

MEMORANDUM TO: William D. Travers
Executive Director for Operations

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

SUBJECT: January 1999 REPORT ON THE STATUS OF PUBLIC PETITIONS UNDER
10 CFR 2.206

The attached monthly report gives the status of 10 CFR 2.206 petitions as of January 31, 1999. During the month, Director's Decision (DD-98-13) on Vermont Yankee (G980358) became a final agency action and was closed. Also, during the month, Director's Decision (DD-99-01) on Haddam Neck (G980568) and Director's Decision (DD-99-02) on Atlas Corporation (G19980547) were issued.

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 lists petitions with status change from the previous update, Attachment 2 lists petitions with no status change from the previous update, and Attachment 3 gives the status of petitions that are in a confidential status and for internal distribution only. Please note that Attachment 1 also includes new additions to the list of petitions. Attachment 4 lists the Director's Decisions/Petitions that have been closed during the current year.

Attachment 5 shows the age and staff hours expended on open 2.206 petitions as of January 31, 1999. 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 2.206 petitions exceeding the 120-day scheduled completion goal. Attachment 7 shows the statistics for the 2.206 petitions processed during 1999.

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 on the NRC's 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	E. Julian, SECY
	M. Knapp, DEDO/OEDO	J. Lieberman, OE	G. Caputo, OI
	P. Norry, DEDM/OEDO	J. Cordes, Jr., OCAA OCA	
	J. Blaha, AO/EDO	J. Goldberg, OGC	OPA
	K. Cyr, OGC	L. Chandler, OGC	P. Goldberg, NMSS
	S. Collins, NRR	C. Paperiello, 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: January 1999 REPORT ON THE STATUS OF PUBLIC PETITIONS UNDER
10 CFR 2.206

The attached monthly report gives the status of 10 CFR 2.206 petitions as of January 31, 1999. During the month, Director's Decision (DD-98-13) on Vermont Yankee (G980358) became a final agency action and was closed. Also, during the month, Director's Decision (DD-99-01) on Haddam Neck (G980568) and Director's Decision (DD-99-02) on Atlas Corporation (G19980547) were issued.

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 lists petitions with status change from the previous update, Attachment 2 lists petitions with no status change from the previous update, and Attachment 3 gives the status of petitions that are in a confidential status and for internal distribution only. Please note that Attachment 1 also includes new additions to the list of petitions. Attachment 4 lists the Director's Decisions/Petitions that have been closed during the current year.

Attachment 5 shows the age and staff hours expended on open 2.206 petitions as of January 31, 1999. 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 2.206 petitions exceeding the 120-day scheduled completion goal. Attachment 7 shows the statistics for the 2.206 petitions processed during 1999.

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

CONTACT: Ram Subbaratnam, NRR, 415-1478 *See previous concurrence
J:\2206\1999\1999\PERSONALWEB\NRC\PUBLIC\2206\1999\JANUARY\ORIGINALS\edo1999-01.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	2/10 /99	2/ 10 /2	2/ 11 /99	2/9 /99	2/ 12 /99	2/ / 99

OFFICIAL RECORD COPY

Memorandum dated: _____

Distribution:

Central Files

B. McCabe, OCM

PDII-2 r/f

B. Sheron, NRR

E. Baker, OD

R. Subbaratnam, NRR

F. Davis, OGC

P. Anderson, OEDO

F. Cameron, OGC

E. Dunnington, NRR

B. Boger, NRR

M. Stein, OE

G. Tracy, EDO

P. Lohaus, OSP

E. Adensam, NRR

J. Zwolinski, NRR

H. Berkow, NRR

T. Essig, NRR

G. Edison, NRR

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
January 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	2
Vermont Yankee	Citizens Awareness Network(CAN)/G980358.....	3
Diablo Canyon, Units 1 & 2	UCS/G19980678.....	4
Nine Mile Point Unit 1	P. Gunter, et al.(G19980733).....	5
Atlas Corporation	Chancellor/Nelson(G19980547).....	6
Haddam Neck	Bassilakis, CAN/G980568.....	7
Atlas Corporation*	Dagget, et al.(G19990011).....	8
Browns Ferry 1	Lochbaum/G980199.....	9
Envirocare of Utah, Inc.*	Natural Resources Defense Council..	10
Army Corps of Engineers	NRDC/G19980622/T.Cochran.....	11

Key:

* Denotes addition to the petition list from previous update

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:	02/22/99
Last Contact with Petitioner:	12/28/98
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 restarted 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 license to determine if a public hearing would be held without first asking him if he had new information to present. The letter 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 meeting. In addition, the petitioner submitted a request on 1/15/98, to review the draft confirmatory action letter (CAL) and inspection report prior to Cook being authorized to restart. An acknowledgment letter for both the 1/12 and 1/15/98 requests was issued on 2/23/98.

A request for additional information (RAI) requesting the licensee to respond to questions in the petition was issued on 7/24/98, the petitioner was contacted to give a status update and to provide clarifications on the petition response. The licensee responded to the RAI on 7/31/98. 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. By letters dated November 24, 1998, and December 28, 1998, the petitioner was provided with the latest status of the Director's Decision, which is in concurrence.

Current Status:

Director's Decision is in final concurrence.

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 Vermont Yankee(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 [Inspection] 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 Final Safety Analysis Report(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 a Director's Decision was prepared with input from Region I.

Current Status:

The Director's Decision (DD-98-13) became a final agency action on January 5, 1999, after the Commission's 25-day review period, and was closed.

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 petitioner is concerned about the clear indications that the safety culture at Diablo Canyon is not conducive to employee's raising safety concerns without fear of retaliation.

Background:

A Petition Review Board meeting was held on 12/7/98. The petitioner was contacted during the week of January 4, 1999, to inform him that a public meeting would be scheduled for January 15, 1999, with Pacific Gas & Electric (PG&E) to discuss the results of its safety-conscious survey. The public meeting was held on January 15th, with PG&E and Synergy presenting the findings of its safety survey. This was followed by a public comment period. Synergy presented both positive and negative findings and PG&E stated that it would be following up on the recommendations from the report to correct the negative comments from the survey.

Current Status:

The acknowledgment letter and Federal Register notice were issued on December 30, 1998. The public meeting was held as scheduled, on January 15, 1999, with PG&E and its contractor to discuss the results of its safety-conscious survey with NRC. The Director's Decision is in preparation.

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: P-98-18
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 Nine Mile Point Unit 1(NMP1) operating license based on the following new information for which petitioner claims: (1) Niagara Mohawk Power Corporation (NMPC's) conclusion for continued operation before reinspecting the core shroud is based on an analytical model for crack growth rate that is nonconservative 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 refueling outage (RFO-14) was less than when measured during Refueling Outage 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 nonconservative 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 nonphysical 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 Boiling Water Reactor Owners' Group's(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 intergranular stress corrosion cracking 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 Petition Review Board (PRB) meeting was held on 12/18/98. This petition is being closed by a 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.

Current Status:

A one-step acknowledgment and denial letter has been prepared and is in concurrence.

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: 10/10/98
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 Part 40, Appendix A is not satisfied. The petitioner requests that the NRC disapprove Atlas Corporation's 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 claimed 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 (page 10 of 10 CFR Part 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.*"

A Petition 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:

The Director's Decision (DD-99-02) on the petition was issued on 1/20/99. The decision will become a final agency action after the Commission's 25-day review period.

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

Director's Decision To Be Issued by: NRR
Date Referred to Review Organization: 11/17/98
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 public hearing on the petition in the vicinity of the site, and (3) that the NRC consider requiring Connecticut Yankee Atomic Power Company (CYAPCO) to conduct decommissioning activities under 10 CFR Part 72. Petitioners present two bases in support of their request that 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.

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:

The Director's Decision (DD-99-01) on the petition was issued on 1/12/99. The decision will become a final agency action after the Commission's 25-day review period.

Facility: **ATLAS CORPORATION**
Petitioner: Earth Justice Legal Defense Fund
Date of Petition: 1/11/99

Director's Decision To Be Issued by: NMSS
Date Referred to Review Organization: 1/12/98
EDO Number: G19990011
OGC Number: P-99-02
Scheduled Completion Date: 5-26-99
Last Contact with Petitioner: 1-26-99
Petition Manager: Myron Fliegel
Case Attorney: J. McGurren

Issues/Action Requested:

Petitioners request NRC to take six immediate actions to halt impacts to and to ensure the conservation of the endangered species of fish in the Colorado River near the Atlas site.

Background:

On August 2, 1988, Atlas submitted an application for a license amendment to revise its site reclamation plan for uranium mill tailings at its no longer operating site near Moab, Utah. On March 30, 1994, notice of intent to prepare an Environmental Impact Statement was published in the Federal Register. In January 1996, the Draft Environmental Impact Statement was published for public comment. On July 29, 1998, the U.S. Fish and Wildlife Service, in accordance with Section 7 of the Endangered Species Act (ESA), issued a final biological opinion for impacts to Federally listed endangered species from the reclamation of the Atlas mill tailings site. On October 12, 1998, and November 13, 1998, petitioners notified NRC of their intent to sue under the ESA. On December 16, 1998, petitioners filed a Motion for Preliminary Injunction against NRC in the U.S. District Court, District of Utah.

Current Status:

A Petition Review Board meeting was held on January 26, 1999, and the petitioner's requests for immediate action were denied by a letter. In the letter, it was noted that none of the six items identified in the petition addresses a health, safety, or environmental concern that requires emergency steps before a complete review as provided for in 10 CFR 2.206.

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: A. DeAgazio
Case Attorney: R. Hoefling

Issues/Action Requested:

The petitioner asked for an informal hearing requesting that (1) the operating license for Browns Ferry, Unit 1, be revoked and (2) the NRC should require the Tennessee Valley Authority (TVA) to submit either a decommissioning plan or lay-up plan for Browns 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 operating 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 April 29, 1998, with a decision to hold an informal hearing on the UCS petition. The petitioner sent in another letter dated June 5, 1998, requesting the staff reconsider conducting a public hearing. The staff has determined that while the 2.206 petition alone does not meet the criteria contained in 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 members of the public an opportunity to provide relevant information to the staff. A Federal Register notice (63 FR 51626) to hold an informal hearing in the Browns Ferry area was issued on September 28, 1998. An informal hearing was held in the Browns Ferry area on October 26, 1998. The information presented at the hearing by the petitioner and the licensee has been reviewed and will be used as appropriate to arrive at the Director's Decision.

Current Status:

A draft Director's Decision has been completed and is currently under review.

Facility: **Envirocare of Utah, Inc.**
Petitioner: Natural Resources Defense Council
Date of Petition: 2/30/98

Director's Decision To Be Issued by: NMSS/DWM
Date Referred to Review Organization: 2/30/98
EDO Number: G19980767
OGC Number: P-99-01
Scheduled Completion Date: TBD
Last Contact with Petitioner: 01/26/99
Petition Manager: Harold Lefevre
Case Attorney: J. McGurren

Issues/Action Requested:

The petitioner requests that the NRC issue an order to show cause why Khosrow B. Semnani, former President of Envirocare, should not be prohibited from participating in any NRC-licensed activity.

Background:

The petitioner correctly points out that in the February 7, 1997, denial of the Natural Resources Defense Council's (NRDC's) petition of January 8, 1997, requesting revocation of all of Envirocare's licenses, NRC indicated that no immediate action was required to protect public health and safety. NRC further recognized, and so stated in the February 7, 1997, Director's Decision, that the on-going (at that time) criminal investigation centering on Mr. Semnani's alleged bribery of Mr. Larry Anderson (former Director of the Utah Division of Radiation Control) may raise potential issues of integrity, which, if proven, may raise questions as to whether the NRC should have the requisite reasonable assurance that Envirocare will comply with Commission requirements.

The Department of Justice's (Justice's) criminal investigation of Mr. Semnani resulted in his conviction on a single charge of misdemeanor tax fraud. Mr. Semnani has not been convicted of bribery. According to documents recently received by NRC, Mr. Semnani's agreement with Justice indicates that he was extorted by Mr. Anderson. Mr. Anderson has not been convicted of extortion. To the best of the staff's knowledge, no Justice charges have been filed against Mr. Anderson. Additionally, a civil trial to determine whether Mr. Anderson is legally entitled to monies allegedly owned him by Mr. Semnani has yet to be held.

Mr. Semnani entered into an agreement with the Department of Energy (DOE) in 1997 wherein he, in light of possible economic sanctions against Envirocare, agreed to debar himself as president of Envirocare. This DOE/Mr. Semnani agreement remains in effect although it is the staff's understanding (through newspaper accounts) that Mr. Semnani has recently approached the DOE requesting that his debarment be lifted.

Current Status:

The Petition Review Board meeting was held on January 20, 1999. The Board's decision as to the acceptance of the petition is expected in early February 1999.

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. Lusher

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:

Staff received Department of Energy's (DOE) and U.S. Army Corps of Engineers responses to the petition. OGC is in the process of writing the Director's Decision. The petitioner is being provided with copies of the responses provided to licensees.

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

Attachment 2

<u>Facility</u>	<u>Page</u>	<u>Petitioner/EDO No.</u>	<u>No.</u>
Connecticut Yankee		Bassilakis, Citizens Awareness Network (CAN)/GT97181	2
Connecticut Yankee and Millstone		Katz, Citizens Awareness Network(CAN)/GT96919.....	3
Millstone		Galatis, We the People, Inc./EDO603	4
River Bend		Union of Concerned Scientists(UCS)/ G980592.....	5
Perry Nuclear Station, Unit 1		Union of Concerned Scientists(UCS)/G19980678.....	6
Vermont Yankee		New England Coalition/G980233.....	7

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: 4/30/99
Last Contact with Petitioners: 1/15/99
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 4/30/99.

Current Status:

There is no change in 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: 6/30/99@
Last Contact with Petitioners: 2/1/99
Petition Manager: S. Dembek
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 partial 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.

@Denotes an extension is on request

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 ~~MRR~~
Date Referred to Review Organization 8/30/95
EDO Number: 603
OGC Number: P-95-015
Scheduled Completion Date: 6/20/99@
Last Contact with Petitioner(s): 2/1/99
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 under License Amendments 39 and 40; that NU has knowingly operated Millstone in violation of its operating license; that NU has submitted material false statements. Petitioners seek a 60-day license suspension for Millstone Unit 1 until the unit is brought into compliance with the license and the design basis). The 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 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 license amendment pending before the Commission wherein NU seeks to increase the amount of spent fuel it may store; 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 the probability and consequences of applicable events be conducted. In the supplement, Mr. Galatis raised additional issues 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 an informal public hearing with the petitioner on April 18, 1998. The technical aspects are still under review and will be addressed in a subsequent final Director's Decision. An enforcement proceeding was initiated on 10/13/98. Region I has drafted a Commission paper to resolve the enforcement issues associated with this petition. The schedule for 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: **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: 1/14/99
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) and all facility remain shut down until all failed fuel assemblies are removed from the reactor core. The RBS licensee, Braidwood Operations, Inc., had recently filed NRC Daily Event Report No. 34815, in which it reported "a possible defect in 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 the UCS report dated April 2, 1998, entitled "Potential Nuclear Safety Hazard/Reactor Operation With Failed Fuel C

Background:

An acknowledgment letter was issued on 10/29/98. Since the petition did not provide specific information which would allow the staff to conclude that an urgent safety problem existed, the petitioner's request for the immediate shutdown 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. 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 informal 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.

Current Status:

There is no change in status for this update.

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 that the facility remain shut down until all failed fuel assemblies are removed from the reactor core. As an alternative, 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 an informal 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 operation with one or more failed fuel assemblies is permitted by Perry's design and licensing bases. More specifically, UCS contends that Perry is also violating its 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 immediate shutdown of PNPP was denied. However, in the acknowledgment letter, the NRC offered the petitioner the opportunity for an informal public hearing that will be coordinated with a similar petition associated with River Bend. The acknowledgment letter and Federal Register notice denying the petitioner's request for an immediate shutdown was issued on December 16, 1998. An informal public hearing that will be combining both the River Bend and Perry is currently scheduled to be held on February 22, 1999.

Current Status:

There is no change in status for this update.

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 limits preclude Vermont Yankee Nuclear Power Station (Vermont Yankee) from operating with a torus water temperature greater than 80°F or with service water injection water temperature greater than 50°F, remain in force until certain conditions are met. The conditions include a complete reconstitution of the licensing basis for the maximum torus water temperature, the NRC of a TS amendment request establishing the correct maximum torus water temperature, and completion of the review of the amendment request.

Background:

The current TS specify a maximum torus temperature of 100°F, however, the licensee determined that 90°F had 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 evaluation of the adequacy of the 90°F limit, the licensee determined that it was necessary to further reduce the administrative limit until the final analysis was completed. This issue was discussed with the licensee in a series of meetings on 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 restarted the plant, administratively controlling torus temperature to 90°F. The Petition Review Board met on 4/13/98 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. The Director's decision was issued in concurrence.

Current Status:

There is no change in status for this update.

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

<< ---- NOT FOR EXTERNAL DISTRIBUTION----->>

DELETED

END OF STATUS REPORT

<<---NOT FOR EXTERNAL DISTRIBUTION--->>

Attachment 4
Report on Status of Public Petitions
Under 10 CFR 2.206 for DDs Issued and/or Closed During the Calendar
Year 1999

NRR:

OGC Number	Facility Name	Petition Manager	DD Date	Closure Date
G980568	Haddam Neck	T. Fredrichs	1/12/99**	
G980358	Vermont Yankee	R. Croteau	12/7/98	1/5/99

NMSS:

G19980547	Atlas Corporation	Myron Fliegel	1/20/99**	
-----------	-------------------	---------------	-----------	--

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