

April 26, 1996

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: MARCH 1996 REPORT ON THE STATUS OF PUBLIC PETITIONS UNDER  
 10 CFR 2.206

The attached monthly report reflects the status of 10 CFR 2.206 petitions as of the end of March 1996. This report may not reflect changes in status that have occurred since petition managers submitted data on the March status. Attachment 1 gives the status of petitions before the Offices of Nuclear Material Safety and Safeguards, Nuclear Reactor Regulation, and Enforcement. Attachment 2 lists decisions before the Commission and the courts. Attachments 3 and 4 list other sensitive matters which are for internal distribution only.

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

To enhance staff responsiveness to the public, those parts of the monthly report not of a sensitive nature will be placed in the Public Document Room and on the electronic bulletin board system, making them readily accessible to the public.

- Attachments:
1. Report on Status of Public Petitions Under 10 CFR 2.206
  2. Decisions Pending Before the Commission and the Courts
  3. Internal Distribution Only
  4. Internal Distribution Only

cc w/atts: J. L. Milhoan, EDO  
 H. L. Thompson, EDO  
 J. Blaha, EDO  
 K. D. Cyr, OGC  
 W. T. Russell, NRR  
 C. J. Paperiello, NMSS  
 J. Lieberman, OE  
 E. Julian, SECY

R. L. Bangart, OSP  
 G. P. Caputo, OI  
 J. F. Cordes, Jr., OCAA  
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UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20545-0001

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Regional Administrators  
OCA  
OPA

CONTACT: Charles Thomas, NRR  
415-1325

Report on Status of Public Petitions  
Under 10 CFR 2.206

March 1996

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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: 4/30/96  
 Last Contact with Petitioner(s): 2/13/96  
 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 tenth progress letter, which discusses recent confirmatory surveys of McGean-Rohco buildings and Chemetron's request to separate the Harvard Avenue site review from the Bert Avenue site review, was sent to the petitioner on 6/9/95. An eleventh progress letter, which discusses recent confirmatory surveys of McGean-Rohco buildings and the status of the Harvard Avenue and Bert Avenue remediation plan reviews, was sent to the petitioner on 8/10/95. A twelfth progress letter, which updates the status of confirmatory surveys of McGean-Rohco buildings and the status of the Harvard Avenue and Bert Avenue remediation plan reviews, was sent to the petitioner on 9/29/95. A thirteenth progress letter, which updates the status of confirmatory surveys of McGean-Rohco buildings and the status of the Harvard Avenue and Bert Avenue remediation plan reviews, was sent to the petitioner on 12/15/95. A fourteenth progress letter, which discusses the status of McGean-Rohco building remediation and the status of the Harvard Avenue and Bert Avenue remediation plan reviews, was sent to the petitioner on 2/13/96. A Director's Decision was deferred one month in March 1996 pending the completion of the review of the Harvard Avenue site remediation plan. The scheduled completion date was extended in January, March, June, October, November, and December 1995 so that Chemetron could complete uranium solubility testing and NRC staff and/or Chemetron can resolve outstanding sampling protocol issues. Chemetron continues to submit procedure justifications for its sampling protocol. The staff comments on the Harvard Avenue remediation plan are being finalized. The Director's Decision will be issued pending Chemetron's acceptance of the staff's comments.

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Facility: Yostle  
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  
EDC Number: 5836  
OGC Number: P-90-009

Scheduled Completion Date: 60 days after the ASLB decision is issued  
Last Contact with Petitioner(s): 4/10/96  
Petition Manager: D. Wheeler  
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 acknowledgment 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 (ASLB) 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 60 days after the ASLB decision is issued. On 2/1/96 the NRC issued a Board Notification, 96-01, to the petitioners' attorney advising them of pending actions. As of 4/10/96, the ASLB had not issued a decision. Also, on 4/10/96, OGC telephoned the petitioner's legal counsel in the ASLB proceeding to provide a status update on the 2.206 petition (that is, no new developments).

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

Director's Decision To Be Issued by: NMSS  
Date Referred to Review Organization: 3/17/93  
EDO Number: 8663  
OGC Number: P-93-003  
Scheduled Completion Date: 12/26/96  
Last Contact with Petitioner(s): 4/16/96  
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 Southernly Treatment Plant and (2) decontaminate the sewer connecting AMS with public sewer system.

Current Status: An acknowledgment letter was issued on 4/2/93. Extensive environmental surveys were completed by Region III during the week of 5/24/93 and an inspection report was issued on 7/29/93. A Northeast Ohio Regional Sewer District (NEORS) site characterization report was submitted on 6/30/94. A NEORS letter of 9/13/94 contained supplemental requests to this petition. An acknowledgment letter was issued on 10/14/94. A NEORS letter of 10/13/94 also contained a supplemental request to this petition; an acknowledgment 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 1995 because OGC is preparing an options paper for the Commission's consideration. The staff provided status updates to the petitioner by telephone on 5/30/95, 8/1/95, 10/3/95, 12/4/95, and 2/12/96. The completion date was extended in June 1995 to allow additional time for development of the Commission Option Paper. The completion date was extended in September 1995 to allow time for completion of further staff review in support of the Commission Options Paper. Because of the agency-wide implications of waste disposal, the completion date was extended in December 1995 until 3/29/96, and again in March 1996 to 12/26/96 to continue OGC review of the Commission Option Paper.

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

Director's Decision To Be Issued by: OE  
Date Referred to Review Organization: 5/27/93  
EDO Number: 8923  
OGC Number: P-93-003  
Scheduled Completion Date: 4/30/96  
Last Contact with Petitioner(s): 2/23/96  
Petition Manager: R. Rosano  
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 acknowledgment 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 acknowledgment 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. A former Arizona Public Service (APS) employee, who had pleaded guilty for

discriminating against a whistleblower, was sentenced in the U.S. District Court on 8/7/95. The sentencing included a probationary period, minor court costs, and community service. The staff provided status updates to the petitioner by telephone on 7/11/95 and 9/28/95. The staff provided additional status updates by letters dated 11/24/95 and 2/23/96. In March 1996 the staff extended the 3/31/96 completion date to 5/31/96 to permit sufficient time for adequate staff coordination and review. See Attachment 3 for reasons for the delay in the completion schedule.

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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: F-94-010  
Scheduled Completion Date: 4/30/96  
Last Contact with Petitioner(s): 4/4/96  
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 acknowledgment 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 on 3/3/95. On 9/28/95, the staff sent a response to Mr. Blanch's letters of 1/26/95, 2/28/95, and 3/2/95. A status update letter was sent to the petitioner on 6/19/95. The scheduled completion date was extended to 12/31/95 in August 1995 to be consistent with completion of the staff action plan on generic fuel pool cooling issues. The staff sent a letter to the petitioner on 10/12/95 regarding the status of the staff's action plan. The staff sent status update letters to the petitioner on 1/23/96 and 4/4/96. The scheduled completion date was

revised in December 1995 to allow for consideration of recent spent fuel pool concerns at Millstone. Future changes in the completion date are expected because of the staff's intent to develop recommendations for generic spent fuel pool actions by 6/28/96.

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Facility: Palo Verde  
Petitioner: T. Saporito  
Date of Petition: 5/27/94; supplemented 7/8/94

Director's Decision To Be Issued by: OE  
Date Referred to Review Organizations: 5/31/94  
EDO Number: 10121  
OGC Number: P-94-014  
Scheduled Completion Date: 4/30/96  
Last Contact with Petitioner(s): 2/23/96  
Petition Manager: R. Rosano  
Case Attorney: H. McGurren

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. The petitioner submitted a supplemental letter on 7/8/94. The staff provided a status update to the petitioner by telephone on 7/11/95 and 9/28/95. The staff provided additional status updates by letters dated 11/24/95 and 2/23/96. In March 1996 the staff extended the 3/31/96 completion date to 4/30/96 to permit sufficient time for adequate staff coordination and review. See Attachment 3 for reasons for the delay in the completion schedule.

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

Director's Decision To Be Issued by: NMSS  
Date Referred to Review Organization: 8/29/94  
EDO Number: 10395  
OGC Number: P-94-020  
Scheduled Completion Date: 11/29/96  
Last Contact with Petitioner(s): 2/12/96  
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 acknowledgment letter was issued on 9/7/94. The staff has completed its research of 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 additional staff review. OGC and NMSS met on 3/14/95 to discuss the petition. The staff provided status updates to the petitioner by telephone on 5/30/95, 8/1/95, 10/3/95, 12/4/95, and 2/12/96. The scheduled completion date was delayed in June 1995 because of a license amendment request from AMS on 3/22/95, which requests installation of a sampling system on a proposed lateral sewer line. The completion date was extended in August 1995 to allow time for completion of the staff's review. On 12/29/94 Sewer District requested a license renewal hearing per Subpart L, 10 CFR 2.1205; action on the Director's Decision has been deferred until completion of the license renewal proceedings.

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**Facility:** Oyster Creek Nuclear Generating Station  
**Petitioners:** P. Gunter and W. de Camp, Jr.  
**Date of Petition:** 9/19/94, as supplemented 12/13/94

**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:** 7/31/96  
**Last Contact with Petitioner(s):** 2/29/96  
**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 acknowledgment 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.

On 3/20/95, a letter was sent to the petitioners, P. Gunter and W. de Camp, Jr., for information only, transmitting an NRC letter dated 3/8/95 to Messrs. Lochbaum and Prevatte relating to the safety of spent fuel pool storage at the Susquehanna Steam Electric Station. On 5/22/95, Paul Gunter called to request information regarding Oyster Creek shroud bracket fabrication. The petition manager provided the requested information by telephone on 5/23/95.

On 6/16/95, Paul Gunter called to ask why GPUN was moving fuel. The NRC staff advised Mr. Gunter that to the best of its knowledge, the fuel was being moved to a different area of the spent fuel pool to prepare for moving fuel to the dry fuel storage facility. The staff advised Mr. Gunter that GPUN did not intend to transfer the failed fuel element into the dry fuel storage facility. The staff issued a partial Director's Decision (DD-95-18) on 8/4/95 denying Requests (1) and (2) of the 9/19/94 petition and Request (1) of the 12/13/94 supplemental petition.

In a letter of 9/1/95, the Secretary of the Commission advised the petitioners that the Commissioners allowed the time provided by NRC regulations within which the Commission may act to review Director's Decision 95-18 to expire; accordingly, Director's Decision 95-18 became a final agency action on 8/28/95. Paul Gunter called on 9/14/95 to make sure that the staff was continuing to review the spent fuel pool cooling concern. The petition manager advised Mr. Gunter that the staff is reviewing this issue generically and that upon completion of its review, NRC will provide him with its evaluation.

In a letter of 11/22/95 to the petitioners, the staff updated the status of its generic review and indicated that it had completed onsite assessments of spent fuel operations at four sites in addition to the detailed review at Susquehanna Steam Electric Station in response to the 10 CFR Part 21 report. The scheduled completion date was extended in January 1995 to 1/30/96, and again in January 1996 to 7/31/96 because of additional time required for staff review and resolution of issues on a generic action plan on spent fuel storage. In a letter to the petitioners of 1/24/96, the staff updated the status of the petition. It also enclosed a copy of IN 95-54, "Decay Heat Management Practices During Refueling Outages, dated 12/1/95. The staff provided a status update to the petitioners by telephone on 2/29/96.

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: 5/1/96  
Last Contact with Petitioner(s): 4/3/96  
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 acknowledgment letter was issued on 12/2/94 denying the petitioner's request for immediate action. Update letters were sent to the petitioner on 3/7/95 and 6/20/95. The staff sent the petitioner a status update letter on 9/15/95. The staff sent the petitioner status update letters on 11/28/95 and 2/21/96. On 4/3/96 NRC issued a partial Director's Decision (DD-96-03) denying the petitioner's request for action on the Thermo-Lag issue. The remaining issues that were the basis for requests 2, 3, and 4 are still under consideration by the NRC staff and a final Director's Decision will be issued upon completion of the staff's review.

---

Facility: Georgia Tech and All Licensees  
Petitioner: P. Blockey-O'Brien  
Date of Petition: 10/23/94; supplemented 11/12/94, 12/4/94, 2/21/95, 2/23/95, 3/6/95, 3/28/95, 4/18/95, 5/18/95, 6/27/95, 7/18/95, 8/18/95, 8/21/95, 8/28/95, 8/31/95, 9/17/95, 10/27/95, 1/10/96, 1/27/96, and 3/14/96

Director's Decision To Be Issued by: NRR  
Date Referred to Review Organization: 11/15/94  
EDO Number: 10598  
OGC Number: P-94-027  
Scheduled Completion Date: 12/31/96  
Last Contact with Petitioner(s): 3/22/96  
Petition Manager: M. Mendonca  
Case Attorney: M. Stein

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

Current Status: The petitioner was informed on 11/21/94 that the 2.206 process is a public process. An acknowledgment letter was issued on 11/22/94. The petitioner was contacted and has responded with supplemental letters dated 11/12/94, 12/4/94, 2/21/95, 2/23/95, 3/6/95, 3/28/95, 4/18/95, 5/18/95, 6/27/95, and 7/18/95. The scheduled completion date of the initial response letter was delayed in February 1995 because of the increased scope as a result of supplements and potential hearing issues. A status update letter was sent to the petitioner on 6/5/95. The scheduled completion date was extended in July 1995 to accommodate the remaining necessary reviews. The staff issued a partial Director's Decision (DD-95-15) on 7/31/95 denying the requested actions based on the petition issues considered to date. The final Director's Decision will depend on the license renewal process, including potential Atomic Safety and Licensing Board hearings and appeals. The staff expects to complete this action by 12/31/96. In a letter dated 8/29/95, the Secretary of the Commission informed the petitioner that the partial Director's Decision constituted the final action of the Commission on the petition issues considered to date. On 9/12/95, the staff responded to the petitioner's additional letters of 8/18/95, 8/21/95, 8/28/95, and 8/31/95. The staff received additional letters dated 9/17/95, 10/27/95, 1/10/96, 1/27/96, and 3/14/96. The petitioner has been kept informed. The staff provided a status update to the petitioner by the letter dated 9/12/95. On 11/15/95, the petitioner was again informed of the status of the response to the petition via personal interaction at a Georgia Tech Research Reactor prehearing conference. The petition manager provided a status update to the petitioner by telephone on 1/22/96. A written update responding to the petitioner's 10/27/95, 1/10/96, 1/27/96, and 3/14/96 letters was sent to the petitioner on 3/22/96.

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Facility: Millstone  
Petitioner: A. Ross  
Date of Petition: 1/15/95; supplements of 10/28/94 and 10/14/95

Director's Decision To Be Issued by: NRR  
Date Referred to Review Organization: 2/7/95  
EDO Number: 10600  
OGC Number: P-95-007

Scheduled Completion Date: 5/30/96  
Last Contact with Petitioner(s): 2/7/96  
Petition Manager: J. Andersen  
Case Attorney: S. Chidakel

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

Current Status: An acknowledgment letter was issued on 2/23/95. The petitioner submitted additional information on 2/8/95, 2/20/95, and 2/23/95. In the 2/23/95 letter, the petitioner requested that the EDO act on the petition as soon as possible. The staff responded to the additional submittals on 3/20/95. Status update letters were sent to the petitioner on 5/9/95, 7/19/95, and 10/4/95. The status of the petitions was discussed in telephone calls with the petitioner on 5/25/95, 6/2/95, 7/24/95, 8/14/95, and 9/22/95. On 5/30/95 and 6/2/95, the NRC staff discussed Northeast Utilities' letters of 3/15/95, 3/24/95, and 5/12/95 in telephone calls with the petitioner. An inspection (50-245/95-22, 50-336/95-22, 50-423/95-22) was conducted at the site in May and June 1995 to audit the licensee's response to the petitioner's concerns, which had been forwarded to the licensee. The licensee responded with its investigation into the matters during the first quarter of 1995. Because the results from the inspection were needed to prepare the Director's Decision, the scheduled completion date was extended to 9/30/95, and again to 12/30/95. The completion date was extended in November 1995 to 3/30/96 and again in March 1996 to 5/30/96 to allow time for further staff review. Based on a copy of the petition obtained by Northeast Utilities, the licensee voluntarily provided a response to the petition on 5/12/95. A draft Director's Decision is being reviewed by the staff. In a letter dated 10/9/95, the petitioner stated that the NRC update letters are inadequate. In a letter dated 10/16/95, Congressman Gejdenson requested information concerning the petitioner's 10/9/95 letter. The staff responded to the petitioner on 12/12/95 (and to Congressman Gejdenson on 12/14/95) and provided a status update on his petitions. In a letter dated 10/14/95, the petitioner submitted an additional 10 CFR 2.206 request. On 11/24/95 the staff responded to the petitioner's 10/14/95 letter and informed the petitioner that its 10/14/95 letter will be treated as a supplement to the petition. On 2/7/96, the staff sent a status update letter to the petitioner. The draft Director's Decision is being reviewed by the staff.

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Facility: Palo Verde  
Petitioners: T. Saporito/Florida Energy Consultants, Inc.  
Date of Petition: 11/14/94

Director's Decision To Be Issued by: NRR/OE  
Date Referred to Review Organization: 12/7/94  
EDO Number: 10635  
OGC Number: P-94-031  
Scheduled Completion Date: 4/30/96  
Last Contact with Petitioner(s): 2/23/96  
Petition Manager: C. Thomas  
Case Attorney: M. Stein

Issues/Action Requested: Requests (1) that the NRC grant an administrative public hearing before the NRC Atomic Safety and Licensing Board, (2) leave to intervene in such hearing, (3) that the NRC issue a confirmatory order requiring the licensee to immediately bring all three units at the Palo Verde Nuclear Generating Station to 0 percent power until such time as the licensee can demonstrate corrective actions obviating any inference of a hostile work environment, and (4) that the NRC issue a demand for information to the licensee seeking an explanation as to why the NRC can have confidence that the licensee will ensure that an environment exists free of harassment, intimidation, and discrimination, both in general throughout its organization and in particular with respect to certain named individuals. The staff interprets the petitioners' letter as also requesting (1) that the licensee provide a description of these individuals' current employment duties and responsibilities, (2) an explanation as to why the NRC can have confidence that these individuals will comply with NRC requirements, (3) information as to why the Commission should not take action to prohibit these individuals from being involved in NRC-licensed activities, (4) information as to why the NRC should have reasonable assurance that these individuals will abide by NRC regulations that protect individuals who engage in protected activities, and (5) any other information the licensee believes to be related to the Commission's decision in this matter.

Current Status: An acknowledgment letter was issued on 7/26/94 denying the petitioner's request for immediate action. NRR is coordinating this Director's Decision with the NRC Office of Enforcement's (OE's) work on other 2.206 petitions (EDO items 8923 and 10121). NRR and OE will jointly respond to this petition. The staff extended the scheduled completion date one month in March 1996 to permit sufficient time for adequate staff coordination and review. Completion is expected by the end of April 1996. See Attachment 3 for reasons for the delay in the completion schedule.

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-95-004  
Scheduled Completion Date: 5/30/96  
Last Contact with Petitioner(s): 2/7/96  
Petition Manager: J. Andersen  
Case Attorney: S. Chidake

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 acknowledgment letter was issued on 2/23/95. Status update letters were sent to the petitioner on 5/9/95, 7/19/95, and 10/4/95. The status of the petitions was discussed in telephone calls with the petitioner on 5/25/95, 6/2/95, 7/24/95, 8/14/95, and 9/22/95. On 5/30/95 and 6/2/95, the NRC staff discussed Northeast Utilities' letters of 3/15/95, 3/24/95, and 5/12/95 in telephone calls with the petitioner. An inspection (50-245/95-22, 50-336/95-22, 50-423/95-22) was conducted at the site in May and June 1995 to audit the licensee's response to the petitioner's concerns, which had been forwarded to the licensee. The licensee responded with its investigation into the matters during the first quarter of 1995. Because the results from the inspection were needed to prepare the Director's Decision, the scheduled completion date was extended to 9/30/95, and again to 12/30/95. The completion date was extended in November 1995 to 3/30/96 and again in March 1996 to 5/30/96 to allow time for further staff review. Based on a copy of the petition obtained by Northeast Utilities, the licensee voluntarily provided a response to the petition on 8/31/95. The staff is reviewing a draft Director's Decision. In a letter dated 10/9/95, the petitioner stated that the NRC update letters are inadequate. In a letter dated 10/16/95, Congressman Gejdenson requested information concerning the petitioner's 10/9/95 letter. The staff responded to the petitioner on 12/12/95 (and to Congressman Gejdenson on 12/14/95) and provided a status update on his petitions. On 2/7/96, the staff sent a status update letter to the petitioner.

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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-95-003  
Scheduled Completion Date: 5/30/96  
Last Contact with Petitioner(s): 2/7/96  
Petition Manager: J. Andersen  
Case Attorney: S. Chidakei

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 acknowledgment letter was issued on 2/23/95. Status update letters were sent to the petitioner on 5/9/95, 7/19/95, and 10/4/95. The status of the petitions was discussed in telephone calls with the petitioner on 5/25/95, 6/2/95, 7/24/95, 8/14/95, and 9/22/95. On 5/30/95 and 6/2/95, the NRC staff discussed Northeast Utilities' letters of 3/15/95, 3/24/95, and 5/12/95 in telephone calls with the petitioner. An inspection (50-245/95-22, 50-336/95-22, 50-423/95-22) was conducted at the site in May and June 1995 to audit the licensee's response to the petitioner's concerns, which had been forwarded to the licensee. The licensee responded with its investigation into the matters during the first quarter of 1995. Because the results from the inspection were needed to prepare the Director's Decision, the scheduled completion date was extended to 9/30/95, and again to 12/30/95. The completion date was extended in November 1995 to 3/30/96 and again in March 1996 to 5/30/96 to allow time for further staff review. Based on a copy of the petition obtained by Northeast Utilities, the licensee voluntarily provided a response to the petition on 8/31/95. A draft Director's Decision is being reviewed by the staff. In a letter dated 10/9/95, the petitioner stated that the NRC update letters are inadequate. In a letter dated 10/16/95, Congressman Gejdenson requested information concerning the petitioner's 10/9/95 letter. The staff responded to the petitioner on 12/12/95 (and to Congressman Gejdenson on 12/14/95) and provided a status update on his petitions. In a letter dated 11/28/95 regarding the petitioner's harassment and intimidation (H&I) claims, the NRC stated that in light of previous findings and a review of the petitioner's remaining claims, it has determined not to expend further investigatory effort on the remaining H&I claims. On 2/7/96, the staff sent a status update letter to the petitioner.

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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: 5/30/96  
Last Contact with Petitioner(s): 2/7/96  
Petition Manager: J. Andersen  
Case Attorney: S. Chidake1

Issues/Action Requested: Require licensee to review the work orders of the last 10-12 years 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 the system engineer, the licensee, and its managers for engaging in deliberate misconduct in violation of 10 CFR 50.5.

Current Status: An acknowledgment letter was issued on 2/23/95. Status update letters were sent to the petitioner on 5/9/95, 7/19/95, and 10/4/95. The status of the petitions was discussed in telephone calls with the petitioner on 5/25/95, 6/2/95, 7/24/95, 8/14/95, and 9/22/95. On 5/30/95 and 6/2/95, the NRC staff discussed Northeast Utilities' letters of 3/15/95, 3/24/95, and 5/12/95 in telephone calls with the petitioner. An inspection (50-245/95-22, 50-336/95-22, 50-423/95-22) was conducted at the site in May and June 1995 to audit the licensee's response to the petitioner's concerns, which had been forwarded to the licensee. The licensee responded with its investigation into the matters during the first quarter of 1995. Because the results from the inspection were needed to prepare the Director's Decision, the scheduled completion date was extended to 9/30/95, and again to 12/30/95. The completion date was extended in November 1995 to 3/30/96 and again in March 1996 to 5/30/96 to allow time for further staff review. Based on a copy of the petition obtained by Northeast Utilities, the licensee voluntarily provided a response to the petition on 8/31/95. In a letter dated 10/9/95, the petitioner stated that the NRC update letters are inadequate. In a letter dated 10/16/95, Congressman Gejdenson requested information concerning the petitioner's 10/9/95 letter. The staff responded to the petitioner on 12/12/95 (and to Congressman Gejdenson on 12/14/95) and provided a status update on his petitions. In a letter dated 11/28/95 regarding the petitioner's harassment and intimidation (H&I) claims, the NRC stated that in light of previous findings and a review of the petitioner's remaining claims, it has determined not to expend further investigatory effort on the remaining H&I claims. On 2/7/96, the staff sent a status update letter to the petitioner.

Facility: Prairie Island Units 1 and 2  
Petitioners: S. Bjoralt and P. Gunter  
Date of Petition: 6/5/95, with addenda dated 2/19/96 and 3/13/96

Director's Decision To Be Issued by: NRR  
Date Referred to Review Organization: 6/7/95  
EDO Number: 433  
OGC Number: P-95-013  
Scheduled Completion Date: 10/30/96  
Last Contact with Petitioner(s): 3/14/96  
Petition Manager: B. Wetzel  
Case Attorney: R. Hoefling

Issues/Action Requested: Immediately suspend the operating licenses of Prairie Island Units 1 and 2 and conduct an evening public hearing to discuss any NRC denial of requested actions. The petition raises a number of concerns, including cracking of the Prairie Island steam generator tubes and reactor vessel head penetrations, use of the transfer channel between the reactor core and the fuel pool during unloading and loading of dry cask storage units, and the use of the Prairie Island crane for an extended period.

An addendum to the original petition was sent to the NRC on 2/19/96, requesting that the NRC not allow Unit 1 to restart from its refueling outage until a full-length inspection of steam generator tubes is performed using the Zetec Plus-Point probe. The addendum used as a basis Mr. Russell's remarks in a Commission briefing on 1/31/96, that instances of free-span cracking had been identified in steam generator inspections.

An additional addendum was sent to the NRC on 3/13/96. The petitioners request that the NRC require the licensee for Prairie Island (Northern States Power Company) to conduct mid-cycle outages for Units 1 and 2 and perform full-length eddy-current inspections using the Plus-Point probe. If the NRC denies this request, the petitioners request an informal hearing in the Red Wing, Minnesota, area.

Current Status: The NRC staff issued an acknowledgment letter on 6/19/95, which denied the petitioners' request to immediately suspend the operating licenses of Prairie Island Units 1 and 2 on the basis that no new information was provided by the petitioners that involved a significant safety concern. One of the petitioners wrote to Chairman Selin on 6/21/95 to refute the acknowledgment letter and to state that the staff response "side-steps the serious problems raised in the Petition." The NRC staff has held numerous telephone conversations with Mr. Bjoralt to discuss issues raised in the petition, as well as other issues he has brought up in the course of conversation.

The staff responded to the petitioners' letter of 6/21/95 in a letter on 7/12/95 in which the staff reiterated the fact that the petition contained no new information, and that in accordance with 2.206 guidance, the NRC does not intend to hold an informal public meeting. The staff also forwarded Prairie Island Inspection Report No. 95002 to the petitioners on 7/27/95. This report summarized dry cask storage inspection activities at Prairie Island. The scheduled completion date was extended in September 1995 to 12/15/95, and in November 1995 to 1/19/96. The scheduled completion date was extended again in January 1996 to 4/30/96 to allow time for additional staff review and to address policy-related issues related to dry cask storage. The staff sent a letter to the licensee on 9/25/95 requesting certain plant-specific information to assess Prairie Island's susceptibility to the vessel head penetration cracking phenomenon experienced at a foreign reactor. A copy of this letter was also sent to the petitioners for information. The staff provided a status update to the petitioners by telephone on 9/27/95. The licensee submitted its response to NRC's request for additional information regarding the vessel head penetration cracking issue on 10/24/95. The licensee also forwarded a copy of its response directly to both petitioners. The petition manager provided a status update to the petitioners by telephone on 12/13/95, 2/8/96, and 2/29/96. The staff issued a letter to the petitioners acknowledging their 2/19/96 addendum on 3/1/96 and denied their request to not allow Unit 1 to restart. A copy of the acknowledgment letter was telecopied to the petitioners on 3/1/96.

On 3/13/96 Mr. Bjoralt called the project manager for Prairie Island and informed him that the Prairie Island Coalition was planning to send a letter to the NRC addressed to Mr. Russell. This letter (dated 3/13/96) acknowledges receipt of NRC's acknowledgment letter issued 3/1/96. However, the petitioners state that free-span steam generator tube cracks may be circumferential in orientation in addition to axial. Therefore, bobbin-coil eddy-current inspections would not identify these free-span cracks. The petitioners request that the NRC require the licensee to place Prairie Island Units 1 and 2 in mid-cycle outages to inspect the full length of the steam generator tubes with the Zetec Plus-Point probe and any other state-of-the-art eddy-current test capable of finding circumferentially oriented cracking. Also, the petitioners request that an informal hearing be held locally in the evening if the NRC denies the request for a mid-cycle shutdown to explain this position to the public in person. The 3/13/96 letter is considered an addendum to the original petition and is under staff review. The petitioners also request that a copy of the latest Northern States Power steam generator inspection report be forwarded to them. The staff mailed a copy to the petitioners on 3/14/96. The scheduled completion date was extended in March 1996 to 10/30/96 to allow additional time for staff review of the two addenda to the petition

and the outstanding issues on the steam generators at  
Prairie Island.

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Facility: Millstone  
Petitioners: G. Galatis, and E. Hadley on behalf of We the People, Inc.  
Date of Petition: 8/21/95, supplemented 8/28/95

Director's Decision To Be Issued by: NRR  
Date Referred to Review Organization: 8/30/95  
EDO Number: 603  
OGC Number: P-95-015  
Scheduled Completion Date: 7/30/96  
Last Contact with Petitioner(s): 4/9/96  
Petition Manager: S. Dembek  
Case Attorney: R. Hoefling

Issues/Action Requested: The petitioners allege that Northeast Utilities (NU) has offloaded more fuel assemblies into the spent fuel pool than permitted under License Amendments 39 and 40; that NU has knowingly operated Millstone in violation of its operating licenses; and that NU has submitted material false statements. Petitioners seek institution of a proceeding to suspend the operating license for Millstone Unit 1 for 60 days after the unit is brought into compliance with the license and the design basis. In addition, the petitioners request that the operating license be revoked until the facility is in full compliance with the terms and conditions of its license; before reinstatement of the license, a detailed independent analysis of the offsite dose consequences of total loss of spent fuel pool water be conducted; that enforcement action be taken against NU pursuant to 10 CFR 50.5 and 50.9; that actions be taken regarding a proposed license amendment pending before the Commission wherein NU seeks to increase the amount of spent fuel it may offload and that the amendment be denied; that the NRC retain an independent expert, at NU's expense, to prepare a safety analysis report on the proposed amendment; and that, before the issuance of any amendment, an analysis including both the probability and consequences of applicable events be conducted. In the supplement, Mr. Galatis raises additional concerns. These concerns are that NU also committed violations by offloading more than one-third of a core of fuel at Millstone Units 2 and 3 and Seabrook Unit 1. In addition, with regard to Millstone Unit 3, Mr. Galatis is concerned that NU submitted a material false statement to the NRC associated with a license amendment and that an unanalyzed condition exists with regard to system piping for full-core offload events. With regard to Seabrook Unit 1, Mr. Galatis is concerned about technical

specification violations associated with a criticality analysis. Finally, the petitioners make the additional request that a public hearing be held in the vicinity of Millstone Unit 1 to permit comment by the public on the issues raised in the petition.

**Current Status:** Northeast Utilities voluntarily provided its response to the 8/21/95 letter on 9/22/95 and to the 8/28/95 supplement on 10/11/95. On 9/22/95, the staff contacted the petitioner to inform him that issuance of the acknowledgment letter had been delayed because of ongoing investigations by the Office of Investigations (OI) and the Inspector General (IG) as well as independent NRC reviews. The staff also informed the petitioner that if he wanted to intervene in the Millstone Unit 1 spent fuel pool amendment, he had until 9/29/95 to do so. The acknowledgment letter was issued on 10/26/95. The staff completed its review of the licensee's amendment request and on 11/9/95 issued the amendment and safety evaluation. The staff is reviewing the IG and OI reports to determine if future inspections at Millstone are needed. A spent fuel pool inspection was conducted at Millstone in March 1996 to review the 10 CFR 2.206 concerns as well as other spent fuel pool issues. On 2/1/96 and 4/9/96, the staff issued status update letters to the petitioner. On 2/5/96, a *Federal Register* notice was issued announcing a 10 CFR 2.206 informal public hearing to be held on 3/7/96. The 3/7/96 meeting was cancelled because of poor weather. The meeting was subsequently held on 4/8/96. The scheduled completion date was extended in February 1996 to 7/30/96 because of technical issues requiring further staff review.

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**Facility:** Palisades Plant  
**Petitioners:** M. Sinclair and S. Skavroneck on behalf of Don't Waste Michigan and Lake Michigan Federation, respectively  
**Date of Petition:** 9/19/95

**Director's Decision To Be Issued by:** NRR  
**Date Referred to Review Organization:** 10/4/95  
**EDO Number:** 665  
**OGC Number:** P-95-019  
**Scheduled Completion Date:** 6/28/96  
**Last Contact with Petitioner(s):** 2/21/96  
**Petition Manager:** A. Kugler  
**Case Attorney:** L. Clark

**Issues/Action Requested:** (1) Determine that Consumers Power Company violated the requirements of 10 CFR 72.212(b) by using the general license provided by 10 CFR 72.210 prior to establishing that conditions set forth in Certificate of Compliance Number 1007, Revision 0, for a cask unloading procedure had been met. (2) Suspend Consumers Power Company's use of the general license until

(a) the safety issues have been resolved, (b) NRC has documented review and approval of the revised cask unloading procedure, and (c) Cask No. 4 has been unloaded. (3) Require a penalty of \$1,300,000 be paid by Consumers Power Company. (4) Allow petitioners to participate in the review of the procedures and any other hearings and proceedings initiated in response to this petition.

Current Status:

The staff issued an acknowledgment letter on 10/24/95. The petition manager spoke with the petitioners by telephone on 10/16/95 to inform them that the 10 CFR 2.206 process is public and to obtain clarification on one issue. The petition manager, the Palisades project manager, and a member of the Plant Systems Branch spoke to the petitioner and another member of the public on 11/15/95. Most of the questions asked by the petitioner concerned transportation casks and were only vaguely related to the petition. On 11/20/95 the staff sent Consumers Power Company a request for information on cask unloading procedures. A copy of the request was forwarded to the petitioners. The petition manager provided an update to the petitioners on 12/15/95 and 12/18/95. Consumers Power Company responded to the request for additional information on 12/20/95. The staff is reviewing the response. In response to a request from Petitioner Sinclair, the staff sent a letter dated 12/28/95, documenting that the staff is not aware of any reactor licensee who has offloaded a spent fuel dry storage cask. The scheduled completion date has been delayed because the response to the petition must include information from the ongoing staff review (begun before the petition was received) of Revision 1 to the Palisades cask unloading procedure. This review is now tentatively scheduled for completion by 4/30/96. In the meantime, the staff is developing responses to those portions of the petition that are not related to the review of Revision 1 of the Palisades procedure. The staff sent a letter forwarding a copy of the 12/20/95 Consumers Power Company response to the staff's request for additional information to the petitioners on 2/14/96. Also on 2/14/96, the staff extended the due date for the Director's Decision to 6/28/96 on the basis of the current status of the staff review of Revision 1 of the unloading procedure. The staff provided an update of the status of the petition by telephone to Petitioner Skavroneck on 2/21/96, and to Petitioner Sinclair on 3/25/96. The staff is continuing to review the information submitted by the licensee in response to our request for additional information. Additional NRC staff have been assigned to assist in this review. These individuals are also involved in the review of Revision 1 of the Palisades unloading procedure. If the completion of the review of Revision 1 slips further (which appears likely at present) then the due date for this 2.206 petition will have to be adjusted accordingly.

Facility: National Institutes of Health (NIH)  
Petitioners: Drs. M. Ma and B. Zheng (D. Katz)  
Date of Petition: 10/10/95

Director's Decision To Be Issued by: NMSS  
Date Referred to Review Organization: 10/10/95  
EDO Number: 721  
OGC Number: P-95-021  
Scheduled Completion Date: 5/30/96  
Last Contact with Petitioner(s): 4/16/96  
Petition Manager: C. Jones  
Case Attorney: G. Longo

Issues/Action Requested: (1) suspend or revoke materials license of NIH because of willful, reckless, and deliberate violation of numerous regulatory requirements resulting in internal contamination of the petitioner, the petitioner's fetus, and other NIH employees; (2) take other appropriate enforcement action against NIH for its willful and reckless violation of 10 CFR Part 20.

Current Status: An acknowledgment letter was issued on 10/30/95. The request that license No. 19-00296-10 be immediately suspended or revoked pending resolution of petition was denied in the acknowledgment letter. On 11/2/95, the NRC issued a demand for information to NIH in which it requested that NIH submit a complete and thorough response to each of the issues raised in the petition. The response was received by the NRC on 12/11/95. The NRC staff is currently reviewing the NIH response to the petition and will decide what other action should be taken with respect to the petition. The NRC, in a letter to NIH dated 1/29/96, forwarded to NIH a redacted version of a 1995 augmented team inspection (AIT) report and scheduled an open predecisional enforcement conference at NRC Headquarters on 2/26/96. NIH responded in a letter dated 2/14/96 requesting an extension of the predecisional enforcement conference until the middle of April. In a letter dated 3/19/95 to NIH's General Council, the NRC stated that the open predecisional enforcement conference has been set for 4/19/96 at NRC Headquarters and that several apparent violations identified during the 1995 NRC AIT, as well as during a special inspection conducted in late 1995, would be discussed at the conference.

The petitioners submitted a reply (dated 3/25/96) to NIH's response to NRC's Demand for Information which discusses a number of concerns raised by NIH's submittal to the NRC (dated 12/11/95). On 3/25/96 NIH wrote to NRC's General Counsel requesting, among other items, that the NRC hold the predecisional enforcement conference in Region I, and that the meeting be held as a closed meeting not open to the public. Subsequently, a representative from NRC's Office of General Counsel informed NIH that NRC's plans were to go forward with an open conference on 4/19/96. NIH responded in writing (letter dated 4/16/96) and

informed the NRC that NIH would not attend the enforcement conference scheduled on 4/19/96 in order to preserve privacy interests associated with the issues raised and would instead make a written submission to the NRC AIT inspection report by 5/24/96.

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Facilities: Palisades Plant, Point Beach Units 1 and 2, Arkansas  
Nuclear One, Units 1 and 2  
Petitioner: F. Shillinglaw  
Date of Petition: 11/17/95

Director's Decision To Be Issued by: NRR  
Date Referred to Review Organization: 12/28/95  
EDO Number: 872  
OGC Number: P-95-023  
Scheduled Completion Date: 6/28/96  
Last Contact with Petitioner(s): 4/10/96  
Petition Manager: A. Kugler  
Case Attorney: L. Clark

Issues/Action Requested: NRC take action to prohibit loading of VSC-24 casks at any nuclear site until the MSB #4 cask with indications in a weld, located at the Palisades nuclear plant, is unloaded and the lessons learned are incorporated into the unloading procedures. In support of this request the petitioner pointed out that a dry cask storage action plan issued by the NRC on 7/28/95, states that the unloading procedures developed by licensees tend to be simplistic in that they do not consider certain contingencies and assumptions. The petitioner asserts that because these types of problems are discovered through experience, the proper way to unload the casks will not be known until the defective cask at Palisades is actually unloaded. In addition, the petitioner states that matters such as cooling, radiation exposure control during cutting, shim removal, and pool contamination require detailed NRC evaluation and, therefore, should not be simply left to the licensees to perform without NRC oversight.

Current Status: The staff discussed the 10 CFR 2.206 process with the petitioner on 12/7/95 because the letter submitted was not clearly a petition. The petitioner indicated she wanted the letter handled as a 10 CFR 2.206 petition. The acknowledgment letter to the petitioner was issued 1/18/96. The staff will use the results of the similar 2.206 petition dated 9/19/95 (petitioners Sinclair and Skavroneck) and the separate staff review of Revision 1 of the Palisades cask unloading procedure in responding to this petition. The revised scheduled completion date is based on the current estimated completion date of 4/30/96 for the staff review of Revision 1 of the Palisades procedure. On 2/14/96, the due date for the Director's

Decision was extended to 6/28/96 on the basis of the current status of the staff inspection of Revision 1 of the unloading procedure. The NRC staff is reviewing information submitted by the Palisades licensee on 12/20/95 in response to an NRC request for additional information on a related petition (EDO 665). The staff provided an update to the petitioner by letter dated 4/10/96. If the completion of the review of Revision 1 slips further (which appears likely at present) then the due date for this 2.206 petition will have to be adjusted accordingly.

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Facility: Davis-Besse  
Petitioners: Toledo Coalition for Safe Energy, et al.  
Date of Petition: 12/5/95

Director's Decision To Be Issued by: NMSS  
Date Referred to Review Organization: 12/15/95  
EDO Number: 886  
OGC Number: P-95-024  
Scheduled Completion Date: 5/6/96  
Last Contact With Petitioner(s): 4/18/96  
Petition Manager: E. Shum  
Case Attorney: L. Clark

Issues/Action Requested: Requests the NRC to immediately issue orders to prevent the loading of spent nuclear fuel into the VECTRA Technologies Inc., NUHOMS-24P dry shielded canisters at the Davis-Besse nuclear power station until an NRC rulemaking and/or license modification hearing is conducted on all safety-related changes which have been made to the canisters, as described in the Safety Analysis Report.

Current Status: An acknowledgment letter was issued on 12/18/95 addressing the petitioner's request. A status letter was sent to the petitioner on 1/23/96. The staff is preparing a draft Director's Decision. Because of the additional review required, in March 1996 the scheduled completion date for the Director's Decision was extended. The staff provided a status update to the petitioner by telephone on 4/18/96.

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Facilities: Perry Nuclear Power Plant, Unit 1, and Davis-Besse Nuclear Power Station  
Petitioner: City of Cleveland, Ohio (Cleveland Public Power)  
Date of Petition: 1/23/96

Director's Decision To Be Issued by: NRR  
Date Referred to Review Organization: 2/8/96  
EDO Number: 972  
OGC Number: P-96-332  
Scheduled Completion Date: 7/5/96  
Last Contact with Petitioner(s): 3/4/96

Petition Manager: J. Hopkins  
Case Attorney: S. Hom

Issues/Action Required: Requests that Cleveland Electric Illuminating Company (CEI) provide wheeling and interconnection services specified in the petition under antitrust license conditions for Perry and Davis-Besse.

Current Status: An acknowledgment letter was issued on 3/4/96. The staff is developing a letter to CEI requesting information on the petition.

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Facility: Watts Bar Nuclear Plant  
Petitioner: Jane Fleming  
Date of Petition: 1/25/96, supplemented 1/30/96

Director's Decision To Be Issued by: NRR  
Date Referred to Review Organization: 2/2/96  
EDO Number: 984  
OGC Number: P-96-003  
Scheduled Completion Date: 6/2/96  
Last Contact with Petitioner(s): 3/7/96  
Petition Manager: F. Hebdon  
Case Attorney: R. Hoefling

Issues/Action Requested: Requests that the NRC take action to suspend or revoke the Watts Bar license; that the staff conduct a full and impartial review, examining the procedures used by the NRC and the validity of the information presented by the Tennessee Valley Authority (TVA); and that the low-power license for Watts Bar be suspended until such review is completed and the issues in dispute are resolved.

Current Status: An acknowledgment letter was issued on 2/7/96 informing the petitioner that the 1/25/96 letter to the Chairman would be addressed as a 2.206 petition and denying the request for immediate suspension or revocation of the low-power license. A followup letter was sent on 3/7/96 noting that Watts Bar's low-power license had been superseded by the full-power license on 2/7/96; however, the petition would continue to be reviewed and appropriate action considered including revocation or suspension of the full-power license. The petitioner supplemented the 1/25/96 letter with another letter to the NRC Chairman dated 1/30/96.

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Facility: Catawba Nuclear Generating Station  
Petitioner: C. Morris  
Date of Petition: 2/13/96

Director's Decision To Be Issued by: NRR  
Date Referred to Review Organization: 2/28/96

EDO Number: GT96045  
OGC Number: P-96-004  
Scheduled Completion Date: 8/2/96  
Last Contact with Petitioner(s): 4/2/96  
Petition Manager: F. Ash  
Case Attorney: M. Rafky

Issues/Action Requested: Immediately suspend the operating license of Catawba Nuclear Station (CNS) and ten other licensees (not specifically identified). The petitioner also requests that enforcement action be taken against CNS and that the NRC hold an enforcement conference for each of the ten other licensees. In addition, the petitioner requests that the good engineering practice of coordinating all circuit breakers be added to NRC regulations. The petitioner further expresses concerns regarding the NRC staff's handling of a differing professional opinion submitted in a memorandum dated 7/28/94 and addressing the CNS breaker miscoordination issue.

Current Status: The staff issued an acknowledgment letter on 4/2/96.

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Facility: Watts Bar Nuclear Power Plant  
Petitioner: F. Young  
Date of petition: 2/14/96

Director's Decision To Be Issued by: NRR  
Date Referred to Review Organization: 3/1/96  
EDO Number: GT96091  
OGC Number: P-96-005  
Scheduled Completion Date: 5/7/96  
Last Contact With Petitioner(s): 3/27/96  
Petition Manager: P. Tam  
Case Attorney: M. Rafky

Issues/Action Requested: That the NRC take action to rescind the Watts Bar operating license until the issue regarding disturbance of radioactive sediments in the Watts Bar Lake by Watts Bar operation is resolved.

Current Status: An acknowledgment letter was issued on 3/27/96.

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END OF STATUS REPORT

## Decisions Pending Before the Commission and the Courts

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

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Petitioners: P. Gunter (NIRS) and B. Brink (CFUR)  
 Facility/EDO No.: Comanche Peak/10492  
 Decision No./(Date): DD-96-03 (4/3/96) (Final)  
 Comments: Denied.

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Petitioner: Maryland Safe Energy Coalition (Richard Ochs)  
 Facility/EDO No.: Peach Bottom, Units 2 and 3/10547  
 Decision No./(Date): DD-96-03 (4/3/96) (Partial)  
 Comments: Denied request for action on Thermo-Lag issue only. Remaining issues will be addressed in a later Director's Decision.

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Petitioner: GE Stockholders' Alliance (P. Birnie)  
 Facility/EDO No.: All Reactor Licensees Using Thermo-Lag 330/10582  
 Decision No./(Date): DD-96-03 (4/3/96) (Final)  
 Comments: Denied.

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Petitioner: Toledo Coalition for Safe Energy (C. Johnston)  
 Facility/EDO No.: All Reactor Licensees Using Thermo-Lag 330/10595  
 Decision No./(Date): DD-96-03 (4/3/96) (Final)  
 Comments: Denied.

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Petitioner: D. Cinquemani  
 Facility/EDO No.: All Reactor Licensees Using Thermo-Lag 330/10601  
 Decision No./(Date): DD-96-03 (4/3/96) (Final)  
 Comments: Denied.

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Petitioner: R. Benjan  
 Facility/EDO No.: All Reactor Licensees Using Thermo-Lag 330/10622  
 Decision No./(Date): DD-96-03 (4/3/96) (Final)  
 Comments: Denied.

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Petitioner: B. DeBolt  
 Facility/EDO No.: All Reactor Licensees Using Thermo-Lag 330/10667  
 Decision No./(Date): DD-96-03 (4/3/96) (Final)  
 Comments: Denied.

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Petitioners: P. Gunter and W. de Camp, Jr.  
Facility/EDO No.: Oyster Creek Nuclear Generating Station/10697  
Decision No./Date: DD-96-03 (4/3/96) (Final)  
Comments: Denied.

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END OF DECISIONS PENDING