

Report on Status of Public Petitions Under 10 CFR 2.206: July 1998

MEMORANDUM TO: L. Joseph Callan
Executive Director for Operations

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

SUBJECT: JULY 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 July 31, 1998. The petitions on San Onofre (GT97494) and (GT97339) for which the Director's Decisions (DDs) became final agency actions during the month were 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: List of Public Petitions Under 10 CFR 2.206 with Status Change from previous month.

| <u>Facility</u> | <u>Petitioner/EDO No.</u> |
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| Vermont Yankee Citizens Awareness | Network/G980358 |
| St. Lucie/Turkey Point Saporito, National Litigation | Consultants/multiple GTs |
| Philadelphia VA Medical Center | Lovell, Ann/G980069 |
| D.C. Cook, Units 1 and 2 | Lochbaum/GT97724 |
| Commonwealth Edison Company | Robarge, National Whistle Blower Center/G980185 |
| Millstone | Galatis, We the People, Inc./EDO603 |
| San Onofre Nuclear Generating Station | Borchmann/GT97494 |
| San Onofre Nuclear Generating Station | Dwyer/GT97339 |

Key: * Denotes addition to the petition list from previous update

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| Facility: | <u>Vermont Yankee Nuclear Power Station</u> |
| Petitioner: | Citizens Awareness Network |
| Date of Petition: | 5/27/98 and 6/9/98 |
| Director's Decision To Be Issued by: | NRR |
| Date Referred to Review Organization: | 6/2/98 |
| EDO Number: | G980358 |
| OGC Number: | P-98-10 |
| Scheduled Completion Date: | 11/6/98 |
| Last Contact with Petitioner: | 6/10/98 |
| Petition Manager: | R. Croteau |
| Case Attorney: | Hoefling |

Issues/Action Requested:

Immediate enforcement action by suspending the operating license until the entire facility has been subjected to an independent safety analysis review similar to the one conducted at Maine Yankee Atomic Power Station. As an alternative, **prior to restart:** 1) Require VY management to certify under oath that all back-up safety systems and all security systems are fully operable, and all safety systems and security systems meet and comply with NRC requirements. 2) VY be held to compliance with all of the restart criteria and protocols in the NRC Manual. 3) VY only be allowed to resume operations after the NRC has conducted a "vertical slice" examination of the degree to which the new design basis documents (DBDs) and FSAR accurately describe at least two of the primary safety systems for the VY reactor. 4) Once operation resumes, VY only be allowed to continue operation for so long as it adheres to its schedule for coming into compliance and completing the DBD and FSAR project. 5) NRC hold a public hearing prior to restart to discuss the changes to the torus, VY DBD and FSAR projects, and VY scheduled completion of these projects in relation to operational safety.

Background:

The request was based on 50.72 reports and other information already available to the NRC. No new issues were presented. The plant restarted from the outage prior to receiving this request in NRR.

Current Status:

Immediate response denying the request was issued on July 6, 1998. The licensee was requested by a letter dated July 9, 1998, to address the issues raised by the petitioner. Following the licensee's response, a Director's Decision will be prepared.

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: 9/1/98
Last Contact with Petitioners: 7/23/98
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 Review Board met on 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. The acknowledgment letter and Federal Register notice were issued on May 4, 1998. OI issues will be forwarded to OI for their action. The licensee has been requested to address the individual issues, within the limits of privacy for named individuals. Responses from the Region II Office and from Florida Power & Light were expected in the second week of July.

Current Status:

The Division of Reactor Projects issued a supplemental letter addressing the comments by the Petitioner that did not meet the criteria for consideration under 10 CFR 2.206 on July 15, 1998. These comments included a request for NRC to provide a vehicle on the Internet by which licensee personnel could submit safety concerns, and a request for leave to intervene in public hearings.

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| 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: | 8/14/98 |
| Last Contact with Petitioner(s): | 6/24/98 |
| 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 is scheduled to meet again on 6/8/98 to discuss the results of Region I's inspection of the licensee.

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. 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 met on 6/8/98 to discuss the results of Region I's inspection of the licensee, performed in the first week of June. The staff is working on the Director's Decision, which is scheduled to be completed by August 14, 1998. A letter was sent to the Petitioner on June 24, 1998, providing the Petitioner with an update on the status of the Petition.

Current Status:

The Director's Decision is currently undergoing review by management and the Office of the General Counsel. The staff has requested a two-week extension for completion to August 28, 1998.

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| 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: | 11/16/98 |
| Last Contact with Petitioner: | 7/24/98 |
| 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 2/23/98. 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. RAI requesting licensee to respond to questions in the petition was issued on 6/13/98. The licensee stated that response to the NRC would be submitted on 07/31/98.

Current Status:

On 7/24/98 the petitioner was contacted to give a status update and to provide clarifications on the petition response. An informal public hearing has been scheduled for August 19, 1998. A Federal Register notice describing the hearing procedure and the time and location for the hearing was issued on July 20, 1998. In addition, a press release describing the hearing was issued on July 23, 1998. The completion date has been extended to 11/16/98.

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| 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: | 6/22/98 |
| Petition Manager: | G. Dick |
| Case Attorney: | S. Chidakel |

Issues/Action Requested:

Petitioner requests: 1) Immediate issuance of a show cause order requiring ComEd to explain why the filing of a PIF [Problem Identification Form] 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; 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; and 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.

Background:

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. Petition Review Board (PRB) met on April 9, 1998, and an acknowledgment letter was issued on April 29, 1998. The licensee was requested to respond to the petition and provide the staff with a copy of the letter referenced in the petition. The licensee responded to the RAI by letter dated June 19, 1998. On June 26, 1998, Mr. Robarge notified the NRC that he was withdrawing his Petition. The Petition filed by the National Whistleblowers remains active.

Current Status:

The Director's Decision is in draft.

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| 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: | 12/30/98 |
| Last Contact with Petitioner(s): | 7/7/98 |
| 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. 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 12/30/98 to allow time for additional staff review.

Current Status:

A status update letter was sent to the petitioner on 7/7/98.

Facility: San Onofre Nuclear Generating Station
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 Director's Decision (DD-98-05) became a final agency action on July 1, 1998 and the petition is being closed.

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| 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 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. An acknowledgment letter was issued on 6/26/97 denying the petitioner's request to immediately shut down the San Onofre Nuclear Generating Station.

Current Status:

The Director's Decision (DD-98-06) became an final agency action on July 6, 1998 and the petition is being closed.

Attachment 2: Report on Status of Public Petitions with No Status Change from previous month.

Facility

Advanced Medical Systems, Inc.
Connecticut Yankee and Millstone
Connecticut Yankee
Browns Ferry 1
Envirocare of Utah, Inc.
Vermont Yankee
Haddam Neck

Petitioner/EDO No.

Northeast Ohio Regional Sewer District/EDO10395
Katz, Citizens Awareness Network(CAN)/GT96919
Bassilakis, CAN/GT97181
Lochbaum/G980199
Cochran, Natural Resources Defense Council/GT970863
Daly/G980233
Block, CAN/G980168

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| 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): | 6/19/98 |
| 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: 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 12/20/96
Organization:
EDO Number: GT96919
OGC Number: P-96-026
Scheduled Completion Date: 12/31/98
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.

Current Status:

There is no change in status for this update.

Facility: **Connecticut Yankee**
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 Organization: 3/20/97
EDO Number: GT97181
OGC Number: P-97-003
Scheduled Completion Date: 12/31/98
Last Contact with Petitioners: 7/1/98
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 12/31/98.

Current Status:

There is no change in status for this update.

Facility: **Browns Ferry Nuclear Plant Unit 1**
Petitioner: D.Lochbaum
Date of Petition: 4/5/98
Director's Decision To Be Issued NRR
by:
Date Referred to Review 4/6/98
Organization:
EDO Number: G980199
OGC Number: P-98-007
Scheduled Completion Date: 4/29/98(Acknowledgment letter) Decision date to be determined pending completion of public hearing
Last Contact with Petitioner: 6/30/98
Petition Manager: A. DeAgazio
Case Attorney: R. Hoefling

Issues/Action Requested:

The petitioner asked for an informal hearing requesting that the Operating License for Browns Ferry, Unit 1 be revoked and 2) that NRC should require the Tennessee Valley Authority (TVA) to submit either a decommissioning plan or lay-up plan for Brown's Ferry, Unit 1. As the basis for the Union of Concerned Scientists (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 petition was 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. The petitioner sent in another letter dated June 5, 1998, requesting the staff reconsider conducting a public hearing. The staff has determined that while the 2.206 petition alone does not meet the criteria contained in the Management Directive 8.11 regarding a hearing, the staff has chosen to conduct an informal hearing near the Browns Ferry site to afford the petitioner, licensee and the members of the public the opportunity to provide relevant information to the staff.

Current Status:

There is no change in status for this update.

Facility: **Envirocare of Utah, Inc.**
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: 9/4/98
Last Contact with Petitioner: 7/20/98
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.

NRDC's 1/21/98 response to NRC's 1/16/98 letter provided the names of 11 individuals who may have knowledge of current and former employees who feel threatened by Envirocare. 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. 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 and an acknowledgment letter was issued on 6/9/98. Evaluation of information gathered in anticipation of preparation of the Director's Decision will be completed by the end of August 1998.

Current Status:

There is no change in status for this update.

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|---------------------------------------|---|
| 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: | P-98-09 |
| Scheduled Completion Date: | 12/15/98 |
| 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 has restarted the plant, administratively controlling torus temperature to 90°F, while the NRC reviews the TS change. 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. Amendment is under review by the staff.

Current Status:

There is no change in status for this update.

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|---------------------------------------|---|
| 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-9 8-004 |
| Scheduled Completion Date: | 8/20/98 |
| Last Contact with Petitioner: | 9/30/98 |
| 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 cannot be restored, constitutes an unmonitored, unplanned release of radiation.

Background:

An acknowledgment letter was issued on 4/22/98. RAI sent to licensee on 5/28/98 requesting their plans for using the roof hatch for ventilation, and requesting dose projections if that ventilation path is used. A copy of the RAI was sent to petitioners. RAI response from licensee received 6/29/98.

Current Status:

There is no change of status for this update.