

From: Lamb, John
To: ["rwebster@publicjustice.net"](mailto:rwebster@publicjustice.net)
Cc: [Khanna, Meena](#); [Burnell, Scott](#); [Banic, Merrilee](#); [Bergman, Thomas](#); [Evans, Michele](#); [Mensah, Tanya](#); [Hair, Christopher](#); [Sheehan, Neil](#); [Screnci, Diane](#); [Pelton, David](#); [Kulp, Jeffrey](#); [Hunegs, Gordon](#); [Dacus, Eugene](#); [Weil, Jenny](#); [Lund, Louise](#)
Subject: Oyster Creek 2.206 Petition - PRB Immediate Action Decision
Date: Monday, November 26, 2012 4:20:00 PM
Attachments: [MD 8 11.pdf](#)
Importance: High

Dear Mr. Richard Webster:

I have been assigned as the Petition Manager for the 10 CFR 2.206 petition you submitted to the NRC on November 19, 2012, regarding your concerns on Oyster Creek.

Section 2.206 of Title 10 of the Code of Federal Regulations describes the petition process – the primary mechanism for the public to request enforcement action by the NRC in a public process. This process permits anyone to petition NRC to take enforcement-type action related to NRC licensees or licensed activities. Depending on the results of its evaluation, NRC could modify, suspend or revoke an NRC-issued license or take any other appropriate enforcement action to resolve a problem. The NRC staff's guidance for the disposition of 2.206 petition requests is in Management Directive 8.11, which is publicly available. I have attached it for your reference.

In accordance with Management Directive 8.11, Part III.A.1 (page 7), the Petition Review Board (PRB) met internally on November 26, 2012, to discuss the request for immediate action regarding your emergency 2.206 petition regarding lack of adequate protection of safety at Oyster Creek.

The PRB denied the request for immediate action to take emergency enforcement action to prevent Oyster Creek from starting up from its refueling outage, because there was no immediate safety concern to Oyster Creek, or to the health and safety of the public for the following reasons:

- (1) On November 13, 2012 (Agencywide Documents Access Management and Documents System Accession No. ML12319A627), the Federal Emergency Management Agency (FEMA) concluded that offsite radiological emergency preparedness is adequate to provide "Reasonable Assurance" and that appropriate measures can be taken to protect the health and safety of the public, in the event of a radiological emergency at Oyster Creek in Ocean County, New Jersey.
- (2) Currently, 3 emergency notification sirens are inoperable out of a total of 42 emergency notification sirens, which does not exceed Exelon's reporting threshold of 25 percent or more sirens out of service. Exelon is working to restore the 3 inoperable sirens. FEMA's assessment determined that, in the areas where the sirens were determined to be inoperable, the FEMA-approved backup notification method of route alerting could be conducted, if needed.
- (3) Hurricane Sandy did not exceed Oyster Creek's maximum flood level due to probable maximum hurricane (PMH). As reported in the Oyster Creek Final Safety Analysis Report (FSAR), Subsection 2.4.5, the maximum flood level due to PMH will be at elevation 22 feet (ft) mean sea level (MSL). The plant grade, elevation 23 ft MSL, is one foot above the PMH flood level. Therefore, the flood will not find its way into the plant buildings, the floor levels of which are generally 6 inches above grade at elevation 23 ft and 6 inches. The circulating water intake structure, with its deck at elevation 6 ft, will be under water. This deck supports, apart from the other equipment, the circulating water pumps and the emergency service water pumps.

During a PMH flood, the circulating water and service water pumps will become inoperable and, thus, emergency plant procedures have been instituted which require the plant to be shutdown when flood waters reach a pre-determined level, as to ensure the capability for safe shutdown under either normal or abnormal conditions.

- (4) During a planned, routine inspection program, Exelon discovered control rod drive return nozzle safe end to pipe weld indications. These indications were determined to be surface in nature and did not result in any leakage. Exelon completed a structural weld overlay in accordance with the ASME Code.

Per Management Directive 8.11, all of the information in your petition will be made public, including your identity. I would appreciate if you could advise me by November 30, 2012, if you:

- Agree to the NRC's processing your request under the 2.206 process.
- Request an opportunity to address the PRB. If you would like to meet in person, I will need to schedule a public meeting at the NRC Headquarters in Rockville, MD. If you would prefer to address the PRB via phone, I will also work with you to coordinate a date/time during the upcoming weeks.

Thank you.

Sincerely,

John G. Lamb
Senior Licensing Project Manager
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(301)-415-3100