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4-0473235243 08/28/87

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TOZC 0412598847 HL? TRAM NOAR UT 107 03-28 2620P EST

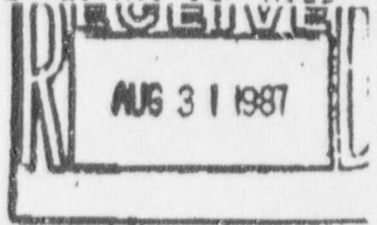
FMS ROBERT D MARTIN, REGIONAL ADMINISTRATOR, DLR

REGION 4, DLR

U.S. NUCLEAR REGULATORY COMMISSION

611 RYAN PLAZA DR SUITE 1000

ARLINGTON TX 76211



BT

REF 49 DASH 3453 ORDER OF 870731 MARTIN TO WEAVER SUA917

HAVE INTEREST ADVERSELY AFFECTED 870731 ORDER AND ONGOING HAZARD TO  
 MY HEALTH AND SAFETY TODAY UNRECLAIMED AND UNSTABILIZED MILL TAILING  
 APPA 870731 ORDER NOTWITHSTANDING ABSENCE USNRC OVERSIGHT. HAVE  
 INTEREST ADVERSELY AFFECTED BY PRESENT AND ONGOING MASSIVE VIOLATIONS  
 BY NRC STAFF OF THE LAW IN THIS MATTER. SEE 42 USC 2011 ET SEQ.  
 140FRO-2-42 5050553 ET SEQ CRA-74 SEC 301. NO BASIS IN FACT 870731  
 ORDER 870731 870731 870731 870731 870731 870731 870731 870731 870731 870731

THROUGH 38 ORDER SHOULD NOT AS PRESENTLY CONSTITUTED BE SUSTAINED  
 REQUEST USNRC RESIDENT INSPECTOR ON SITE IMMEDIATELY.

JOHN FRANCIS DARKE

WARR

1826 EST

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MAILGRAM SERVICE CENTER  
MIDDLETOWN, VA. 22645  
31AM

Western  
Union Mailgram

1-006375A243 08/31/87 ICS IPHBIGC BRID FWB  
00029 MGH TDBN BRIDGETON MO 50 08-31 1029A CDT

ROBERT D MARTIN, REGIONAL ADMINISTRATOR, REGION 4  
U.S. NUCLEAR REGULATORY COMMISSION  
611 RYAN PLAZA DR SUITE 1000  
ARLINGTON TX 76011

RECEIVED

SEP - 2 1987

THIS MAILGRAM IS A CONFIRMATION COPY OF THE FOLLOWING MESSAGE:

4-047323S240 ICS IPHRNCZ CSP  
8012578847 NLB TDRN MOAB UT 107 08-28 0620P EST  
FMS ROBERT D MARTIN, REGIONAL ADMINISTRATOR, DLR  
REGION 4, DLR  
U.S. NUCLEAR REGULATORY COMMISSION  
611 RYAN PLAZA DR SUITE 1000  
ARLINGTON TX 76011  
REF 40 DASH 3453 ORDER OF 870731 MARTIN TO WEAVER SUA917  
HAVE INTEREST ADVERSELY AFFECTED 870731 ORDER AND ONGOING  
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TAILING  
APPA 870731 ORDER NOTWITHSTANDING ABSENCE USNRC OVERSIGHT.  
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SEQ.  
10CFR-2-40 5USC553 ET SEQ ERA-74 SEC 301. NO BASIS IN FACT  
870731  
ORDER ROMAN 4 P3 6000 000 NO BASIS IN FACT 870731 ORDER APPA  
ITEMS 1  
THROUGH 38 ORDER SHOULD NOT AS PRESENTLY CONSTITUTED BE SUSTAINED  
REQUEST USNRC RESIDENT INSPECTOR ON SITE IMMEDIATELY.  
JOHN FRANCIS DARKE

10:39 EST

MGHCOMP



WESTERN UNION  
308 WEST RTE 38  
MOORESTOWN NJ 08057 18AM



4-0277295261 09/18/87 ICS IPMTZZ CSP PVRE  
8003256000 MGMB TDMT MOORESTOWN NJ 160 09-18 0222P EST

JOHN FRANCIS DARKE  
P O BOX 901  
MOAB UT 84532

THIS IS A CONFIRMATION COPY OF THE FOLLOWING MESSAGE: 4-047323S240  
8012598847 NLB TDRN MOAB UT 107 08-28 0620P EST  
FMS ROBERT D MARTIN, REGIONAL ADMINISTRATOR  
REGION 4  
U.S. NUCLEAR REGULATORY COMMISSION  
611 RYAN PLAZA DR SUITE 1000  
ARLINGTON TX 76011  
REF 40 DASH 3453 ORDER OF 870731 MARTIN TO WEAVER SUA917

HAVE INTEREST ADVERSELY AFFECTED 870731 ORDER AND ONGOING HAZARD TO  
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10CFR2-2-40 5USC553 ET SEQ ERA-74 SEC 301. NO BASIS IN FACT 870731  
ORDER ROMAN 4 P3 6000 000 NO BASIS IN FACT 870731 ORDER APPA ITEMS 1  
THROUGH 38 ORDER SHOULD NOT AS PRESENTLY CONSTITUTED BE SUSTAINED  
REQUEST USNRC RESIDENT INSPECTOR ON SITE IMMEDIATELY  
JOHN FRANCIS DARKE

14:26 EST

NGHCOMP

**Record Time:** October 26-30, 1987, 8:30 a.m. to 4:30 p.m. each day.  
**Address:** National Science Foundation, 1800 G Street, NW, Room 543, Washington, DC.  
**Status of Meeting:** Closed  
**Contact Person:** Dr. Fred Stollnitz, Program Manager, Psychobiology Program, Room 320, National Science Foundation, Washington, DC 20550, Telephone (202) 357-7949.  
**Notes:** May be obtained from contact person listed above.  
**Purpose of Meeting:** To provide advice and recommendations concerning support for research in psychobiology.  
**Agenda:** To review and evaluate research proposals as part of the selection process for funding.  
**Reason For Closing:** The proposals being reviewed include information of a proprietary, confidential nature, including technical information; financial data, such as salaries; personal information concerning individuals associated with the proposals. Matters are within exemptions (4) and (5) of the Government in the Sunshine Act.  
**Becca Winkler,**  
*Committee Management Officer.*  
 October 6, 1987.  
 (Doc. 87-23480 Filed 10-8-87; 8:45 am)  
 BILLING CODE 7555-01-M

## NUCLEAR REGULATORY COMMISSION

[Docket No. 50-331]

### Electric Light and Power Co., Iowa Power Cooperative, and Belt Power Cooperative; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of exemptions from the requirements of section III.C of Appendix R to 10 CFR Part 50 to Iowa Electric Light and Power Company (the licensee) for the Duane Arnold Energy Center located at the licensee's site in Linn County, Iowa.

#### Environmental Assessment

##### Justification of Proposed Action

The proposed action would grant exemptions from certain requirements of section III.C of Appendix R to 10 CFR Part 50 which relate to fire protection measures for ensuring that systems and related circuits used to achieve and maintain safe shutdown are free of fire hazards. The exemptions are technical in nature. The licensee must demonstrate that detection configurations meet the requirements of section III.C or alternate fire protection configurations can be justified by an acceptable fire hazard analysis.

#### The Need for the Proposed Action

The proposed exemptions are needed because the features described in the licensee's request regarding the existing and proposed fire protection at the plant for these items are the most practical method for meeting the intent of Appendix R, and literal compliance would not enhance significantly the fire protection capability at Duane Arnold.

#### Environmental Impacts of the Proposed Action

The proposed exemptions will provide a degree of fire protection such that there is no increase in the risk of fires at Duane Arnold. Consequently, the probability of fires has not been increased and the post-fire radiological releases will not be greater than previously determined nor do the proposed exemptions otherwise affect plant radiological effluents. With regard to potential nonradiological impacts, the proposed exemptions involve features located entirely within the restricted areas as defined in 10 CFR Part 20. They do not affect plant nonradiological effluents and have no other environmental impact. Therefore, the Commission concludes that there are no measurable radiological or nonradiological environmental impacts associated with the proposed exemptions.

#### Alternatives to the Proposed Action

Since the Commission has concluded there is no measurable environmental impact associated with the proposed exemptions, any alternatives with equal or greater environmental impact need not be evaluated. The principal alternative to the exemptions would be to not grant the exemptions requested by the licensee from the requirements of Appendix R. Such action would not enhance the protection of the environment.

#### Alternative Use of Resources

This action does not involve the use of resources not considered previously in the Final Environmental Statement for the Duane Arnold Energy Center.

#### Agencies and Persons Consulted

The Commission's staff reviewed the licensee's request and did not consult other agencies or persons.

#### Finding of No Significant Impact

The Commission has determined not to prepare an environmental impact statement for the proposed exemptions. Based upon the foregoing environmental assessment, the Commission's staff concluded that the proposed action will

not have a significant effect on the quality of the human environment.

For further details with respect to this proposed action, see the licensee's letters dated September 28, 1984, October 31, 1984, and October 21, 1986. These letters are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC and at the Cedar Rapids Public Library, 500 First Street, SE., Cedar Rapids, Iowa 52401.

Dated at Bethesda, Maryland this 2nd day of October 1987.

For the Nuclear Regulatory Commission,  
 Martin J. Virgilio,

Director, Project Directorate III-1, Division of  
 Reactor Projects-III, IV, V & Special Projects.  
 [FR Doc. 87-23480 Filed 10-8-87; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 40-3453, ASLBP No. 87-557-05-SP, Source Material License No. SUA-517]

### Atlas Minerals Division of Atlas Corp.; Hearing

On September 25, 1987, the Commission issued an Order in this proceeding granting the request of Atlas Minerals Division of Atlas Corporation (Atlas) for a hearing on the NRC Staff's denial of its application for renewal of its source materials license SUA-917. In granting Atlas' request, the Commission provided that Staff and Atlas were to be parties to an informal adjudicatory proceeding to be conducted pursuant to the Commission's proposed rule, "Informal Hearing Procedures for Materials Licensing Adjudications," 52 FR 20089 (May 29, 1987).

Section 2.1205(i) of that proposed rule provides that: "If a request for a hearing is granted and no notice of opportunity for a hearing previously has been published in the Federal Register, a notice of hearing must be published in the Federal Register \* \* \*. No notice of opportunity for hearing previously has been published in this proceeding. Consequently, pursuant to proposed § 2.1205(i), this notice is issued stating:

1. The time, place, and nature of the hearing will be announced in a subsequent notice following submission of the Hearing File by Staff pursuant to § 2.1231 of the proposed rule, any petitions to intervene filed in response to this notice, and the parties' views on the content of the hearing file and the need for an oral hearing;

2. This hearing is held under the authority of sections 63 and 189 of the Atomic Energy Act of 1954, as amended;

3. Pursuant to the Commission's Order, the issue to be considered in the hearing is whether Atlas' proposed surety arrangements for decommissioning and reclamation of the site of its uranium milling facilities at Meab, Utah, are in compliance with the Commission's requirements, or, if not in compliance, whether an exception or waiver, if permissible, should be granted; and

4. Any person whose interest may be affected by this proceeding may seek leave to intervene by filing a petition setting forth:

a. The interest of the petitioner in the proceeding;

b. How that interest may be affected by the results of the proceeding including the nature of the petitioner's right under the Atomic Energy Act to be made a party to the proceeding, the nature and extent of the petitioner's property, financial, or other interest in the proceeding, and the possible effect that any order entered in the proceeding may have on that interest; and

c. The specific aspect or aspects of the subject matter of the proceeding about which the petitioner wishes to be heard. Any petitions must be filed and served on the Presiding Officer and his Special Assistant, the NRC Staff, the Commission, and Atlas by personal delivery or by first class mail, postage prepaid, no later than November 9, 1987.

The addresses for service are given below:

Administrative judge John H. Frye III, Presiding Officer, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555

Administrative Judge James H. Carpenter, Special Assistant to the Presiding Officer, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555

Edwin J. Reis, Esq., Gregory Alan Berry, Esq., Counsel for NRC Staff, Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555

Office of the Secretary, Docketing and Services Branch, U.S. Nuclear Regulatory Commission, Washington, DC 20555

Ramsay D. Potts, Esq., Robert E. Zahler, Esq., Shaw, Pittman, Potts, & Trowbridge, 2300 N Street NW., Washington, DC 20037

Mr. Richard R. Weaver, President and Chief Executive Officer, Atlas Corporation, 353 Nassau Street, Princeton, NJ 08542

Mr. Richard E. Blubaugh, Regulatory Affairs Manager, Atlas Minerals

Division of Atlas Corporation, 743 Horizon Court, Suite 202, Grand Junction, CO 81506

Following receipt of the Hearing File, and any petitions to intervene and responses thereto filed pursuant to the proposed rules, a date will be set for the parties to comment on the contents of the hearing file and the need for an oral hearing.

It is so ordered.

John H. Frye III,  
Administrative Judge.

October 5, 1987.

[FR Doc. 87-23490 Filed 10-8-87; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-213]

### Connecticut Yankee Atomic Power Co. (Haddam Neck Plant); Exemption

#### I.

The Connecticut Yankee Atomic Power Company (CYAPCO or the licensee) the holder of Operating License No. DPR-61 which authorizes operation of the Haddam Neck Plant (the facility) at steady state reactor core power levels not in excess of 1825 megawatts thermal. The license provides, among other things, that the facility is subject to all rules, regulations, and Orders of the Nuclear Regulatory Commission (the Commission) now or hereafter in effect.

The plant is a single-unit pressurized water reactor located at the licensee's site in Middlesex County, Connecticut.

#### II.

One of the conditions of all operating licenses for water-cooled power reactors, as specified in 10 CFR 50.54(o), is the primary reactor containment shall meet the containment leakage test requirements set forth in 10 CFR Part 50, Appendix J. By letter dated July 31, 1985, the staff concluded that it was acceptable to defer implementation of specific Appendix J modifications until an integrated assessment, i.e., Integrated Safety Assessment Program (ISAP), could be performed.

In a July 31, 1985 letter, the NRC staff formally established the scope of the Haddam Neck Plant ISAP and designated the Appendix J issues as ISAP Topic 1.03, "Containment Penetration Evaluations." In that letter, the staff recognized that some issues would require exemptions to defer action until such time as the Haddam Neck Plant ISAP could be completed.

Accordingly, by letters dated March 12, and July 15, 1986, the licensee requested exemptions from section II.H, III.A and III.C of Appendix J.

#### III.

By letters dated March 12 and July 1986, the licensee requested three permanent exemptions from requirements of 10 CFR Part 50, Appendix J. These included a request to perform integrated containment leak rate testing at values less than  $\frac{1}{2}$  Pa. In a letter dated June 10, 1987, the licensee withdrew the test exemption request and committed to perform a full press test for the 1987 outage. The staff has described the acceptability of each of the remaining two permanent exemption requests below. In the March 12 and July 15, 1986 letters, the licensee also submitted a large number of exemption requests for temporary relief from additional Appendix J requirements. The staff resolution of these requests has been described collectively; however, each request for temporary relief has been evaluated individually in the Safety Evaluation dated September 29, 1987.

#### A. Permanent Exemptions

##### 1. Type C Testing for Steam Generator Blowdown and Auxiliary Feedwater Penetrations

By letter dated March 12, 1986, CYAPCO requested a permanent exemption for section II.H.4 of Appendix J for Type C testing the containment isolation valves in the steam generator blowdown (P-15, 16, 17 and 18) and the auxiliary feedwater (P-81) penetrations.

Historically, the implementation of section II.H.4 of Appendix J does not require that the main steam and feedwater systems in PWRs be Type C tested, by virtue of the definition of containment isolation valves in that section for which Type C testing is required. Similar to the steam and feedwater systems, the steam generator blowdown (P-15, 16, 17 and 18) and auxiliary feedwater (P-81) penetrations are not connected to the reactor coolant system and are not relied upon to prevent the escape of containment air following a postulated LOCA.

By letter dated May 7, 1982, the NRC concluded that Appendix J, section II.H, does not require these valves in systems identified above to be leak-tested and, therefore, no exemption is necessary. The staff's original conclusion was based on the fact that this is a seismically-designed closed system, such that these penetrations would not be potential containment leakage paths. Additionally, CYAPCO has agreed to procedurally maintain steam generator water above the tube bundle and pressurize the secondary side above Pa



10101/239#71

ACH: 8709250235  
DATE: 870827  
PAGES: 4  
L1: FORWARDS THOROUGH ACCOUNTING OF U PRODUCT INVENTORY PER  
L2: ITEM 2 OF RD MARTIN 870812 CONFIRMATION OF ACTION LTR 87-15.  
L3: TABLE 1 INDICATES PHYSICAL FORM LOCATION & AMOUNTS OF U.  
FICHE: 42790:062-42790:065  
PFL: ADOCK-4003453-C-870827  
PACKAGE: 870827-8709250235

10101/169#72

ACH: 8709250159  
DATE: 870911  
PAGES: 1  
L1: REQUESTS J DARK 870828 TELEGRAM TO R MARTIN RE INTEREST IN  
L2: ORDER TO ATLAS CORP & ANY INFO THAT CAN BE PROVIDED. UNABLE  
L3: TO IDENTIFY J DARK AS PREVIOUS EMPLOYEE PER PETTENGILL  
L4: 870813 INSP. RECEIPT OF 870902 NRC REPLY TO J DARK ACK.  
FICHE: 42790:054-42790:054  
PFL: ADOCK-4003453-C-870911  
PACKAGE: 870911-8709250159

10101/123#73

ACH: 8709250108  
DATE: 870911  
PAGES: 2  
L1: FORWARDS RESULTS OF EFFLUENT & MONITORING PROGRAMS PER  
L2: 10CFR40.65 & CONDITIONS 39 40 45 & 49 TO LICENSE SUA-917  
L3: FOR FIRST HALF 1987. W-O ENCL.  
FICHE: 42789:252-42789:253  
PFL: ADOCK-4003453-C-870911  
PACKAGE: 870911-8709250108

10100/5677#74

ACH: 8709170130  
DATE: 870903  
PAGES: 1  
L1: RECOMMENDS THAT AMEND 28 TO LICENSE SUA-917 BE EXEMPTED  
L2: FROM FEES.  
FICHE: 42713:097-42713:097  
PFL: ADOCK-4003453-C-870903  
PACKAGE: 870903-8709170130

10100/5550#75

ACH: 8709160380  
DATE: 870901  
PAGES: 1  
L1: CONFIRMS NRC GRANTING OF PERMISSION DURING 870901 TELCON TO  
L2: EXTEND DUE DATE FOR VENDOR ENVIRON MONITORING REPT UNTIL  
L3: 870915.  
FICHE: 42693:226-42693:226  
PFL: ADOCK-4003453-C-870901

FICHE: 43473:328-43473:334  
PFL: ADOCK-4003453-C-871120  
PACKAGE: 871120-8712010093\*

10103/7757#58

ACH: 8712010071  
DATE: 871123  
PAGES: 3  
L1: ORDER.\* GRANTS REQUEST THAT PROCEEDING CONTINUE TO BE HELD  
L2: UNTIL 871218, REPT ON STATUS OF NEGOTIATIONS & RESPONSES  
L3: ADDRESSING QUESTION OF J DARKE STANDING TO PARTICIPATE IN  
L4: PROCEEDING REQUESTED BY 871218, SERVED ON 871124.  
FICHE: 43473:247-43473:249  
PFL: ADOCK-4003453-C-871123  
PACKAGE: 871123-8712010071

10103/6762#53

ACH: 8711230132  
DATE: 871029  
PAGES: 1  
L1: ADVISES THAT REQUEST FOR COPY OF TELEGRAM REF IN 870909 LTR  
L2: TO J DARK CANNOT BE PROVIDED AT PRESENT.  
FICHE: 43425:308-43425:308  
PFL: ADOCK-4003453-C-871029  
PACKAGE: 871029-8711230132

10103/6637#60

ACH: 8711200336  
DATE: 871029  
PAGES: 1  
L1: FORWARDS ALL DOCUMENTS RE RENEWAL OF LICENSE SUA-917 FOR  
L2: ATLAS CORP MOAB MILL. CHRONOLOGY OF SURETY ISSUE THAT  
L3: ULTIMATELY RESULTED IN NRC DENIAL OF ATLAS REQUEST FOR  
L4: RENEWAL ALSO ENCL. W-O ENCL.  
FICHE: 43414:291-43414:291  
PFL: ADOCK-4003453-C-871029  
PACKAGE: 871029-8711200336

10103/3380#61

ACH: 8711030106  
DATE: 871021  
PAGES: 13  
L1: FORWARDS 'REQUIRED CONTAINERS & PRESERVATION TECHNIQUES' &  
L2: ANALYTICAL RESULTS OF NRC MILL SAMPLING OF TAILINGS  
L3: IMPOUNDMENT. SAMPLING WILL VERIFY POTENTIAL EXISTENCE OF  
L4: FAMILIES OF HAZARDOUS CONSTITUENTS IN TAILINGS IMPOUNDMENT.  
FICHE: 43264:077-43264:089  
PFL: ADOCK-4003453-C-871021  
PACKAGE: 871021-8711030106

DISTRIBUTION

Docket File No. 40-3453  
PDR/DCS  
DBangart, RIV  
RDSmith  
BBrown, RIV  
DSollenberger, NMSS  
PJGarcia  
HJPettengill  
LLW Branch, WMLU  
URFO r/f

SUA-917/PJG/87/10/29/0

- 1 -

OCT 29 1987

URFO: PJG  
SUA-917

NOTE TO: John H. Frye, Administrative Judge  
Atomic Safety and Licensing Board Panel

FROM: Harry J. Pettengill, Chief  
Licensing Branch 2  
Uranium Recovery Field Office, Region IV

Enclosed are copies of all documents concerning the renewal of Source Material License SUA-917 for Atlas Corporation's Moab Mill. We have also enclosed a chronology of the surety issue which ultimately resulted in the NRC's denial of Atlas's request for license renewal, along with copies of documents referenced in the chronology.

151  
Harry J. Pettengill, Chief  
Licensing Branch 2  
Uranium Recovery Field Office  
Region IV

8711200338 871029  
PDR ADDCK 04003453  
C PDR

URFO  
HJPettengill  
87/10/29



JOHN DARKE

BOX 701

COPPER QUEEN STATION

BISBEE, ARIZONA

85603

FIRST CLASS MAIL

MR. VICTOR STELIO

EDO

U.S. NUCLEAR REGULATORY COMMISSION

WASHINGTON DISTRICT OF COLUMBIA

20555

