From: Lamb, John
To: "Richard Webster"
Cc: Howe, Allen; Khanna, Meena; Kulp, Jeffrey; Patel, Amar; Hunegs, Gordon; Hair, Christopher; McNamara, Nancy; Tifft, Doug; Mensah, Tanya; Pelton, David; Screnci, Diane; Burnell, Scott; Sheehan, Neil; McIntyre, David; Dacus, Eugene; Weil, Jenny
Subject: RE: PRB Initial Recommendation regarding Oyster Creek 2.206 Petition
Date: Friday, April 12, 2013 2:58:00 PM
Importance: High

Dear Mr. Webster:

I understand you wish to address the PRB via teleconference. What is your availability for the next couple of weeks? I will try to find a mutually convenient time between yourself and the PRB members to have the teleconference.

Thanks.
John

From: Richard Webster [mailto:rwebster@publicjustice.net]
Sent: Friday, April 12, 2013 2:13 PM
To: Lamb, John
Cc: Howe, Allen; Khanna, Meena; Kulp, Jeffrey; Patel, Amar; Hunegs, Gordon; Hair, Christopher; McNamara, Nancy; Tifft, Doug; Mensah, Tanya; Pelton, David; Screnci, Diane; Burnell, Scott; Sheehan, Neil; McIntyre, David; Dacus, Eugene; Weil, Jenny; Paul Gunter; Janet Tauro; 'Jeff Brown'; David Lochbaum; Arnie Gundersen
Subject: RE: PRB Initial Recommendation regarding Oyster Creek 2.206 Petition

Mr. Lamb:

Thanks for follow up. I would like to request a further teleconference to discuss whether merely noting that the flood levels during Sandy were lower than the design basis flood height is "appropriate consideration" as required by GDC 2. As I stated at the hearing, we believe the flood analysis needs to be redone including the Sandy event, because it is possible that inclusion of this event could increase the design basis flood height. This is particularly important at Oyster Creek because the plant sits only one foot above the current design basis flood height.

Thank you for your consideration.

Richard Webster

From: Lamb, John [mailto:John.Lamb@nrc.gov]
Sent: Thursday, April 11, 2013 11:30 AM
To: Richard Webster
Cc: Howe, Allen; Khanna, Meena; Kulp, Jeffrey; Patel, Amar; Hunegs, Gordon; Hair, Christopher; McNamara, Nancy; Tifft, Doug; Mensah, Tanya; Pelton, David; Screnci, Diane; Burnell, Scott; Sheehan, Neil; McIntyre, David; Dacus, Eugene; Weil, Jenny
Subject: PRB Initial Recommendation regarding Oyster Creek 2.206 Petition
Importance: High

Dear Mr. Webster:

Per Management Directive (MD) 8.11, I am writing to inform you of the Petition Review Board's (PRB's) initial recommendation made on April 3, 2013, regarding your petition dated November 19, 2012 (Agencywide Documents and Access Management System (ADAMS) Accession No. ML12326A361), as supplemented November 30, 2012 (ADAMS Accession No. ML12338A246), and as supplemented by information you presented during the January 3, 2013 (ADAMS Accession No. ML13015A144), public meeting.

In accordance with MD 8.11, Part III, C.2, "Criteria For Rejecting Petitions Under 10 CFR 2.206", the PRB's initial recommendation is that your petition raises issues for Oyster Creek that have already been reviewed, evaluated, and resolved by the NRC; therefore, your petition meets the criteria for rejection. See the attached for details.

Per MD 8.11, you have another opportunity to provide additional facts to the PRB now that you have been informed of the initial recommendation. Please advise me by Wednesday, April 17, 2013, if you want to arrange a teleconference or public meeting so that you can provide additional information in support of your 10 CFR 2.206 petition request. If I do not receive a response from you by April 17, 2013, the PRB's initial recommendation will become final and will be documented in a 2.206 closure letter.

Thank you for your attention to this matter.

Below are the responses to your questions from your email, dated April 9, 2013.

John G. Lamb, Senior Project Manager
Plant Licensing Branch I-2
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation
301-415-3100

Responses to your questions from your email dated April 9, 2013

i) It fails to discuss the PRB response to our request to observe the Staff presentation to the PRB;

Response: During the public meeting, held on January 3, 2013 (ML13015A144), you were informed that the staff presentation to the PRB is an internal meeting. You requested that the staff presentation to the PRB be a public meeting. The PRB decided that the staff presentation would remain, consistent with Management Directive 8.11, an internal meeting.

ii) It fails to discuss whether Exelon had an obligation pursuant to 10 CFR 50.72(b)(3)(viii) to include in its event reports information regarding degraded emergency response that went beyond reporting of the siren failures;

Response: 10 CFR 50.72(b)(3)(xiii) states the following: "Any event that results in a

major loss of emergency assessment capability, offsite response capability, or offsite communications capability (e.g., significant portion of control room indication, Emergency Notification System, or offsite notification system)."

In the SIT Report (ML13010A470), the NRC inspectors interviewed personnel, reviewed various procedures, logs, critiques and corrective action program documents to assess whether equipment, human performance and programmatic issues related to emergency action level event declarations, the activation of Oyster Creek's emergency response organization and Oyster Creek's preparedness for the hurricane were appropriately identified and entered into the corrective action program. No findings were identified.

Also, Exelon had no obligation pursuant to 10 CFR 50.72(b)(3)(xiii) to include in its event reports information regarding degraded emergency response that went beyond reporting siren failures. In addition, FEMA and the State of New Jersey have jurisdiction, not the NRC, in evacuation capability, and determined there was no degradation of emergency responses and/or evacuations.

iii) It fails to address whether Exelon is in compliance with General Design Criterion 2 contained in Appendix A to 10 CFR Part 50 requiring the design basis to reflect "appropriate consideration of the most severe natural phenomena that have been historically reported for the site."

Response: GDC 2, *Design bases for protection against natural phenomena* states: "Structures, systems, and components important to safety shall be designed to withstand the effects of natural phenomena such as earthquakes, tornadoes, hurricanes, floods, tsunami, and seiches without loss of capability to perform their safety functions. The design bases for these structures, systems, and components shall reflect: (1) Appropriate consideration of the most severe of the natural phenomena that have been historically reported for the site and surrounding area, with sufficient margin for the limited accuracy, quantity, and period of time in which the historical data have been accumulated, (2) appropriate combinations of the effects of normal and accident conditions with the effects of the natural phenomena and (3) the importance of the safety functions to be performed."

In the SIT Report (ML13010A470), it states: "At approximately 12:18 a.m. on October 30, 2012, the maximum intake level of 7.4 feet was reached as determined by water level measurements above the base of the service water pumps. Water levels remained below the service water pump motors and well below the design basis flood height of greater than 22 feet that is documented in UFSAR section 2.4.5.4." Oyster Creek continues to meet GDC 2.

iv) It fails to address how decay heat would be removed if the circulating water pumps are not working during a flood event.

Response: From the Oyster Creek Source Book that you attached to your email dated January 3, 2013, states: "The Isolation Condenser System provides a backup heat sink for reactor heat when the main condenser is unavailable. The system provides a natural circulation heat transfer path for the RCS, with heat transferred to the environment by boiling secondary-side water in the isolation condensers and venting steam directly to

atmosphere.”