

**From:** [Boger, Bruce](#)  
**To:** [Lee, Samson](#)  
**Cc:** [Banic, Merrilee](#); [Saba, Farideh](#)  
**Subject:** RE: 2.206 petition initial recommendation (G20120489)  
**Date:** Friday, September 07, 2012 8:37:33 AM

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I concur with the PRB decision and next steps.

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**From:** Lee, Samson  
**Sent:** Thursday, September 06, 2012 12:11 PM  
**To:** Boger, Bruce  
**Cc:** Banic, Merrilee; Saba, Farideh  
**Subject:** 2.206 petition initial recommendation (G20120489)

**PETITION:**

<http://portal.nrc.gov/edo/nrr/dpr/Lists/2206%20Petition%20Assignments/Attachments/44/G20120489.pdf>

Bruce,

The purpose of this e-mail is to inform you, as the NRR ET member with responsibility for the 2.206 process, of the initial recommendation of the Petition Review Board (PRB) on the linked 2.206 petition against Brunswick Units 1 and 2 submitted by David Lochbaum et al. on July 10, 2012. We are seeking your concurrence on our recommendation to accept the petition and to proceed with the next steps in the process. Please advise at your earliest opportunity.

**SUMMARY OF REQUEST:**

The petitioners originally in the letter dated July 10, 2012, requested that the NRC take enforcement action in the form of an order either modifying the Brunswick Units 1 and 2 operating licenses technical specifications (as detailed in the petition) or requiring the licensee to submit amendment requests for these licenses. The petitioners supplemented the original request during a recorded conference call with the PRB on August 15, 2012.

**BACKGROUND:**

The petitioners stated that the current technical specifications for the Brunswick Unit 1 and 2 reactors are based on the assumption that the sole scenario involving damage to irradiated fuel outside of the reactor vessel is that resulting from a fuel handling accident involving recently irradiated fuel (i.e., fuel that was within a critical reactor core within the past 24 hours). However, loss of water inventory from the spent fuel pool or sustained loss of its cooling capability can also result in damage to irradiated fuel and the potential extent of that damage and the amount of radioactivity released from damaged fuel can be considerably larger than that resulting from a fuel handling accident. The petitioners stated that because the probability of spent fuel pool water inventory or cooling loss is not so low as to be neglected, the technical specification provisions that currently manage the risk from a fuel handling accident must be extended to also cover other credible spent fuel pool events. During the August 15, 2012, PRB meeting, the petitioners supplemented the original petition by referring to the March 12, 2012 Orders that were issued to the plants. Mr. Lochbaum stated that Attachment 2 of the NRC Order EA-12-051, which involves the water level instrumentation for the spent fuel pools, does not require that the spent fuel pool water level instrumentation be operable or functional at all times when irradiated fuel is in the spent fuel pool.

**PRB INITIAL RECOMMENDATION:**

On September 4, 2012, the PRB met and made the initial recommendation to accept the petition because it meets the criteria for reviewing it under 2.206 process and it does not meet any criteria for rejection under this process.

**PRB MEMBERS & ADVISORS**

Samson S. Lee (PRB Chair – Deputy Director – NRR, Division Of Risk Assessment)

Farideh E. Saba (Petition Manager – NRR, Division of Operating Reactor Licensing)  
Merrilee J. Banic (Agency 2.206 Coordinator – NRR, Division of Policy and Rulemaking)  
Randy A. Musser (Branch Chief, Region II, Division of Reactor Projects, Branch 4)  
Kent A.L. Wood (Team Leader, Spent Fuel Team – NRR, Division of Safety Systems (DSS),  
Reactor Systems Branch)  
Steven R. Jones (Senior Reactor Systems Engineer – NRR, DSS, Balance Of Plant Branch)  
Harold Walker (Sr Reactor Systems Engineer – NRR, DSS, Containment And Ventilation  
Branch)  
Kristy A. Bucholz (Reactor Systems Engineer – NRR, DSS, Technical Specifications Branch)  
Rossnyev Alvarado (Electronics Engineer (Digital I&C) – NRR, Division of Engineering  
Instrumentation and Control Branch)  
Molly Marsh-Barkman (Legal Counsel for the PRB – Office of General Council) – Advisor  
Lauren R. Casey (Enforcement Specialist, Office of Enforcement) – Advisor

NEXT STEPS:

The next steps would be to:

- Management (Bruce Boger) agreement with the PRB recommendation (via this e-mail).
- Inform the petitioner of the PRB recommendations
- Determine if the petitioner would like a post-PRB meeting or telecon, and make the arrangements for an acceptable date and time.