

December 20, 1999

MEMORANDUM TO: William D. Travers
Executive Director for Operations

THRU: Samuel J. Collins, Director /Original signed by:
Office of Nuclear Reactor Regulation

FROM: Brian W. Sheron, Associate Director /Original signed by:
for Project Licensing and Technical Analysis
Office of Nuclear Reactor Regulation

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

The attached monthly report gives the status of 10 CFR 2.206 petitions as of November 30, 1999. During November, the Director's Decision (DD-99-14) on Nine Mile Point (G19990268) was issued, and the petition was closed. Also, during the month, the petition on San Onofre Nuclear Generating Station (SONGS) (G19990488) was closed as it did not meet the threshold screening criteria for a 2.206 petition. Thus, there are four open petitions: three in NRR and one in NMSS.

Attachment 1 provides the status of petitions for the Offices of Nuclear Material Safety and Safeguards (NMSS) and Nuclear Reactor Regulation (NRR). Attachment 2 gives the status of petitions that are in a confidential status and for internal distribution only. Attachment 3 shows the age and staff hours expended on open 2.206 petitions as of November 30, 1999, including a summary of the status of 2.206 petitions exceeding the 120-day scheduled completion goal. Attachment 4 shows the statistics for the 2.206 petitions processed during 1999.

Those parts of the monthly report not of a sensitive nature, and recently issued Director's Decisions, are placed in the Public Document Room and on the NRC's external home page, making them readily accessible to the public. The URL address is <http://www.nrc.gov/NRC/PUBLIC/2206/index.html>.

Attachments: As stated

CONTACT: Ram Subbaratnam, NRR, 415-1478

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NAME	RSubbaratnam	Dunnington	HBerkow	PGoldberg*	JZwolinski/SBlack	BSheron	S. Collins
DATE	12/1/99	12/6/99	12/6/99	12/3/99	12/9/99	12/14/99	12/20/99

* See Previous Concurrence

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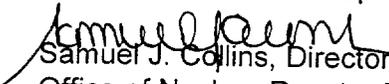


UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

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UNDER 10 CFR 2.206

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CONTACT: Ram Subbaratnam, NRR
415-1478

Report on Status of Public Petitions Under 10 CFR 2.206
November 30, 1999
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Attachment 1

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* Denotes additions to the list during the current month

Attachment 1

Report on Status of Public Petitions Under 10 CFR 2.206

Facility:	Atlas Corporation
Petitioner:	Earth Justice Legal Defense Fund
Date of Petition:	1/11/99
Director's Decision To Be Issued by:	NMSS
Date Referred to Review Organization:	1/12/99
EDO Number:	G19990011
OGC Number:	P-99-02
Scheduled Completion Date:	TBD*
Last Contact with Petitioner:	11/3/99
Petition Manager:	Myron Fliegel
Case Attorney:	J. Goldberg

Issues/Action Requested:

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

Background:

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

A petition was filed on January 11, 1999, requesting the NRC to take six immediate actions related to potential impact on endangered fish in the Colorado River due to contaminants from the Atlas Uranium mill tailings pile. A Petition Review Board meeting was held on January 26, 1999, and the petitioners' requests for immediate action were denied by a letter of that date. In the letter, it was noted that none of the six items identified in the petition addresses a health, safety, or environmental concern that requires emergency steps before a complete review as provided for in 10 CFR 2.206. An acknowledgment letter for this petition was published in the Federal Register on February 12, 1999. On May 13, 1999, the staff received a supplement to the 2.206 petition requesting immediate action on several items: (1) to suspend the issuance of the license amendment to permit reclamation; (2) to initiate a supplemental National Environmental Policy Act process; and (3) to reinstate consultation with Fish and Wildlife Services under the Endangered Species Act. Earthjustice petitioned the Atomic Safety and Licensing Board (ASLB) to intervene on the Atlas Corporation's proposal to reclaim the Moab mill tailings and on the cleanup of contaminated ground water, citing the impacts to the endangered fish in the Colorado River and its belief that the biological opinion was erroneous. On May 27, 1999, the NRC wrote to the petitioners, acknowledging receipt of the supplement,

denying immediate action, and notifying petitioners that NRC was deferring action on the 2.206 petition, pending a decision by the ASLB on the petitioners' request for hearing on similar issues.

On September 17, 1999, the staff filed responses to the ASLB presiding officers' questions of July 30, 1999. On September 29, 1999, the staff provided the ASLB with a copy of its September 29, 1999, letter to Dames & Moore, notifying that organization that it had been selected to become the Trustee for the Atlas Moab site, since the Atlas Corporation is in bankruptcy. Copies of both filings were sent to the petitioner.

Current Status:

On October 18, 1999, Earthjustice filed a petition with the U.S. Court of Appeals for the 9th Circuit, arguing that the May 27, 1999, letter and a May 28, 1999, license amendment constitute final agency action and a de facto denial of the 2.206 petition. On November 3, 1999, OGC filed a motion to dismiss for lack of jurisdiction with the 9th Circuit Court of Appeals. A copy of the motion was sent to the petitioner. On November 23, 1999, the petitioner filed a response to the NRC motion to dismiss arguing that the rejection of its request for immediate action and subsequent lack of action on the part of the NRC in issuing a final Director's Decision constitutes a final agency action.

*The schedule for issuance of the Director's Decision will be set following the ASLB's decision.

Facility: **Connecticut Yankee and Millstone Units
1, 2, and 3**

Petitioners: D. Katz, Citizens Awareness Network (CAN)
and P. Gunter, Nuclear Information and
Resource Service

Date of Petition: 11/25/96, as amended 12/23/96

Director's Decision To Be Issued by: NRR

Date Referred to Review Organization: 12/20/96

EDO Number: GT96919

OGC Number: P-96-026

Scheduled Completion Date: 2/15/2000

Last Contact with Petitioners: 11/26/99

Petition Manager: R. Eaton

Case Attorney: R. Hoefling

Issues/Action Requested:

The petitioners request the staff to take the following actions: (1) immediately suspend or revoke Northeast Utilities' (NU's) license to operate the Connecticut Yankee (CY) (Haddam Neck) and Millstone reactors due to chronic mismanagement; (2) investigate the possibility that NU made material misrepresentations to the NRC concerning engineering calculations and other information or actions relied upon to assure the adequacy of safety systems at CY and Millstone; (3) if an investigation determines that NU deliberately provided insufficient and/or false or misleading information to the NRC, revoke NU's operating licenses for CY and Millstone, or, if not, keep the reactors off-line pending a Department of Justice independent investigation; (4) if the reactors remain operating, petitioners request that they remain on the NRC's "watch list"; (5) keep CY and Millstone off-line until NU's chronic mismanagement has been analyzed, remedial management programs put into effect and the NRC has evaluated and approved the effectiveness of NU's actions; (6) in the event NU decides to decommission any or all of the reactors at issue, petitioners request the NRC not to permit any decommissioning activity to take place until the above issues are resolved; and (7) commence an investigation into how the staff allowed the illegal situation at NU's Connecticut reactors to exist and continue over a decade.

Background:

A partial Director's Decision (DD-97-21) addressing most of the issues was issued to the petitioners on September 12, 1997. DD-97-21 partially granted some of the petitioner's requests. Request (3) above was partially deferred for the Millstone plants and will be addressed in a subsequent final Director's Decision. The licensee recently pleaded guilty to felony counts and accepted fines that are the largest penalty, civil or criminal, in the history of the commercial nuclear power industry. Although there are continuing investigations, they are viewed as beyond the scope of concerns that would affect the facility license.

Current Status:

Because the outcome of the investigations is not expected to influence the NRC's decision concerning NNECO's future operation of the Millstone reactors, the staff proposed to the Petition Review Board (PRB) to finalize and issue the Director's Decision by February 15, 2000. The PRB met on November 24, 1999, and affirmed the proposed course of action.

Facility:	Nine Mile Point Units 1 & 2
Petitioner:	Robert T. Norway
Date of Petition:	April 5, 1999
Director's Decision To Be Issued by:	NRR
Date Referred to Review Organization:	4/29/99
EDO Number:	G1990224
OGC Number:	-
Scheduled Completion Date:	10/28/99 (Completed)
Last Contact with Petitioners:	10/29/99
Petition Manager:	D. Hood
Case Attorney:	J. Goldberg

Issues/Action Requested:

(1) The petitioner requests that the NRC "take immediate action to issue a Show Cause Order or Civil Penalty against Niagara Mohawk Power Corporation and its senior nuclear and corporate management (Enforcement Sanctions) for 1) submitting an altered employee record, under fraudulent pretenses, to the Nuclear Regulatory Commission on May 10, 1996 and 2) for their actions for placing confidential and fraudulent statements pertaining to [his] work performance, a false written record of what the Administrative Law Judge (ALJ) had determined in Discrimination Case 95-ERA-005 and the confidential and fraudulent 1994 employee evaluation (which the Administrative Law Judge had found to be altered) into federal custody and into public record. These actions are in clear Violation of 10 CFR 2.790(a) and 10 CFR 50.9," (2) The petitioner also requests that the NRC, "take immediate action and issue a Show Cause Order or Civil Penalty against Niagara Mohawk Power Corporation and its senior nuclear and corporate management (Enforcement Sanctions) for Discrimination in Violation of 10 CFR 50.7 [and] 10 CFR 2.790...for their actions...allowing confidential, false, and fraudulent documentation that is disparaging, deleterious, and damaging to [his] goodwill, integrity, and reputation to be placed into permanent public record," (3) The petitioner also requests that NRC, "forward a complaint to the Office of the Inspectors [sic] General for an investigation of possible deliberate misconduct or negligence on the part of members of the NRC for failing to take proper action in this discrimination case, allowing NMPC representatives to place false and fraudulent documents in NRC custody and for allowing these documents to be placed into public record."

Background:

A Petition Review Board (PRB) meeting on the petition was held on May 5, 1999. The PRB accepted part of his petition per 10 CFR 2.206. The accepted portion regards the issue of the altered employee record. The PRB did not accept the issue regarding the licensee handout at the pre-decisional enforcement conference since the handout's content had not been misunderstood by the NRC. The PRB determined that the petition did not raise issues of an immediate safety concern and the request for immediate action should therefore be denied. The PRB recommended that the petition manager solicit a written response from the licensee to be reviewed by OE. A letter requesting a licensee response on the petition was issued on May 10, 1999. An acknowledgment letter and Federal Register notice on the petition were issued on June 9, 1999, and June 15, 1999, respectively. The issues regarding the petitioner's third

request were forwarded to the Office of Inspector General on May 17, 1999, for review and suitable action. Counsel for the licensee responded to the petition on July 27, 1999, and requested that the response be withheld from public disclosure. In an August 26, 1999 letter, the NRC staff denied counsel's withholding request, and provided 10 working days for the licensee to request withdrawal before the NRC places the response in the Public Document Room (PDR). On September 13, 1999, the NRC forwarded the licensee's response to the PDR. OE completed its review of the petition in mid-September 1999 and provided its recommendation for the Director's consideration.

The Director's Decision (DD-99-13) on this petition was issued on October 28, 1999. The DD noted that the staff had complied with the petitioner's request to forward his complaint to the NRC's Office of the Inspector General (OIG) for an investigation of alleged deliberate misconduct on the part of the NRC staff. In a separate letter dated October 6, 1999, the NRC addressed the safety concern regarding the residual heat removal safety evaluation report independent of this decision. Apart from its previous enforcement action in 1996, the staff concluded in the DD that it is unable to take additional actions on the remaining requests in the petition. With regard to the allegation on the altered employee document, the staff found no meaningful difference between the copies used during the DOL proceeding and that used at the PEC. The different handwriting observed by the ALJ and the missing name on the copy released by the NRC did not alter the substance of the documents and would not cause the staff to reach different conclusions. Moreover, the documents do not require signatures, but list the supervisor's name only as a matter of record. Based on the above, the staff could not conclude that any documents were altered. The document at issue did not affect the NRC decision to issue its enforcement action against NMPC (A severity Level II Notice of Violation and \$80,000 Civil Penalty was issued on July 24, 1996).

Current Status:

The decision became a final agency action after the 25-day period allowed for Commission review on November 22, 1999.

Facility:	Nine Mile Point Unit 1
Petitioners:	Tim Judson Syracuse Peace Council, et al.
Date of Petition:	May 24, 1999
Director's Decision To Be Issued by:	NRR
Date Referred to Review Organization:	5/24/99
EDO Number:	G19990268
OGC Number:	-
Scheduled Completion Date:	11/28/99
Last Contact with Petitioners:	10/22/99
Petition Manager:	D. Hood
Case Attorney:	J. Goldberg

Issues/Action Requested:

The petitioners request that NRC suspend NMPC's operating license for NMP1 by postponing the scheduled restart date until (1) NMPC releases the most recent inspection data on the plant's core shroud, (2) a public meeting can be held in Oswego County to review this inspection data and the...repair design to core shroud welds V-9 and V-10, and (3) an adequate public review of the safety of the plant's continued operation is accomplished. This request is based upon the assertions of "new and unreviewed" information and "safety concerns."

By letter dated August 10, 1999, the petitioners requested a separate public meeting to discuss issues arising since the petition was submitted; namely, cracks identified in the main drain line and control rod stub tubes during hydrostatic testing of the Unit 1 reactor vessel, and the 1997 cracks in the emergency core cooling condensers. Although the August 10, 1999, letter includes issues that are beyond the scope of the initial petition (expanding the scope (1) from cracks in the core shroud to cracks in other components and (2) to concerns about the shroud inspection results) the NRC staff will respond to the August 10, 1999, letter as a supplement to the petition. In the August 10, 1999, letter, petitioners express concern that (1) the NRC's leak-before-break model for assessing safety of aging reactors is inadequate; (2) cracking is not confined to the core shroud but is spreading throughout the internals, pipes, and other systems, representing an unanalyzed condition being identified piecemeal, revealing a pattern of degradation of reactor components and systems, and suggesting overall embrittlement of the reactor; (3) core shroud weld V-10 exceeded the crack growth rate limit in the NRC's November 1998 safety evaluation and the rate predicted by General Electric; and (4) the large crack growth rate measurement error (about 10 microinch/hour) provides a great deal of uncertainty compared to the NRC's limit of 22 microinch/hour, and the measured rate should be at least 2 sigma below any established safety limit.

Background:

A Petition Review Board (PRB) meeting on the petition was held on June 2, 1999. The PRB accepted the May 24, 1999, letter as a valid petition pursuant to 10 CFR 2.206, but denied the request for a public meeting (hearing). The PRB determined that the request for immediate action to revoke or suspend the operating license for NMP1 by postponing the scheduled restart

date should be denied because the cracked vertical welds (V9 and V10) have been repaired, restoring these shroud welds to their design bases; the licensee is following relevant staff-approved industry guidance (e.g., several BWRVIP reports) for outage activities; and the staff has already evaluated most of the NMP1-specific issues raised in the petition. These include a 1997 modification to the tie rod base support design (redesign of wedge-retaining clip), previous restart and operation contingent upon a mid-cycle reinspection of vertical welds, extended operation to the end of the full cycle, and the shroud reinspection plan for the 1999 refueling outage (RFO15). Also, the licensee's repair of V9 and V10 welds was in accordance with a staff-approved repair/inspection plan.

An acknowledgment letter and Federal Register notice on the petition were issued on June 11, 1999. The acknowledgment letter accepted the May 24, 1999 petition, pursuant to 10 CFR 2.206, but denied the request for meetings and other immediate actions before restart of Unit 1. Copies of the licensee's June 9, 1999, letter on the 1999 shroud weld reinspection results and the licensee's July 12, 1999, letter on the tie rod cap screw failure were forwarded to the petitioner on July 26, 1999.

The staff held a Plant Performance Review meeting at the Nine Mile Point site on October 22, 1999. This meeting discussed licensee performance issues, some of which relate to issues in the petition and its supplement dated August 10, 1999. Mr. Judson received a copy of the NRC's letter dated September 30, 1999, and attended the meeting. After the meeting with the licensee, the staff remained in the area and answered questions from the petitioner and local press.

Current Status:

The Director's Decision DD-99-14 on the petition was issued on November 28, 1999. The NRC staff's subsequent review of the 1999 shroud reinspection results support NMPC's conclusion, reached before restart, that the structural integrity of the core shroud will be maintained during at least the current operating cycle in its present configuration. The additional issues raised by the petitioner in the supplement to the petition were previously known and addressed by the NRC. These issues were resolved consistent with approved BWRVIP programs, codes and standards, plant technical specifications, and the Commission's regulations. The crack growth rate for weld V10 did not exceed the NRC staff's accepted limit and its repair has eliminated concern for its current and future behavior. As discussed in the Decision, the issues raised in the petition do not represent a significant safety issue and the actions requested in the petition were not granted. The DD is in the Commission's review period. If the Commission does not act within 25 days of the date of issuance of the Director's Decision, it will become a final agency action.

Facility:	Indian Point Unit 2
Petitioner:	D. Lochbaum Union of Concerned Scientists
Date of Petition:	September 15, 1999
Director's Decision To Be Issued by:	NRR
Date Referred to Review Organization:	9/15/99
EDO Number:	G19990465
OGC Number:	-
Scheduled Completion Date:	2/18/2000
Last Contact with Petitioners:	10/25/99
Petition Manager:	J. Harold
Case Attorney:	J. Goldberg

Issues/Action Requested:

The petitioner requests that the NRC modify or suspend Indian Point Unit 2's operating license to prevent restart until the five identified issues are resolved. In lieu of license modification or suspension, the petitioner requests issuance of a Confirmatory Action Letter or Order requiring the petitioner's identified issues be addressed prior to restart. Additionally, the petitioner requests a public hearing on the petition be conducted in the vicinity of the plant prior to restart. The petition identified five issues, which are as follows: (1) Apparent Violation of Station Battery Design and Licensing Basis; (2) Apparent Failure to Adequately Correct Circuit Breaker Problems; (3) Apparent Unreliability of Emergency Diesel Generators; (4) Potential Unjustified License Amendment for Under-Voltage and Degraded Voltage Relay Surveillance Intervals; and (5) Apparent Errors and Non-Conservatism in Individual Plant Examination. A telephone conference was held on September 22, 1999, between the Petitioner and the Petition Review Board offering the Petitioner an opportunity to articulate, in more detail, the basis for the petition and to allow the staff to ask the Petitioner clarifying questions. There were two additional issues provided during the telephone conference call. They are: (1) Indian Point Nuclear Generating Unit No. 2's (IP2) ability to cope with a station blackout scenario with current procedures, and (2) the incorporation of licensing commitments into plant procedures.

Background:

In a public meeting held in Region I on September 14, 1999, to discuss a plant trip at IP-2 from full power on August 31, 1999, ConEd described the complications of the events that led to the trip and provided a copy of their recovery plan. This plan detailed actions that ConEd viewed as necessary to complete prior to plant restart. On September 15, 1999, the staff received a 10 CFR 2.206 petition from the Union of Concerned Scientists (UCS) on IP2. A Petition Review Board (PRB) meeting on the petition was held on September 22, 1999. An acknowledgment letter and Federal Register notice on the petition were issued on October 8, 1999. The PRB accepted the petition as a valid one pursuant to 10 CFR 2.206. The PRB determined that the petitioner's issues had been identified by the licensee in their September 14, 1999, meeting and plant restart was contingent upon implementation of the recovery plan which would resolve the petitioner's issues. The PRB concurred that several issues in the petition as well as others not addressed need to be resolved prior to restart, thereby partially granting the petition. The PRB also made a decision to request a licensee response to the issues raised in the petition to aid the staff in preparing the acknowledgment letter to the petitioner. The licensee's response dated September 24, 1999, provided information, on the docket, which the staff had already acquired

through its ongoing inspection effort. An additional request for additional information was issued on October 1, 1999, and the licensee responded by letter dated October 6, 1999. The staff used this information in part to prepare the acknowledgment letter which was issued on October 8, 1999. The staff determined the immediate enforcement actions the petitioner requested were not appropriate because the short-term actions in the licensee's recovery plan adequately addressed some of the petitioner's issues and all of the restart issues. However, had the licensee not adequately addressed these issues, the staff would have considered enforcement actions. The unit was restarted on October 13, 1999.

The petitioner, in a letter dated October 12, 1999, expressed dissatisfaction that the acknowledgment letter failed to address his safety concerns on the station battery design and licensing basis and the adequate correction of breaker problems. The staff responded to those concerns by letter dated October 25, 1999. The staff determined that the issues raised in the petitioner's October 12, 1999, letter did not change the conclusion of the October 8, 1999, acknowledgment letter. However, the staff plans to factor the supplemental information into the final decision on the petition.

Current Status:

The Region I AIT follow-up inspection report is currently expected in early December, which will help in developing the final director's decision.

Facility:	San Onofre Nuclear Generating Station (SONGS), Units 2 & 3
Petitioner:	S. Dwyer
Date of Petition:	September 23, 1999.
Director's Decision To Be Issued by:	NRR
Date Referred to Review Organization:	9/28/99
EDO Number:	G19990488
Scheduled Completion Date:	11/30/99(Closed)
Last Contact with Petitioners:	11/1/99
Petition Manager:	L. Raghavan
Case Attorney:	J. Goldberg

Issues/Action Requested:

a) Emergency shutdown of SONGS, in particular, and other facilities, in general. b) SONGS' seismic design and reports must be fully updated and c) SONGS system, structures and components must be upgraded. As a basis for the above request the petitioner stated that: a) recent seismic activity at Taiwan, Kobe, etc., resulted in failures of not only "old substandard structures," but also new "relatively well-built" structures, b) potential seismic activity in the SONGS area with a magnitude similar to the ones at Taiwan could have significant adverse consequences, c) since the design basis seismic curves are "maxed out," new calculations would exceed all "old outdated design parameters," and d) SONGS structures, systems and components have degraded, and the licensee has not upgraded them. Failures are "waiting to happen."

Background:

A PRB meeting was held on 11/1/99. The PRB concluded that petitioner's request does not present any plant-specific information nor anything substantial or new over previous agency considerations given to the seismic issue, does not identify any regulation being violated and, hence, does not meet the screening criteria (Management Directive 8.11, Pages 8 and 9).

Current Status:

A one-step acknowledgment/closeout letter was issued on November 9, 1999 and the petition was closed.

Facility:	Diablo Canyon Power Plant, Units 1 and 2
Petitioner:	D. Lochbaum Union of Concerned Scientists
Date of Petition:	November 24, 1999
Director's Decision To Be Issued by:	NRR
Date Referred to Review Organization:	11/24/99
EDO Number:	G19990600
Scheduled Completion Date:	12/27/99
Last Contact with Petitioners:	11/30/99
Petition Manager:	S. Bloom
Case Attorney:	J. Goldberg

Issues/Action Requested:

The petition requests that the operating licenses for Diablo Canyon Units 1 and 2 be suspended on December 20, 1999, if PG&E has not fully satisfied the nine conditions of the Department of Labor findings. The petitioner also requests that the NRC issue an order requiring PG&E to have an independent contractor assess the safety culture at Diablo Canyon, and that a public meeting be held to present their concerns to the NRC staff. As the basis for the request, the petition states that the findings of the Department of Labor (DOL) indicate that PG&E illegally discriminated against Mr. Neil Aiken, a former reactor operator, who had his security access revoked for being diagnosed with a Delusional Disorder by the company doctors. The petitioners raised numerous safety concerns and suggested that this may have a "chilling effect" with others at the plant and could lead to obvious negative safety implications. The petitioner is concerned about the clear indications that the safety culture at Diablo Canyon is not conducive to employees raising safety concerns without fear of retaliation. The petitioner states that the request serves a dual purpose of ensuring that Mr. Aiken's condition is remedied as soon as possible and also of reinforcing to other conscientious workers at Diablo Canyon that PG&E will not get away with infringing on their rights under federal law.

Background:

A PRB meeting was held on November 30, 1999.

Current Status:

The petitioner's request raised issues that were the subject of a previous petition request dated November 24, 1998, and resolution was achieved via Director's Decision (DD-99-05) issued on March 12, 1999. A one-step acknowledgment/closeout letter is proposed to be issued on this petition explaining the prior consideration given to the issue and, as was stated in the DD, the licensee already performed a full safety culture survey in October 1998 and mini safety culture survey in December 1999 which targeted previously identified areas of concern. Thus, the intent of the petitioner's request was met. In regard to the Department of Labor decision, it was noted that the agency does not have any jurisdiction to reinstate the dismissed employee. Further, the licensee's appeal of the DOL findings puts them on hold until the appeal is resolved. The NRC can not interfere with the DOL process.

Attachment 3
AGE AND RESOURCE EXPENDITURES FOR AGENCY 2.206 OPEN PETITIONS
As of November 30, 1999

ASSIGNED ACTION OFFICE	PETITION NUMBER	OGC NUMBER	FACILITY	AGE (months)	Scheduled Completion Date	Resources Expended by Action Office (HOURS) ¹	Resources Expended by OGC (HOURS) ¹	Comments if not meeting the Agency's 120-day Completion Goal
NMSS	G19990011	P-99-02	ATLAS CORPORATION	10	TBD ²	5	38.5	Earthjustice filed a petition with the U.S. Court of Appeals for the 9 th Circuit regarding the staff's de facto denial of the 2.206 petition.
NRR	G19990601		DIABLO CANYON UNITS 1 & 2	-	12/27/99	-	-	-
NRR	G1990465	-	INDIAN POINT UNIT 2	2	2/18/2000	372.2	9.5	
NRR	GT96919	P-96-026	CONNECTICUT YANKEE AND MILLSTONE Units 1,2 & 3	34	2/15/2000	589	148	Partial DD issued 2/11/98. Decision that outcome of investigation not expected to influence the final NRC decision.

¹ Staff professional time only; does not include management or administrative time.

² Projected completion date (Please see Attachment 1 for explanation).

Attachment 4
Statistics of Petitions Processed under 10 CFR 2.206 during CY 1999(11/99)

