



Beyond Nuclear  
6930 Carroll Avenue  
Suite 400  
Takoma Park, MD 20912  
Email: [paul@beyondnuclear.org](mailto:paul@beyondnuclear.org)  
Tel. 301 270 2209 x 3  
[www.beyondnuclear.org](http://www.beyondnuclear.org)

March 15, 2012

Mr. Eric Leeds, Director  
Nuclear Reactor Regulation  
United States Nuclear Regulatory Commission  
Washington, DC 20555  
By Email: [Eric.Leeds@nrc.gov](mailto:Eric.Leeds@nrc.gov)  
Cc: [Annette.Vietti-Cook@nrc.gov](mailto:Annette.Vietti-Cook@nrc.gov), [Emile.Julian@nrc.gov](mailto:Emile.Julian@nrc.gov)

INTENT TO FILE A REQUEST FOR HEARING  
IN RESPONSE TO NRC "ISSUANCE OF ORDER TO MODIFY LICENSEES  
WITH REGARD TO RELIABLE HARDENED VENTS" DATED MARCH 12, 2012  
AND  
REQUEST FOR A 30 TO 60 DAY EXTENSION TO FILE FOR HEARING

Mr. Leeds:

Beyond Nuclear intends to request through the NRC Electronic Information Exchange a hearing on EA 12-50 as dated March 12, 2011 and further requests a 30 to 60 day extension in which to request a hearing on the Commission Order and on specific Mark I docket as regards the Commission's Near-Term Task Force Recommendation 5.1 for modification of Mark I and Mark II containments with a reliable hardened vent to be completed by December 31, 2016.

The Order states,

*"In accordance with 10 CFR2.202, the Licensee must, and any other person adversely affected by this Order may, submit and answer to this Order, and may*

*request a hearing on this Order, within twenty (20) days of the date of this Order. Where good cause is consideration will be given to extending the time to answer or request a hearing. A request for extension of time in which to submit an answer or request a hearing must be made in writing to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and include a statement of good cause for the extension.”<sup>1</sup>*

## STATEMENT OF GOOD CAUSE FOR REQUESTING EXTENSION

The modifications set forth by Order constitute significant safety-related changes to the operating licenses and severe accident mitigation strategies for the General Electric Mark I and Mark II Boiling Water Reactors. The Order further sets forth an extensive period of time (up to December 31, 2016) for which these license modifications are to be completed. Beyond Nuclear sets forth that a five (5) year period for completing modifications to containment systems constitutes as adverse condition on unreliable Mark I containments. Beyond Nuclear further notes that due to the wide range Mark I operator voluntary responses to Generic Letter 89-16 issued September 1, 1989 without adequate inspection and no agency enforcement, the industry and the agency have introduced a unreasonably wide range of uncertainty of performance capability of the Direct Torus Vent System. More specifically, Beyond Nuclear presents the example of the James A. FitzPatrick unit as identified in a post-Fukushima Technical Instruction walk down inspection with a *“licensing basis vulnerability, in that current procedures do not address hydrogen considerations during primary containment venting.”* This vulnerability involves the FitzPatrick operator’s refusal to voluntarily install the Direct Torus Vent System as recommended by NRC in Generic Letter 89-16 as approved by NRC with the provision for a formal public hearing.<sup>2</sup>

---

<sup>1</sup> “Issuance of Order To Modify Licenses With Regard to Reliable Hardened Containment Vents,” EA-12-050, US NRC, March 12, 2012, Enclosure, Section V, p.9

<sup>2</sup> “James A. FitzPatrick Nuclear Power Plant-NRC Temporary Instruction 2515/183 Inspection Report 05000333/2011008,” US NRC to Entergy Nuclear Northeast, May 13, 2011, ML11133045  
[http://www.beyondnuclear.org/storage/mark-1-campaign/fof/fitzpatrick/FITZ%20\\_nrc\\_05132011\\_TI-183%20IR%202011008.pdf](http://www.beyondnuclear.org/storage/mark-1-campaign/fof/fitzpatrick/FITZ%20_nrc_05132011_TI-183%20IR%202011008.pdf)



Beyond Nuclear  
6830 Carroll Avenue  
Suite 400  
Takoma Park, MD 20912  
Email: [paul@beyondnuclear.org](mailto:paul@beyondnuclear.org)  
Tel. 301 270 2200 x 3  
[www.beyondnuclear.org](http://www.beyondnuclear.org)

March 15, 2012

Mr. Eric Leeds, Director  
Nuclear Reactor Regulation  
United States Nuclear Regulatory Commission  
Washington, DC 20555  
By Email: [Eric.Leeds@nrc.gov](mailto:Eric.Leeds@nrc.gov)  
Cc: [Annette.Vietti-Cook@nrc.gov](mailto:Annette.Vietti-Cook@nrc.gov), [Emile.Julian@nrc.gov](mailto:Emile.Julian@nrc.gov)

INTENT TO FILE A REQUEST FOR HEARING  
IN RESPONSE TO NRC "ISSUANCE OF ORDER TO MODIFY LICENSEES  
WITH REGARD TO RELIABLE HARDENED VENTS" DATED MARCH 12, 2012  
AND  
REQUEST FOR A 30 TO 60 DAY EXTENSION TO FILE FOR HEARING

Mr. Leeds:

Beyond Nuclear intends to request through the NRC Electronic Information Exchange a hearing on EA 12-50 as dated March 12, 2011 and further requests a 30 to 60 day extension in which to request a hearing on the Commission Order and on specific Mark I docket as regards the Commission's Near-Term Task Force Recommendation 5.1 for modification of Mark I and Mark II containments with a reliable hardened vent to be completed by December 31, 2016.

The Order states,

*"In accordance with 10 CFR2.202, the Licensee must, and any other person adversely affected by this Order may, submit and answer to this Order, and may*



*request a hearing on this Order, within twenty (20) days of the date of this Order. Where good cause is consideration will be given to extending the time to answer or request a hearing. A request for extension of time in which to submit an answer or request a hearing must be made in writing to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and include a statement of good cause for the extension.”<sup>1</sup>*

## STATEMENT OF GOOD CAUSE FOR REQUESTING EXTENSION

The modifications set forth by Order constitute significant safety-related changes to the operating licenses and severe accident mitigation strategies for the General Electric Mark I and Mark II Boiling Water Reactors. The Order further sets forth an extensive period of time (up to December 31, 2016) for which these license modifications are to be completed. Beyond Nuclear sets forth that a five (5) year period for completing modifications to containment systems constitutes as adverse condition on unreliable Mark I containments. Beyond Nuclear further notes that due to the wide range Mark I operator voluntary responses to Generic Letter 89-16 issued September 1, 1989 without adequate inspection and no agency enforcement, the industry and the agency have introduced a unreasonably wide range of uncertainty of performance capability of the Direct Torus Vent System. More specifically, Beyond Nuclear presents the example of the James A. FitzPatrick unit as identified in a post-Fukushima Technical Instruction walk down inspection with a *“licensing basis vulnerability, in that current procedures do not address hydrogen considerations during primary containment venting.”* This vulnerability involves the FitzPatrick operator’s refusal to voluntarily install the Direct Torus Vent System as recommended by NRC in Generic Letter 89-16 as approved by NRC with the provision for a formal public hearing.<sup>2</sup>

---

<sup>1</sup> “Issuance of Order To Modify Licenses With Regard to Reliable Hardened Containment Vents,” EA-12-050, US NRC, March 12, 2012, Enclosure, Section V, p.9

<sup>2</sup> “James A. FitzPatrick Nuclear Power Plant-NRC Temporary Instruction 2515/183 Inspection Report 05000333/2011008,” US NRC to Entergy Nuclear Northeast, May 13, 2011, ML11133045  
[http://www.beyondnuclear.org/storage/mark-1-campaign/foi/fitzpatrick/FITZ%20nrc\\_05132011\\_TI-183%20IR%202011008.pdf](http://www.beyondnuclear.org/storage/mark-1-campaign/foi/fitzpatrick/FITZ%20nrc_05132011_TI-183%20IR%202011008.pdf)

Beyond Nuclear submits that the public in the communities surrounding these affected Mark I and Mark II reactors should be afforded their due process with all formal hearing rights to redress inadequacies of past and future modifications to containment in context of EA12-50. Therefore, the public's participation should be accorded proper notification and provided the opportunity to sufficiently review the Order and petition for leave to intervene on any of the proposed modifications to an operating license as is customarily afforded and conforms to the license amendment process. Beyond Nuclear requests an extension of up to 60 days from formal notification in the Federal Register by the agency.

To date, the NRC Office of Nuclear Regulation has not provided a date for if and when the public will be notified through the Federal Register Notice of these license condition modifications to safety-related systems, structures and components.

At minimum, Beyond Nuclear requests that the twenty (20) day provision for filing a request for hearing begin with proper public notification of the Order in the Federal Register.

Sincerely,

-----/s/-----

Paul Gunter, Director  
Reactor Oversight Project  
Beyond Nuclear