

Vaidya, Bhalchandra

From: Vaidya, Bhalchandra
Sent: Wednesday, October 24, 2012 7:29 AM
To: 'Jessica Azulay'
Cc: Russell, Andrea; Wilson, George; Lee, Samson; Lemoncelli, Mauri
Subject: RE: PRB Decision on Initial Recommendation Re: Your Petition under 10CFR2.206 Pertaining to the James A. FitzPatrick Nuclear Plant in Scriba, New York (TAC No. ME8189)
Attachments: petitioner_response_to_NRC_Fitz_Oct_11.pdf

Ms. Jessica Azulay,

Regarding your e-mail dated October 11, 2012, in response to our communication to you dated October 4, 2012, about the Petition Review Board's (PRB's) decision on its initial recommendation regarding your Petition under 10 CFR 2.206 pertaining to the James A. FitzPatrick Nuclear Plant in Scriba, New York, the following explanations are provided:

(a) The following three issues are accepted for review:

(1) FitzPatrick shall publicly document for independent review its post-Fukushima re-analyses for the reliability and capability of the FitzPatrick pre-existing containment vent system as previously identified as "an acceptable deviation" from NRC Generic Letter 89-16 which recommended the installation of the Direct Torus Vent System and as outlined in the NRC Safety Evaluation Report dated September 28, 1992. The publicly documented post-Fukushima analysis shall include the reassessment of all assumptions regarding the capability and reliability of the pre-existing containment venting and specifically address non-conservative assumptions regarding:

(a) "unlikely ignition points" as claimed in the FitzPatrick pre-existing vent line system that would otherwise present increased risks and consequences associated with the detonation of hydrogen gas generated during a severe accident.

(2) The NRC inspection report [per TI-2515/183] identifies that FitzPatrick's "existing plant capabilities" and "current procedures do not address hydrogen considerations during primary containment venting" which is further identified as a "current licensing basis vulnerability." The joint petitioners further reiterate that the NRC inspection finding that FitzPatrick's "existing plant capabilities" as assumed by the Order are in fact negated by the finding that "FitzPatrick's current licensing basis did not require the plant to have a primary containment torus air space hardened vent system as part of their Mark I containment improvement program."

(3) The additional identified "vulnerability" and the relatively remote and uncertain mitigation strategy places the public health and safety unduly and unacceptably at risk by the continued day-to-day operations where "current procedures do not address hydrogen considerations during primary containment venting" and will not for nearly five (5) more years.

(b) With regard to your request that the PRB reconsider the decision to allow FitzPatrick to operate during the pendency of the NRC Japan Lessons Learned Project regarding Mark I BWR reliable vents, the PRB reiterates its decision to deny the request for immediate action. Specifically, the PRB denied the requested immediate enforcement action to suspend the operating license for FitzPatrick because there is no immediate safety concern to FitzPatrick, or to the health and safety of the public.

(c) With regard to the other topics in your response dated October 11, 2012, MD 8.11 provides for the Acknowledgement Letter to be sent to the Petitioners after the NRC staff has reached a decision on the "Final Recommendation" to accept or reject the Petition (or portions thereof), which would include the detailed itemized lists of the issues accepted and rejected with the PRB's explanations. The process in MD 8.11 offers the Petitioner(s) a 2nd opportunity to address the PRB to provide additional or new information, if any, before the PRB makes the Final Recommendation. Since you have requested a 2nd opportunity to address the PRB and, thus, the staff has not yet made a Final Recommendation, the details, such as the itemized lists in your request are pre-decisional and are not publicly released."

(d) With respect to the date and time for the 2nd opportunity for the Petitioner(s) to address the PRB, please let us know whether you would like to have a Tele-Conference or a Public Meeting, along with your availability with respect to dates and times, as well as the list of attendees and speakers. This will allow us to make proper arrangements.

Thank you for your quick response to our October 4, 2012, communication.

Bhalchandra K. Vaidya
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From: Jessica Azulay [mailto:jessica@allianceforagreenconomy.org]

Sent: Thursday, October 11, 2012 11:44 AM

To: Vaidya, Bhalchandra

Subject: Re: PRB Decision on Initial Recommendation Re: Your Petition under 10CFR2.206 Pertaining to the James A. FitzPatrick Nuclear Plant in Scriba, New York (TAC No. ME8189)

Bhalchandra K. Vaidya,

Please find attached our response to your October 4 communication.

Sincerely,

Jessica Azulay

On 10/4/2012 9:22 AM, Vaidya, Bhalchandra wrote:

Ms. Jessica Azulay,

On May 17, 2012, May 29, 2012, and July 19, 2012, the PRB met internally to discuss the petition and to make the initial recommendation. The PRB's initial recommendation is to partially accept the petition for review because portions of the petition meet the criteria for review under the 2.206 process.

The PRB's initial recommendation is to accept, in part, and hold in abeyance three of the issues of the petition addressing containment venting under severe accident conditions and the design of vent systems being able to accommodate hydrogen gas. The NRC staff notes that these concerns are undergoing NRC review as part of the lessons-learned from the Fukushima event. Even though the Commission has issued the Order concerning reliable hardened vent for accident prevention, the NRC staff is conducting further review of additional aspects of the hardened vent system, such as venting under severe accident conditions. In addition, the staff is evaluating hydrogen control and mitigation measures. Since these issues will take longer than the target timeframe for reaching a decision on a petition, the NRC plans on accepting those issues, and holding them in abeyance.

In addition, the PRB's initial recommendation is to reject all other issues in the petition because they do not meet the criteria for review under 10 CFR 2.206 process described in MD 8.11.

Also, please let me know, ASAP, if the Petitioners would like a second meeting to address the Petition Review Board as described in MD 8.11, the process for 10 CFR 2.206 Petitions.

Thank you,

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Washington, DC 20555-0001
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Bhalchandra K. Vaidya:

As the point of contact, I received your communication dated October 4, 2012, regarding the NRC Petition Review Board (PRB) initial recommendation to partially accept for review the 2.206 petition filed by joint petitioners Alliance for a Green Economy (AGREE) and Beyond Nuclear. On behalf of the joint petitioners, I would like to request additional information.

You wrote that the “PRB’s initial recommendation is to accept, in part, and hold in abeyance three of the issues of the petition addressing containment venting under severe accident conditions and the design of vent systems being able to accommodate hydrogen gas.”

We request that the PRB provide us an itemized list detailing which portions of our petition have been accepted. Additionally, we request that the PRB provide us an itemized list detailing which portions of our petition you propose to reject, and that the PRB provide an explanation as to why those portions do not meet the criteria for review under the 10 CFR 2.206 process. We request that this justification be entered into the public record.

We hereby request another opportunity to address the PRB, however, we believe that it is essential that you provide the above requested detail of the PRB recommendation before scheduling this hearing.

We are aware that the issues raised in our petition are related to concerns that are undergoing review by the NRC's Japan Lessons Learned Project. However, given that there are no assigned timelines for addressing or concluding much of this work, we are concerned about the issues we raised, including hydrogen generation and detonation, being held in abeyance. We reiterate that our communities surrounding the FitzPatrick reactor are currently at risk and will continue to be at risk until the FitzPatrick reactor is shut down or is required to have a truly reliable containment.

We, therefore, ask that you to reconsider the PRB's decision to allow FitzPatrick to operate during the indefinite process of the NRC Japan Lessons Learned Project regarding Mark I BWR reliable vents. NRC's own documents show that the FitzPatrick reactor does not have a reliable containment, nor does it have a reliable vent that protects the public and workers from radiation exposure or is free from the possibility of hydrogen over-pressurization and explosions. An over-pressurization accident cannot currently be ruled out as impossible, and there is no assurance that an accident would wait until after the NRC's process regarding Mark

Alliance for
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If reactors is concluded and required plant modifications are completed. Allowing FitzPatrick to operate indefinitely in the meantime is an unacceptable risk.

The Petitioners point out that power operations at FitzPatrick are currently ceased for refueling. We ask that power operations at FitzPatrick remain suspended until the NRC can provide public assurance, through full disclosure of Entergy and NRC safety analyses, that operations at the plant do not pose an undue public health and safety risk. It is our contention that if the PRB is to reject our request for an emergency suspension of power operations at FitzPatrick while it considers our petition on an indefinite and indeterminate time-frame, it must provide transparency by publicly releasing its safety analysis in refutation of our concerns regarding the present risk posed to the public by the FitzPatrick reactor in its current design.

Therefore, we ask that the PRB publicly release its safety evaluations and justification for the reliability of current venting operations for FitzPatrick's pressure suppression containment system in its current state without the requested modifications for the Direct Taurus Vent System in Generic Letter 89-16, including its justification of continued operation with the "beyond design and licensing bases vulnerability" as described in the post-Fukushima inspection report referenced in our petition. This analysis must also take into account FitzPatrick's unique plan to vent high temperature and pressure steam and potentially high radiation and explosive gases at the ground level. We further request that the NRC publicly release a safety evaluation that rules out potential hydrogen ignition points in the Standby Auxilliary Gas Treatment Building currently as relied upon by FitzPatrick operations. We further request that the NRC make publicly available the safety evaluation for the current FitzPatrick vent plan that could render the FitzPatrick nuclear site dangerous or inaccessible for site personnel activity precisely at a time when workers would need greatest access to all parts of the site. To date, neither NRC nor the FitzPatrick operator has publicly released any safety analysis of the impact of a ground-level release on worker access to the site, worker health and safety, or public health and safety.

We thank you and the PRB for the serious manner in which you are treating our concerns regarding the FitzPatrick reactor. We look forward to a more detailed response from you.

Sincerely,

Jessica Azulay Chasnoff
for the Petitioners

Alliance for a Green Economy (AGREE) works for safe, affordable energy and the development of a green economy in New York State. Our goal is a prosperous, safe, and healthy New York, fulfilling the promise of conservation, energy efficiency, and safe, clean renewable energy sources to end our state's reliance on wasteful and environmentally destructive forms of energy. The Alliance works to promote this transition to a carbon-free and nuclear-free future and educates the public about alternatives that can revitalize the economy and safeguard human health and the environment.