

UNITED STATES NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

February 19, 1997

Mr. Sherwood Bauman, Chairperson Save the Wills Creek Water Resources Committee 6354 Cowgill Lane Cumberland, OH 43732

Dear Mr. Bauman:

I am responding to your letter dated January 22, 1997, in which you formally petitioned the U.S. Nuclear Regulatory Commission to take certain actions with respect to the development of the environmental impact statement (EIS) for the Shieldalloy Metallurgical Corporation (SMC) facility in Cambridge, Ohio, and to initiate several rulemakings. The purpose of this letter is to describe how NRC will address each of your requests.

You requested that:

- 1) Pursuant to 10 CFR 2.206. NRC broaden the scope of the EIS to include. investigate, score, and evaluate against all other options, the option of assured storage, as well as other related hybrid options identified in your letter.
- NRC initiate a rulemaking to preclude Shieldalloy, Cyprus Foote, and any others from entering in covenants not to sue with any other State or Federal agencies which could interfere with NRC's authority to enforce Federal laws or regulations in Chapter 10 of the Code of Federal Regulations (CFR).
- 3) NRC initiate a rulemaking which would require that above-ground assured storage be considered and scored as a viable option to be considered at all NRC licensed sites which seek on site or in situ disposal.
- 4) NRC initiate a rulemaking that would permit licensees' in situ disposal plans to be approved only when, and if, the resronsible parties sign an admission of guilt and wrongdoing so that the scakeholder community has the ability to recoup lost property values and community tax bases.

With respect to your first request, we will consider this alternative and its variations as a late comment on the EIS. rather than process the request as a 2.206 petition. Petition requests under 2.206 are to "modify, suspend, or revoke a license, or for other such action as may be proper," and a request such as yours to broaden the scope of an ongoing EIS is not covered by 10 CFR 2.206.

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S. Bauman -2-

Your second, third, and fourth requests will be considered as petitions for rulemaking pursuant to 10 CFR 2.802. You will be kept informed of NRC actions with respect to these rulemaking petitions.

Carl of Pageriello

Carl J. Paperiello, Director Office of Nuclear Material Safety

and Safeguards

Docket: 040-08948 License No.: SMB-1507

cc: Cambridge Distribution List

Your second, third, and fourth requests will be considered as petitions for rulemaking pursuant to 10 CFR 2.802. You will be kept informed of NRC actions with respect to these rulemaking petitions.

and Paperulle Carl J. Paperiello, Director Office of Nuclear Material Safety and Safeguards

Docket: 040-08948 License No.: SMB-1507

cc: Cambridge Distribution List

TICKET: NMSS 9700033 (related to G9700058)

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CP/PROOFED/FEBRUARY 18, 1997

*See previous concurrence

OFC	LLDP	LLDP	LLDP E	OGC E	IMNS	DWM	
NAME	JKennedy*	RNe1son*	JHickey*	Rfonner*	GDeegan*	JGreeves*	
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S. Bauman

Your second, third, and fourth requests will be considered as petitions for rulemaking pursuant to 10 CFR 2.802. You will be kept informed of NRC actions with respect to these rulemaking petitions.

Sincerely,

Carl J. Paperiello, Director Office of Nuclear Material Safety and Safeguards

MINS,

DWM

Docket: 040-08948 License No.: SMB-1507

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DISTRIBUTION:

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See previous concurrence LLDR OGC LLDP LLDP. OFC NAME JKennedy RNetson JHickey 2/1/197 21/0197 DATE 2/10/97 NMSS NMSS OFC

GDeogan RFonner* 2117/97 2/10/97 21/0197 NAME MKnapp **CPaperiello** 2/ /97 DATE 2/ /97 OFFICIAL RECORD COPY BZ/13/97

Category: Proprietary ___ or CF Only ___ ACNW: YES NO

NO IG : YES Delete file after distribution: Yes ___ No ___ LSS : YES NO

Bauman

1) with respect to your second request, a fundamental legal principle is that persons not parties to an agreement or a covenant are not bound by it. NRC is not a party to any consent order between the State of Ohio. Cyprus Foote, and Shieldalloy, and therefore NRC's authority is not affected by any such consent order; 2) with respect to the fourth request, in a Commission decision issued on June 18, 1996, related to the Yankee Atomic Power Station decommissioning plan and claims for damages filed by Petitioners (43 NRC 235), the Commission stated:

"Although the Commission has a general responsibility to ensure that decommissioning operations do not jeopardize public health and safety, no statute or regulation grants the Commission authority to require the licensee to pay (in effect) compensatory damages to private individuals."

You will be kept informed of NRC actions with respect to your petitions for rulemaking.

Sincerely.

Carl J. Paperiello, Director Office of Nuclear Material Safety and Safeguards

Docket: 040-08948 License No.: SMB-1507

Cambridge Distribution

List

TICKET: NMSS 9700033

DISTRIBUTION:

Central File NMSS r/f LLDP r/f JGreeves MFederline JAustin JHolonich DWM t/f MBell LBell. RNelson TCJohnson PUBLIC JHickey FXCameron BJorgenson JHouse RFonner MThaggard

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OFC	CLOP	Hill ha	LLDP	OGC C	DWM	NMSS	NMSS
NAME	JKennedy	RNelson	JHickey	RFonner		MKnapp	CPaperiello
DATE	2/10/9	240197	1 1	21/1/07	11	1 / /	1 1

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Kennedy

TICKET

DATE RECEIVED: 01/29/97 ORIGINAL DUE DT: 02/25/97 CONTROL NO: 9700033

FROM:

DIVISION DATE: 02/20/97 TIME: :

DOC DT: 01/22/97 COMP DT: / /

Sherwood (Forest) Bauman Save Wills Creek

TO:

NRC

FOR SIGNATURE OF :

** GRN

SECY NO:

ASSIGNED TO: (DWM) CONTACT:

DESC:

ROUTING:

PETITION FOR ACTION AND RULE MAKING AS ALLOWED UNDER 2.206 OF THE 10 CFR CODES TO BROADEN THE SCOPE OF THE DEIS FOR THE SHIELDALLOY FACILITY

Paperiello Knapp Linehan Deegan Poland

SPECIAL INSTRUCTIONS OR REMARKS:

DWM - The DWM contact on this 2.206 should contact George Deegan asap to set up a Petition Review Board meeting to be held within one week of the receipt of this 2.206. George Deegan will notify Cathy of process in which this ticket will proceed. The due dates for this ticket as assigned are: Due to NMSS - 2/20/97; due to EDO - 2/25/97. When this ticket is closed, the EDO will become active w/the appropriate due dates (G9700058).

Please use TAC No. L50100 253A for all time spent on this 2.206.

Due to DWM
Director's Office: 2/14

CC: Greeves
Federline
Sobel

ACTION

EDO Principal Correspondence Control

FROM:

DUE: 02/25/97

EDO CONTROL: G970058

DOC DT: 01/22/97

FINAL REPLY:

Sherwood (forest) Bauman

Save Wills Creek

TO:

NRC

FOR SIGNATURE OF :

** GRN **

CRC NO: 97-0093

Paperiello

DESC:

ROUTING:

PETITION FOR ACTION AND RULE MAKING AS ALLOWED UNDER 2.206 OF THE 10 CFR CODES TO BROADEN THE SCOPE OF THE DEIS FOR THE SHIELDALLOY FACILITY

Thompson Jordan Norry Elaha

Cyr, OGC Goldberg, OGC

Kennedy, NRR

DATE: 01/28/97

ASSIGNED TO:

CONTACT:

NMSS

Paperiello

SPECIAL INSTRUCTIONS OR REMARKS:

NMSS TAC # for this
2.200
250100
253A

DWM Action

Due to NMSS Director's Office

By 2 20 97

Paperiello Knapp Knapp FAB PAB Pad

OFFICE OF THE SECRETARY CORRESPONDENCE CONTROL TICKET

PAPER NUMBER: CRC-97-0093

LOGGING DATE: Jan 27 97

ACTION OFFICE:

EDO

AUTHOR:

SHERWOOD BAUMAN

AFFILIATION: OHIO

ADDRESSEE: HUGH THOMPSON

LETTER DATE:

Jan 27 97

FILE CODE:

SUBJECT:

PETITON FOR ACTION AND RULE MAKING AS ALLOWED UNDER 2.206 OF THE 10 CFR CODES TO BROADEN THE SCOPE OF

THE DEIS FOR THE SHIELDALLOY FACILITY

ACTION:

Appropriate

DISTRIBUTION: CHAIRMAN

SPECIAL HANDLING: 2.206 PETITION

CONSTITUENT:

NOTES:

OCM #6966

DATE DUE:

SIGNATURE:

AFFILIATION:

DATE SIGNED:

6966

Save Wills Creek Subsidiary of Earthlink

Sherwood (forest) Bayman Sweator 6354 Cowgill Lane Comperiand, Chip 43732

Telephone 1 ToT41 836/2529

For Hugh L. Thompson, Jr. Nuclear Regulatory Commission Jim Fernedy, Chip Cameron, Shirley Jackson Robert Nelson, Mike Weber 11555 Rockville Pike Rockville, Maryland 20555

Reas: Formal petition for action and rule making as allowed under section 2.206 of the TO CFR codes to broader the scope of the DEIS for the Shieldalloy facility in Cambridge, Ohio (hereinafter referred to simply as site.) To include as yet uninvestigated and very workable options which could present the best afternative for our community at a price within affordable reality.

Dear Hugh Thompson and other Staff:

As it my right under the auspides at the 10 CFP rules and regulations loft guated but rarely followed by the NRCL sub-section 2006, as well as any and all other sections of said Code of Regulations or other federal laws dealing with rule making or the broadening of the scope of an EEs which may be applicable snae the NEC has not seen fit to provide us with a full and up to date set of said requiations, we nevern as is more fully spylled out below request that the scope of the outerst DER for the site be proadened to include the option and its various hybrids as are more fully spelled out in options one through nine of said request. The broadening of the DEIS would be the inclusion of Above Ground Assured Storage Technology in all of its various formats and possibility as we have spelled out in correquest to broaden said DEIS. Additionally, said petition for Administrative Action is to be further intended as a petition for rule making that would require the scoring of Above Ground Assured Storage Technology Implementation against all other options at any and all sites being considered for insitu disposal and deed restricted addess verse's NRC's normal safeguards of ALARA and 15 M/REM a year for unrestricted use and release of the property. Further, said petition for administrative action and rule making would also petition the NRC as is more fully outlined below to implement rules which would preclude states or NRC licensee's (agreement or otherwise) from granting NRC licensee's or former icensees Covenants Not to Sue (or other instruments that bring about the same effects), and that further we petition the NRC for rule making which would see that any licensee insitu disposal plans approved be approved only when and if the responsible parties (all responsible parties) sign an admission of guilt and wrong doing so that the stakeholder community has the ability to recoup lost property values and community tax bases sacrificed by such flawed decommissioning strategies.

BASIS FOR REQUEST

Sherwood Bauman, as well as the organizations he represents and any and all additional ac-signatones do herein state that our petition for administrative action and petition for rule making should be granted for the following reasons.

- 1. Whereas Shieldallov in 1987 did in fact and deed take possession of 500,000 tons of LLPW after the previous owner Cyprus Foote did have its license retired under false pretenses. (Said previous licensee stated that it was their belief that there were no longer materials of licensable control at the facility)
- Whereas the state of Ohio and the NRC did approve a decommissioning plan which failed and was halted in 1989.
- Whereas the staff of the NRC did in fact and deed dismally fail the community of Gremsey County Onic by failing to police the license at the site for a period of some 12 years.
- 4. Whereas the company Shieldalloy company (licensee) did in 1993 seek protection from creditors by running into the Federal Bankruptcy courts while at the same time submitting a closure plan for the facility.
- 5. Whereas the NPC determined that closure of the facility constituted a major federal action which would implement the need for and EIS as called for in NEPA to evaluate *ALL* risks (both environmentally, an social economic (which would include health risks and financial costs to affected host community) i to our community as well as the preferred plan of the licensee and any and all other viable means of remediation at the site.
- Whereas the NRC has a duty to the stakeholders of a community to include any and all viable options within and EIS.

*. Whereas the DEIs is incomplete and fails to include a cost offordable option that the NRC has known about for some time, and in fact not only knows about, but is actually considering the ments of said technology.

d. Whereas the licensee and former idensees are attempting to mitigate their legal responsibilities tryologic potentially subversive tashons that would undermine the federal rules and regulations as relates to financial colprability, bornian realth and safety.

 Whereas the licensee's (both current and former) seek to enter into legal assistances that would intigate and printerfere with the NRC's ability to enforce federal law, istate of charginars on entering into a convenient not to see with sign licensees, state of thic kinds lighted to persone an agreement state with the NRC, said convenient could present a conflict of interest and interfere with ones ability to enforce the bills, miles and

sherwood Bauman as a note fully outlined in following sections respectfully moves the NRC to grant his petitions for action and petition for rule making.

OUTLINE AND SPECIFICS OF FORMAL PETITION

Said formal petition for action, and formal request for rule making falls into three specific sub-categories identified as A. B. and C. Further, said requester(s) wish to have the petition in full released for public comment. and review verse a potentially inacqurate synopsis of our request created by the NRC. Should any singular portion of the petition for action or the petition for rule making be deemed improperly filed or executed, all other portions shall stand individually upon their own ments as it submitted separately and apart from the part(s) deemed improperly filed or executed.

A) FORMAL REQUEST FOR RULE MAKING TO PRECLUDE SHIELDALLOY, CYPRUS FOOTE AND ANY AND ALL OTHER LICENSEE'S FROM ENTERING INTO CONVENANTS NOT TO SUE WITH ANY AND ALL OTHER STATE OR FEDERAL AGENCIES WHICH COULD INTERFERE WITH THE NRC'S RIGHTS AND ABILITIES TO ENFORCE FEDERAL LAWS AND OR THE REGULATIONS AS DEFINED IN TO CFR.

it has some to the attention of sherwood Bauman, Save Wills Creek. Earthlink as well as any and all other cosignatories of this accument, that the State of Ohio intends, as a cart of its settlement of disputes with the licensee (Shieldalloy) and the former licensee (Cypros Foote), to enter into an agreement which is titled Permanent injunction/Consent Order in the case of state of Onio, et rel. (plaintiff) verse shieldalloy Metallurgical Corporation and Cyprus Foote Mineral Company defendants (Case # 95 CV 242) filed in the Guernsey County Court of Common Pleas. Said agreement includes as a part therein a Convenant not to Sue which would in fact and deed interfere with the Federal Government and the NRC's ability to enforce rules and regulations as relates to the long term storage and or disposal of LLRW in light of the state of Onio's gument plans to become an agreement state with the NPC as would be required for said state to build and nost a compact facility. We would question the conflict of interest established when a state who has previously signed a convenant not to sue becomes and agreement state, and therefore feel that various cooperating agencies involved in a DEIS should not be allowed to enter into such convenants as a general rule, and thus feel a rule making is needed to clarify this situation.

Said petitioner therefore respectfully requests and petitions the NRC for a new federal regulatory code within 10 CFR which would preclude and forbid licer see's or coope. In a agencies from signing such agreements as Covenants not to Sue, and further requests that said rule making if implemented be inclusive of and enforced in regards to the proposed remediation at and the retirement of the license for the Shieldalloy site situated on State Route 209 in Guernsey County, state of Ohio.

Petitioner further requests that a determination be made as to the legality of the state of Ohio entering into such agreements without the involvement and approval of the NRC as the wastes in guestion at said site fall. within the jurisdictional control of not the state of Ohio, but instead that of the NRC. Additionally, we question the legality of said convenant as relates to the rules and regulations of the US EPA an the state of Ohio's status. as an agreement state with said Federal Agency.

B) FORMAL REQUEST AND PETITION FOR RULE MAKING WHICH WOULD CREATE A REGULATORY REQUIREMENT TO SCORE ABOVE GROUND ASSURED STORAGE AS A VIABLE WORKABLE OPTION AGAINST ANY AND ALL ALTERNATIVE OPTIONS AT ALL NRC SITES WHICH SUBMIT PLANS FOR INSITU DISPOSAL OF LLRW AT SITES WHICH ARE LOCATED IN OR NEAR WETLANDS OR LOCATED WITHIN SITUATE 100 YEAR FLOOD PLAIN AREAS WITHIN THE UNITED STATES OF AMERICA AND ITS BORDERS.

It has come to the attention of Sherwood Bauman. Save Wills Creek, Earthlink as well as any and all other cosignatories of this document, that there is a technology known to the NPC and within the LLRW community known as Above Ground Assured Starage Lechnology. Further, said technology over the long term has shown. the ability to offer more protections to affected stakeholder communities while at the same time being very cost competitive when compared to other disposal methods and alternatives such as disposal at licensed long term care facilities and/or instru disposal (with many inherent health risks and unknown potential short comings.) options that are normally evaluated within the confines of . DEIS when contemplating the means by which a facility shall be remediated and a facility closed. Since the NRC seems unwillingly to have waste's shipped to idensed facilities built for receiving and vate storage of such wasters, we feel if is imperative that other obtains besides flawed institutionable but cangetous to homan beatth and destructive to enualisment and natural resources) be given full and complete parsideration during the first process.

NOTIFIE above redictes, we move and petition the liver of form valencies and regulations which would require assured storage be dainedered as a worde and societable option to be danished at 100° Min. Her which less that the substrate of the sub

If is further moved and petitioned that the sheldarlos site in Campaggo Chyo pe included and neights the standards which would be dreated in such role making for the following recisors,

- Currently, though the DEs is under review, no final plan has been approved, nor signed off on by the commission nor its staff.
- 2. Current(), it is expected that the staff of the NKC will have to either A) re-pi-blish the DEIS or at a minimum. B) issue a supplement to said document.

In light of this, no decision is expected on this site in the very near future. Resultingly, if would be in the best interest of our community (Guernsey County, state of Ohio) to have said. Assured Storalite scored for our facility and the dangerous wastes located at said site. Human health and preservation of natural resources should take precedent over company convenience.

C) SHERWOOD BAUMAN, SAVE WILLS CREEK, EARTHLINK AS WELL AS ANY AND ALL SIGNATORIES TO THIS DOCUMENT HEREIN OFFICIALLY PETITION THE NRC FOR AN ADMINISTRATIVE & CTION WHICH WOULD REQUIRE THE LICENSEE SHIELDALLOY AND THE STAFF OF THE NRC TO BROADEN INTESCOPE OF THE DEIS ON THE SHIELDALLOY SITE SHUATED ON STATE ROUTE 209, CAMBRIDGE, COUNTY OF GUERNSEY, STATE OF OHIO TO INCLUDE, INVESTIGATE, SCORE AND EVALUATE AGAINST ALL OTHER OPTIONS THE OPTION HEREIN AFTER REFERRED TO AS ASSURED STORAGE AS WELL AS THE OTHE? HYBRID ALTERNATIVES INCLUDED HEREIN AND ENTITLED OPTIONS 1-9 OF THE EXPANDED DEIS REQUEST.

Sherwood Bauman has just dome into possession of documents which have led him and the various assumed signaturies to this petition to believe that there is another alternative that the NRC has full and complete knowledge of, and that said agency and their licensee deliberately hid and kept from public view so as a allow for the flawed preferred disposal alternative of instructions process and thus be chosen as the NRC's endorsed plan for the site.

In fact, if is further believed that the NPC aid not include said option as a part and parcel of said DEIS to further their agency's internal long-range goal of areating a formula which would allow insitu disposal at all SDMP sites across the United States of America using our site and the National Case Setting Precedent for this Jubious remediation method as the tiglisman to march under as they visited flawed cover ups on communities across this land. For these and the reasons stated inhove, the petitioner(s) herein respectfully move for an administrative action, which would broaden the scope of the DEIS to include the Assured Storage options which are more fully defined and identified in options 1-9 below.

Option One-Above Ground Assured Storage of materials in a building outside of the wetland areas, said building to be constructed on the property now owned by the licensee, with all materials both of a radiological, hazardous and solid waste nature including all stream sediments and sols on and off of the steps well as conforminated materials which may have left the facility. This option would further require that all areas of wetlands from which soils, slags or other materials would be removed, would be restored to their preuse conditions, (pre-use to be construed as meaning before said wastes with illegally, wrongfully or otherwise dumped and/or stored)

Option two-is a hybrid of number one above, which would see the radioactive stag herein known as the east stag pile disposed of at a licensed disposal facility. (Which according to the licensee would be the Environce facility in Utah.). All other aspects of option number one would be the same.

Option three-again, a hybrid of number one above, with the East Slag pile waste being treated as in number two above, and the contaminated (hazardous wastes) soil and stream sediments being shipped off site to a licensed hazardous waste disposal facility.

Option four-again a hybrid of number one above, with the off site wastes heing declinic, a separate issue not to be dealt with by Shieldalloy, as said off site radioactive stag is actually the responsibility of another party in the form of Cyprus Foote Mineral.

Option five Above Ground Assured Storage of all wastes according to assured storage rechnology as innumber one option above, but with the assured storage buildings being constructed some place other than on the property of the idensee so as to remove the materials not pist out of the wetlands, but to provide the additional and decessors profestion of removing the materials from our abundles for secritland plain area.

Splint furnigate a factor of five above with the East Stag file waste to be removed and sent to a libersed displical factor of being policied. The provincial stage front.

Exhausteners gain, a bytels of the stocker except than the bost ring pile, and the habolish is waster in the same of containing test case and the same of the stockers are supported to the expension of the same of the same

Taken early ligan, is halved of the above and with the bas mod pile and the organizes wastes an the form of distributions are suggested to a later teal disposal facility, while at the same fine making the decision that the off ste wastes should not be included in the on-site remediation process, for this site.

Distancine same as five above, but time making the decision that the off site wastes should not be included in the on site remediation process, for this site.

Above Ground Assured Storage as referred to in this petition for administrative action shall be interpreted to mean and above grade (above ground) storage facility (which provides for ease of inspection and repair) which has seen to it that the concrete buildings have protective gover which can easily be repaired as reducted as the need arises. Additionally, since it is possible (as outlined in the companies awn option for resale of materials) that future generations may wish to retrieve said materials, said building should be compartmentalized in such as fashion as to segregate the hazardous wastes from the judioactive materials to allow for easy future retrieval of said materials later in the historical time line.

It is believed, that studies of this option and its valous hybrids will show that such option provides a moon higher degree of public safety, a greater protection of our environment, and over the long letin period of 1,000 years is rightly competitive with the current pletered plan of instructualists and materials. We therefore respectively petition the NRC to expand the scope of the DBs to include the nine options as outlined above.

Thus the petitioner closes his request, and prays that the NKC grant all of the above petitions for mie making, as well as the petition for administrative action to proaded the scope of the Dess.

respectfully anoming

22nd day of January in the year of our Lord, 1997,

1///

CONGNATORIES

save Wilts Creek Earthlink Barbara Bonham Lilana Salisbury Sydamore Valley Group Jason Saaf ACTION

NELSON/KENNEDY

EDO Principal Correspondence Control

FROM:

DUE: 02/25/97

EDO CONTROL: G970058

DOC DT: 01/22/97

FINAL REPLY:

Sherwood (forest) Bauman

Save Wills Creek

TO:

NRC

FOR SIGNATURE OF :

** GRN

CRC NO: 97-0093

Paperiello

DESC:

ROUTING:

PETITION FOR ACTION AND RULE MAKING AS ALLOWED UNDER 2.206 OF THE 10 CFR CODES TO BROADEN THE SCOPE OF THE DEIS FOR THE SHIELDALLOY FACILITY

Thompson Jordan Norry Blaha Cyr, OGC Goldberg, OGC

Kennedy, NRR

DATE: 01/28/97

ASSIGNED TO:

CONTACT:

NMSS

Paperiello

SPECIAL INSTRUCTIONS OR REMARKS:

ACTION: Due to DWM Director's Office:

NMSS TAC # for this 2,200

DWM Action Due to NMSS Director's Office By 2 20 97

CC: Greens Federline

OFFICE OF THE SECRETARY CORRESPONDENCE CONTROL TICKET

PAPER NUMBER: CRC-97-0093

LOGGING DATE: Jan 27 97

ACTION OFFICE: EDG

AUTHOR:

SHERWOOD BAUMAN

AFFILIATION:

OHIO

ADDRESSEE:

HUGH THOMPSON

LETTER DATE:

Jan 27 97

FILE CODE:

SUBJECT:

PETITON FOR ACTION AND RULE MAKING AS ALLOWED UNDER 2.206 OF THE 10 CFR CODES TO BROADEN THE SCOPE OF

THE DEIS FOR THE SHIELDALLOY FACILITY

ACTION:

Appropriate

DISTRIBUTION: CHAIRMAN

SPECIAL HANDLING: 2.206 PETITION

CONSTITUENT:

NOTES:

OCM #6966

DATE DUE:

SIGNATURE: AFFILIATION: DATE SIGNED:

6966

Save Wills Creek Subsidiary of Earthlink

Sherwood (forest) Bauman Director 6354 Cowgill Lane Cumberland, Ohio 43732

Telephone 1 (al.4) 638-2529

To: Hugh L. Thompson, Jr. Nuclear Regulatory Commission Jim Kennedy, Chip Cameron, Shirley Jackson Robert Nelson, Mike Weber 11555 Rockville Pike Rockville, Maryland 20555

Reas: Formal petition for action and rule making as allowed under section 2,206 of the 10 CFR codes to broaden the scope of the DEIS for the Shieldalloy facility in Cambridge, Ohio (hereinatter referred to simply as site.) to include as yet uninvestigated and very workable options which could present the best alternative for our community at a price within affordable reality.

Dear Hugh Thompson and other Staff:

As is my right under the auspides of the 10 CFR rules and regulations (off quoted but rarety followed by the NRC) sub-section 2:206, as well as any and all other sections of said Code of Regulations or other federal laws. dealing with rule making or the broadching of the scope of an DEIS which may be applicable since the NRC has not seen fit to provide us with a full and up to date set of said regulations, we herein as is more fully spalled out below request that the scope of the current DEIS for the site be broadened to include the option. and its various hybrids as are more fully spelled out in options one through nine of said request. The broadening of the DEIS would be the inclusion of Above Ground Assured Storage Technology in all of its various formats and possibility as we have spelled out in our request to broaden said DEIS. Additionally, said betition for Administrative Action is to be further intended as a petition for rule making that would require the scoring of Above Ground Assured Storage Technology Implementation against all other options at any and all sites being considered for insitu disposal and deed restricted access verse's NRC's normal safeguards of ALARA. and 1.5 M/REM a year for unrestricted use and release of the property. Further, said petition for administrative pation and rule making would also petition the NRC as is more fully outlined below to implement rules which would preclude states or NRC licensee's (agreement or otherwise) from granting NRC licensee's or former licensees Covenants Not to Sue (or other instruments that bring about the same effects), and that further we petition the NRC for rule making which would see that any licensee insitu disposal plans approved be approved only when and if the responsible parties (all responsible parties) sign an admission of guilt and wrong doing so that the stakeholder community has the ability to recoup lost property values and community / tax bases sacrificed by such flawed decommissioning strategies.

BASIS FOR REQUEST

Sherwood Bauman, as well as the organizations he represents and any and all additional ac-signatories do herein state that our petition for administrative action and petition for rule making should be granted for the following reasons.

- 1. Whereas Shieldalloy in 1987 did in fact and deed take possession of 600,000 tons of LLRW after the previous owner Cyprus Foote did have its license retired under false prefenses. (Said previous licensee stated that it was their belief that there were no longer materials of licensable control at the facility)
- 2. Whereas the state of Ohio and the NRC did approve a decommissioning plan which failed and was halted in 1989.
- Whereas the staff of the NRC did in fact and deed dismally fail the community of Guernsey County Ohio by failing to police the license at the site for a period of some 12 years.
- 4. Whereas the company Shieldalloy company (licensee) did in 1993 seek protection from creditors by running into the Federal Bankruptcy courts while at the same time submitting a closure plan for the facility.
- 5. Whereas the NRC determined that closure of the facility constituted a major federal action which would implement the need for and EIS as called for in NEPA to evaluate *ALL* risks (both environmentally, an social economic (which would include health risks and financial costs to affected host community)) to our community as well as the preferred plan of the licensee and any and all other viable means of remediation at the site.
- 6. Whereas the NRC has a duty to the stakeholders of a community to include any and all viable options within and Els.

4. Whereas the DEIS is incomplete and fails to include a cost affordable option that the NRC has known about for some time, and in fact not only knows about, but is actually considering the merits of said technology.

8. Whereas the licensee and former licensee's are attempting to mitigate their legal responsibilities through potentially subversive tashions that would undermine the federal rules and regulations as relates to financial

culpability, human health and safety.

9. Whereas the licensee's (both current and former) seek to enter into legical confracts that would mitigate and or interfere with the NRC's ability to enforce federal law. (State of Ohio plans on entering into a convenant not to see with said licensees. State of Ohio is also slated to become an agreement state with the NRC. Said convenant could present a conflict of interest and interfere with Ohic's ability to enforce the NRC rules and regulations.)

Sherwood Bauman as is more fully outlined in following sections respectfully moves the NRC to grant his petitions for action and petition for rule making.

OUTLINE AND SPECIFICS OF FORMAL PETITION

Said formal putition for action, and formal request for rule making falls into three specific sub-categories identified as 7%. B. and C. Further, said requester(s) wish to have the petition in full released for public comment and review verse a potentially inaccurate synopsis of our request created by the NRC. Should any singular portion of the petition for action or the petition for rule making be deemed improperly filed or executed, all other portions shall stand individually upon their own merits as if submitted separately and apart from the part(s) deemed improperly filed or executed.

A) FORMAL REGUEST FOR RULE MAKING TO PRECLUDE SHIELDALLOY, CYPRUS FOOTE AND ANY AND ALL OTHER LICENCESS FROM ENTERING INTO CONVENANTS NOT TO SUE WITH ANY AND ALL OTHER STATE OR FEDERAL AGENCIES WHICH COULD INTERFERE WITH THE NRC'S RIGHTS AND ABILITIES TO ENFORCE FEDERAL LAWS AND OR THE REGULATIONS AS DEFINED IN 10 CFR.

It has come to the attention of Sherwood Bauman, save Wills Creek. Earthlink as well as any and all other cosignatories of this document, that the State of Ohio inlends, as a part of its settlement of disputes with the licensee (Shieldalloy) and the former licensee (Cyprus Foote), to enter into an agreement which is titled Permanent Injunction/Consent Order in the case of State of Ohio, et rel. (plaintiff) verse Shieldalloy Metallurgical Corporation and Cyprus Foote Mineral Company detendants (Case # 95 CV 242) filed in the Guernsey County Court of Common Pleas. Said agreement includes as a part therein a Convenant not to Sue which would in fact and deed interiere with the Federal Government and the NRC's ability to enforce rules and regulations as relates to the long term storage and or disposal of LLRW in light of the state of Ohio's current plans to become an agreement state with the NRC as would be required for said state to build and host a compact facility. We would question the conflict of interest established when a state who has previously signed a convenant not to sue becomes and agreement state, and therefore feel that various cooperating agencies involved in a DEIS should not be allowed to enter into such convenants as a general rule, and thus feel a rule making is needed to clarify this situation.

Said petitioner therefore respectfully requests and petitions the NRC for a new federal regulatory gode within 10 CFR which would preclude and forbid licer see's or cooper. Inglagencies from signing such agreements as Covenants not to Sue, and further requests that said rule making if implemented be inclusive of and enforced in regards to the proposed remediation at and the retirement of the license for the Shieldalloy site situated on State Route 209 in Guernsey County, state of Ohio.

Petitioner further requests that a determination be made as to the legal of the state of Ohio entering into such agreements without the involvement and approval of the NRC as the wastes in question at said site tall within the jurisdictional control of not the state of Ohio, but instead that of the NRC. Additionally, we question the legality of said convenant as relates to the rules and regulations of the US EPA on the state of Ohio's status as an agreement state with said Federal Agency.

B) FORMAL REQUEST AND PETITION FOR RULE MAKING WHICH WOULD CREATE A REGULATORY REQUIREMENT TO SCORE ABOVE GROUND ASSURED STORAGE AS A VIABLE WORKABLE OPTION AGAINST ANY AND ALL ALTERNATIVE OPTIONS AT ALL NRC SITES WHICH SUBMIT PLANS FOR INSITU DISPOSAL OF LLRW AT SITES WHICH ARE LOCATED IN OR NEAR WETLANDS OR LOCATED WITHIN SITUATE 100 YEAR FLOOD PLAIN AREAS WITHIN THE UNITED STATES OF AMERICA AND ITS BORDERS.

It has come to the attention of Sherwood Bauman. Save Wills Creek. Earthlink as well as any and all other cosignatories of this document, that there is a technology known to the NRC and within the ELRW community known as Above Ground Assured Storage Technology. Further, said technology over the long term has shown the ability to offer more protections to affected stakeholder communities while at the same time being very cost competitive when compared to other disposal methods and alternatives such as disposal at licensed long term care facilities and/or insitu disposal (with many inherent health risks and unknown potential short comings.) options that are normally evaluated within the confines of a DEIS when contemplating the means by which a facility shall be remediated and a facility closed. Since the NRC seems unwillingly to have waste's

shipped to tidensed facilities built for receiving and safe storage of such waste's, we feel it is imperative that other options besides flawed insitu (affordable but dangerous to human health and destructive to environment and natural resources) be given tull and complete consideration during the NEPA process.

For the above reasons, we move and petition the NEC to formulate rules and regulations which would require Assured storage be considered as a viable and societable option to be considered at "all" NRC sites which seek on site or instructions as well as any and all sites which require the implementation of an EIS under the policies out fined which govern NEPA and the deployment of same for purposes of decommissioning a site and retirement of a license.

It is further moved and petitioned that the shieldalloy site in Cambridge Ohio be included and field to the standards which would be created in such rule making for the following reasons.

1. Currently, though the DEIs is under review, no final plan has been approved, nor signed off on by the commission nor its staff.

2. Currently, it is expected that the staff of the NRC will have to either A) re-publish the DEIS or at a minimum. B) issue a supplement to said document.

In light of this, no decision is expected on this site in the very near future. Resultingly, if would be in the best interest of our community (Guernsey County, state of Chio) to have said Assured Storage scored for our facility and the dangerous wastes located at said site. Human health and preservation of natural resources should take precedent over company convenience.

C) SHERWOOD BAUMAN, SAVE WILLS CREEK, EARTHLINK AS WELL AS ANY AND ALL SIGNATORIES TO THIS DOCUMENT HEREIN OFFICIALLY PETITION THE NRC FOR AN ADMINISTRATIVE ACTION WHICH WOULD REQUIRE THE LICENSEE SHIELDALLOY AND THE STAFF OF THE NRC TO BROADEN THE SCOPE OF THE DEIS ON THE SHIELDALLOY SITE SITUATED ON STATE ROUTE 209, CAMBRIDGE, COUNTY OF GUERNSEY, STATE OF OHIO TO INCLUDE, INVESTIGATE, SCORE AND EVALUATE AGAINST ALL OTHER OPTIONS THE OPTION HEREIN AFTER REFERRED TO AS ASSURED STORAGE AS WELL AS THE OTHER HYBRID ALTERNATIVES INC.; UDED HEREIN AND ENTITLED OPTIONS 1-9 OF THE EXPANDED DEIS REQUEST.

Sherwood Bauman has just come into possession of documents which have led him and the various assorted signatories to this petition to believe that there is another alternative that the NRC has full and complete knowledge of, and that said agency and their licensee deliberately hid and kept from public view so as to allow for the flawed preferred disposal alternative of instructions and thus be chosen as the NRC's endorsed plan for the site.

In fact, it is further believed that the NRC did not include said option as a part and parcel of said DEIS to further their agency's internal long range goal of creating a formula which would allow insitu disposal at all SDMP sites across the United States of America using our site and the National Case Setting Precedent for this authors remediation method as the talisman to musch under as they visited flawed cover ups on communities across this land. For these and the reasons stated whove, the petitioner(s) herein respectfully move for an administrative action which would broaden the scope of the DEIS to include the Assured Storage options which are more fully defined and identified in options 1-9 below.

Option One-Above Ground Assured Storage of materials in a building outside of the wetland areas, said building to be constructed on the property now owned by the licensee, with all materials both of a radiological, hazardous and solid waste nature including all stream sediments and soils on and off of the site as well as contaminated materials which may have left the facility. This option would further require that all areas of wetlands from which soils, slags or other materials would be removed, would be restored to their preuse conditions. (pre-use to be construed as meaning before said wastes were illegally, wrongfully or otherwise dumped and/or stored)

Option two-is a hybrid of number one above, which would see the radioactive slag herein known as the east slag pile disposed of at a licensed disposal facility. (Which according to the licensee would be the Envirocate facility in Utah.) All other aspects of option number one would be the same.

Option three-again, a hybrid of number one above, with the East Slag pile waste being treated as in number two above, and the contaminated (hazardous wastes) soil and stream sediments being shipped off site to a licensed hazardous waste disposal facility.

Option four-again a hybrid of number one above, with the off site wastes being deemed a separate issue not to be dealt with by Shieldalloy, as said off site radioactive slag is actually the responsibility of another party in the form of Cyprus Foote Mineral.

Option five-Above Ground Assured Storage of all waste's according to assured storage technology as innumber one option above, but with the assured storage buildings being constructed some place other than on the property of the licensee so as to remove the materials not just out of the wetlands, but to provide the additional and necessary protection of removing the materials from our counties 100 year flood plain area.

Option six-again, a hybrid of five above with the East Slag Rise waste to be removed and sent to a licensed disposal facility instead of being included in the assured storage facility.

Option seven-again, a hybrid of five above, except that the East Stag pile and the hazardous wastes (in the form of confaminated soils and stream sediments) would be shipped to a licensed disposal facility.

Option eight-again, a hybrid of five above, but with the East Stag pile and the hazardous wastes (in the form of confaminated soils and stream sediments) would be shipped to a licensed disposal facility, while at the same time making the decision that the off site wastes should not be included in the on-site remediation process for this site.

Option nine-same as five above, but time making the decision that the off site wastes should not be included in the on site remediation process. for this site.

Above Ground Assured Storage as referred to in this petition for administrative action shall be interpreted to mean and above grade (above ground) storage facility (which provides for ease of inspection and repair) which has seen to it that the concrete buildings have protective cover which can easily be repaired or recoated as the need arises. Additionally, since it is possible (as outlined in the companies own option for resalle of materials) that future generations may wish to retrieve said materials, said building should be compartmentalized in such as fashion as to segregate the hazardous wastes from the radioactive materials to allow for easy future retrieval of said materials later in the historical time line.

It is believed, that studies of this option and its various hybrids will show that such option provides a much higher degree of public safety, a greater protection of our environment, and over the long term period of 1,000 years is highly corripetitive with the current preferred plan of insitu disposal of said materials. We therefore respectively petition the NRC to expand the scope of the DEIS to include the nine options as outlined above.

Thus the petitioner closes his request, and prays that the NRC grant all of the above petitions for rule making, as well as the petition for administrative action to broaden the scope of the DEIS.

Respectfully something

the 22nd day of January in the year of our Lord, 1997.

sherwing Boomar

CONIGNATORIES

Save Wills Creek Earthlink Barbara Bonham Diana Salisbury Sycamore Valley Group Jason Saaf ACTION

EDO Principal Correspondence Control

FROM:

DUE: 02/25/97

EDO CONTROL: G970058

DOC DT: 01/22/97

FINAL REPLY:

Sherwood (forest) Bauman Save Wills Creek

TO:

NRC

FOR SIGNATURE OF :

** GRN **

CRC NO: 97-0093

Paperiello

DESC:

PETITION FOR ACTION AND RULE MAKING AS ALLOWED UNDER 2.206 OF THE 10 CFR CODES TO BROADEN THE SCOPE OF THE DEIS FOR THE SHIELDALLOY FACILITY

ROUTING:

Thompson Jordan Norry Blaha Cyr, OGC Goldberg, OGC Kennedy, NRR

DATE: 01/28/97

ASSIGNED TO: CONTACT:

NMSS

Paperiello

SPECIAL INSTRUCTIONS OR REMARKS:

and the sales of t

ACTION: Due to DWM Director's Office:

2,206

Action

Due to NMSS Director's Office

By 2/20/97

OFFICE OF THE SECRETARY CORRESPONDENCE CONTROL TICKET

PAPER NUMBER: CRC-97-0093

LOGGING DATE: Jan 27 97

ACTION OFFICE: EDO

AUTHOR:

SHERWOOD BAUMAN

AFFILIATION:

OHIO

ADDRESSEE:

HUGH THOMPSON

LETTER DATE:

Jan 27 97 FILE CODE:

SUBJECT:

PETITON FOR ACTION AND RULE MAKING AS ALLOWED UNDER 2.206 OF THE 10 CFR CODES TO BROADEN THE SCOPE OF

THE DEIS FOR THE SHIELDALLOY FACILITY

ACTION:

Appropriate

DISTRIBUTION: CHAIRMAN

SPECIAL HANDLING: 2.206 PETITION

CONSTITUENT:

NOTES:

OCM #6966

DATE DUE:

SIGNATURE: AFFILIATION: DATE SIGNED:

6960

Save Wills Creek Subsidiary of Earthlink

of envisor storesty basinism Creation 15354 Cowall Lane Cymberland, Chic 43732

Unlephone 1 (a) 4) a38/05/09

Hingh L. Thompson, ir
 Nuclear Regulatory Commission
 Jim Fennedy, Chip Cameron, Shirley Jackson
 Robert Nelson, Mike Weber
 11555 Rockville Pike
 Rockville, Maryland 20555

Reas: Formal petition for action and rule making as allowed under section 2.206 of the 10 CFR codes to broaden the scope of the DEIS for the Shieldalloy facility in Cambridge. Ohio thereinafter referred to simply as site 1 to include as yet uninvestigated and very workable options which could present the best atternative for our community at a price within affordable reality.

Dear Hugh Thompson and other Staff:

As is my right under the auspices of the 10 CFR rules and regulations (off quoted but rarely followed by the NRC1 sub-section 2,206, as well as any and all other sections of said Code of Regulations or other federal laws dealing with rule making or the broadening of the scope of an DEIS which may be applicable since the NRC has not seen fit to provide as with a full and up to date set of said regulations, we herein as is more fully spilled out below request that the scope of the curren. DBIS for the site be broadened to include the option and its various hybrids as are more fully spelled out in increasing one through nine of said request. The broadening of the DEIS would be the inclusion of Above Ground Assured Storage Technology in all of its various formats and possibility as we have spelled out in our request to broaden said DEIs. Additionally, said petition for Administrative Action is to be further intended as a petition for rule making that would require the scoring of Above Ground Assured Storage Technology Implementation against all other options at any and all sites being considered for insitu disposal and deed restricted access verse's NRC's normal safeguards of ALARA and 15 M/REM a year for unrestricted use and release of the property. Further, said petition for administrative action and rule making would also petition the NRC as is more fully outlined below to implement rules which would preclude states or NRC licensee's (agreement or otherwise) from granting NRC licensee's or former licensees Covenants Not to Sue Lorother instruments that bring about the same effects), and that further we petition the NRC for rule making which would see that any licensee insitu disposal plans approved be approved only when and if the responsible parties (all responsible parties) sign an admission of guilt and wrong doing so that the stakeholder community has the ability to recoup lost property values and community tax bases sacrificed by such flawed decommissioning strategies.

BASIS FOR REQUEST

Sherwood Bauman, as well as the organizations he represents and any and all additional ac-signatories do herein state that our petition for administrative action and petition for rule making should be granted for the tollowing reasons.

- 1. Whereas Shieldalloy in 1987 did in fact and deed take possession of 600,000 tons of LLRW after the previous owner Cyprus Foote did have its license retired under false pretenses. (Said previous licensee stated that it was their belief that there were no longer materials of licensable control at the facility)
- Whereas the state of Ohio and the NRC did approve a decommissioning plan which failed and was halted in 1989.
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- 4. Whereas the company Shieldalloy company (licensee) did in 1993 seek protection from creditors by running into the Federal Bankruptcy courts while at the same time submitting a closure plan for the facility.
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- Whereas the NRC has a duty to the stakeholders of a community to include any and all viable options within and EIS.

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It has come to the attention of Sherwood Bauman. Save wills Creek. Earthlink as well as any and all other cosignatores of this document, that the State of Chio intends, as a part of its settlement of disputes with the licensee (Shieldalloy) and the former licensee (Cyprus Foote), to enter into an agreement which is titled Permanent Injunction/Consent Order in the case of State of Chio, et rel. (plaintiff) verse Shieldalloy Metallurgical Corporation and Cyprus Foote Mineral Company defendants (Case # 95 CV 242) filed in the Guernsey County Court of Common Pleas. Said agreement includes as a part therein a Convenant not to Sue which would in fact and deed interfere with the Federal Government and the NRCs ability to enforce rules and regulations as relates to the long term storage and or disposal of LLRW in light of the state of Chio's durrent plans to become an agreement state with the NRC as would be required for said state to build and host a compact facility. We would question the conflict of interest established when a state who has previously signed a convenant not to sue becomes and agreement state, and therefore feel that various cooperating agencies involved in a DEIS should not be allowed to enter into such convenants as a general rule, and thus feel a rule making is needed to clarify this situation.

Said petitioner therefore respectfully requests and petitions the NRC for a new federal regulatory code within 10 CFR which wc. "If preclude and forbid licer see's or coope inglagencies from signing such agreements as Covenants not to Sue, and further requests that said rule making if implemented be inclusive of and enforced in regards to the proposed remediation at and the retirement of the license for the Shieldalloy site situated on State Route 209 in Guernsey County, state of Ohio.

Petitioner further requests that a determination be made as to the legality of the state of Ohio entering into such agreements without the involvement and approval of the NRC as the wastes in question at said site fall within the jurisdictional control of not the state of Ohio, but instead that of the NRC. Additionally, we question the legality of said convenant as relates to the rules and regulations of the US EPA and the state of Ohio's status as an agreement state with said Federal Agency.

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Commission counts staff.

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"Office to expense it not not of the extreme with the boost of any few words to the new sections, we are not send that age we all the sound to the expense of the property of

in the several grain. It is that of the labeline, except that the past stag pile and the hazardors wastes in the forms of a softminate it is its and stream seaments, want be unjugged to a licensed disposal facility.

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respectively aromities the zana day of January in the year of our Lord. 1997,

nerway Bolimary

COSIGNATORIES

Save Wills Creek Earthlink Barbara Bonham Diana Salisbury Sycamore Valley Group Jason Saat Your second, third, and fourth requests will be considered as petitions for rulemaking pursuant to 10 CFR 2.802. You will be kept informed of NRC actions with respect to these rulemaking petitions.

> Sincerely. Carly Paperulle

Carl J. Paperiello, Director Office of Nuclear Material Safety and Safeguards

Docket: 040-08948 License No.: SMB-1507

cc: Cambridge Distribution List

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CP/PROOFED/FEBRUARY 18, 1997

*See previous concurrence

OFC	LLDP	LLDP	LLDP	E	OGC	E	IMNS	DWM	
NAME	JKennedy*	RNe1son*	JHickey*		RFonner*		GDeegan*	JGreeves*	
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UNITED STATES NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

February 19, 1997

Mr. Sherwood Bauman, Chairperson Save the Wills Creek Water Resources Committee 6354 Cowgill Lane Cumberland, OH 43732

Dear Mr. Bauman:

I am responding to your letter dated January 22, 1997, in which you formally petitioned the U.S. Nuclear Regulatory Commission to take certain actions with respect to the development of the environmental impact statement (EIS) for the Shieldalloy Metallurgical Corporation (SMC) facility in Cambridge, Ohio, and to initiate several rulemakings. The purpose of this letter is to describe how NRC will address each of your requests.

You requested that:

- 1) Pursuant to 10 CFR 2.206, NRC broaden the scope of the EIS to include. investigate, score, and evaluate against all other options, the option of assured storage, as well as other related hybrid options identified in your letter.
- NRC initiate a rulemaking to preclude Shieldalloy, Cyprus Foote, and any others from entering in covenants not to sue with any other State or Federal agencies which could interfere with NRC's authority to enforce Federal laws or regulations in Chapter 10 of the Code of Federal Regulations (CFR).
- 3) NRC initiate a rulemaking which would require that above-ground assured storage be considered and scored as a viable option to be considered at all NRC licensed sites which seek on site or in situ disposal.
- 4) NRC initiate a rulemaking that would permit licensees' in situ disposal plans to be approved only when, and if, the responsible parties sign an admission of guilt and wrongdoing so that the stakeholder community has the ability to recoup lost property values and community tax bases.

With respect to your first request, we will consider this alternative and its variations as a late comment on the EIS, rather than process the request as a 2.206 petition. Petition requests under 2.206 are to "modify, suspend, or revoke a license, or for other such action as may be proper," and a request such as yours to broaden the scope of an ongoing EIS is not covered by 10 CFR 2.206.

S. Bauman

Your second, third, and fourth requests will be considered as petitions for rulemaking pursuant to 10 CFR 2.802. You will be kept informed of NRC actions with respect to these rulemaking petitions.

Gulf Paperulle

Carl J. Paperiello, Director Office of Nuclear Material Safety and Safeguards

Docket: 040-08948 License No.: SMB-1507

cc: Cambridge Distribution List

TICKET: NMSS 9700033 (related to G9700058)

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> Sincerely, Carl of Pageriell

Carl J. Paperiello. Director Office of Nuclear Material Safety

and Safeguards

Docket: 040-08948 License No.: SMB-1507

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ROUTING AND TRANSMITTAL SLIP

DATE: February 10, 1997

2/10/97 SIGN AND/OR DATE 10/3/96 CONCUR 1. J. Kennedy 2110191 216127 Seffer 2. R. Nelson 21/0197 3. John Hickey 4. R. Fonner, OGC 5. DWM G. Doogan, IMNS 7. C. Paperiello 8. 9. / / 10.

TICKET NUMBER: NMSS 9700033 (related to G9700058)

DUE TO DIVISION: February 14, 1997

DUE TO NMSS: Februrary 20, 1997

DUE TO EDO: n/a

LETTER TO:

Sherwood Bauman

FROM:

Carl Paperiello

SUBJECT:

Section 2.206 Petition

ORIGINATOR: J. Kennedy SECRETARY: Cecilia Villarreal

ROOM NO./BLDG: T7F40 PHONE NO.: 415-6668