NUREG-0750

Vol. 46

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INDEXES TO NUCLEAR REGULATORY COMMISSION ISSUANCES

July – September 1997

U.S. NUCLEAR REGULATORY COMMISSION

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Prepared by the
Office of the Chief Information Officer
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
(301-415-6844)

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Foreword

Digests and indexes for issuances of the Commission (CLI), the Atomic Safety and Licensing Board Panel (LBP), the Administrative Law Judges (ALJ), the Directors' Decisions (DD), and the Decisions on Petitions for Rulemaking (DPRM) are presented in this document. These digests and indexes are intended to serve as a guide to the issuances.

Information elements common to the cases heard and ruled upon are:

- Case name (owner(s) of facility)
- Full text reference (volume and pagination)
- Issuance number
- Issues raised by appellants
- Legal citations (cases, regulations, and statutes)
- Name of facility, Docket number
- Subject matter of issues and/or rulings
- Type of hearing (operating license, operating license amendment, etc.)
- Type of issuance (memorandum, order, decision, etc.)

These information elements are displayed in one or more of five separate formats arranged as follows:

1. Case Name Index

The case name index is an alphabetical arrangement of the case names of the issuances. Each case name is followed by the type of hearing, the type of issuance, docket number, issuance number, and full text reference.

2. Headers and Digests

The headers and digests are presented in issuance number order as follows: the Commission (CLI), the Atomic Safety and Licensing Board Panel (LBP), the Administrative Law Judges (ALJ), the Directors' Decisions (DD), and the Decisions on Petitions for Rulemaking (DPRM).

The header identifies the issuance by issuance number, case name, facility name, docket number, type of hearing, date of issuance, and type of issuance.

The digest is a brief narrative of an issue followed by the resolution of the issue and any legal references used in resolving the issue. If a given issuance covers more than one issue, then separate digests are used for each issue and are designated alphabetically.

3. Legal Citations Index

This index is divided into four parts and consists of alphabetical or alpha-numerical arrangements of Cases, Regulations, Statutes, and Others. These citations are listed as given in the issuances. Changes in regulations and statutes may have occurred to cause changes in the number or name and/or applicability of the citation. It is therefore important to consider the date of the issuance.

The references to cases, regulations, statutes, and others are generally followed by phrases that show the application of the citation in the particular issuance. These phrases are followed by the issuance number and the full text reference.

4. Subject Index

Subject words and/or phrases, arranged alphabetically, indicate the issues and subjects covered in the issuances. The subject headings are followed by phrases that give specific information about the subject, as discussed in the issuances being indexed. These phrases are followed by the issuance number and the full text reference.

5. Facility Index

This index consists of an alphabetical arrangement of facility names from the issuance. The name is followed by docket number, type of hearing, date, type of issuance, issuance number, and full text reference.

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DD-97-17 MAINE YANKEE ATOMIC POWER COMPANY and YANKEE ATOMIC ELECTRIC COMPANY (Maine Yankee Atomic Power Station), Docket No. 50-309; REQUEST FOR ACTION; July 30, 1997; DIRECTOR'S DECISION UNDER 10 C.F.R. § 2.206

A The Director of the Office of Nuclear Reactor Regulation grants in part a petition dated August 19, 1996, submitted to the Nuclear Regulatory Commission by Patrick M. Sears (Petitioner). The petition requests that the NRC: (1) fine Maine Yankee Atomic Power Company (MYAPCO) and Yankee Atomic Electric Company (YAEC) if records regarding use of the computer code RELAP5YA have not been kept in accordance with YAEC's computer code quality assurance procedures, and (2) inspect all users of RELAP and fine those users not operating within required computer code verification procedures.

B Because there is no basis to conclude that the problems identified with the RELAP5/MOD1 vintage ECCS code used by MYAPCO are or may be present in the different RELAP code vintages at other NRC-licensed plants, because the two other users of the RELAP5/MOD1 vintage code have been inspected or are permanently shut down, and because the NRC will conduct computer code inspections of selected NRC licensees and vendors, not limited to users of RELAP, Petitioner's first request is granted in part. By virtue of the NRC Staff's previous and current inspection and review activities, Petitioner's second request is granted in part.

DD-97-18 NORTHERN STATES POWER COMPANY (Prairie Island Nuclear Generating Plant; Prairie Island Independent Spent Fuel Storage Installation), DD-97-18, 46 NRC 35 (1997); REQUEST FOR ACTION; August 29, 1997; DIRECTOR'S DECISION UNDER 10 C.F.R. § 2.206

A The Director of the Office of Nuclear Reactor Regulation denies a petition filed by the Prairie Island Indian Community pursuant to 10 C.F.R. § 2.206. The petition asked that the NRC: (1) find that the Licensee violated NRC regulations by using an Independent Spent Fuel Storage Installation before establishing conditions for safely unloading TN-40 dry storage containers, (2) suspend the license until all significant issues concerning the unloading process have been resolved, (3) provide the Petitioners with an opportunity to participate fully in reviewing the unloading procedures for the casks, and (4) update the relevant technical specifications to incorporate mandatory unloading procedure requirements for the TN-40 dry storage containers.

DD-97-19 CONNECTICUT YANKEE ATOMIC POWER COMPANY (Haddam Neck Plant), Docket No. 50-213; REQUEST FOR ACTION; September 3, 1997; PARTIAL DIRECTOR'S DECISION UNDER 10 C.F.R. § 2.206

A By letter dated March 11, 1997, Ms. Rosemary Bassilakis submitted a petition on behalf of the Citizens Awareness Network and the Nuclear Information and Resource Service (Petitioners) pursuant to 10 C.F.R. § 2.206, requesting that the NRC (1) issue a large civil penalty against the Connecticut Yankee Atomic Power Company (CY) to ensure its compliance with safety-based radiological control routines; (2) modify CY's license for the Haddam Neck facility to prohibit any decommissioning activity at the facility until a 6-month period passes without any contamination events occurring; and (3) place the Haddam Neck facility on the NRC Watch List.

B In a Director's Decision dated September 3, 1997, the Director of Nuclear Reactor Regulation respectively deferred and denied Petitioners' requests. The Director concluded that it would be premature at this time to rule on Petitioners' first request, as the NRC is currently considering enforcement action with regard to failed radiation program controls at the Haddam Neck facility. Petitioners' second request was denied on the basis of past environmental and exposure reports, as well as the presence of an onsite NRC Senior Resident Inspector and certain measures memorialized in a Confirmatory Action Letter. Similarly,

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the Director denied Petitioners' third request, due both to the Haddam Neck facility being permanently shut down as well as other actions taken in response to identified deficiencies at the facility.

DD-97-20 FLORIDA POWER & LIGHT COMPANY (St. Lucie Nuclear Power Plant, Units 1 and 2; Turkey Point Nuclear Generating Plant, Units 3 and 4), Docket Nos. 50-250, 50-251, 50-335, 50-389; REQUEST FOR ACTION; September 8, 1997; DIRECTOR'S DECISION UNDER 10 C.F.R. § 2.206

A The Director of the Office of Nuclear Reactor Regulation has granted in part and denied in part a petition filed by Thomas J. Saporito, Jr., on behalf of himself and the National Litigation Consultants. The Petitioners requested that the NRC take certain actions with regard to Florida Power & Light Company (FPL), including taking escalated enforcement action against FPL and certain of its employees, granting the Petitioners an interview, and taking various other actions. As grounds for their request, the Petitioners asserted that the NRC's failure to take enforcement action against FPL on the basis of a Secretary of Labor's finding that FPL violated the Energy Reorganization Act (ERA) when it retaliated against Mr. Saporito for raising nuclear safety concerns has resulted in a "chilling effect" and continued discrimination against other FPL employees, that FPL and its managers are liable for creating a hostile work environment at FPL's Turkey Point facility and have failed to stop harassment of and discrimination against Mr. Saporito, and that the record in this case shows the direct participation of Mr. Saporito's "chain of command" in the retaliation against Mr. Saporito. With regard to the Petitioners' request for an interview, this has been granted; in all other respects the petition is denied.

B An employee may not be discriminated against by an employer for coming directly to the NRC with safety concerns. Nonetheless, an employee may also be required by the employer to bring these same concerns to the employee's management. Whether an employee must bring issues to licensee management is dependent on the facts of each specific case.

DD-97-21 NORTHEAST UTILITIES (Millstone Nuclear Power Station, Units 1, 2, and 3; Haddam Neck Plant), Docket Nos. 50-245, 50-336, 50-423, 50-213 (License Nos. DPR-21, DPR-65, NPF-49, DPR-61); REQUEST FOR ACTION; September 12, 1997; PARTIAL DIRECTOR'S DECISION UNDER 10 C.F.R. § 2.206

A The Director, Office of Nuclear Reactor Regulation, issues a Partial Director's Decision, responding to a variety of requests made in a petition filed by the Citizens Awareness Network (CAN) and the Nuclear Information and Resource Service (NIBS), hereinafter referred to as Petitioners. Petitioners' requests were directed at Northeast Utilities (NU) and specifically its operation of its nuclear facilities in Connecticut. Petitioners' requests for relief included immediate suspension or revocation of NU's licenses, continued shutdown of NU facilities, continued listing of NU facilities on the NRC's Watch List, limitations on precommissioning or decommissioning of any NU facility, and investigations by the NRC into asserted wrongdoing on the part of NU.

B The Director deferred Petitioners' requests concerning asserted NU wrongdoing until NRC Staff consideration of this issue is completed. A Final Director's Decision will then be issued. With regard to Petitioners' remaining requests, those requests were granted or denied in whole or in part as set forth in the Partial Director's Decision.

DD-97-22 NATIONAL INSTITUTES OF HEALTH (Bethesda, Maryland), Docket No. 030-01786 (License No. 19-00296-10); REQUEST FOR ACTION; September 17, 1997; DIRECTOR'S DECISION UNDER 10 C.F.R. § 2.206

A The Director of the Office of Nuclear Material Safety and Safeguards grants in part and denies in part a petition dated October 10, 1995, submitted to the Nuclear Regulatory Commission (NRC) by Maryann Wenli Ma, M.D., Ph.D., and Bill Wenling Zheng, M.D., Ph.D. (Petitioners). The petition requests that NRC suspend or revoke the materials license of the National Institutes of Health (NIH) pending resolution of the issues raised by the petition, and that NRC take other appropriate enforcement action, including the imposition of civil penalties against NIH for willful and reckless violations of 10 C.F.R. Part 20. Broadly stated, the Petitioners assert that, as the direct and proximate result of NIH's (1) deliberate failure to control and secure radioactive materials in violation of 10 C.F.R. §§ 20.1801 and 20.1802, (2) failure to maintain an effective bioassay program, and (3) failure to otherwise adhere to the requirements of Part 20, Dr. Ma was contaminated with phosphorus-32 (P-32), resulting in both her and her unborn fetus receiving intakes of radioactive material significantly in excess of regulatory limits, additional NIH employees also being internally contaminated with P-32, and failure of NIH to take proper actions to assess accurately the level of Dr. Ma's internal contamination or provide appropriate medical care and followup treatment.

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- B** The Director denies Petitioners' requests for enforcement action against NIH: for the exposure of Dr. Ma beyond regulatory limits, for the exposure of Dr. Ma's fetus, and for the contamination of the water cooler; regarding notification to Dr. Ma of her level of contamination; regarding Dr. Ma's declaration of pregnancy; regarding the conduct of surveys after Dr. Ma's contamination; and for the failure to accurately calculate Dr. Ma's occupational radiation dose. The Director denies these requests, as well as the request to suspend or revoke the NIH license, because Petitioners did not provide sufficient bases to warrant such actions. The Director granted in part Petitioners' request for enforcement action against NIH for violations of NRC security and control requirements and for violation of NRC requirements related to radiation safety training, ordering radioactive materials, inventory control of radioactive materials, monitoring, and the issuance, use, and collection of dosimetry. The Director granted Petitioners' request for NRC action to ensure adequate procedures and instructions to exposed persons for sample collection as described below.
- DD-97-23** **SOUTHERN CALIFORNIA EDISON COMPANY, et al.** (San Onofre Nuclear Generating Station, Units 2 and 3), Docket Nos. 50-361, 50-362; September 19, 1997; DIRECTOR'S DECISION UNDER 10 C.F.R. § 2.206
- A** The Director of the Office of Nuclear Reactor Regulation denies a petition filed pursuant to 10 C.F.R. § 2.206 by Stephen Dwyer on September 22, 1996, asking the Nuclear Regulatory Commission to shut down the San Onofre Nuclear Generating Station, Units 2 and 3, pending a complete review of the seismic risk based on new information gathered at the Landers and Northridge earthquakes.
- DD-97-24** **NORTHERN STATES POWER COMPANY** (Goodhue County Independent Spent Fuel Storage Facility), Docket No. 72-10; REQUEST FOR ACTION; September 26, 1997; DIRECTOR'S DECISION UNDER 10 C.F.R. § 2.206
- A** The Director of the Office of Nuclear Material Safety and Safeguards denies a petition filed by Florence Township, Minnesota, on August 26, 1996. The Petitioner asked that the NRC find that Northern States Power Company (NSP) had violated NRC regulations by not permitting Lake City, Minnesota, the opportunity to comment on the emergency plan for a proposed independent spent fuel storage installation (ISFSI) before submitting the plan to the NRC. On that basis, Petitioner asked that a civil penalty be imposed. In addition, Petitioner asked that the NRC reject NSP's application and require NSP to take certain actions with regard to the ISFSI application.

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