

August 29, 2012

Electronic Mail To: Michael Mulligan
steamshovel2002@yahoo.com

SUBJECT: EMAIL DATED JULY 14, 2012, REGARDING U.S. NUCLEAR
REGULATORY COMMISSION (NRC) ISSUANCE OF WEATHER
RELATED NOTICES OF ENFORCEMENT DISCRETION (NOEDS)

Dear Mr. Mulligan:

This e-mail is in response to the concerns you brought to the attention of the NRC on July 14, 2012, regarding an increasing trend in the issuance of weather-related NOEDs. Specifically, you were concerned about the larger implications of the NOED request concerning a potential industry trend in plant operational challenges due to environmental issues, whether the NRC was reviewing this trend, and what actions were being considered around the country with regard to licensees increasing their UHS capacity to address hot weather conditions. Because your concern contained possible safety issues with NRC-regulated activity, your emails were forwarded to my office for review.

The NRC expects all nuclear power plant licensees to operate their facilities safely and in compliance with NRC regulations, the plant license, including technical specifications (TS), and other requirements. Nevertheless, circumstances may occur in which explicit compliance with an NRC requirement could result in an unnecessary plant transient or unnecessary delays in plant startup, or the performance of a test, inspection, or system realignment that is inappropriate for the prevailing plant conditions.

There are two types of NOEDs: (1) "regular" NOEDs and (2) "severe weather or other natural phenomena-related" NOEDs (severe-weather NOEDs). Requests for "regular" NOEDs involve consideration of the radiological health and safety of the public. Requests for "severe-weather" NOEDs involve not only the consideration of the radiological health and safety of the public, but may also consider the potential impact on public health and safety because of power delivery challenges.

On July 7, 2012, the NRC considered and approved a request for a weather related NOED. The evaluation of this request was performed by NRC staff from various technical specialties to ensure the radiological safety of continued operation. This request for a NOED was approved.

This was the first weather related NOED request in 2012, and the first in the past 10 years based on a search of NRC records. The NRC takes public health and safety very seriously and will only approve a NOED request if the NRC staff finds continued operation of a nuclear power plant safe.

The NRC reviews all granted NOEDs to ensure that the NOED process is completed in accordance with the NRC Enforcement Policy and to determine if adverse trends are noted. At this time, we do not find it necessary to initiate any further actions.

Concerning other licensee-specific issues you raised in your e-mails, specific questions concerning licensees are the responsibilities of the regions and, if appropriate, the regions will provide a response.

M. Mulligan

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Thank you for informing us of your concerns. Should you have any additional questions concerning NOEDs, or if we can be of further assistance to you, please contact me at (800) 368-5642.

Sincerely,

/RA/

Sheldon D. Stuchell, Acting Chief
Licensing Processes Branch
Division of Policy and Rulemaking
Office of Nuclear Reactor Regulation

M. Mulligan

- 2 -

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