

MEMORANDUM TO: William D. Travers  
Executive Director for Operations

THRU: Samuel J. Collins, Director  
Office of Nuclear Reactor Regulation

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

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

The attached monthly report gives the status of 10 CFR 2.206 petitions as of October 31, 1999. During October, the Director's Decision (DD-99-13) on Nine Mile Point (G19990224) was issued, and the petition was closed. One new petition (G19990488) on San Onofre Nuclear Generating Station (SONGS) was received. Thus, there are five open petitions: four in NRR and one in NMSS.

Attachment 1 provides the status of petitions for the Offices of Nuclear Material Safety and Safeguards (NMSS) and Nuclear Reactor Regulation (NRR). Attachment 2 gives the status of petitions that are in a confidential status and for internal distribution only. Attachment 3 shows the age and staff hours expended on open 2.206 petitions as of October 31, 1999, including a summary of the status of 2.206 petitions exceeding the 120-day scheduled completion goal. Attachment 4 shows the statistics for the 2.206 petitions processed during 1999.

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

Attachments: As stated

CONTACT: Ram Subbaratnam, NRR  
415-1478

MEMORANDUM TO: William D. Travers  
Executive Director for Operations

THRU: Samuel J. Collins, Director  
Office of Nuclear Reactor Regulation

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

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

The attached monthly report gives the status of 10 CFR 2.206 petitions as of October 31, 1999. During October, the Director's Decision (DD-99-13) on Nine Mile Point (G19990224) was issued, and the petition was closed. One new petition (G19990488) on San Onofre Nuclear Generating Station (SONGS) was received. Thus, there are five open petitions: four in NRR and one in NMSS.

Attachment 1 provides the status of petitions for the Offices of Nuclear Material Safety and Safeguards (NMSS) and Nuclear Reactor Regulation (NRR). Attachment 2 gives the status of petitions that are in a confidential status and for internal distribution only. Attachment 3 shows the age and staff hours expended on open 2.206 petitions as of October 31, 1999, including a summary of the status of 2.206 petitions exceeding the 120-day scheduled completion goal. Attachment 4 shows the statistics for the 2.206 petitions processed during 1999.

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

Attachments: As stated

CONTACT: Ram Subbaratnam, NRR, 415-1478

I:\PERSONALWEB\NRC\PUBLIC\2206\1999\October\edo199910.wp8

DISTRIBUTION:

See next page

OFFICE	PDII/PM	LA:PDII	PDII/PD	NMSS/IMNS /IMOB	DLPM:D	ADPT:NRR	D: NRR
NAME	RSubbaratnam*	Dunnington*	HBerkow	PGoldberg	JZwolinski/SBlack	BSheron	S. Collins
DATE	11/ 3 /99	11/ 3 /99	11/ /99	11/ 4 /99	11/ /99	11/ /99	11/ /99

\* See Previous Concurrence

**OFFICIAL RECORD COPY**

Distribution:

File Center

M. Tschilitz, OEDO

F. Miraglia, DEDR/OEDO

C. Paperillo, DEDMRS/EDO

P. Norry, DEDM/OEDO

J. Blaha, AO/EDO

E. Julian, SECY

PDII r/f

W. Gleaves, NRR

S. Collins, NRR

B. Sheron, NRR

E. Baker, OD

R. Subbaratnam, NRR

K. Cyr, OGC

D. Dambley, OGC

L. Chandler, OGC

F. Cameron, OGC

J. Goldberg, OGC

F. Davis, OGC

J. Cordes, Jr., OCAA

R. Borchardt, OE

P. Lohaus, OSP

W. Kane, NMSS

P. Goldberg, NMSS

S. Moore, NMSS

P. Anderson, OEDO(E-mail)

E. Dunnington, NRR

B. Boger, NRR

M. Stein, OE

G. Caputo, OI

G. Tracy, EDO

E. Adensam, NRR

J. Zwolinski , NRR

S. Black, NRR

H. Berkow, NRR

T. Essig, NRR

OCA

OPA

Regional Administrators

PUBLIC w/att 1, 3, & 4 (Att 2 is "NOT FOR EXTERNAL DISTRIBUTION")

Report on Status of Public Petitions Under 10 CFR 2.206  
October 31, 1999  
(Table of Contents)

**Attachment 1**

<u>Facility</u>	<u>Petitioner/EDO No.</u>	<u>Page No.</u>
Millstone Units 2 & 3	STAR et al./G19990201.....	2
Atlas Corporation	Dagget, et al./(G19990011).....	4
Connecticut Yankee and Millstone Units 1,2 &3	Katz, Citizens Awareness Network (CAN)/GT96919.....	6
Nine Mile Point Units 1 & 2	R. Norway/G19990224.....	7
Nine Mile Point Unit 1	T. Judson/G19990268.....	9
Indian Point Unit 2	D. Lochbaum/UCS/G1990465.....	11
San Onofre Nuclear Generating Station* Units 2 & 3	S. Dwyer/G19990488.....	13

\* Denotes additions to the list during the current month

# Attachment 1

## Report on Status of Public Petitions Under 10 CFR 2.206

---

Facility:	<b><u>Millstone Units 2 &amp; 3</u></b>
Petitioner:	STAR et al.
Date of Petition:	3/31/99
Director's Decision To Be Issued by:	NRR
Date Referred to Review Organization:	4/20/99
EDO Number:	G19990201
OGC Number:	P-99-05
Scheduled Completion Date:	9/28/99 (completed)
Last Contact with Petitioner:	7/28/99
Petition Manager:	John Nakoski
Case Attorney:	Jack Goldberg

### Issues/Action Requested:

The petitioners' letter contained two petition requests. In the first petition request, three specific actions were requested: (1) that the NRC immediately suspend Northeast Utilities' license[s] to operate the Millstone power station until there are reasonable assurances that adequate protective measures can and will be taken in the event of a radiological emergency for Fishers Island, NY; (2) that the operating license[s] should be suspended until such time as "a range of protective actions have been developed for the plume exposure pathway EPZ [emergency planning zone] for emergency workers and the public;" and (3) that these matters be the subject of a public hearing, with full opportunity for public comment. The fundamental basis for the requests is the petitioners' claim that the Millstone Nuclear Power Station is not being operated within the law. Specifically, the petitioners stated that the site is in violation of 10 CFR 50.54(q) and 10 CFR 50.47 with regard to emergency planning requirements because Fishers Island, New York, located within the 10-mile EPZ for Millstone, does not have a functional evacuation plan. The petition requests that the EPZ be extended to include the mainland, which begins at 11-12 miles from the Millstone facility. This would require revising the regulations and the current licensing basis. The requested action, in effect, constitutes a petition for rulemaking.

In the second petition request, the petitioners requested that the NRC institute a proceeding, pursuant to 10 CFR 2.202, to suspend the operating license[s] for the Millstone Nuclear Power Station until the facility is in full compliance with the law. Specifically, in the second petition request, the petitioners maintain that all of the required factors in 10 CFR 50.54(s)(1): "demography, topography, land characteristics, access routes, and jurisdictional boundaries" are ignored in emergency planning for the Millstone Nuclear Power Station and, as such, 10 CFR 50.54(q) and 10 CFR 50.47 are violated.

### Background:

The Petition Review Board (PRB) met on the two petitions on April 26, 1999. The PRB recommended that the first two actions of the first petition's request for immediate action to suspend the license were to be denied. This recommendation was made because the current

emergency response plan, endorsed by FEMA, and in force at Millstone, meets all the applicable regulatory requirements. The PRB also recommended that the third action of the first petition's request for a hearing pursuant to 10 CFR 2.202 be denied. This recommendation was made for two reasons: first, it did not meet the Management Directive 8.11 criteria for a 2.206 petition, and second, it is, in effect, a petition for rulemaking (10 CFR 2.802) for 10 CFR 50.47(c)(2), 10 CFR 50.54(s)(1), and Appendix E to Part 50. The petitioners were informed in the acknowledgment letter that the Commission has clearly defined the extent to which NRC staff shall consider the referenced factors in changing the 10-mile EPZ. The petitioners were also informed in the letter that they did not provide clear and convincing evidence to suggest changes to these regulations are necessary. The petitioners were contacted on April 27, 1999, and informed of the NRC's denial of their request to immediately suspend the operating licenses of Millstone, as well as their request for a public hearing. However, the petitioners' concerns related to further evaluating the current EPZ and request for expansion of the current 10-mile zone were sent to FEMA by letter dated June 4, 1999. The acknowledgment letter and Federal Register notice on the petition were issued on May 14, 1999. The June 4, 1999, letter to FEMA was forwarded to the petitioner in a letter dated June 30, 1999. FEMA responded on August 30, 1999, and confirmed that the revised emergency plans for Fisher's Island and the surrounding communities are effective and adequate protective measures can be taken for Fisher's Island in the event of a radiological emergency at Millstone.

The Director's Decision (DD-99-12) on this petition was issued on September 28, 1999. The DD denied the request based on NRC staff review of the FEMA evaluation, and the finding of the NRC that onsite emergency preparedness for Millstone is adequate. However, the DD acknowledged the petitioner's efforts to bring the issue to the agency's attention and stated that FEMA, the licensee, and the involved states will continue the process of improving emergency planning, which includes enhancements to the protective measures for Fishers Island.

#### Current Status:

The decision became a final agency action after the 25-day period allowed for Commission review on October 28, 1999.

---

---

Facility:	<b><u>Atlas Corporation</u></b>
Petitioner:	Earth Justice Legal Defense Fund
Date of Petition:	1/11/99

Director's Decision To Be Issued by:	NMSS
Date Referred to Review Organization:	1/12/99
EDO Number:	G19990011
OGC Number:	P-99-02
Scheduled Completion Date:	TBD*
Last Contact with Petitioner:	9/29/99
Petition Manager:	Myron Fliegel
Case Attorney:	J. Goldberg

Issues/Action Requested:

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

Background:

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

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

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

**Current Status:**

On October 18, 1999, Earthjustice filed a petition with the U.S. Court of Appeals for the 9<sup>th</sup> Circuit, arguing that the May 27, 1999, letter and a May 28, 1999, license amendment constitute final agency action and a de facto denial of the 2.206 petition. OGC will handle the matters related to the Appeals Court suit.

---

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



---

Facility:	<b>Connecticut Yankee and Millstone Units 1, 2, and 3</b>
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:	01/28/2000
EDO Number:	GT96919
OGC Number:	P-96-026
Scheduled Completion Date:	2/15/2000
Last Contact with Petitioners:	8/31/99
Petition Manager:	R. Eaton
Case Attorney:	R. Hoefling

Issues/Action Requested:

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

Background:

A partial Director's Decision (DD-97-21) addressing most of the issues was issued to the petitioners on September 12, 1997. DD-97-21 partially granted some of the petitioner's requests. Request (3) above was partially deferred for the Millstone plants and will be addressed in a subsequent final Director's Decision.

Current Status:

The licensee recently pleaded guilty to felony counts and accepted fines that are the largest penalty, civil or criminal, in the history of the commercial nuclear power industry. Although there are continuing investigations, they are viewed as beyond the scope of concerns that would affect the facility license. Because the outcome of the investigations is not expected to influence the NRC's decision concerning NNECO's future operation of the Millstone reactors, the staff is proposing to the Petition Review Board (PRB) to formalize the Director's Decision by February 15, 2000.

---

---

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

Issues/Action Requested:

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

Background:

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

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

#### Current Status:

The Director's Decision (DD-99-13) on this petition was issued on October 28, 1999. The DD noted that the staff had complied with the petitioner's request to forward his complaint to the NRC's Office of the Inspector General (OIG) for an investigation of alleged deliberate misconduct on the part of the NRC staff. In a separate letter dated October 6, 1999, the NRC addressed the safety concern regarding the residual heat removal safety evaluation report independent of this decision. Apart from its previous enforcement action in 1996, the staff concluded in the DD that it is unable to take additional actions on the remaining requests in the petition. With regard to the allegation on the altered employee document, the staff found no meaningful difference between the copies used during the DOL proceeding and that used at the PEC. The different handwriting observed by the ALJ and the missing name on the copy released by the NRC did not alter the substance of the documents and would not cause the staff to reach different conclusions. Moreover, the documents do not require signatures, but list the supervisor's name only as a matter of record. Based on the above, the staff could not conclude that any documents were altered. The document at issue did not affect the NRC decision to issue its enforcement action against NMPC (A severity Level II Notice of Violation and \$80,000 Civil Penalty was issued on July 24, 1996). The petition has been closed and is under Commission review. If the Commission does not act within 25 days of the date of issuance of the Director's Decision, it will become a final agency action.

---

---

Facility:	<b><u>Nine Mile Point Unit 1</u></b>
Petitioners:	Tim Judson Syracuse Peace Council, et al.
Date of Petition:	May 24, 1999
Director's Decision To Be Issued by:	NRR
Date Referred to Review Organization:	5/24/99
EDO Number:	G19990268
OGC Number:	-
Scheduled Completion Date:	11/19/99
Last Contact with Petitioners:	10/22/99
Petition Manager:	D. Hood
Case Attorney:	J. Goldberg

Issues/Action Requested:

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

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

Background:

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

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

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

#### Current Status:

The staff held a Plant Performance Review meeting at the Nine Mile Point site on October 22, 1999. This meeting discussed licensee performance issues, some of which relate to issues in the petition and its supplement dated August 10, 1999. Mr. Judson received a copy of the NRC's letter dated September 30, 1999, and attended the meeting. After the meeting with the licensee, the staff remained in the area and answered questions from the petitioner and local press. Also, after the meeting, the staff gave Mr. Judson a copy of its letter of October 20, 1999, discussing the results of the staff review of the 1999 core shroud and tie rod reinspection and concluding that the structural integrity of the core shroud will be maintained during the current cycle. A Director's Decision, which will include the issues in the August 10, 1999 letter, is in preparation and is on track for completion by November 19, 1999.

---

---

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

Issues/Action Requested:

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

Background:

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

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

Current Status:

The petitioner, in a letter dated October 12, 1999, expressed dissatisfaction that the acknowledgment letter failed to address his safety concerns on the station battery design and licensing basis and the adequate correction of breaker problems. The staff responded to those concerns by letter dated October 25, 1999. The staff determined that the issues raised in the petitioner's October 12, 1999, letter did not change the conclusion of the October 8, 1999, acknowledgment letter. However, the staff plans to factor the supplemental information into the final decision on the petition. The staff is currently awaiting the issuance of the AIT follow-up inspection report expected in November 1999 and will subsequently develop the final director's decision.

---

---

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

Issues/Action Requested:

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

Background:

A PRB meeting was held on 11/1/99.

Current Status:

This is a new petition. The petitioner's request does not present any plant-specific information nor anything substantial or new over previous agency considerations given to the seismic issue, does not identify any regulation being violated and, hence, does not meet the screening criteria (MD 8.11 Pages 8 & 9). A one-step acknowledgment/closeout letter is scheduled for issuance by November 30, 1999.

---



**Attachment 2**

Report on Status of Public Petitions Under 10 CFR 2.206 with  
Petitions Involving the Office of Enforcement (OE),  
the Office of Investigations (OI), the Inspector General (IG), and  
the Department of Justice (DOJ), and Other Sensitive Information

---

<< ---- NOT FOR EXTERNAL DISTRIBUTION----->>

---

**DELETED**

---

END OF STATUS REPORT

<<<---NOT FOR EXTERNAL DISTRIBUTION--->>>

**Attachment 3**  
**AGE AND RESOURCE EXPENDITURES FOR AGENCY 2.206 OPEN PETITIONS**  
**As of October 31, 1999**  
**DELETED**

# Attachment 4

## Statistics of Petitions Processed under 10 CFR 2.206 during CY 1999(10/99)

