

MEMORANDUM TO: William D. Travers  
Executive Director for Operations

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

SUBJECT: NOVEMBER 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 November 30, 1998. During the month, Director's Decision (DD-98-10) on the petition on St. Lucie/Turkey Point (G980124/125, G980138, G980203/204/232) became final agency action on 12-16-98 and was closed. Also, during the month, the Director's Decisions (DD-98-11) on Advanced Medical Systems, Inc. (EDO10395) and Director's Decisions (DD-98-12) on Haddam Neck (G980168) were issued.

Attachments 1, 2, 3, and 4 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. Attachment 4 lists the Director's Decisions/Petitions that have been closed during the year.

The attachment 5 reflects the age and staff hours expended on open 2.206 petitions as of November 30, 1998. This table reflects input from the Office of Nuclear Reactor Regulation (NRR), Office of Nuclear Material Safety and Safeguards (NMSS), and the Office of the General Counsel (OGC). The attachment 6 provides a summary of the status of NRR §2.206 petitions exceeding the 120-day scheduled completion goal.

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 and recently issued Director's Decisions are placed in the Public Document Room and are placed as a link on the NRC external home page, making them readily accessible to the public. The URL address for the WWW link is <http://www.nrc.gov/NRC/PUBLIC/2206/index.html>.

Attachments:

1. List of Public Petitions Under 10 CFR 2.206 with Status Change from previous month.
2. Report on Status of Public Petitions with No Status Change from previous month.
3. Decisions Pending Before the Commission and the Courts.
4. Decisions Issued and/or Closed During the Year 1998

Report on Status of Public Petitions  
Under 10 CFR 2.206 with Status Change from Previous Update  
November 30, 1998

**Attachment 1**

<u>Facility</u>	<u>Petitioner/EDO No.</u>	<u>Page No.</u>
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Browns Ferry 1	Lochbaum/G980199.....	5
Millstone	Galatis, We the People, Inc./EDO603 .....	6
Haddam Neck	Block, CAN/G980168 .....	7
River Bend	UCS/ G980592.....	8
Advanced Medical Systems, Inc.	Northeast Ohio Regional Sewer District/EDO10395 .....	9
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Key:

\* Denotes addition to the petition list from previous update

Report on Status of Public Petitions  
Under 10 CFR 2.206 with No Status Change from Previous Update  
October 31, 1998

**Attachment 2**

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

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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: 10/21/98  
Last Contact with Petitioners: 10/21/98  
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 the licensee demonstrates that a work environment exists which encourages employees to raise safety concerns directly to the NRC, and issuing civil penalties for violations of the NRC's requirements; (2) permit the petitioner 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. The Division of Reactor Projects issued a supplemental letter addressing the comments made 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. The licensee has addressed the individual issues within the limits of privacy for named individuals. Responses from Region II Office and OE have been received in preparation for the Director's Decision.

Current Status:

The Director's Decision (DD-98-10) became final agency action after the Commission's 25-day review period on 11-16-98 and was closed.

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Facility: **Donald C. Cook, Units 1 and 2**  
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: 02/01/99  
Last Contact with Petitioner: 11/24/98  
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 final unit at D.C. Cook being authorized to restart so that the petitioner can present information supporting the contentions of 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 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 letter (CAL) follow up inspection report prior to Cook being authorized to restart. An acknowledgment letter for both 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 the 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. On 7/24/98 the petitioner was contacted to give a status update and provide clarifications on the petition response. The licensee responded to the RAI on July 31, 1998. On August 1, 1998, an informal public hearing was held to allow the petitioner an opportunity to provide clarification of the issues raised in the petition. The licensee also participated in the hearing. NRR is waiting for inspection results from a licensee Safety System Functional Inspection being performed on the AFW system before a final Director's Decision can be issued. This inspection is scheduled to be completed in December. NRR is preparing a letter to the petitioner on the latest status of the Director's Decision (DD).

Current Status:

By letter dated November 24, 1998 NRC provided the petitioner with the latest status of the DD.

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Facility: **Browns Ferry Nuclear Plant Unit 1**  
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: P-98-007  
Scheduled Completion Date: 2/23/99  
Last Contact with Petitioner: 10/26/98  
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 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 ended with 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. A Federal Register notice (63 FR 51626) to hold an informal hearing in the Browns Ferry area was issued on September 28, 1998.

Current Status:

An informal hearing as scheduled was held in the Browns Ferry area on October 26, 1998. The information presented at the hearing by petitioner and the licensee is being reviewed and will be used as appropriate to arrive at the Director's Decision. The Director's Decision is being prepared.

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Facility: **Millstone**  
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): 11/19/98  
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 staff conducted a hearing with the petitioner on April 18, 1998. The wrongdoing aspects are still under review and will be addressed in a subsequent Director's Decision. A status update letter was sent to the petitioner on 7/7/98. The completion date was extended to 12/30/98 to allow time for additional staff review. An enforcement panel met on 10/13/98. Final resolution and the schedule for completion of the petition will occur following resolution of enforcement issues.

Current Status:

The Petitioner was sent a status update letter on 11/19/98.

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Facility: **Haddam Neck Nuclear Power Station**

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: 11/16/98

Last Contact with Petitioner: 9/18/98

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:

The Director's Decision (DD-98-12) on the petition was issued on November 16, 1998. The decision will become final agency action after the Commission's 25-day review period.

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Facility: **River Bend Station**  
Petitioner: D. Lochbaum  
Date of Petition: 9/25/98

Director's Decision To Be Issued by: NRR  
Date Referred to Review Organization: 9/29/98  
EDO Number: G980592  
OGC Number: P-98-14  
Scheduled Completion Date: 2/28/99  
Last Contact with Petitioner: 11/2/98  
Petition Manager: R. Fretz  
Case Attorney: R. Hoefling

Issues/Action Requested:

The Petition requested enforcement action to require an immediate shutdown of the River Bend Station (RBS) that the facility remain shut down until all failed fuel assemblies are removed from the reactor core. The RBS licensee, Entergy Operations, Inc., had recently filed NRC Daily Event Report No. 34815, in which it reported "a possible defect in fuel cladding." As an alternate action, the Petitioner also stated that RBS could be restarted following the proposed shutdown after its design and licensing bases were updated to permit operation with failed fuel assemblies. In addition, the Petitioner requested a public hearing to present new plant-specific information regarding the operation of RBS, as well as to discuss a UCS report dated April 2, 1998, entitled "Potential Nuclear Safety Hazard/Reactor Operation With Failed Fuel Cladding."

Background:

An acknowledgment letter was issued on 10/29/98. Since the petition did not provide specific information which would lead the staff to conclude that an urgent safety problem existed, the Petitioner's request for the immediate shutdown of RBS was denied. However, in the acknowledgement letter the NRC offered the Petitioner an opportunity for an informal public hearing. As of 11/2/98, the letter has not been docketed, and NRR will be awaiting response from the Petitioner. It is expected that the earliest the hearing will be held will be mid-December, and likely in early January 1999.

Current Status:

The response for this petition will be coordinated with a similar petition associated with Perry Nuclear plant. Awaiting response from licensee on acceptable dates for the informal public hearing and a formal response to the issues raised in the petition.

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Facility: **Advanced Medical Systems, Inc.**  
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: 11/5/98  
Last Contact with Petitioner(s): 8/21/98  
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 October 1998.

Current Status:

The Director's Decision (DD-98-11) on the petition was issued on November 5, 1998. The decision will become final agency action after the Commission's 25-day review period.

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Facility: **Vermont Yankee Nuclear Power Station**  
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: 12/6/98  
Last Contact with Petitioner: 9/16/98  
Petition Manager: R. Croteau  
Case Attorney: R. 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. 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 is being prepared. The licensee responded by letter dated September 14, 1998, and Director's Decision is being prepared with input from Region I.

Current Status:

The Director's Decision was provided to the Director's office in November, 1998. It is currently under review.

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Facility: **Perry Nuclear Station, Unit 1**

Petitioner: D. Lochbaum

Date of Petition: 11/9/98

Director's Decision To Be Issued by: NRR  
Date Referred to Review Organization: 11/13/98  
EDO Number: G19980678  
OGC Number: P-98-16  
Scheduled Completion Date: 4/11/99  
Last Contact with Petitioner: 11/2/98  
Petition Manager: D. Pickett  
Case Attorney: R. Hoefling

Issues/Action Requested:

The Petition requested enforcement action to require an immediate shutdown of the Perry Nuclear Power Plant (PNPP) and that the facility remain shut down until all failed fuel assemblies are removed from the reactor core. As an alternate action, the Petitioner asserted that PNPP could be restarted after its design and licensing bases were updated to permit operation with failed fuel assemblies. Additionally, the Petitioner requested a public hearing to present new information on reactor operation with failed fuel assemblies as well as to discuss the April 1998 UCS report on reactor operation with failed fuel assemblies. As the basis for the request, the petition states that with one or more failed fuel assemblies is not permitted by Perry's design and licensing bases. More specifically, UCS contends that Perry is also violating its worker radiation protection program (ALARA) licensing basis.

Background:

A PRB meeting was held on November 23, 1998 to screen the petition. Since the petition did not provide specific information which would lead the staff to conclude that an urgent safety problem existed, the Petitioner's request for the immediate shutdown of PNPP is being denied. However, in the acknowledgment letter the NRC offered the Petitioner an opportunity for an informal public hearing and will be coordinated with a similar petition associated with River Bend Station. It is expected that the earliest the hearing will be held will be held in January 99 and more likely in early February 99.

Current Status:

This is a new petition. An acknowledgment letter is under preparation.

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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: 12/31/98  
Last Contact with Petitioners: 11/24/98  
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:

The Petitioner was sent a status update letter on 11/24/98.

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Facility: **Multiple Sites under the United States Formerly Utilized Sites Remedial Action Program (FUSRAP)**

Petitioner: Thomas Cochran, Natural Resources Defense Council James Sottile, IV, Caplin & Drysdale Christian R. Pastore, Caplin & Drysdale

Date of Petition: 10/15/98  
Director's Decision To Be Issued by: OGC  
Date Referred to Review Organization: 10/21/98  
EDO Number: G19980622  
OGC Number: P-98-015  
Scheduled Completion Date: 2/15/99  
Last Contact with Petitioner: 10/15/98  
Petition Manager: J. Holonich  
Case Attorney: H. Newsome

Issue/ Action Requested:

The petitioners have requested that NRC exert authority to ensure that the Corps of Engineers' handling of radioactive materials in connection with the Formerly Utilized Sites Remedial Action Program (FUSRAP) is effected in accord with a properly issued license and all other applicable requirements.

Background:

Until recently, FUSRAP was administered by the Department of Energy. In October of 1997, Congress transferred funding for FUSRAP from DOE to the Corps of Engineers. NRDC believes that the Corps should obtain an NRC license to conduct activities under FUSRAP. At this time, NRC has not required the Corps to obtain a license. Office of the General Counsel (OGC) is currently reviewing NRDC's request.

Current Status:

An acknowledge ment letter was issued on November 30, 1998.

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**Attachment 2**  
**Report on**  
**Status of Public Petitions**  
**Under 10CFR 2.206 with No Status Change from Previous Update**

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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: 11/18/98  
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.

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Facility: **Haddam Neck Nuclear Power Station**  
Petitioner: Citizens Awareness Network (CAN)  
Date of Petition: 9/11/98

Director's Decision To Be Issued by: NRR  
Date Referred to Review Organization: 8/17/98  
EDO Number: G980568  
OGC Number: P-98-013  
Scheduled Completion Date: 1/25/99  
Last Contact with Petitioner: 11/18/98  
Petition Manager: T. Fredrichs  
Case Attorney: M. Rafky

Issues/Action Requested:

Petitioners requested 1) immediate revocation or suspension of the licensee's operating license, 2) an informal public hearing on the petition in the vicinity of the site, and 3) that the NRC consider requiring CYAPCO to conduct decommissioning activities under 10 CFR Part 72. Petitioners present two bases in support of their request: that CYAPCO 1) demonstrates incompetence in creating and maintaining a safe work environment and an effective well trained staff, and 2) is not conducting its decommissioning activities in accordance with its Post Shutdown Decommissioning Activities Report (PSDAR).

Background:

A Petition Review Board convened September 21, 1998, and concluded that the requests met the requirements for a 10 CFR 2.206 petition. An acknowledgment letter and Federal Register notice have been prepared.

Current Status:

There is no change status for this update.

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Facility: **Vermont Yankee Nuclear Power Station**  
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: 1/28/99  
Last Contact with Petitioner: 9/16/98  
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. The Petition Review Board 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. The technical review of the licensee submittal is in progress by SCSB. SRXB has completed the review of their area.

Current Status:

There is no change in status for this update.

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Facility: **Atlas Corporation's Uranium Mill Tailings Pile at Moab, Utah**  
Petitioner: State of Utah  
Date of Petition: 9/10/98

Director's Decision To Be Issued by: NMSS/DWM  
Date Referred to Review Organization: 9/10/98

EDO Number: G19980547  
OGC Number: P-98-012  
Scheduled Completion Date: 01/9/99  
Last Contact with Petitioner: 10/16/98  
Petition Manager: Myron Fliegel  
Case Attorney: J McGurren

Issues/Action Requested:

The petitioner is concerned that over a 1,000 year period the Colorado River could migrate to the uranium mill tailings pile at Moab, Utah, compromise pile integrity, and cause a major release of contaminants. The petitioner claims that the rock apron design for the uranium mill tailings pile does not provide Reasonable assurance" against engineering failure, so that 10 CFR 40, Appendix A is not satisfied. The petitioner requests that the NRC disapprove the Atlas Corporation rock apron design and require the licensee to use a rock apron design by the U.S. Corps of Engineers. This design differs from the Atlas Corporation design in the size, gradation, and volume of rock necessary to protect the tailings pile from erosion by the Colorado River.

Background:

The State of Utah sought to intervene in Atlas Corporation's August 2, 1988, request to amend its license to provide for long-term safekeeping of its uranium mill tailings pile at Moab, Utah. The State objected that insufficient care had been taken to protect the tailings should the Colorado River migrate in the direction of the pile. The request for hearing and petition for leave to intervene was denied as untimely in an August 13, 1998, ruling by Administrative Judge Peter B. Bloch, and was referred to the NRC staff for appropriate disposition under 10 CFR § 2.206. Judge Bloch's decision to refer the petition to the staff is in compliance with Subpart L § 2.1205(l)(2), which states (part 118 of 10 CFR 40) that "*if a request for a hearing on the petition for leave to intervene is found to be untimely and the requestor or petitioner fails to establish that it otherwise should be entertained on the paragraph (l)(1) of this section, the request or petition will be treated as a petition under § 2.206 and referred for appropriate disposition.*"

An initial review board meeting was held on October 7, 1998. The board determined that the request meets the 10 CFR 2.206 review criteria and planned appropriate actions. The petitioner was notified by letter dated October 16, 1998, that the request for hearing had been referred to the staff for consideration under 10 CFR 2.206. A notice to that effect was published in the Federal Register on October 22, 1998.

Current Status:

There is no change in status for this update.

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**Attachment 3**  
**Report on Status of Public Petitions Under 10CFR 2.206 with**  
**Decisions Pending Before the Commission and the Courts.**

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END OF STATUS REPORT

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Attachment 4  
 Report on Status of Public Petitions  
 Under 10CFR 2.206 for DDs Issued and/or Closed During the Calender  
 Year 1998

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**NRR:**

<u>OGC Number</u>	<u>Facility Name</u>	<u>Petition Manager</u>	<u>DD Date</u>	<u>Closure Dt</u>
G980195	Vermont Yankee	R. Croteau	-	5/4/98*
GT97140	Millstone & CY	S. Dembek	2/11/98	3/9/98
GT97362	North. Sta. Pow Co.	W. Reckley	2/11/98	3/9/98
GT970873	Seabrook	C. Smith	3/17/98	4/13/98
G980070	Millstone 1,2,3	S. Dembek	6/1/98	6/26/98
GT97494	San Onofre 2/3	B. Weistrich	6/5/98	6/30/98
GT97339	San Onofre 2/3	M. Fields	6/11/98	7/7/98
G980185	Comm. Ed. Co.	G. Dick	8/31/98	9/25/98
G980124	St. Lucie/Turkey	B. Gleaves	10/21/98	11/15/98
(Multiple)	Point			
G980168	Haddam Neck	T. Fredrichs	11/16/98**	

**NMSS:**

G980224	Babcock Wilcox	D. Orlando	-	4/22/98*
G980457	Hydro Resources	W. Ford	-	7/31/98*
G980069	Phila. VA Med Ctr.	T. Taylor	8/28/98	9/22/98
GT970863	Envirocare of Utah	H. Lefevre	9/14/98	10/9/98
EDO10395	Advanced Medical Systems, Inc.	J. Decico	11/5/98**	

\* Denotes petitions not qualified to be considered as petitions under 10 CFR 2.206

\*\* Denotes petitions that will be closed after the Commission's 25-day review period.