

MEMORANDUM TO: L. Joseph Callan
Executive Director for Operations

FROM: Bruce A. Boger
Acting Associate Director for Projects
Office of Nuclear Reactor Regulation

SUBJECT: MAY 1998 REPORT ON THE STATUS OF PUBLIC PETITIONS UNDER
10 CFR 2.206

The attached monthly report reflects the status of 10 CFR 2.206 petitions as of May 30, 1998. The petition on Seabrook (GT970873) for which the DD 98-03 became a final agency action on 4/13/98 is closed.

Attachments 1, 2, and 3 give the status of petitions for the Offices of Nuclear Material Safety and Safeguards and Nuclear Reactor Regulation. Attachment 1 includes only petitions with status change from the previous update, Attachment 2 includes petitions with no status change from the previous update, and Attachment 3 lists other sensitive matters, which are for internal distribution only. Please note that Attachment 1 also includes first time additions to the list of petitions.

By issuing the monthly report on the status of pending 10 CFR 2.206 petitions, the staff is documenting its responsiveness to petitioners. Those parts of the monthly report not of a sensitive nature will be placed in the Public Document Room and are intended to be a link on the NRC external home page, making them readily accessible to the public. However, this feature is currently not in operation.

Attachment 1: Report on Status of Public Petitions Under 10 CFR 2.206 with Status Change from Previous Update

May 30, 1998

<u>Facility</u>	<u>Petitioner/EDO No.</u>
Commonwealth Edison Company*	Robarge, National Whistle Blower Center/G980185
Envirocare of Utah, Inc.	Cochran, Natural Resources Defense Council/GT970863
Babcock & Wilcox	Citizen's Action for a Safe Environment, et. al
Millstone 1,2,3	Bassilakis, CAN, Gunter, Nuclear Information Resource Service/G980070
San Onofre Nuclear Generating Station	Borchmann/GT97494
St. Lucie/Turkey Point	Saporito, National Litigation Consultants/multiple GTs
Vermont Yankee	Daly/G980233
San Onofre Nuclear Generating Station	Dwyer/GT97339

* Denotes Addition to the petition list from previous update

Facility:	<u>Commonwealth Edison Company</u>
Petitioner:	National Whistleblower Center and Randy Robarge
Date of Petition:	3/24/98
Director's Decision To Be Issued by:	NRR
Date Referred to Review Organization:	3/30/98
EDO Number:	G980185
OGC Number:	P-98-006
Scheduled Completion Date:	8/27/98
Last Contact with Petitioner:	4/17/98
Petition Manager:	G. Dick
Case Attorney:	S. Chidakel

Issues/Action Requested:

ComEd's assertion in a pleading associated with a Nuclear Whistleblower case revealed that the filing of a PIF [Problem Identification Form] does not equate to engaging in "protected activity" fosters an atmosphere of intimidation and chills the reporting of safety concerns; ComEd intentionally imposed restrictive confidentiality aimed at prohibiting employees from providing information to the NRC in violation of 10 CFR 50.7.

Petitioner requests: 1) Immediate issuance of a show cause order requiring ComEd to explain why the filing of a PIF does not constitute core protected activity under section 211 of the Energy Reorganization Act, 42 USC § 5851 (1993); 2) The issuance of a Level I violation and appropriate civil penalty for taking action that ComEd knew or should have known would chill employees from filing PIFs(Level III violation for a 10 CFR § 50.7 issued on November 28, 1995, see EA 95-235); 3) Require the licensee to post a public apology for claiming that the filing of a PIF does not constitute protected activity; 4) Issue a show cause order to ComEd requiring it to explain under oath why the imposition of restrictive confidentiality clauses prohibiting employees from directly communicating information to the NRC should not be prohibited; 5) Require ComEd to transmit to all individuals under similar restrictive confidentiality terms notice that they are now free to communicate information to the NRC; 6) Require licensee to release to the NRC copies of all restrictive confidentiality agreements entered into by ComEd and any subcontractors employed by ComEd since March 21, 1990 (the date of the Federal Register notice of 10 CFR §50.7(f) was published).

Background:

This is a new petition received on March 24, 1998. One of the petitioners, Mr. Robarge, has an active Department of Labor Discrimination Case (98-ERA-2) and these issues arose during the Discovery portion of the case.

Current Status:

Petition Review Board (PRB) met on 4/9/98 and an acknowledgment letter was issued on April 29, 1998. Based on the PRB meeting's decision, a request for additional information was sent on May 20, 1998 to the licensee in which the licensee was requested to respond to the petition and provide the staff with a the copy of letter referenced in the petition.

Facility:	<u>Envirocare of Utah, Inc.</u>
Petitioner:	T. Cochran, Natural Resources Defense Council (NRDC)
Date of Petition:	12/12/97
Director's Decision To Be Issued by:	NMSS
Date Referred to Review Organization:	12/18/97
EDO Number:	GT970863; GT980293
OGC Number:	P-97-014
Scheduled Completion Date:	TBD; Awaiting OI report and Staff Evaluation of OI Report
Last Contact with Petitioner:	5/20/98
Petition Manager:	H. Lefevre
Case Attorney:	H. McGurren

Issues/Action Requested:

Immediate NRC investigation and suspension of Envirocare's license.

Background:

The Petitioner was contacted by telephone on 12/18/97 and informed of NRC's receipt of the petition. NRC's letter of 12/31/97 to Mr. Charles Judd of Envirocare requires that the licensee do the following: (1) respond to each of the issues raised in the petition, (2) advise the NRC whether it intends to enforce its Employment Agreement against current and former employees who have engaged, or do engage, in protective activities cognizable under Section 211 of the Energy Reorganization Act (Section 211) and other employee protection statutes, and (3) respond to inconsistencies in its employee protection policies as identified in NRC's 12/08/97 letter.

The staff's letter of 1/16/98 to Thomas Cochran of NRDC indicates: (1) acknowledgment of receipt of the Petition, (2) a request that NRDC provide the names of individuals referenced in the Petition; (3) NRC's referral to the FBI of possible criminal violation of Section 211, (4) NRC's conclusion that no further immediate action concerning Envirocare's NRC license is warranted, and (5) NRC's providing the Petitioner with a copy of the notice of receipt of the Petition that will be placed in the Federal Register. NRDC's 1/21/98 response to NRC's 1/16/98 letter provided the names of 11 individuals (all attorneys, for the most part, affiliated with law firms representing competitors of Envirocare) who may have knowledge of current and former employees (beyond those identified in the Petition) who feel threatened by Envirocare.

Current Status:

The staff issued, on 5/13/98, letters to three law firms and the State of Utah confirming that the identified individuals had responded with the requested information or otherwise. The Petitioner submitted another petition on 5/06/98. Upon review of this new petition, the Petition Review Board (PRB) in its 5/19/98 board meeting determined that it provided no new information. The board decided that the 5/06/98 petition (EDO Control: G980293) would be grouped with the existing petition of 12/12/97. The Petitioner was informed by voice mail on 5/20/98 of NRC's receipt of the 5/06/98 petition. A formal acknowledgment letter to the petitioner's letter is planned for issuance by early June 1998.

Facility:	<u>Babcock & Wilcox</u>
Petitioner:	Citizen's Action for a Safe Environment, The Kiski Valley Coalition to Save Our Children
Date of Petition:	3/26/98
Director's Decision To Be Issued by:	NMSS
Date Referred to Review	4/10/98
Organization:	
EDO Number:	G980224
OGC Number:	P-98-008
Scheduled Completion Date:	5/11/98
Last Contact with Petitioner(s):	4/9/98
Petition Manager:	D. Orlando
Case Attorney:	J. McGurren

Issues/Action Requested:

Petitioners request a hearing on the decommissioning of the former radioactive materials burial area known as the Shallow Land Disposal Area in Parks Township, PA.

Background:

This is a new petition received on March 26, 1998.

Current Status:

The petition review board met on April 22, 1998, to discuss how to proceed with this request. On May 13, 1998, NRC staff responded to the petitioners March 26, 1998, request and indicated that since the petitioner did not explicitly request NRC to undertake an enforcement action, the March 26, 1998 letter would not be treated as a petition under 10 CFR 2.206. The staff indicated that when the decommissioning plan was submitted to NRC, the petitioners could request a hearing on the matters raised in their March 26, 1998, request. The petition is therefore closed.

Facility:	<u>Millstone Units 1, 2, & 3</u>
Petitioners:	R. Bassilakis, Citizens Awareness Network (CAN) and P. Gunter, Nuclear Information and Resource Service (NIRS)
Date of Petition:	2/2/98
Director's Decision To Be Issued by:	NRR
Date Referred to Review Organization:	2/4/98
EDO Number:	GT980070
OGC Number:	P-98-002
Scheduled Completion Date:	7/10/98
Last Contact with Petitioners:	5/12/98
Petition Manager:	S. Dembek
Case Attorney:	M. Rafky

Issues/Action Requested:

The Petition requests three actions: (1) The revocation of the license to operate Millstone Units 1, 2, and 3 as the result of ongoing intimidation and harassment of its work force by NU management; (2) The revocation of the license to operate Millstone Units 1, 2, and 3 as the result of persistent licensee defiance to adherence to NRC regulations and directives to create a Questioning attitude@ for its workers to challenge management on nuclear safety issues without fear of harassment, intimidation, or reprisals by NU; and (3) That NRC refer the Nuclear Oversight Focus 98 List and the reported licensee management attempt to destroy the list to the Department of Justice for investigation of a potential coverup.

Background:

The acknowledgment letter was sent to the petitioners on 3/11/98. On 3/27/98, the petitioners were sent a copy of the Millstone licensee's response to a 2/10/98 NRC request for additional information. PRB met on 2/23/98 and determined that there may be need for OE and OI involvement, but wanted to see how the licensee responded to the NRC's February 10, 1998 letter.

Current Status:

On 5/12/98, the petitioners were sent a copy of the licensee's April 24, 1998, supplemental response letter. The staff completed its review of the licensee's responses and performed 8 interviews of licensee personnel to verify key aspects of the licensee's written responses. The Director's Decision has been drafted and is in concurrence.

Facility:	<u>San Onofre Nuclear Generating Station</u>
Petitioner:	P. Borchmann
Date of Petition:	6/23/97, 6/28/97, and 7/11/97, as supplemented 10/21/97
Director's Decision To Be Issued by:	NRR
Date Referred to Review Organization:	7/3/97
EDO Number:	GT97494
OGC Number:	P-97-011
Scheduled Completion Date:	6/5/98
Last Contact with Petitioner:	4/20/98
Petition Manager:	B. Westreich
Case Attorney:	H. McGurren

Issues/Action Requested:

Demands that the NRC extend the current San Onofre Nuclear Generating Station (SONGS) Unit 3 refueling outage until all outstanding public safety concerns are fully resolved including: (1) serious flaws in the SONGS emergency evacuation plans for both San Diego and Orange County; (2) undersized pressurizer; (3) SONGS mismanagement in loss-of-coolant accident (LOCA) dose calculations; (4) Unit 1 spent fuel pool is not designed for permanent storage; (5) high density racks in Units 2 and 3 spent fuel pools increase the probability of accidental criticality as degradation of materials occurs and break up of pool during a seismic event; (6) the condition of the spent fuel pool waterproof membrane is unknown; (7) NRC has failed to establish requirements and procedures for licensee monitoring any leaks in the spent fuel pool; (8) local population will not respond to an emergency at SONGS because of conditioned response to military training at Camp Pendleton or because of lack of attention due to listening to tapes or compact disks; (9) reliance on civilian personnel to respond to an emergency; (10) no safe disposal plan exists for the spent fuel from SONGS; (11) SONGS and Southern California Edison are more interested in profit than safety; and (12) questions regarding SONGS increase in liability insurance.

Background:

The petitioner was contacted by telephone on 2/19/98 to discuss the status of the petition. An acknowledgment letter to the original three letters which denied the petitioner's request for immediate action was issued on 9/22/97. The petitioner sent a response dated 10/21/97 to the 9/22/97 acknowledgment letter. An acknowledgment letter to the 10/21/97 petitioner's letter was issued on 2/17/98.

Current Status:

The completion date was extended to 6/05/98 due to delays with the review of the emergency plan. The Director's Decision is in concurrence.

Facility: **St. Lucie 1 & 2, Turkey Point 3 & 4**
Petitioners: T. Saporito, Jr. National Litigation Consultants
Date of Petitions: 2/26, 2/27, 3/6, and supplemented 3/15, 3/17, 3/29, 3/30, and 4/4/98
Director's Decision To Be Issued by: NRR
Date Referred to Review Organization: 3/2/98
EDO Numbers: G980124/125, G980138, G980203/204/232
OGC Number: P-98-003
Scheduled Completion Date: 10/28/98
Last Contact with Petitioners: 4/14/98
Petition Manager: W. Gleaves
Case Attorney: S. Chidakel

Issues/Action Requested:

Petitioner requests the NRC (1) take escalated enforcement action, including modifying, suspending, or revoking FPL's operating licenses until it demonstrates that there is a work environment which encourages employees to raise safety concerns directly to the NRC, and issuing civil penalties for violations of the NRC's requirements; (2) permit you to intervene in a public hearing regarding whether FPL has violated the NRC's employee protection regulations and require FPL to allow NLC to assist its employees in understanding and exercising their rights under these regulations; (3) conduct investigations and require FPL to obtain appraisals and third-party oversight in order to determine whether its work environment encourages employees to freely raise nuclear safety concerns; (4) inform all employees of their rights under the Energy Reorganization Act and NRC's regulations to raise such concerns; and (5) establish a website on the Internet to allow employees to raise concerns to the NRC.

Background:

The petition manager telephoned the petitioner on 4/7/98 and 4/14/98. The Petition Review Board met in March 19, 1998 to discuss the ongoing proceeding. The staff intends to group a large number of issues into specific categories and address each category. Much of the petition is repetitive to past issues, previously addressed.

Current Status:

On 4/14/98, the petition manager contacted the petitioner to discuss the public nature of the petition process. The acknowledgment letter and Federal Register notice were issued on May 4, 1998. The new issues have been divided among a team from OI, OGC, NRR/Projects, and Region II. OI issues will be forwarded to OI for their action. Previously addressed issues will be referred to information contained in previous director's decisions. The licensee has been requested to address the individual issues, within the limits of privacy for named individuals, as quickly as possible. The licensee's response will be compared and validated against staff responses.

Facility:	<u>Vermont Yankee Nuclear Power Station</u>
Petitioner:	M. Daly, New England Coalition on Nuclear Pollution, Inc.
Date of Petition:	4/10/98
Director's Decision To Be Issued by:	NRR
Date Referred to Review Organization:	4/15/98
EDO Number:	G980233
OGC Number:	
Scheduled Completion Date:	5/15/98 (Immediate Response)
Last Contact with Petitioner:	5/13/98
Petition Manager:	R. Croteau
Case Attorney:	H. McGurren

Issues/Action Requested:

The Petitioner requests that the NRC issue an order requiring that the licensee's more limiting administrative limits, which preclude Vermont Yankee Nuclear Power Station (Vermont Yankee) from operating with a torus water temperature above 80 °F or with service water injection water temperature greater than 50 °F, shall remain in force until certain conditions are met. The conditions include a complete reconstitution of the licensing basis for the maximum torus water temperature, submittal to the NRC of a TS amendment request establishing the correct maximum torus water temperature, and completion of NRC review of the amendment request.

Background:

The current TS specify a maximum torus temperature of 100°F, however, the licensee determined that 90°F had been used as an input to the containment response analysis. The licensee then instituted administrative controls to limit torus temperature to 90°F while a TS change was prepared. While performing preliminary calculations and evaluations to verify the adequacy of the 90°F limit, the licensee determined that it was necessary to further reduce the administrative limit to 80°F until the final analysis was completed. This issue was discussed with the licensee in a series of meetings on March 5, March 24, and April 7, 1998. During the meetings the licensee indicated that the adequacy of a 90°F initial torus temperature would be confirmed and a TS amendment request would be submitted before restart from the outage (May 1998). The licensee intends to restart the plant, administratively controlling torus temperature to 90°F, while the NRC reviews the TS change.

Current Status:

PRB met on 4/16/98 and a letter denying the petitioner's immediate request was issued on May 13, 1998. The licensee has submitted the TS amendment specifying a torus water temperature limit of 90°F and the staff is reviewing the submittal. The Director's Decision will be issued once the staff has reviewed the TS amendment specifying the maximum torus water temperature (expected to be 90°F) and written a Safety Evaluation.

Facility:	<u>San Onofre Nuclear Generating Station</u>
Petitioner:	S. Dwyer
Date of Petition:	4/25/97
Director's Decision To Be Issued by:	NRR
Date Referred to Review Organization:	5/2/97
EDO Number:	GT97339
OGC Number:	P-97-009
Scheduled Completion Date:	6/12/98
Last Contact with Petitioner:	4/20/98
Petition Manager:	M. Fields
Case Attorney:	H. McGurren

Issues/Action Requested:

Petitioner believes that San Onofre will not be able to withstand a major seismic event due to the degradation of steam generator internal tube supports. In addition, petitioner requests that a thorough investigation should be done in Unit 2 to find any corrosion of the steam generator internal tube supports similar to that identified in Unit 3. Further, petitioner requests that a general seismic evaluation upgrade should be done for the San Onofre steam generators and a retrofitting upgrade of the steam generator supports could be done at the same time.

Background:

An acknowledgment letter was issued on 6/26/97 denying the petitioner's request to immediately shut down the San Onofre Nuclear Generating Station. The licensee submitted information in a letter dated 10/17/97 that the staff is using to reply to the petitioner's concerns. The staff's course of action involved reviewing the inspection results of both units, most recently during mid cycle outages conducted in Feb-April, 1998. Inspection findings are being finalized for issuance and will be used in the final Director's Decision.

Current Status:

The Director's Decision is in concurrence and will issued by June 12, 1998.

Attachment 2:

Report on Status of Public Petitions Under 10 CFR 2.206 with No Status Change from Previous Update

May 30, 1998

<u>Facility</u>	<u>Petitioner/EDO No.</u>
Advanced Medical Systems, Inc.	Northeast Ohio Regional Sewer District/EDO10395
Philadelphia VA Medical Center	Lovell, Ann/G980069
Millstone	Galatis, We the People, Inc./EDO603
Connecticut Yankee and Millstone	Katz, Citizens Awareness Network(CAN)/GT96919
Connecticut Yankee	Bassilakis, CAN/GT97181
D.C. Cook, Units 1 and 2	Lochbaum/GT97724
Haddam Neck	Block, CAN/G980168
Browns Ferry 1	Lochbaum/G980199

Facility:	<u>Advanced Medical Systems, Inc.</u>
Petitioner:	Northeast Ohio Regional Sewer District
Date of Petition:	8/19/94
Director's Decision To Be Issued by:	NMSS
Date Referred to Review Organization:	8/29/94
EDO Number:	10395
OGC Number:	P-94-020
Scheduled Completion Date:	9/10/98
Last Contact with Petitioner(s):	4/16/98
Petition Manager:	J. DeCicco
Case Attorney:	R. Weisman

Issues/Action Requested:

Amend AMS license to install, maintain, and operate alarms on all drains from the London Road facility.

Background:

An acknowledgment letter was issued on 9/7/94. On 12/29/94 the Sewer District requested a license renewal hearing per Subpart L, 10 CFR 2.1205. The staff provided status updates to the petitioner by telephone on 5/30/95, 8/1/95, 10/3/95, 12/4/95, 2/12/96, 4/16/96, 6/18/96, 8/20/96, 10/22/96, and 12/20/96. The staff requested the petitioner's views regarding the impact of a settlement agreement on the petition by letter dated 2/3/97. The petitioner's letter dated 3/4/97 indicated that the petitioner's requests are not completely covered by the settlement agreement, and the petition remains relevant. A decision was made by the staff to defer the Director's Decision until completion of the license renewal application review process, currently scheduled to be completed by September, 1998.

Current Status:

There is no change in status for this update.

Facility:	<u>Philadelphia VA Medical Center</u>
Petitioner:	Ann Lovell
Date of Petition:	01/28/98
Director's Decision To Be Issued by:	NMSS
Date Referred to Review Organization:	2/4/98
EDO Number:	G980069
OGC Number:	P-98-001
Scheduled Completion Date:	6/30/98
Last Contact with Petitioner(s):	4/23/98
Petition Manager:	T. Taylor
Case Attorney:	S. Chidakel

Issues/Action Requested:

Request NRC to immediately suspend or revoke the NRC Operating License issued as they are operating in a manner in which there is potential to present a significant danger to medical center patients, staff, and the general public.

Background:

A copy of the Petition was provided to the Office of the Inspector General on 2/12/98. An acknowledgment letter was sent to the petitioner on 2/27/98, and a Federal Register notice announcing the receipt of the Petition was filed with the Office of the Federal Register for publication.

The Petition Review Board met on 2/10/98 to discuss the petition. A letter was sent to the VA Philadelphia on February 27, 1998, informing them of receipt of the petition and requested their views on the central concerns expressed by the petitioner. We requested a response by 3/31/98. Region I received the licensee's response by letter dated 3/31/98. A letter was sent to the Petitioner on April 23, 1998, providing the Petitioner with a copy of the PVAMC's response to the petition, and updating the Petitioner on the status of the Petition. The Petition Review Board is scheduled to meet again on 6/8/98 to discuss the results of Region I's inspection of the licensee.

Current Status:

There is no change in status for this update.

Facility:	<u>Millstone</u>
Petitioners:	G. Galatis and E. Hadley on behalf of We the People, Inc.
Date of Petition:	8/21/95, supplemented 8/28/95
Director's Decision To Be Issued by:	NRR
Date Referred to Review Organization:	8/30/95
EDO Number:	603
OGC Number:	P-95-015
Scheduled Completion Date:	4/30/98
Last Contact with Petitioner(s):	5/5/98
Petition Manager:	S. Dembek
Case Attorney:	R. Hoefling

Issues/Action Requested:

The petitioners allege that Northeast Utilities (NU) has offloaded more fuel assemblies into the spent fuel pool than permitted under License Amendments 39 and 40; that NU has knowingly operated Millstone in violation of its operating licenses; and that NU has submitted material false statements. Petitioners seek a 60 day license suspension for Millstone Unit 1 (after the unit is brought into compliance with the license and the design basis). The petitioners also request that the operating license be revoked until the facility is in full compliance with the terms and conditions of its license; before reinstatement of the license, a detailed independent analysis of the offsite dose consequences of total loss of spent fuel pool water be conducted; that enforcement action be taken against NU pursuant to 10 CFR 50.5 and 50.9; that actions be taken regarding a proposed license amendment pending before the Commission wherein NU seeks to increase the amount of spent fuel it may offload and that the amendment be denied; that the NRC retain an independent expert, at NU's expense, to prepare a safety

analysis report on the proposed amendment; and that, before the issuance of any amendment, an analysis including both the probability and consequences of applicable events be conducted. In the supplement, Mr. Galatis raised additional concerns including concerns at Millstone Units 2 and 3 and Seabrook.

Background:

Northeast Utilities (NU) provided its responses in 9/22/95 and 10/11/95 letters. The acknowledgment letter was issued on 10/26/95. The staff completed its review of the licensee's amendment request and on 11/9/95 issued the amendment and safety evaluation. A spent fuel pool inspection was conducted at Millstone in March 1996 to review the 10 CFR 2.206 concerns as well as other spent fuel pool issues. On 12/26/96, the staff issued a partial Director's Decision (DD-96-23) that addressed the technical aspects of the petitioners' requests. The wrongdoing aspects are still under review and will be addressed in a subsequent Director's Decision. The completion date was extended to 6/30/98 to allow time for additional staff review. A status update letter was sent to the petitioner on 5/5/98.

Current Status:

There is no change in status for this update.

Facility:	<u>Connecticut Yankee and Millstone Units 1, 2, and 3</u>
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	12/20/96
Organization:	
EDO Number:	GT96919
OGC Number:	P-96-026
Scheduled Completion Date:	7/1/98
Last Contact with Petitioners:	4/17/98
Petition Manager:	D. McDonald
Case Attorney:	R. Hoefling

Issues/Action Requested:

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 Director's Decision (DD-97-21) addressing most of the issues was issued to the petitioners on 9/12/97. 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, currently scheduled for 7/1/98.

Current Status:

There is no change in status for this update.

Facility:	<u>Connecticut Yankee</u>
Petitioners:	R. Bassilakis, Citizens Awareness Network (CAN) and P. Gunter, Nuclear Information and Resource Service (NIRS)
Date of Petition:	3/11/97
Director's Decision To Be Issued by:	NRR
Date Referred to Review	3/20/97
Organization:	
EDO Number:	GT97181
OGC Number:	P-97-003
Scheduled Completion Date:	9/30/98
Last Contact with Petitioners:	4/20/98
Petition Manager:	T. Fredrichs
Case Attorney:	M. Rafky

Issues/Action Requested:

Petitioners request (1) that the NRC commence enforcement action against Connecticut Yankee (CY) (Haddam Neck) by means of a large civil penalty to assure compliance with safety-based radiological control routines, (2) modification of CY's license to prohibit any decommissioning activity, which would include dismantling or decontamination, until CY manages to conduct routine maintenance of the facility without any contamination events for at least 6 months, and (3) placement of CY on the NRC's "watch list."

Background:

An acknowledgment letter was issued on 4/3/97. The petitioner was contacted by telephone on 7/9/97 and informed of the status of the petition. A partial Director's Decision (DD-97-19) was issued on 9/3/97. DD-97-19 denied requests (2) and (3) above. In a public meeting on 10/27/97, which the petitioner attended, the staff stated that it was pursuing enforcement action regarding the remaining open item in the petition. Request (1) regarding enforcement action has been deferred and will be the subject of a final Director's Decision, currently scheduled for 9/30/98.

Current Status:

There is no change in status for this update.

Facility:	<u>Donald C. Cook, Units 1 and 2</u>
Petitioner:	D. Lochbaum, Union of Concerned Scientists
Date of Petition:	10/9/97
Director's Decision To Be Issued by:	NRR
Date Referred to Review Organization:	10/15/97
EDO Number:	GT97724
OGC Number:	P-97-013
Scheduled Completion Date:	8/8/98
Last Contact with Petitioner:	04/28/98
Petition Manager:	John Stang
Case Attorney:	R. Hoefling

Issues/Action Requested:

Petitioner requests that the operating licenses for Donald C. Cook Units 1 and 2 be modified, revoked, or suspended until there is reasonable assurance that their systems are in conformance with design and licensing bases requirements. The petitioner also requests that a public hearing into this matter be held in the Washington, DC area prior to the first unit at D.C. Cook being authorized to restart so that the petitioner can present information supporting the contentions in this petition.

Background:

The acknowledgment letter was issued on 12/9/97. The petitioner sent in a letter on 1/6/98 objecting to the use of the MD 8.11 criteria to determine if a public hearing would be held without first asking him if he had new information to present. The letter stated that he did have new information but did not provide it. A public meeting (not hearing) was held on 1/12/98 to allow the petitioner to present his concerns.

The petitioner sent in an addendum to the petition on 1/12/98, which provided a written copy of the issues he presented at the 1/12/98 meeting. In addition, the petitioner submitted a request on 1/15/98, to review the draft confirmatory action letter (CAL) followup inspection report prior to Cook being authorized to restart. An acknowledgment letter for both the 1/12 and 1/15/98 requests was issued on February 23, 1998. The petitioner was contacted by phone on 2/10/98 to clarify how issues he raised in the 1/12/98, letter were addressed in the acknowledgment letter, and to provide him with a general status update on Cook and the CAL. The petitioner was contacted by phone on 2/23/98, to advise him of a meeting to be held at the Cook site to discuss their status on the CAL and other issues. On 4/28/98 the petitioner was contacted to give a status update and to provide clarifications on the petition response.

Current Status:

There is no change in status for this update.

Facility:	<u>Haddam Neck Nuclear Power Station</u>
Petitioner:	J. Block
Date of Petition:	3/13/98
Director's Decision To Be Issued by:	NRR
Date Referred to Review Organization:	3/20/98
EDO Number:	G980168
OGC Number:	P-98-004
Scheduled Completion Date:	8/20/98
Last Contact with Petitioner:	4/22/98
Petition Manager:	T. Fredrichs
Case Attorney:	M. Rafky

Issues/Action Requested:

Petitioners requested immediate suspension of the licensee's operating license. Petitioners present three issues in support of their request: 1) that contaminated materials were released offsite, 2) that on-site radiological failures have occurred, and 3) that the licensee's planned procedure to ventilate the spent fuel building through open doors and roof hatches, in the event that the spent fuel pool cooling system becomes inoperable and can not be restored, constitutes an unmonitored, unplanned release of radiation.

Background:

This is a new petition received on March 20, 1998. An acknowledgment letter was issued on 4/22/98.

Current Status:

There is no change in status for this update.

Facility:	<u>Browns Ferry Nuclear Plant Unit 1</u>
Petitioner:	D.Lochbaum
Date of Petition:	4/5/98
Director's Decision To Be Issued by:	NRR
Date Referred to Review Organization:	4/6/98
EDO Number:	G980199
OGC Number:	
Scheduled Completion Date:	4/29/98(Acknowledgment letter) 7/31/98 Decision
Last Contact with Petitioner:	5/4/98
Petition Manager:	A. DeAgazio
Case Attorney:	R. Hoefling

Issues/Action Requested:

The petitioner asked for an informal hearing requesting (1) that the Operating License for Browns Ferry, Unit 1 be revoked and 2) that the NRC should require the Tennessee Valley Authority (TVA) to submit either a

decommissioning plan or a lay-up plan for Browns Ferry, Unit 1. As the basis for the Union of Concerned Scientist (UCS) request, the petitioner asserts that because Browns Ferry Unit 1 has been on "administrative hold" since June 1, 1985, and has not been operated since then, revocation of the operating license and requiring relicensing, if TVA later decides to restart Unit 1, is a better, safer process than is the current Inspection Manual Chapter 0350 restart process. Further, the petitioner asserts that requiring a decommissioning plan would provide assurance that the irradiated fuel is stored safely and that Units 2 and 3 are sufficiently independent of Unit 1 for safe operation.

Background:

This is a new petition received on April 5, 1998. The 2.206 petition review board convened in mid April, 1998 and endorsed a proposed course of action. The acknowledgment letter was issued 4/29/98 with a decision not to hold an informal hearing on the UCS petition.

Current Status:

There is no change in status for this update.