

Task Number: G20120902

General Information

Lead Assignee: NRR

OEDO Due Date: 12/11/2012

Other Assignees:

SECY Due Date:

Other Parties:

Subject: 2.206 - Lack of Adequate Protection of Safety at Oyster Creek Nuclear Generating Station

Description:

CC Routing: OGC, Region I

ADAMS Accession Numbers - Incoming:

Response / Package:

Other Information

Cross Reference LTR-12-0707

SRM/Other: No

Process Information

Action Type: 2.206 Review

OEDO Concurrence: No

Signature Level: Direct Reply

OCM Concurrence: No

Special Instructions:

OCA Concurrence: No

Document Information

Originator Name: Richard Webster, Janet Tauro, David Pringle

Date of Incoming: 11/19/2012

Originator Org: GRAMMES, New Jersey Environ.

Document Received by OEDO Date: 11/20/2012

Date Response Requested by Originator:

Addressee: Chairman Macfarlane/R. W. Borchardt, EDO

Incoming Task: Letter

OEDO POC: Dan Merzke

Template: SECY-017

ERIDS: SECY-01

OFFICE OF THE SECRETARY
CORRESPONDENCE CONTROL TICKET

Date Printed: Nov 20, 2012 10:41

PAPER NUMBER: LTR-12-0707

LOGGING DATE: 11/20/2012

ACTION OFFICE: EDO

AUTHOR: Richard Webster (Public Justice), et al.

AFFILIATION:

ADDRESSEE: CHRM Allison Macfarlane

SUBJECT: Provides emergency 2.206 Petition regarding lack of adequate protection of safety at Oyster Creek Nuclear Generating Station, Lacy, NJ

ACTION: Appropriate

DISTRIBUTION: RF, Chrm

LETTER DATE: 11/19/2012

ACKNOWLEDGED No

SPECIAL HANDLING: 2.206 Petition

NOTES: Requests meeting with Chairman to discuss issues of public concern.

FILE LOCATION: ADAMS

DATE DUE:

DATE SIGNED:

EDO --G20120902

PUBLIC JUSTICE

RIGHTING WRONGS

Via email Monday, November 19, 2012

Dr. Allison M. Macfarlane
Chair, U.S. Nuclear Regulatory Commission

Executive Director for Operations,
U.S. Nuclear Regulatory Commission,
Washington, DC 20555-0001

Emergency 2.206 Petition regarding lack of adequate protection of safety at Oyster Creek Nuclear Generating Station, Lacy, NJ

Dear Dr. Macfarlane and EDO:

I am filing this emergency 2.206 petition on behalf of The New Jersey Environmental Federation (NJEF),¹ the grassroots group Grandmothers, Mothers, and More for Energy Safety (GRAMMES), and Beyond Nuclear, Inc. ("Citizens"). Citizens urge the NRC to keep the Oyster Creek Nuclear Generating Station in Lacey Township, NJ offline while various safety issues are resolved. This plant was shut-down for routine maintenance during Hurricane Sandy and has not yet restarted. Since then, we have learned that the situation at the plant during the storm was difficult and that even today operation of the plant would cause an unacceptable level of risk to the general public..

As you are probably aware, we are just emerging from the most catastrophic natural disaster to hit the Jersey Shore ever. Hurricane Sandy has decimated vast swaths of towns, obliterated infrastructure, and left a great portion of the barrier island uninhabitable. This has caused many problems. For example, Sandy has created new population centers in evacuation shelters and other places, clogged streets with debris and construction vehicles, and displaced emergency responders from their homes in Brick, LBI, Lavallette, Toms River, and other places, all of which would hamper any emergency response due to OC. Although many people are living in evacuation shelters within 10 miles of the plant, despite diligent enquiry, we have received no assurance to date that there are emergency plans in place for these shelters or that stocks of potassium iodide are available. We therefore believe that the Storm continues to materially hinder off-site response to any nuclear emergencies. According to NRC's regulations, "[a]ny event that results in a major loss of . . . offsite response capability" is a reportable condition. 10 C.F.R. § 50.72(b)(3)(xiii). We believe Exelon has violated this regulation by failing to report this condition. Furthermore, we strongly urge you to ensure the NRC does not permit restart of the reactor unless and until the ability to respond to nuclear emergencies is fully restored. Those in evacuation shelters have recently escaped the mortal peril of the storm, they should not be subjected to needless danger due to lack of emergency planning for the shelters.

¹ NJEF is a chapter of Clean Water Action, and the state's largest environmental organization with 150,000 individual members and 150 environmental and grassroots member organizations.

Similarly, Sandy has degraded the ability of the plant to notify the area about any nuclear emergency. Initially, Sandy made 33 of 43 emergency sirens inoperable. Event report No. 48450. Confusingly, the most recent report states that there are 42 sirens, 7 of which were inoperable in November 8, 2012. Event report No. 48495. Once again, we urge you to ensure that the plant does not restart without its full complement of emergency sirens, which are particularly vital at this point because conventional communications are disrupted for those in shelters and for contractors cleaning up the devastated barrier island areas close to Oyster Creek.

During the storm, the plant declared an alert due to high water levels.² We understand that the intake canal was 6 inches away from totally flooding service water pumps that are used to cool the emergency generators that power the plant cooling system. When the external power is off as it was during Sandy. If those generators over-heat, OC has only 4 to 8 hours of battery power and that only powers limited equipment. Spent fuel cooling is also dependent on the availability of service water. If the spent fuel pool lost all cooling for 23 hours, it would start to boil and the moisture would destroy the plant control systems.

Notably, nearby Long Beach Island's natural physical defenses have been weakened and make Oyster Creek more vulnerable than before Sandy to any surge. We believe that the plant's design basis was proven inadequate and needs to be recast. At minimum, before start-up, Exelon and the NRC must decide whether they must increase the design basis storm that the plant can withstand and increase the plant's flood defenses accordingly.

Adding to the storm-related issues above, inspections during the outage have identified cracks (or their pre-cursors) on the reactor vessel or nozzles attached to that vessel. Safe end cracks have been identified on the "control rod drive return nozzle safe end to pipe weld." Event No. 48491. According to the report these defects were "determined to meet the criteria for reporting identified in NUREG-1022: Welding or material defects in the primary coolant system *that cannot be found acceptable* under ASME Section XI. IWB-3600, 'Analytical Evaluation of Flaws,' or ASME Section XI, Table IWB-3410-1, 'Acceptable Standards'." *Id.* (emphasis added). These were made public just a week ago, discovered during the current shut down. How significant these are remains to be seen*, but Exelon has the burden of proof to show that the current condition of the vessel is adequate safety before restarting OC. In addition, Exelon must be able to accurately predict that the vessel will not materially degrade prior to the next inspection. Because of the sensitivity of the area to additional risk, we respectfully request that Exelon's proofs of these two points be provided us to us for review by our experts.

Oyster Creek is currently scheduled to restart in less than 2 weeks. We have just suffered a tremendous catastrophe at the shore, Sandy. We cannot risk another catastrophe, a Fukushima at the Shore, with a start up of Oyster Creek until all questions surrounding cracks and vulnerabilities exposed by Sandy are addressed adequately and the public re-assured. **We therefore urge you to do all you can to ensure Oyster Creek does not restart until the following conditions are met:**

1) The evacuation plan is updated to reflect the new reality post-Sandy - including evacuation shelters, blocked roads, emergency responders farther away and more distracted, etc.; and the sirens are repaired

² <http://public-blog.nrc-gateway.gov/2012/10/29/nrc-continues-to-monitor-sandy-including-alert-at-oyster-creek-plant/>

- 2) The design storm for flood defense purposes is updated to reflect the recent spate of storms and climate change and, additional flood protection is put in place as appropriate;
- 3) The "indications" (cracks or their precursors) are investigated* and the public is assured through release of additional data* and analysis* they pose no additional risk of a nuclear catastrophe;
- 4) Exelon reviews whether the indications were predicted by its modeling and whether it can predict that no problematic indications will develop before the next inspection cycle and proof of ability to predict fatigue* accurately is released to the public.
- 5) To ensure transparency, a public meeting with NRC is held at which staff can satisfactorily answer the public's concerns, including those above.

As much as we hope the risk never becomes a reality, we cannot emphasize enough the potential severity of the current situation. Accordingly we believe meeting with you personally within the next several days to address this critical and immediate situation would be extremely beneficial. Please have your staff contact me, Richard Webster, of Public Justice, Washington, D.C. at rwebster@publicjustice.net and/or 202-630-5708 to arrange such a meeting.

Sincerely,

/s

Richard Webster, counsel to GRAMMES and NJEF
Power-Cotchett Attorney, Environmental Enforcement Project, Public Justice

Janet Tauro
GRAMMES
New Jersey Environmental Federation
Chair, Board of Directors

David Pringle, New Jersey Environmental Federation

* The fatigue cited at the water nozzles entering the reactor were discussed by the coalition fighting relicensing during NRC hearings. We will forward these materials in due course. However, our warnings were ignored, but all except Judge Baratta, who recognized their importance. It now seems that Exelon's ability to predict fatigue is in question. It is therefore imperative that ultra-sonic testing of the reactor vessel be conducted, with the results made public and reviewed by an independent expert, to ensure that the plant is not only safe to restart, but in a condition to last until the next scheduled outage and inspections in a minimum of 2 yrs.

CC: Senator Robert Menendez's Chief of Staff Daniel O'Brien-
Senator Frank Lautenberg's Chief of Staff, Dan Katz
Congressman Christopher Smith's Chief of Staff Mary McDermott-Noonan
Dr. Frank von Hippel, PhD, Director, Center for Science and Global Security, Princeton University

Remsburg, Kristy

From: Ryan, Tom
Sent: Monday, November 19, 2012 5:29 PM
To: Giitter, Rebecca
Cc: Julian, Emile
Subject: FW: Emergency 2.206 petition requesting restart delay for Oyster Creek Nuclear Generating Station
Attachments: 20121119 MacFarlane Letterhead.pdf

Where should the Help Desk forward this to be 'official' and responsive?

Tom Ryan
301 415 4112 (Office)
678 361 5017 (Cell)

From: MSHD Resource [Meta_System_Help_Desk.Resource@nrc.gov]
Sent: Monday, November 19, 2012 5:27 PM
To: Ryan, Tom; Derringer, Karen
Subject: FW: Emergency 2.206 petition requesting restart delay for Oyster Creek Nuclear Generating Station

From: Richard Webster[SMTP:RWEBSTER@PUBLICJUSTICE.NET]
Sent: Monday, November 19, 2012 5:26:44 PM
To: MSHD Resource; Macfarlane, Allison
Cc: 'Rader, Robert '; Brown / Jeff; 'David Pringle'; Janet Tauro;
'Paul Gunter'; Sturmfels/Peg; Paula A. Gotsch; 'Frank Von Hippel';
'Connolly, Hal (Menendez)'; 'carolyn_fefferman@menendez.senate.gov';
Amy Goldsmith; 'dan_katz@lautenberg.senate.gov';
'daniel_o'brien@menendex.senate.gov'; 'Mary McDermott Noonan';
Jenny Vickers

Subject: Emergency 2.206 petition requesting restart delay for Oyster Creek Nuclear Generating Station
Auto forwarded by a Rule

Please find attached an emergency 2.2206 Petition. We also request an urgent meeting with Dr, MacFarlane to discuss issues of public concern regarding the restart of Oyster Creek.

Richard Webster
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