



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

March 16, 2012

Mr. Paul Gunter, Director
Beyond Nuclear
6930 Carroll Avenue, Suite 400
Takoma Park, MD 20912

Dear Mr. Gunter:

Your petition by Paul Gunter, Kevin Kamps, Thomas Saporito, Paxus Calta, Alex Jack, Scott Price, and John Cruickshank (the petitioners), dated October 20, 2011 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML11293A116), and addressed to Mr. William Borchardt, Executive Director for Operations at the U.S. Nuclear Regulatory Commission (NRC, the Commission), has been referred to me pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, Section 2.206, "Request for actions under this subpart." Upon their request, Eleanor Amidon, Erika Kretzmer, Lovell King II, David Levy, Hilary Boyd, G. Paul Blundell, Erica Gray, Edmund Frost, and Richard Ball have also been added to the list of petitioners. Upon the petitioners' request, Mr. Gunter has served as the point of contact for the petition.

Your petition requested that the NRC suspend the operating licenses for the North Anna Power Station, Units 1 and 2 (North Anna 1 and 2), until the completion of a set of activities described in the petition. A letter dated November 2, 2011 (ADAMS Accession No. ML11308A027), and an e-mail message dated December 15, 2011 (ADAMS Accession No. ML12060A197), supplemented the petition. Two meetings with the NRC Petition Review Board (PRB), held on December 12, 2011 (corrected meeting transcript at ADAMS Accession No. ML12033A025), and February 2, 2012 (corrected meeting transcript at ADAMS Accession No. ML12047A240), further supplemented the petition.

As the basis for your request, you stated several concerns, summarized as follows:

- (1) Prior to the approval of restart for North Anna 1 and 2, after the earthquake of August 23, 2011, Virginia Electric and Power Company (the licensee) should be required to obtain a license amendment from the NRC that reanalyzes and reevaluates the plant's design basis for earthquakes and for associated necessary retrofits.
- (2) Prior to the approval of restart for North Anna 1 and 2, after the earthquake of August 23, 2011, the licensee should be required to ensure that North Anna 1 and 2 are subjected to thorough inspections of the same level and rigor.
- (3) The licensee should be required to reanalyze and requalify the adequacy and condition of the Lake Anna dam after the earthquake of August 23, 2011.
- (4) The licensee should be required to reanalyze and reevaluate the North Anna Independent Spent Fuel Storage Installation (ISFSI) due to damage caused by the earthquake of August 23, 2011, and ensure that no threat is posed to public health and safety by its operation.

- (5) The licensee should ensure the reliability and accuracy of the seismic instrumentation at North Anna 1 and 2.
- (6) The NRC staff made hasty decisions about the restart of North Anna 1 and 2, and gave priority to economic considerations. The long-term action plan was not even complete before the NRC staff gave authorization to restart.
- (7) Regulatory commitments are an inadequate regulatory tool for ensuring that the critical long-term tasks identified in the NRC staff's confirmatory action letter dated November 11, 2011, are completed.
- (8) The NRC should provide greater access to certain documents concerning North Anna 1 and 2, which are stored at the University of Virginia.
- (9) The licensee needs to address the possibility of both boildown and rapid draindown events at the North Anna 1 and 2, spent fuel pool.
- (10) The long-term storage of spent fuel in the spent fuel pool at North Anna 1 and 2, and at the North Anna ISFSI poses challenges to the public health and safety.
- (11) "Hardened on-site storage" strategies for spent fuel should be used at North Anna 1 and 2.
- (12) Concerns exist about age-related degradation at North Anna 1 and 2.
- (13) Concerns exist about the response of North Anna 1 and 2, to a prolonged station blackout.
- (14) The current emergency evacuation plans for North Anna 1 and 2, need to be revised to reflect the possible need to evacuate a larger area than that identified in the current emergency planning zone.
- (15) Concerns exist about damage to the structural integrity of the spent fuel pool structure at North Anna 1 and 2, as represented on pages 41 and 42 of the NRC staff's technical evaluation for the restart of North Anna 1 and 2, dated November 11, 2011.
- (16) There are concerns about lack of compliance at North Anna 1 and 2, with a public law requiring storage of potassium iodide in areas surrounding a nuclear reactor.

I would like to express my appreciation for your effort in bringing these matters to the attention of the NRC. The NRC has undertaken a number of actions in response to your petition to ensure that these concerns are adequately addressed and that no undue risk to the health and safety of the public exists due to the operation of North Anna 1 and 2.

The PRB met on November 7, 2011, to discuss the need for immediate action regarding your petition. The PRB denied the request for immediate action because there was no immediate safety concern to North Anna 1 and 2, or to the health and safety of the public. The PRB concluded that the requirement "to demonstrate to the Commission that no functional damage has occurred to those features necessary for continued operation without undue risk to the health and safety of the public" already exists in Appendix A, "Seismic and Geologic Siting

Criteria for Nuclear Power Plants,” to 10 CFR Part 100, “Reactor Site Criteria.” An e-mail message, dated November 10, 2011, communicated the PRB’s decision to you.

The petitioners met with the PRB at a public meeting on December 12, 2011, to discuss the petition. The results of that discussion have been considered in the PRB’s determination of its response to your petition and in establishing the schedule for the review.

The PRB met on January 9, 2012, to consider whether to accept or reject your petition based on the criteria in the NRC staff’s Management Directive (MD) 8.11, “Review Process for 10 CFR 2.206 Petitions” (ADAMS Accession No. ML041770328). The PRB made an initial recommendation to partially accept the petition based on the fact that some of the concerns identified in your petition met the criteria from MD 8.11, while other concerns did not. Concerns numbered as 1, 2, 4-7, 9-11, and 13-15 above were accepted for review. Concerns numbered as 3, 8, 12 and 16 above were not accepted for review. Additionally, it should be noted that concerns numbered as 9-11 and 13-15 above are undergoing NRC review as part of the lessons-learned from the Fukushima event. The NRC intends to use the results of the Fukushima review to inform its final decision on whether to implement the requested actions. This activity may take longer than the standard of 120 days for reaching a decision on your petition. If this review does take longer, the petition manager will provide periodic status updates to you. The PRB communicated to you its recommendations on the initial partial acceptance of your petition through an e-mail dated January 19, 2012. You received additional information about the PRB’s recommendation through an e-mail dated January 30, 2012.

During the public meeting held on December 12, 2011, you requested a second opportunity to address the PRB. You met again with the PRB on February 2, 2012. The results of this second discussion also were considered in the PRB’s decision on your petition and in establishing the review schedule.

As provided by 10 CFR 2.206, the NRC will take action on your request within a reasonable time. I have assigned Mr. Jon H. Thompson to be the petition manager for your petition. Mr. Thompson can be reached at 301-415-1119. Your petition is being reviewed by the Division of Safety Systems and the Division of Engineering, within the Office of Nuclear Reactor Regulation; the Division of Spent Fuel Storage and Transportation, within the Office of Nuclear Material Safety and Safeguards; and the Division of Preparedness and Response, within the Office of Nuclear Security and Incident Response.

P. Gunter

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I have referred the allegations of NRC wrongdoing contained in your petition to the NRC Office of the Inspector General. I have enclosed for your information a copy of the notice that is being filed with the Office of the Federal Register for publication. I have also enclosed for your information a copy of MD 8.11 and the associated brochure NUREG/BR-0200, "Public Petition Process" (ADAMS Accession No. ML013600445), prepared by the NRC Office of Public Affairs.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric J. Leeds". The signature is fluid and cursive, with a large initial "E" and "L".

Eric J. Leeds, Director
Office of Nuclear Reactor Regulation

Enclosure:
Federal Register Notice

cc: Listserv

Mr. David A. Heacock
President and Chief Nuclear Office
Virginia Electric and Power Company
Innsbrook Technical Center
5000 Dominion Boulevard
Glen Allen, VA 23060-6711
(w/ copy of incoming 2.206 request)

ENCLOSURE 1

Federal Register Notice

ADAMS Accession Number

ML12060A091

U.S. NUCLEAR REGULATORY COMMISSION
DOCKET NOS. 50-338 AND 50-339; NRC-2012-XXXX
LICENSE NOS. NPF-4 AND NPF-7
VIRGINIA ELECTRIC AND POWER COMPANY
RECEIPT OF REQUEST FOR ACTION UNDER 10 CFR 2.206

Notice is hereby given that by petition dated October 20, 2011, (U.S. Nuclear Regulatory Commission's (NRC's or the Commission's) Agencywide Documents Access and Management System (ADAMS) Accession No. ML11293A116); as supplemented by a letter dated November 2, 2011 (ADAMS Accession No. ML11308A027); and an e-mail dated December 15, 2011 (ADAMS Accession No. ML12060A197); Paul Gunter, Kevin Kamps, Thomas Saporito, Paxus Calta, Alex Jack, Scott Price, John Cruickshank, Eleanor Amidon, Erika Kretzmer, Lovell King II, David Levy, Hilary Boyd, G. Paul Blundell, Erica Gray, Edmund Frost, and Richard Ball (the petitioners), request that the NRC take action with regard to Virginia Electric and Power Company's (the licensee's) North Anna Power Station, Units 1 and 2 (North Anna 1 and 2). The petitioners request that the NRC suspend the operating licenses for North Anna 1 and 2, until the completion of a set of activities described in the petition.

As the basis for this request, the petitioners state several concerns which are summarized as follows:

- (1) Prior to the approval of restart for North Anna 1 and 2, after the earthquake of August 23, 2011, the licensee should be required to obtain a license amendment from the NRC that reanalyzes and reevaluates the plant's design basis for earthquakes and for associated retrofits.

- (2) Prior to the approval of restart for North Anna 1 and 2, after the earthquake of August 23, 2011, the licensee should be required to ensure that North Anna 1 and 2 are subjected to thorough inspections of the same level and rigor.
- (3) The licensee should be required to reanalyze and requalify the adequacy and condition of the Lake Anna dam after the earthquake of August 23, 2011.
- (4) The licensee should be required to reanalyze and reevaluate the North Anna Independent Spent Fuel Storage Installation (ISFSI) due to damage caused by the earthquake of August 23, 2011, and ensure that no threat is posed to public health and safety by its operation.
- (5) The licensee should ensure the reliability and accuracy of the seismic instrumentation at North Anna 1 and 2.
- (6) The NRC staff made hasty decisions about the restart of North Anna 1 and 2, and gave priority to economic considerations. The long-term action plan was not even complete before the NRC gave authorization to restart.
- (7) Regulatory commitments are an inadequate regulatory tool for ensuring that the critical long-term tasks identified in the NRC staff's confirmatory action letter (CAL) dated November 11, 2011, are completed.
- (8) The NRC should provide greater access to certain documents concerning North Anna 1 and 2, which are stored at the University of Virginia.
- (9) The licensee needs to address the possibility of both boildown and rapid draindown events at the North Anna 1 and 2, spent fuel pool.
- (10) The long-term storage of spent fuel in the spent fuel pool at North Anna 1 and 2, and at the North Anna ISFSI poses challenges to the public health and safety.

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- (15) Concerns exist about damage to the structural integrity of the spent fuel pool structure at North Anna 1 and 2, as represented on pages 41 and 42 of the NRC staff's technical evaluation for the restart of North Anna 1 and 2, dated November 11, 2011.
- (16) There are concerns about lack of compliance at North Anna 1 and 2, with a public law requiring storage of potassium iodide in areas surrounding a nuclear reactor.

The request is being treated pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Section 2.206, "Requests for action under this subpart," of the Commission's regulations. The request has been referred to the Director of the Office of Nuclear Reactor Regulation (NRR). As provided by § 2.206, appropriate action will be taken on this petition within a reasonable time. The petitioners met with the NRR petition review board on December 12, 2011 (corrected transcript at ADAMS Accession No. ML12033A025), and February 2, 2012 (corrected transcript at ADAMS Accession No. ML12047A240), to discuss the petition. The results of these discussions were considered in the board's final determination to partially accept the petition for review, as communicated to the petitioners by letter from Eric J.

Leeds, Director, Office of Nuclear Reactor Regulation, dated March 16 , 2012 (ADAMS Accession No. ML12060A090), and in establishing the review schedule.

A copy of the petition is available for inspection at the Commission's Public Document Room (PDR), located at One White Flint North, Public File Area O1 F21, 11555 Rockville Pike (first floor), Rockville, Maryland 20852. Publicly available documents created or received at the NRC are available online through ADAMS in the NRC Library at <http://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "ADAMS Public Documents" and then select "Begin Web-based ADAMS Search." For problems with ADAMS, please contact the NRC's PDR reference staff at 1-800-397-4209, 301-415-4737, or by e-mail to PDR.Resource@nrc.gov.

Dated at Rockville, Maryland, this 16th day of March 2012.

For the Nuclear Regulatory Commission.

A handwritten signature in black ink, appearing to read "Eric J. Leeds". The signature is stylized and cursive, written over a horizontal line.

Eric J. Leeds, Director,
Office of Nuclear Reactor Regulation.

P. Gunter

- 4 -

I have referred the allegations of NRC wrongdoing contained in your petition to the NRC Office of the Inspector General. I have enclosed for your information a copy of the notice that is being filed with the Office of the Federal Register for publication. I have also enclosed for your information a copy of MD 8.11 and the associated brochure NUREG/BR-0200, "Public Petition Process" (ADAMS Accession No. ML013600445), prepared by the NRC Office of Public Affairs.

Sincerely,

/RA/

Eric J. Leeds, Director
Office of Nuclear Reactor Regulation

Enclosure:
Federal Register Notice

cc: Listserv

Mr. David A. Heacock
President and Chief Nuclear Office
Virginia Electric and Power Company
Innsbrook Technical Center
5000 Dominion Boulevard
Glen Allen, VA 23060-6711
(w/ copy of incoming 2.206 request)

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	TMensah	SWu

ADAMS Accession Nos. PKG ML12060A094
Incoming: ML11293A116, ML11307A377, ML11308A027, ML11308A032,
ML11311A195, ML11314A118, ML11326A180, ML11349A248,
Email: ML12030A211
Transcripts: ML12033A025, ML12047A240
Acknowledgment Letter: ML12060A090
Federal Register Notice: ML12060A091

*by email

OFFICE	DORL/LPL2-1/PM	DORL/LPL2-1/LA	NMSS/SFPO/SFST*	RII/RPB5/BC*
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