notice (63 FR 51626) to hold an informal hearing in the Brown's Ferry area was issued on September 28, 1998. An informal hearing as scheduled was held in the Browns Ferry area on October 26, 1998. The information presented at the hearing by petitioner and the licensee is being reviewed and will be used as appropriate to arrive at the Director's Decision. The Director's Decision is being prepared.

Current Status:

There is no change in status for this update.

Attachment 3
Report on Status of Public Petitions Under 10CFR 2.206 with
Decisions Pending Before the Commission and the Courts.

**<< ---- NOT FOR EXTERNAL
DISTRIBUTION----->>**
DELETED
<<----NOT FOR EXTERNAL DISTRIBUTION--->>

Attachment 4
 Report on Status of Public Petitions
 Under 10CFR 2.206 for DDs Issued and/or Closed During the Calender
 Year 1998

NRR:

<u>OGC Number</u>	<u>Facility Name</u>	<u>Petition Manager</u>	<u>DD Date</u>	<u>Closure Dt</u>
G980195	Vermont Yankee	R. Croteau	-	5/4/98*
GT97140	Millstone & CY	S. Dembek	2/11/98	3/9/98
GT97362	North. Sta. Pow Co.	W. Reckley	2/11/98	3/9/98
GT970873	Seabrook	C. Smith	3/17/98	4/13/98
G980070	Millstone 1,2,3	S. Dembek	6/1/98	6/26/98
GT97494	San Onofre 2/3	B. Weistrich	6/5/98	6/30/98
GT97339	San Onofre 2/3	M. Fields	6/11/98	7/7/98
G980185	Comm. Ed. Co.	G. Dick	8/31/98	9/25/98
G980124	St. Lucie/Turkey	B. Gleaves	10/21/98	11/15/98
(Multiple)	Point			
G980168	Haddam Neck	T. Fredrichs	11/16/98	12/22/98
G980358	Vermont Yankee	R. Croteau	12/7/98**	

NMSS:

G980224	Babcock Wilcox	D. Orlando	-	4/22/98*
G980457	Hydro Resources	W. Ford	-	7/31/98*
G980069	Phila. VA Med Ctr.	T. Taylor	8/28/98	9/22/98
GT970863	Envirocare of Utah	H. Lefevre	9/14/98	10/9/98
EDO10395	Advanced Medical Systems, Inc.	J. Decico	11/5/98	12/3/98

* Denotes petitions not qualified to be considered as petitions under 10 CFR 2.206

** Denotes petitions that will be closed after the Commission's 25-day review period.