



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

September 4, 2012

Mr. Michael Mulligan  
P.O. Box 161  
Hinsdale, NH 03451

Dear Mr. Mulligan:

Your letter dated January 24, 2012, addressed to Mr. William Borchardt, Executive Director for Operations, has been referred to the Nuclear Regulatory Commission's (NRC) Office of Nuclear Reactor Regulation, pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Section 2.206. In your petition, you requested that the NRC: (1) require that Peach Bottom have an outside, detailed investigation and root cause performed regarding the Unit 3, safety relief valve (SRV) pneumatic actuator threaded seal failure, that was discovered on September 25, 2011, (2) perform a special investigation (or equivalent) and explain the similarities and differences between the Vermont Yankee and Peach Bottom safety relief valve actuators and seal problems, (3) consider if a generic notice is needed, (4) require the immediate shutdown of the Peach Bottom nuclear power plant, (5) require that all Peach Bottom safety relief valve seals and actuators be replaced with a design with a sufficient margin of safety before start-up, (6) formation of a local public oversight panel around every plant, (7) formation of an emergency NRC senior official oversight panel with the aims of reforming the Reactor Oversight Process (ROP), (8) formation of a national NRC oversight panel of outsiders to oversee and report on the agency's activities, and (9) you also requested that President Obama remove Chairman Jaczko and the other 4 NRC Commissioners.

The Petition Review Board (PRB) met on February 3, 2012, to discuss the request for immediate action. The PRB denied the request for immediate action to shutdown Peach Bottom Units 2 and 3, and replace the SRV pneumatic actuator threaded seals. The PRB determined that there was no immediate safety concern to the plant or to the public health and safety to justify the requested immediate action. On February 10, 2012, you were informed of the PRB's decision on the immediate action and you requested to address the PRB to provide supplemental information for the PRB's consideration prior to its internal meeting to make the initial recommendation. By teleconference on February 17, 2012, you addressed the PRB to discuss your petition.

On March 7, 2012, the PRB held its internal meeting to make the initial recommendation, in accordance with the criteria provided in Management Directive (MD) 8.11, "Review Process for 10 CFR 2.206 Petitions." The PRB made the following initial recommendations regarding the specific requests within your petition:

1. NRC Require that Peach Bottom Have an Outside, Detailed Investigation and Root Cause Performed Regarding the Unit 3, Safety Relief Valve Pneumatic Actuator Threaded Seal Failure, that Was Discovered on September 25, 2011

In accordance with MD 8.11, this request does not meet the criteria for review because you did not provide sufficient facts to warrant further inquiry and therefore, this request is not accepted for review, pursuant to 10 CFR 2.206.

2. NRC Perform a Special Investigation (or Equivalent) and Explain the Similarities and Differences Between the Vermont Yankee and Peach Bottom Safety Relief Valve Actuators and Seal Problems

In accordance with MD 8.11, this request does not meet the criteria for review because you did not provide sufficient facts to warrant further inquiry and therefore, this request is not accepted for review, pursuant to 10 CFR 2.206.

3. NRC Consider if a Generic Notice is Needed

In accordance with MD 8.11, this request does not meet the criteria for review because you did not provide sufficient facts to warrant further inquiry and therefore, this request is not accepted for review, pursuant to 10 CFR 2.206.

4. NRC Require the Immediate Shutdown of the Peach Bottom Nuclear Power Plant

The PRB denied the request for immediate action because there was no immediate safety concern to the plant, or to the health and safety of the public. The NRC reviewed the licensee's evaluation and actions related to this matter and concluded that the 3-ADS-SRV 71B degraded seal condition was not caused by improper maintenance practices. Also, trend data did not indicate a potential degradation in that the same seal material had been used at PBAPS Units 2 and 3 for the last 20 years with no other failures. These facts support the conclusion that the failure of the 3-ADS-SRV 71B threaded seal was not a common mode failure, or an age-related failure, but was isolated to the particular seal installed in November 2010. The inspectors assessed the risk associated with the issue by using Inspection Manual Chapter 0609, Appendix G, "Shutdown Operations SDP [Significance Determination Process]." The 3-ADS-SRV 71B is one of the five PBAPS Unit 3 ADS reactor vessel relief valves. In order to perform the ADS system safety function, four of the five ADS SRVs are required to function. The four other ADS SRVs passed the leakage test, and would have been capable of de-pressurizing the reactor pressure vessel for design basis events. Therefore, during the period that the 71B SRV was inoperable, the overall ADS safety function was maintained. The NRC staff's evaluation of this issue has been documented in Inspection Report 05000277/20120003 and 05000278/2012003, dated August 14, 2012 (ADAMS Accession No. ML12227A323).

5. NRC Require that All Peach Bottom Safety Relief Valve Seals and Actuators be Replaced with a Design with a Sufficient Margin of Safety Before Start-Up

In accordance with MD 8.11, this request does not meet the criteria for review because you did not provide sufficient facts to warrant further inquiry and therefore, this request is not accepted for review, pursuant to 10 CFR 2.206.

6. Formation of a Local Public Oversight Panel Around Every Plant

This request is not an enforcement-related action and is not within the scope of 10 CFR 2.206. In accordance with MD 8.11, this request does not meet the criteria for a 2.206 petition.

7. Formation of an Emergency NRC Senior Official Oversight Panel to Reform the ROP

This request is not an enforcement-related action and is not within the scope of 10 CFR 2.206. In accordance with MD 8.11, this request does not meet the criteria for a 2.206 petition.

8. Formation of a National NRC Oversight Public Panel

This request is not an enforcement-related action and is not within the scope of 10 CFR 2.206. The Inspector General, who provides oversight of NRC actions, reports directly to the U.S. Congress. Any further oversight would have to be authorized by the U.S. Congress. In accordance with MD 8.11, this request does not meet the criteria for a 2.206 petition.

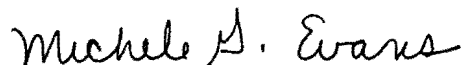
9. Replacement of Members of the NRC Commission

This is not an enforcement-related action and is not within the scope of 10 CFR 2.206. The members of Commission are Presidential appointees. In accordance with MD 8.11, this request does not meet the criteria for a 2.206 petition.

On March 15, 2012, you were informed of the PRB's initial recommendation. You requested a second opportunity to address the PRB to provide additional information in support of the petition request. On April 10, 2012, you addressed the PRB by teleconference to discuss the PRB's initial recommendation.

The PRB's final determination is to reject your petition for review under the 10 CFR 2.206 process because it does not meet the criteria for review under 10 CFR 2.206. Therefore, these requests were not accepted for review pursuant to 10 CFR 2.206.

Sincerely,



Michele G. Evans, Director  
Division of Operating Reactor Licensing  
Office of Nuclear Reactor Regulation

Docket Nos. 50-277 and 50-278

cc: Distribution via Listserv

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/RA/

Michele G. Evans, Director  
Division of Operating Reactor Licensing  
Office of Nuclear Reactor Regulation

Docket Nos. 50-277 and 50-278

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**Package: ML121070051 Incoming: ML12027A136 Response: ML121070057** \*Via email

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| NAME   | JHughey    | ABaxter<br>**Changes only | PKrohn     | MKhanna<br>(w/minor edits) | MBanic     | MEvans     |
| DATE   | 08/27/2012 | 08/20/2012                | 08/16/2012 | 08/23/2012                 | 08/24/2012 | 09/04/2012 |

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