



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

October 31, 2012

Mr. David A. Lochbaum
Director, Nuclear Safety Project
Union of Concerned Scientists
P.O. Box 15316
Chattanooga, TN 37415

Dear Mr. Lochbaum:

On July 10, 2012, you and two copetitioners filed a petition addressed to Mr. R. William Borchardt, Executive Director for Operations of the U.S. Nuclear Regulatory Commission (NRC), on behalf of the North Carolina Waste Awareness & Reduction Network, the Nuclear Information and Resource Service, and the Union of Concerned Scientists. Following the regulations of Section 2.206, "Requests for Action Under this Subpart," of Title 10 of the *Code of Federal Regulations* (10 CFR), the NRC has referred this petition to me.

In your original petition, you requested that the NRC take action in the form of an order either modifying the Brunswick Steam Electric Plant Units 1 and 2 (Brunswick), operating licenses' technical specifications (as detailed in the petition) or requiring the licensee to submit amendment requests for these licenses.

As the basis for your request, you stated that "the current technical specifications for the Brunswick Units 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." You 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." I would like to express my appreciation for your effort in bringing these matters to the attention of the NRC.

You and the copetitioner, Ms. Mary Olson, had a recorded conference call with the NRC petition review board (PRB) on August 15, 2012, to discuss and supplement the petition. The NRC has made the official transcript of the August 15, 2012, conference call accessible to the public on the NRC's Electronic Reading Room through the Agencywide Documents Access and Management System (ADAMS), <http://www.nrc.gov/reading-rm/adams.html> (ADAMS Accession No. ML12234A730).

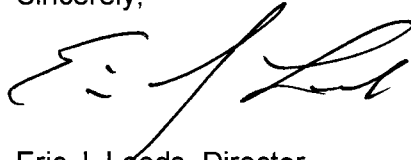
The PRB recommends accepting your petition because it meets the criteria for review under the 10 CFR 2.206 process. The Office of Nuclear Reactor Regulation will review your petition. As provided by 10 CFR 2.206, the NRC will take action on your request within a reasonable time period. I have assigned Ms. Farideh Saba to manage your petition. You can reach Ms. Saba at 301-415-1447.

D. Lochbaum

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I have enclosed for your information a copy of the notice that the NRC will file with the Office of the Federal Register for publication. I have also enclosed for your information a copy of Management Directive 8.11, "Review Process for 10 CFR 2.206 Petitions," and the associated brochure NUREG/BR-0200, "Public Petition Process," prepared by the NRC's Office of Public Affairs.

Sincerely,



Eric J. Leeds, Director
Office of Nuclear Reactor Regulation

Enclosures:

1. *Federal Register* Notice
2. Management Directive 8.11
3. NUREG/BR-0200

cc w/copy of incoming 10 CFR 2.206 request:

Mr. Michael J. Annacone, Vice President
Brunswick Steam Electric Plant
Carolina Power & Light Company
P.O. Box 10429
Southport, North Carolina 28461

cc via email:

Mr. Jim Warren
Executive Director
North Carolina Waste Awareness & Reduction Network
Email: jim@ncwarn.org

Ms. Mary Olson
Nuclear Information and Resource Service
Email: maryo@nirs.org

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-325 and 50-324; NRC-2012-XXXX]

Brunswick Steam Electric Plant, Units 1 and 2

Receipt of Request for Action

AGENCY: Nuclear Regulatory Commission.

ACTION: Request for Action; receipt.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC or the Commission) is giving notice that by petition dated July 10, 2012, Mr. David Lochbaum (the petitioner) and two copetitioners on behalf of the North Carolina Waste Awareness & Reduction Network, the Nuclear Information and Resource Service, and the Union of Concerned Scientists have requested that the NRC take action with regard to Brunswick Steam Electric Plant, Units 1 and 2 (Brunswick). The petition is included in the **SUPPLEMENTARY INFORMATION** section of this document.

ADDRESSES: Please refer to Docket ID <NRC-20YY-XXXX> when contacting the NRC about the availability of information regarding this document. You may access information related to this document, which the NRC possesses and is publicly available, using any of the following methods:

- **Federal Rulemaking Web site:** Go to <http://www.regulations.gov> and search for Docket ID <NRC-20YY-XXXX>. Address questions about NRC dockets to Carol Gallagher; telephone: 301-492-3668; e-mail: Carol.Gallagher@nrc.gov.

- **NRC's Agencywide Documents Access and Management System (ADAMS):** You may access publicly available documents online 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 Public Document Room (PDR) reference staff at 1-800-397-4209, 301-415-4737, or by e-mail to PDR.Resource@nrc.gov. The ADAMS accession number for each document referenced in this notice (if that document is available in ADAMS) is provided the first time that a document is referenced.

- **NRC's PDR:** You may examine and purchase copies of public documents at the NRC's PDR, Room O1-F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: Ms. Farideh Saba, Project Manager, Plant Licensing Branch 2-2, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Telephone: 301-415-1447; e-mail: Farideh.Saba@nrc.gov.

SUPPLEMENTARY INFORMATION:

On July 10, 2012, the petitioners requested that the NRC take action with regard to Brunswick. The petitioners request that the NRC take action in the form of an order either modifying the Brunswick operating licenses' technical specifications (as detailed in the petition) or requiring the licensee to submit amendment requests for these licenses.

As the basis for this request, the petitioners stated that "the current technical specifications for the Brunswick Units 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."

The NRC is handling this petition pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Section 2.206 of the Commission's regulations. The petition has been referred to the Director of the Office of Nuclear Reactor Regulation (NRR). As provided by 10 CFR 2.206, appropriate action will be taken on this petition within a reasonable time. The petitioners had a recorded conference call with the NRR petition review board on August 15, 2012, to discuss and supplement the petition. A copy of the petition is available for inspection under ADAMS Accession No. ML12193A123. The official transcript of the August 15, 2012, conference call is accessible via ADAMS Accession No. ML12234A730.

Dated at Rockville, Maryland, this 31 day of October, 2012.

For the Nuclear Regulatory Commission.



Eric J. Leeds, Director
Office of Nuclear Reactor Regulation

I have enclosed for your information a copy of the notice that the NRC will file with the Office of the Federal Register for publication. I have also enclosed for your information a copy of Management Directive 8.11, "Review Process for 10 CFR 2.206 Petitions," and the associated brochure NUREG/BR-0200, "Public Petition Process," prepared by the NRC's Office of Public Affairs.

Sincerely,

/RA/

Eric J. Leeds, Director
Office of Nuclear Reactor Regulation

Enclosures:

1. *Federal Register* Notice
2. Management Directive 8.11
3. NUREG/BR-0200

cc w/copy of incoming 10 CFR 2.206 request:

Mr. Michael J. Annacone, Vice President
Brunswick Steam Electric Plant
Carolina Power & Light Company
P.O. Box 10429
Southport, North Carolina 28461

cc via email:

Mr. Jim Warren
Executive Director
North Carolina Waste Awareness & Reduction Network
Email: jim@ncwarn.org

Ms. Mary Olson
Nuclear Information and Resource Service
Email: maryo@nirs.org

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ADAMS Accession Nos. Package ML12261A341

Incoming ML12193A123 and ML12255A080

Letter ML12261A342

FRN ML12261A344

* Concurrence via e-mail

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