

May 22, 1995

MEMORANDUM TO: James M. Taylor
 Executive Director for Operations

FROM: Roy P. Zimmerman ORIGINAL SIGNED BY
 Associate Director for Projects
 Office of Nuclear Reactor Regulation

SUBJECT: APRIL 1995 REPORT ON THE STATUS OF PUBLIC PETITIONS UNDER
 10 CFR 2.206

Attached is the monthly report which reflects the status of 10 CFR 2.206 petitions as of the end of April 1995. This report may not reflect changes in status that have occurred since petition managers submitted data on the April status. Attachment 1 gives the status of petitions before the Offices of Nuclear Material Safety and Safeguards, Nuclear Reactor Regulation, and Enforcement. Attachment 2 lists decisions before the Commission and the courts. Attachment 3 lists other sensitive matters related to specific petitions.

By issuing the monthly report on the status of pending 10 CFR 2.206 petitions, the staff is documenting its responsiveness to petitioners.

To further enhance staff responsiveness, 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/att: K. D. Cyr, OGC
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DATE	05/12/95		05/15/95		05/15/95	05/12/95	

OFFICE	*DD:OE	E	*TECH EDITOR	ADRP:NRR	E
NAME	J.R.Gray		B. Calure	R.P. Zimmerman	
DATE	05/12/95		05/11/95	05/22/95	

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Report on Status of Public Petitions
Under 10 CFR 2.206

April 1995

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Report on
Status of Public Petitions
Under 10 CFR 2.206

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

Director's Decision To Be Issued by: NMSS
 Date Referred to Review Organization: 1/31/89
 EDO Number: 4182
 OGC Number: P-91-012
 Scheduled Completion Date: 7/31/95
 Last Contact with Petitioner(s): 4/3/95
 Petition Manager: T. Johnson
 Case Attorney: M. Stein

Issues/Action Requested: Compel immediate decontamination and impose sanctions for failure to decontaminate immediately.

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

the schedule for submitting the application for closure authorization to OEPA. A seventh progress letter, sent to the petitioner on 11/21/94, discusses the status of the McGean-Rohco building remediation, the remediation plan review, and the submittal to OEPA of the application for closure authorization. An eighth progress letter was sent to the petitioner on 2/10/95 discussing the status of the remediation plan review, the status of McGean-Rohco building remediation, and the submittal to OEPA of the application for the Bert Avenue closure authorization. A ninth progress letter was sent to the petitioner on 4/3/95 discussing the status of the remediation plan review and the McGean-Rohco building remediation. A Director's Decision is deferred pending Chemetron's completion of decontamination activities. The scheduled completion date was extended in January and March so that Chemetron could complete uranium solubility testing and outstanding remediation plan issues could be resolved.

Facility: Vogle
Petitioners: M. Hobby and A. Mosbaugh
Date of Petition: 9/11/90

Director's Decision To Be Issued by: NRR
Date Referred to Review Organization: 9/21/90
EDO Number: 5836
OGC Number: P-90-009
Scheduled Completion Date: 8/15/95
Last Contact with Petitioner(s): Regularly, through hearing
Petition Manager: D. Hood
Case Attorney: R. Hoefling

Issues/Action Requested: Take immediate action regarding alleged "illegal transfer" of operating licenses, repeated and willful violations of NRC requirements, and unsafe management practices at operating reactors.

Current Status: An acknowledgement letter was issued on 10/23/90. The Director of the Office of Nuclear Reactor Regulation issued a partial Director's Decision on 4/23/93 (DD-93-08). On 7/14/93, the Commission vacated the partial Director's Decision and requested that a final Director's Decision await completion of a related hearing (CLI-93-15). On 2/18/94, the Atomic Safety and Licensing Board Panel (ASLBP) granted intervenor status to petitioner Mosbaugh, admitting him as a party in the license amendment proceeding concerning the proposed transfer of operating licenses from Georgia Power to Southern Nuclear Operating Company. The contention admitted encompasses some of the issues in the 2.206 petition. The hearing on the "illegal transfer" issue was held 1/4-13/95. The hearing on the final issue (an alleged misrepresentation of diesel generator test results) began on 4/17/95. The final Director's Decision is expected to be issued by 8/15/95 if an ASLBP decision is issued by 7/15/95.

Facility: Advanced Medical Systems, Inc.
Petitioner: Northeast Ohio Regional Sewer District (W. Schatz)
Date of Petition: 3/3/93

Director's Decision To Be Issued by: NMSS
Date Referred to Review Organization: 3/17/93
EDO Number: 8663
OGC Number: P-93-003
Scheduled Completion Date: 6/30/95
Last Contact with Petitioner(s): 3/10/95
Petition Manager: J. DeCicco
Case Attorney: M. Stein

Issues/Action Requested: Modify license for AMS to (1) assume all costs resulting from offsite release of cobalt-60 that has been deposited at the Southerly Treatment Plant and (2) decontaminate the sewer connecting AMS with public sewer system.

Current Status: An acknowledgement letter was issued on 4/2/93. Extensive environmental surveys were completed by Region III during the week of 5/24/93 and an inspection report was issued on 7/29/93. A Northeast Ohio Regional Sewer District (NEORS) site characterization report was submitted on 6/30/94. A NEORS letter of 9/13/94 contained supplemental requests to this petition. An acknowledgement letter was issued on 10/14/94. A NEORS letter of 10/13/94 also contained a supplemental request to this petition; an acknowledgement letter was issued on 11/2/94. The draft Director's Decision, which is undergoing review to include all supplemental requests, was sent to OGC for management review on 12/28/94. The scheduled completion date was extended in January and March because OGC is preparing an options paper for the Commission's consideration.

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

Director's Decision To Be Issued by: NRR
Date Referred to Review Organization: 5/27/93
EDO Number: 8923
OGC Number: P-93-009
Scheduled Completion Date: 12/30/95
Last Contact with Petitioner(s): 5/9/95
Petition Manager: B. Holian
Case Attorney: H. McGurren

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

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

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

Director's Decision To Be Issued by: NRR
Date Referred to Review Organization: 8/17/93
EDO Number: 9102
OGC Number: P-93-012
Scheduled Completion Date: 5/31/95
Last Contact with Petitioner(s): 3/21/95
Petition Manager: B. Lambe
Case Attorney: E. Holler

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

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

into the staff's analysis and findings. FP&L responded to FMPA's 12/5/94 filing via letter to the staff dated 1/3/95. On 2/6/95, FP&L responded to FMPA's filing of 1/30/95. The scheduled completion date was delayed in December 1994 because of FERC hearings. The NRC staff spoke with the petitioner on 4/13/95. The petitioner provided the NRC with information regarding the status of the appeal before the 11th Circuit Court. The petitioner also provided NRC with copies of the Department of Justice's amicus brief in the Circuit Court proceeding, as well as a copy of FMPA's brief before the Circuit Court and a copy of FPL's response thereto. The staff told the petitioner that a decision on the petition would be issued shortly.

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

Director's Decision To Be Issued by: OE
Date Referred to Review Organization: 8/18/93
EDO Number: 9241
OGC Number: P-93-015
Scheduled Completion Date: 6/30/95
Last Contact with Petitioner(s): 5/11/95
Petition Manager: R. Rosano
Case Attorney: L. Clark

Issues/Action Requested: Take enforcement action for violations of the employee protection rule and the deliberate misconduct rule by a supervisor and a department manager who are alleged to have discriminated against the petitioner.

Current Status: An acknowledgement letter was issued on 9/1/93. Issues are being evaluated. Additional information was received from Northeast Utilities on 3/15/95. A copy of this information has been forwarded to the petitioner. See Attachment 3 for reasons for the delay in the completion date and other information.

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

Director's Decision To Be Issued by: OE
Date Referred to Review Organization: 8/31/93
EDO Number: 9287
OGC Number: P-93-016
Scheduled Completion Date: 6/30/95
Last Contact with Petitioner(s): 4/5/95
Petition Manager: R. Rosano
Case Attorney: L. Clark

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

Current Status: An acknowledgement letter was issued on 9/21/93. The petitioner responded on 10/19/93. The staff responded to the petitioner's response on 11/23/93. A letter from OE on 4/5/95 responded to the petitioner's 3/16/95 supplement to his petition. Issues are being evaluated. See Attachment 3 for reasons for the delay in the completion date and other information.

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

Director's Decision To Be Issued by: NMSS
Date Referred to Review Organization: 2/7/94
EDO Number: 9692
OGC Number: P-94-003
Scheduled Completion Date: 5/10/95
Last Contact with Petitioner(s): 3/27/95
Petition Manager: C. Abrams
Case Attorney: H. McGurren/S. Lewis

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

Current Status: An acknowledgement letter was issued on 2/21/94. Envirocare's request for a hearing was denied by order of the Atomic Safety and Licensing Board Panel on 3/4/94. A status update letter was sent to the petitioner on 5/3/94. NMSS is revising the draft Director's Decision to incorporate OGC comments. The scheduled completion date was delayed in January in order to incorporate the comments on the draft Director's Decision dated 2/3/95. NMSS expects to issue the Director's Decision by 5/10/95.

On 5/4/95, NRC received a letter from Envirocare withdrawing its 2.206 petition. The staff is preparing a letter acknowledging receipt of Envirocare's request that the 2.206 petition be withdrawn and indicating that no further action will be taken with regard to the 2.206 request.

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

Director's Decision To Be Issued by: OE
Date Referred to Review Organization: 3/23/94

EDO Number: 9836
OGC Number: P-94-005
Scheduled Completion Date: 5/31/95
Last Contact with Petitioner(s): 3/2/95
Petition Manager: R. Rosano
Case Attorney: L. Clark

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

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

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

Director's Decision To Be Issued by: OE
Date Referred to Review Organization: 3/24/94
EDO Number: 9838
OGC Number: P-94-006
Scheduled Completion Date: 6/30/95
Last Contact with Petitioner(s): 3/2/95
Petition Manager: R. Rosano
Case Attorney: H. McGurren

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

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

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

Director's Decision To Be Issued by: NRR
Date Referred to Review Organization: 3/24/94
EDO Number: 9867
OGC Number: P-94-007
Scheduled Completion Date: 5/30/95
Last Contact with Petitioner(s): 5/9/95
Petition Manager: G. Vissing
Case Attorney: R. Hoefling

Issues/Action Requested: Temporarily revoke licenses of Connecticut Yankee and Millstone facilities pending investigation of allegations concerning receipt inspection activities.

Current Status: An acknowledgement letter was issued on 5/9/94. A final Director's Decision is being reviewed. The scheduled completion date was extended in March to allow additional time for review and concurrence. See Attachment 3 for additional reasons for the delay in the completion date and other information.

Facility: All Power Reactors
Petitioner: P. Blanch
Date of Petition: 4/13/94

Director's Decision To Be Issued by: NRR
Date Referred to Review Organization: 4/19/94
EDO Number: 9968
OGC Number: P-94-010
Scheduled Completion Date: 8/31/95
Last Contact with Petitioner(s): 3/3/95
Petition Manager: J. Shea
Case Attorney: R. Hoefling

Issues/Action Requested: Immediately issue an information notice regarding potential spent fuel pool meltdown, require each licensee to immediately evaluate compliance regarding this potential deficiency, deny all requests for license amendments for expanding spent fuel pool capacity until matter is resolved, and suspend issuing Notices of Enforcement Discretion until evaluations are complete.

Current Status: An acknowledgement letter was issued on 5/5/94. Although the staff concluded that the originally postulated sequence of events was not sufficiently safety significant to warrant immediate action, it has developed a generic action plan to address overall safety concerns about spent fuel storage pools. The first progress report was issued on 1/19/95 and apprised the petitioner of the action plan. The petitioner responded to the 1/19/95 update with a letter dated 1/26/95. In his response, the petitioner requested that the staff address his petition requests more directly. NRR staff spoke with the petitioner in early March 1995. The Director's Decision is scheduled for 8/95, pending the results of site audits identified in the action plan.

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

Director's Decision To Be Issued by: OE
Date Referred to Review Organization: 6/8/94
EDO Number: 10119
OGC Number: P-94-013
Scheduled Completion Date: 6/30/95
Last Contact with Petitioner(s): 5/11/95
Petition Manager: R. Rosano
Case Attorney: L. Clark

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

Current Status: An acknowledgement letter was issued on 6/16/94. Issues are being evaluated. Additional information from Northeast Utilities was received on 3/15/95. A copy of this information was forwarded to the petitioner on 5/11/95. See Attachment 3 for reasons for the delay in the completion date and other information.

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

Director's Decision To Be Issued by: OE/NRR
Date Referred to Review Organizations: 5/31/94
EDO Number: 10121
OGC Number: P-94-014
Scheduled Completion Date: 5/31/95
Last Contact with Petitioner(s): 3/2/95
Petition Manager: R. Rosano
Case Attorney: A. Jorgensen

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

Current Status: An acknowledgment letter was issued on 7/26/94. Issues are being evaluated. A supplement letter was issued on 7/8/94. See Attachment 3 for reasons for the delay in the completion schedule.

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

Director's Decision To Be Issued by: OE
Date Referred to Review Organization: 6/16/94
EDO Number: 10146
OGC Number: P-94-015
Scheduled Completion Date: 5/31/95
Last Contact with Petitioner(s): 3/2/95
Petition Manager: R. Rosano
Case Attorney: L. Clark

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

Current Status: An acknowledgement letter was issued on 6/24/94. A combined response with the petitioner's 3/7/94 petition (EDO 9836) is being prepared. See Attachment 3 for reasons for the delay in the completion schedule.

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

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

Current Status: An acknowledgement letter was issued on 9/7/94. The staff is researching Picker Corporation's (previous licensee) license file to establish use/discontinuance of flow-rate alarms in the 1970s. The first draft of the Director's Decision reviewed by OGC was returned to NMSS for rewriting on 12/28/94. The second draft of the Director's Decision was sent to OGC for review on 2/2/95. The scheduled completion date was delayed because of OGC's review. OGC and NMSS met on 3/14/95 to discuss the petition.

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

Director's Decision To Be Issued by: NRR
Date Referred to Review Organization: 9/29/94
EDO Number: 10473
OGC Number: P-94-023
Scheduled Completion Date: 1/30/96
Last Contact with Petitioner(s): 4/10/95
Petition Manager: A. Dromerick
Case Attorney: G. Longo

Issues/Action Requested: Immediately suspend Oyster Creek license until the licensee (1) inspects and repairs or replaces all safety-class reactor internal component parts subject to embrittlement and cracking, (2) provides an analysis on the synergistic effects of through-wall cracking of multiple safety-class components, and (3) addresses generic spent fuel pool design deficiencies of Oyster Creek.

Current Status: An acknowledgement letter was issued on 10/27/94. On 12/13/94, the petitioners sent a letter appealing NRC's denial to immediately suspend Oyster Creek's operating license. The petitioners stated that the staff did not address their concerns regarding reactor vessel internal cracking and spent fuel pool cooling. A letter responding to the petitioners' appeal was issued on 4/10/95. The staff indicated that it is treating the 12/13/94 letter as a supplement to the 9/26/94 petition. The staff also indicated that NRC regulations make no provisions for appeal or reconsideration of such administrative determinations. The staff advised the petitioners that they provided no bases for revisiting the denial of the 9/19/94 request for immediate suspension of the license. A partial Director's Decision regarding reactor vessel internals is also being prepared. The scheduled completion date was extended in January because NRC was preparing a generic action plan on spent fuel storage pools.

On 3/20/95, a letter was sent to the petitioners, P. Gunter and W. de Camp, Jr., for information only, transmitting an NRC 3/8/95 letter to Messrs. Lochbaum and Prevatte relating to the safety of spent fuel pool storage at the Susquehanna Steam Electric Station.

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

Director's Decision To Be Issued by: NRR
Date Referred to Review Organization: 10/6/94
EDO Number: 10492
OGC Number: P-94-024
Scheduled Completion Date: 6/30/95
Last Contact with Petitioner(s): 3/7/95
Petition Manager: T. Polich
Case Attorney: G. Longo

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

Current Status: An acknowledgement letter and a Federal Register notice were issued on 11/7/94. OGC proposed that this Comanche Peak 2.206 petition be consolidated with the generic Thermo-Lag 2.206 petition. Accordingly, this petition has been consolidated with the generic Thermo-Lag petition,

and responses to petitions 10492, 10582, 10595, 10601, 10622, 10667, and 10697 will be consolidated into one Director's Decision (OGC No. P-94-026).

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

Director's Decision To Be Issued by: NRR
Date Referred to Review Organization: 10/5/94
EDO Number: 10498
OGC Number: P-94-025
Scheduled Completion Date: 5/31/95
Last Contact with Petitioner(s): 3/24/95
Petition Manager: M. Fields
Case Attorney: M. Stein

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

Current Status: An acknowledgement letter was issued on 10/28/94. In a letter dated 12/29/94, the NRC informed Mr. Dean that his 11/11/94 letter relating concerns about the ability of Orange County to effectively participate in the emergency evacuation plans (because of financial problems) would be added to his 2.206 petition. The staff also sent a letter to Mr. Dean on 3/24/95 addressing several of his recent letters and reiterating that the staff will send him a response pursuant to 2.206 regarding his emergency evacuation concerns. The scheduled completion date was extended in January to permit NRC staff to consult with FEMA. FEMA's 3/22/95 response to the staff's questions is being used to draft the Director's Decision.

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

Director's Decision To Be Issued by: NRR
Date Referred to Review Organization: 10/21/94
EDO Number: 10547
OGC Number: P-94-030
Scheduled Completion Date: 9/01/95
Last Contact with Petitioner(s): 3/7/95
Petition Manager: J. Shea
Case Attorney: G. Longo

Issues/Action Requested: Immediately (1) shut down both units until the risk of fire near electrical cables because of combustible insulation (Thermo-lag) is corrected, (2) suspend Peach Bottom operating license pending inspection of all safety-class components and analysis of the synergistic effects of cracks in multiple reactor components (core shroud and vessel internal concerns), (3) shut down both

units because of the 8/3/94 loss of emergency cooling water, and (4) shut down both units because of equipment problems identified by NRC in an 8/16/94 inspection report.

Current Status: An acknowledgement letter was issued on 12/2/94 denying the petitioner's request for immediate action. The staff is preparing a partial Director's Decision to address requests 2, 3, and 4 of the petition. A Director's Decision for request 1 of the petition will be prepared in conjunction with the Director's Decision for Petition P-94-026 below. An update letter was issued on 3/7/95.

Facility: All Reactor Licensees Using Thermo-Lag 330
Petitioner: GE Stockholders' Alliance (P. Birnie)
Date of Petition: 10/21/94

Director's Decision To Be Issued by: NRR
Date Referred to Review Organization: 11/14/94
EDO Number: 10582
OGC Number: P-94-026
Scheduled Completion Date: 6/30/95
Last Contact with Petitioner(s): 4/12/95
Petition Manager: M. Gamberoni
Case Attorney: G. Longo

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

Current Status: An acknowledgement letter and a Federal Register notice were issued on 12/15/94. As a result of the indictments against Thermal Science Incorporated (TSI) and others, the staff is reevaluating all technical actions that were previously based on TSI information. The staff expects to prepare a Director's Decision shortly after it completes the reevaluation. The scheduled completion date was extended in January based on the time required to perform additional review. As part of this review, the staff is conducting chemical tests and analyses and mechanical properties testing of Thermo-Lag materials at the National Institute of Standards and Technology. The staff has also requested that the licensees that continue to use Thermo-Lag fire barriers submit additional technical information on their plant-specific barriers and materials. In addition, the Nuclear Energy Institute is coordinating a generic Thermo-Lag chemical testing and analysis program for the nuclear industry. After these efforts are completed, the staff will use the results of these efforts to respond to each aspect of the petition. Responses to petitions 10492, 10582, 10595, 10601, 10622, 10667, and 10697 will be consolidated into one Director's Decision.

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

Director's Decision To Be Issued by: NRR
Date Referred to Review Organization: 11/14/94
EDO Number: 10595
OGC Number: P-94-026
Scheduled Completion Date: 6/30/95
Last Contact with Petitioner(s): 4/6/95
Petition Manager: M. Gamberoni
Case Attorney: G. Longo

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

Current Status: An acknowledgement letter and a Federal Register notice were issued on 12/15/94. As a result of the indictments against Thermal Science Incorporated (TSI) and others, the staff is reevaluating all technical actions that were previously based on TSI information. The staff expects to prepare a Director's Decision shortly after it completes the reevaluation. The scheduled completion date was extended in January based on the time required to perform additional review. As part of this review, the staff is conducting chemical tests and analyses and mechanical properties testing of Thermo-Lag materials at the National Institute of Standards and Technology. The staff has also requested that the licensees that continue to use Thermo-Lag fire barriers submit additional technical information on their plant-specific barriers and materials. In addition, the Nuclear Energy Institute is coordinating a generic Thermo-Lag chemical testing and analysis program for the nuclear industry. After these efforts are completed, the staff will use the results of these efforts to respond to each aspect of the petition. Responses to petitions 10492, 10582, 10595, 10601, 10622, 10667, and 10697 will be consolidated into one Director's Decision.

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

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: 6/30/95
Last Contact with Petitioner(s): 5/4/95
Petition Manager: M. Mendonca
Case Attorney: M. Stein

Issues/Action Requested: Withdraw license from, shut down, and decommission the Neely Nuclear Research Reactor at the Georgia Institute of Technology; revoke all licenses to discharge radioactive wastes to sewers and waters of the United States and oceans of the world, and revoke all licenses that use as low as reasonably achievable criterion; and add requirements to

license for the transportation of radioactive material and to prohibit the transport of radioactive material by mail.

Current Status: The petitioner was informed on 11/21/94 that the 2.206 process is a public process. An acknowledgement letter was issued on 11/22/94. A review plan has been established. The petitioner was contacted and has responded with four supplemental letters. The petitioner stated that other letters are in the mail. An initial draft response has been prepared and preliminary comments have been received from technical and legal staff. The scheduled completion date was delayed in February because of the increased scope as a result of supplements and potential hearing issues.

Facility: Millstone
Petitioner: A. Ross
Date of Petition: 1/15/95; supplement of 10/28/94; additional information provided in letters of 2/8/95 and 2/20/95

Director's Decision To Be Issued by: NRR
Date Referred to Review Organization: 2/7/95
EDO Number: 10600
OGC Number: P-95-007
Scheduled Completion Date: 6/30/95
Last Contact with Petitioner(s): 3/20/95
Petition Manager: J. Andersen
Case Attorney: S. Chidake1

Issues/Action Requested: Take "accelerated" enforcement action against Northeast Utilities for violations at Millstone involving procedure compliance, work control, and tagging control.

Current Status: An acknowledgement letter was issued on 2/23/95. The issues are being evaluated. The petitioner submitted additional information on 2/8/95, 2/20/95, and 2/23/95. In the 2/23/95 letter, the petitioner requested that the EDO act on the petition as soon as possible. The staff responded to the additional submittals on 3/20/95.

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

Director's Decision To Be Issued by: NRR
Date Referred to Review Organization: 11/14/94
EDO Number: 10601
OGC Number: P-94-026
Scheduled Completion Date: 6/30/95
Last Contact with Petitioner(s): 4/12/95
Petition Manager: M. Gamberoni
Case Attorney: G. Longo

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

Current Status: An acknowledgement letter and a Federal Register notice were issued on 12/15/94. As a result of the indictments against Thermal Science Incorporated (TSI) and others, the staff is reevaluating all technical actions that were previously based on TSI information. The staff expects to prepare a Director's Decision shortly after it completes the reevaluation. The scheduled completion date was extended in January based on the time required to perform additional review. As part of this review, the staff is conducting chemical tests and analyses and mechanical properties testing of Thermo-Lag materials at the National Institute of Standards and Technology. The staff has also requested that the licensees that continue to use Thermo-Lag fire barriers submit additional technical information on their plant-specific barriers and materials. In addition, the Nuclear Energy Institute is coordinating a generic Thermo-Lag chemical testing and analysis program for the nuclear industry. After these efforts are completed, the staff will use the results of these efforts to respond to each aspect of the petition. Responses to petitions 10492, 10582, 10595, 10601, 10622, 10667, and 10697 will be consolidated into one Director's Decision.

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

Director's Decision To Be Issued by: NRR
Date Referred to Review Organization: 11/18/94
EDO Number: 10622
OGC Number: P-94-026
Scheduled Completion Date: 6/30/95
Last Contact with Petitioner(s): 4/11/95
Petition Manager: M. Gamberoni
Case Attorney: G. Longo

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

Current Status: An acknowledgement letter and a Federal Register notice were issued on 12/15/94. As a result of the indictments against Thermal Science Incorporated (TSI) and others, the staff is reevaluating all technical actions that were previously based on TSI information. The staff expects to prepare a Director's Decision shortly after it completes the reevaluation. The scheduled completion date was extended in January based on the time required to perform additional review. As part of this review, the staff is conducting chemical tests and analyses and mechanical properties testing of Thermo-Lag materials at the National Institute of Standards and Technology. The staff has also requested that the licensees that continue to use Thermo-Lag fire barriers submit additional technical information

on their plant-specific barriers and materials. In addition, the Nuclear Energy Institute is coordinating a generic Thermo-Lag chemical testing and analysis program for the nuclear industry. After these efforts are completed, the staff will use the results of these efforts to respond to each aspect of the petition. Responses to petitions 10492, 10582, 10595, 10601, 10622, 10667, and 10697 will be consolidated into one Director's Decision.

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

Director's Decision To Be Issued by: NRR
Date Referred to Review Organization: 12/6/94
EDO Number: 10638
OGC Number: P-94-032
Scheduled Completion Date: 5/26/95
Last Contact with Petitioner(s): 3/17/95
Petition Manager: C. Shiraki
Case Attorney: G. Longo

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

Current Status: An acknowledgement letter and a Federal Register notice were issued on 12/22/94. A letter was sent to the licensee (Commonwealth Edison [ComEd]) on 12/27/94 requesting that it respond to the issues in the petition. The licensee responded to the petition in a letter dated 2/27/95. The letter indicated that ComEd has not observed an adverse impact on the security operations at the five stations that have already implemented the new watchman program. Zion will be the sixth station to implement the new plan, which reduces the number of armed security personnel. In the unarmed watchman position, the watchman performs those security functions that do not require armed personnel and is not part of the armed response team. For instance, the unarmed watchman monitors x-ray machines, issues security badges, and performs search functions. The staff has already reviewed the changes and determined that they are consistent with 10 CFR 50.54(p) in that they do not decrease the effectiveness of the security plan.

The Director's Decision is being drafted and coordinated with the regulator.

The petitioner called the petition manager on 2/21/95 to emphasize that as far as he is concerned, this is not a labor or pay issue and that he is genuinely concerned about security at Zion.

In a letter dated 2/28/95, the petitioner responded to the licensee's letter and addressed the issues raised by the licensee in its 2/27/95 response. The staff is evaluating

the 2/28/95 letter as part of the 2.206 Director's Decision.

The scheduled completion date was extended in April because of the time needed for additional review.

Facility: All Reactor Licensees Using Thermo-Lag 330
Petitioner: B. DeBolt
Date of Petition: 11/14/94

Director's Decision To Be Issued by: NRR
Date Referred to Review Organization: 1/10/95
EDO Number: 10667
OGC Number: P-94-026
Scheduled Completion Date: 6/30/95
Last Contact with Petitioner(s): 4/11/95
Petition Manager: M. Gamberoni
Case Attorney: G. Longo

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

Current Status: An acknowledgement letter and a Federal Register notice were issued on 1/19/95. As a result of the indictments against Thermal Science Incorporated (TSI) and others, the staff is reevaluating all technical actions that were previously based on TSI information. The staff expects to prepare a Director's Decision shortly after it completes the reevaluation. The scheduled completion date was extended in January based on the time required to perform additional review. As part of this review, the staff is conducting chemical tests and analyses and mechanical properties testing of Thermo-Lag materials at the National Institute of Standards and Technology. The staff has also requested that the licensees that continue to use Thermo-Lag fire barriers submit additional technical information on their plant-specific barriers and materials. In addition, the Nuclear Energy Institute is coordinating a generic Thermo-Lag chemical testing and analysis program for the nuclear industry. After these efforts are completed, the staff will use the results of these efforts to respond to each aspect of the petition. Responses to petitions 10492, 10582, 10595, 10601, 10622, 10667, and 10697 will be consolidated into one Director's Decision.

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

Director's Decision To Be Issued by: NRR
Date Referred to Review Organization: 12/14/94
EDO Number: 10697
OGC Number: P-94-026
Scheduled Completion Date: 6/30/95

Last Contact with Petitioner(s): 4/19/95
Petition Manager: A. Dromerick
Case Attorney: G. Longo

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

Current Status: An acknowledgement letter and a Federal Register notice were issued on 1/3/95. OGC proposed that the Oyster Creek 2.206 petition be evaluated together with six previous petitions recently submitted requesting similar action regarding NRC-licensed reactors at which Thermo-Lag 330-1 fire barrier material is used. Therefore, responses to petitions 10492, 10582, 10595, 10601, 10622, 10667, and 10697 will be consolidated into one Director's Decision. A letter concerning this petition was sent to the petitioners on 4/19/95. The scheduled completion date is based on the time required to perform the review.

Facility: Parks Township
Petitioners: P. Ameno and J. Bologna
Date of Petition: ASLB referral 1/3/95

Director's Decision To Be Issued by: NMSS
Date Referred to Review Organization: 2/1/95
EDO Number: 11
OGC Number: P-95-001
Scheduled Completion Date: 7/3/95
Last Contact with Petitioners: 4/19/95
Petition Manager: M. Lamastra
Case Attorney: H. J. McGurren

Issues/Action Requested: (1) Test for radioactive contamination in the general vicinity of Kepple Hills and Riverview in Parks Township, Pennsylvania, and (2) investigate radiological contamination on the Farmers Delight Dairy Farm.

Current Status: An acknowledgement letter was issued on 3/7/95. A phone call was made to P. Ameno on 4/1/95 to discuss the status of the review. The issues are being evaluated. The scheduled completion date was extended in March to allow additional time for OGC review. A draft Director's Decision is being reviewed by OGC.

Facility: Millstone
Petitioner: A. Ross
Date of Petition: 1/5/95

Director's Decision To Be Issued by: NRR
Date Referred to Review Organization: 1/20/95

EDO Number: 15
OGC Number: P-95-002
Scheduled Completion Date: 6/30/95
Last Contact with Petitioner(s): 5/9/95
Petition Manager: J. Andersen
Case Attorney: S. Chidakel

Issues/Action Requested: Institute sanctions against department manager, first-line supervisor, and two co-workers for engaging in deliberate misconduct in violation of 10 CFR 50.5; investigate procedure violations.

Current Status: An acknowledgement letter was issued on 2/23/95. The issues are being evaluated.

Facility: Millstone
Petitioner: A. Ross
Date of Petition: 1/2/95

Director's Decision To Be Issued by: NRR
Date Referred to Review Organization: 1/20/95
EDO Number: 16
OGC Number: P-95-002
Scheduled Completion Date: 6/30/95
Last Contact with Petitioner(s): 5/9/95
Petition Manager: J. Andersen
Case Attorney: S. Chidakel

Issues/Action Requested: Issue Severity Level II and III violations against department head and first-line supervisor for violation of 10 CFR 50.7, institute sanctions against first-line supervisor, licensee, and Unit 1 organization for engaging in deliberate misconduct in violation of 10 CFR 50.5, and remove first-line supervisor from his position until issue can be resolved.

Current Status: An acknowledgement letter was issued on 2/23/95. The issues are being evaluated.

Facility: Millstone
Petitioner: A. Ross
Date of Petition: 12/30/94

Director's Decision To Be Issued by: NRR
Date Referred to Review Organization: 1/20/95
EDO Number: 17
OGC Number: P-95-002
Scheduled Completion Date: 6/30/95
Last Contact with Petitioner(s): 5/9/95
Petition Manager: J. Andersen
Case Attorney: S. Chidakel

Issues/Action Requested: Require licensee to review last 10-12 years of work orders to ensure that no QA work deficiencies exist; issue Severity Level I violation against licensee and its managers for violations of 10 CFR 50.7; issue a Severity Level III violation against a gas turbine system engineer for violation of 10 CFR 50.7; and institute sanctions against system engineer, the licensee, and its managers for engaging in deliberate misconduct in violation of 10 CFR 50.5.

Current Status: An acknowledgement letter was issued on 2/23/95. The issues are being evaluated.

Facility: Millstone
Petitioner: A. Ross
Date of Petition: 1/8/95

Director's Decision To Be Issued by: NRR
Date Referred to Review Organization: 1/20/95
EDO Number: 24
OGC Number: P-95-002
Scheduled Completion Date: 6/30/95
Last Contact with Petitioner(s): 3/15/95
Petition Manager: J. Andersen
Case Attorney: S. Chidakel

Issues/Action Requested: Institute at least three sanctions against department manager and institute sanctions against co-worker and first-line maintenance supervisor for engaging in deliberate misconduct in violation of 10 CFR 50.5.

Current Status: An acknowledgement letter was issued on 2/23/95. The issues are being evaluated.

Facility: Sequoyah Fuels Corporation (SFC)
Petitioner: Native Americans for a Clean Environment (NACE)
Date of Petition: 3/11/95

Director's Decision To Be Issued by: NMSS
Date Referred to Review Organization: 4/13/95
EDO Number: 231
OGC Number: P-95-010
Scheduled Completion Date: 9/1/95
Last Contact with Petitioner(s): 5/10/95
Petition Manager: J. C. Shepherd
Case Attorney: G. Longo

Issues/Action Requested: (1) Issue an order requiring SFC to prepare a final site characterization plan; (2) issue an order prohibiting SFC or any other entity from disposing of land under license SUB-1010; (3) require NRC to conduct a financial review of any purchaser of lands identified in (2) above; and

(4) obtain or perform a title search of all properties used in connection with license SUB-1010.

Current Status: An acknowledgement letter was issued on 5/10/95. A Director's Decision is being reviewed.

END OF STATUS REPORT

Decisions Pending Before the Commission and the Courts

Petitioners: M. Hobby/A. Mosbaugh
Facility/EDO No.: Yogtle/5836
Decision No./Date: DD-93-08 (4/23/93) (Partial)
Comments: Denied. DD-93-08 vacated and remanded to staff
(CLI-93-15).

Petitioner: T. Dougherty
Facility/EDO No.: San Onofre Nuclear Generating Station, Units 1, 2,
and 3/10416
Decision No./Date: DD-95-06 (4/27/95)
Comments: Denied in full.

END OF DECISIONS PENDING