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

June 6, 2014

John Pearson, MD
Oregon Physicians for Social Responsibility
Joint Task Force on Nuclear Power
812 SW Washington Street, Suite 1050
Portland, OR 97205

Dear Dr. Pearson:

In your letter dated October 31, 2013 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML14029A427), to Chairman Macfarlane of the U.S. Nuclear Regulatory Commission (NRC) regarding seismic hazards at the Columbia Generating Station (CGS), you requested that the NRC:

1. Provide the data used by the NRC to continue "to conclude that CGS has been designed, built, and operated to safely withstand earthquakes likely to occur in its region."

2. Shut down the CGS nuclear power plant immediately until it can be shown that it meets adequate earthquake standards.

You included in your letter reports on seismic activity that examined (1) existing knowledge of the seismic activity in the region with regard to the standards set when the facility was licensed, and (2) the licensee's response to NRC concerns about whether new information changed the seismic profile of the site. Your letter to Chairman Macfarlane was a reply to her letter to the Oregon and Washington Physicians for Social Responsibility (OWPSR) of September 26, 2013 (ADAMS Accession No. ML13224360), regarding the changing seismic knowledge of the area around the CGS. The NRC staff evaluated your requests pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Section 2.206, "Requests for action under this subpart."

On December 17, 2013, a petition review board (PRB) from the Office of Nuclear Reactor Regulation (NRR) discussed the OWPSR's request for immediate action. The NRC staff decided to deny the request for immediate action because the petitioners provided no new information demonstrating an immediate safety concern to the plant or to the health and safety of the public. The determination was provided to the OWPSR on January 6, 2014 (ADAMS Accession No. ML14007A002). On January 14, 2014, the OWPSR requested to address the PRB prior to its initial meeting.

On February 4, 2014, Mr. Charles Johnson, representing the OWPSR, addressed the PRB regarding your petition (ADAMS Accession No. ML14050A356) and provided additional information for consideration (ADAMS Accession No. ML14035A554). Ms. Nancy Matela, representing the Alliance for Democracy, also joined your petition at that time.

The PRB considered your petition requests on February 21, 2014. The PRB's initial recommendation was that your petition requests not be accepted for review pursuant to

10 CFR 2.206. The NRC staff informed you of this determination on March 24, 2014. On April 11, 2014, the OWPSR indicated that it wanted to discuss this matter with the PRB. On April 30, 2014, you addressed the PRB regarding your petition (ADAMS Accession No. ML14148A358), and provided additional information for the NRC staff to consider (ADAMS Accession No. ML14121A028), including concerns regarding flooding and volcanic activity. The PRB's final recommendation is that your requests not be accepted for review pursuant to 10 CFR 2.206, as explained below.

Your requests are not accepted for review pursuant to 10 CFR 2.206, in accordance with NRC Management Directive 8.11 Handbook Part III, paragraph C.2, "Criteria for Rejecting Petitions Under 10 CFR 2.206," because the petitioners raise "issues that have already been the subject of NRC staff review and evaluation either on that facility, other similar facilities, or on a generic basis, for which a resolution has been achieved, the issues have been resolved, and the resolution is applicable to the facility in question."

The plant is already undergoing seismic and flooding hazard reviews, and the issues raised by the petitioners are encompassed by the NRC's request for information per 10 CFR 50.54(f), dated March 12, 2012 (Fukushima 50.54(f) letter; ADAMS Accession No. ML12056A046), which states, in part, that

> The current regulatory approach, and the resultant plant capabilities, gave the NTTF [Near-Term Task Force] and the NRC the confidence to conclude that an accident with consequences similar to the Fukushima accident is unlikely to occur in the United States (U.S.). The NRC concluded that continued plant operation and the continuation of licensing activities did not pose an imminent risk to public health and safety.

The licensee should provide a Seismic Hazard Evaluation and Screening report by March 12, 2015 (western United States plants), in accordance with the "Required Response" section of Enclosure 1 of the Fukushima 50.54(f) letter. The petitioners provided no new information that persuaded the NRC staff to accelerate its schedule for the Fukushima 50.54(f) letter. The staff has already provided its expectations to licensees if errors in the current licensing basis are identified by licensees during the seismic hazard evaluations. The NRC's letter dated February 20, 2014 (ADAMS Accession No. ML14030A046), emphasized the staff's expectations. The letter states, in part, that

> The staff considers the seismic hazard reevaluations being performed pursuant to the 50.54(f) letter to be distinct from the current design or licensing basis of operating plants...
>
> However, as with any new information that may arise at a plant, licensees are responsible for evaluating and making determinations related to operability, and any associated reportability, on a case-by-case basis. Licensees should consider and disposition the information through their corrective action program or equivalent process. If an error is identified in the current design or licensing basis during the performance of the requested seismic hazard evaluation, the staff expects that licensees would assess the operability of the affected SSC

> [structures, systems, and components]. Additionally, licensees would need to determine if the situation is reportable pursuant to 10 CFR 50.72 and 50.73.

The licensee should provide its flooding hazard reevaluation report within 60 days after obtaining the U.S. Army Corps of Engineers' analysis of dams that could impact the flood levels at the CGS site (see NRC letter to Energy Northwest, licensee for CGS, dated May 21, 2014; ADAMS Accession No. ML14098A141). The petitioners provided no new information that persuaded the staff to accelerate its schedule. The NRC's letter dated March 1, 2013 (ADAMS Accession No. ML13044A561), emphasized the staff's expectations. The letter states, in part, that

> The staff considers the flood hazard reevaluations being performed pursuant to the 50.54(f) letter to be beyond the current design/licensing basis of operating plants. Consequently, the results of the analysis performed using present-day regulatory guidance, methodologies, and information would not generally be expected to call into question the operability or functionality of SSCs... However, as with any new information that may arise at a plant, licensees are responsible for evaluating and making determinations related to operability and any associated reportability on a case-by-case basis...
>
> Notwithstanding the preceding discussion, and as noted in the 50.54(f) letter, based upon the results of the review of the responses and other available information, the staff may impose additional requirements to protect against the reevaluated flood hazard. As always, the safety of the operating plants is of paramount importance. The NRC staff will follow established regulatory processes, including the backfit rule, in determining whether additional requirements are warranted.

The NRC staff has previously reviewed the potential hazards of volcanic activity to U.S. operating reactors, including CGS (see ADAMS Accession No. ML091470684). Nevertheless, volcanic hazards are also being reevaluated as part of the staff's review of Energy Northwest's Response to NRC Order EA-12-049, "Order Modifying Licenses with Regard to Requirements for Mitigation Strategies for Beyond Design Basis External Events," March 12, 2012 (ADAMS Accession No. ML12054A735). The petitioners provided no new information to warrant further additional inquiry by the NRC staff into the matter.

The NRC is already making as much information as possible available to the public regarding its ongoing activities in response to the Fukushima Dai-Ichi accident (e.g., http://www.nrc.gov/reactors/operating/ops-experience/japan-dashboard.html).

Since the petitioners raise issues that have already been the subject of NRC staff review and evaluation either on that facility, other similar facilities, or on a generic basis, for which a resolution has been achieved, the issues have been resolved, and the resolution is applicable to the facility in question, your petition under 10 CFR 2.206 is rejected.

Thank you for your interest in these matters.

Sincerely,

Joseph G. Giitter, Director
Division of Risk Assessment
Office of Nuclear Reactor Regulation

Docket No. 50-397

cc: Ms. Nancy Matela
Alliance for Democracy
P.O. Box 540115
Waltham, MA 02454-0115

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June 6, 2014

Steven G. Gilbert, PhD, DABT
Washington Physicians for Social Responsibility
Joint Task Force on Nuclear Power
812 SW Washington Street, Suite 1050
Portland, OR 97205

Dear Dr. Gilbert:

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Sincerely,

Joseph G. Giitter, Director
Division of Risk Assessment
Office of Nuclear Reactor Regulation

Docket No. 50-397

cc: Ms. Nancy Matela
Alliance for Democracy
P.O. Box 540115
Waltham, MA 02454-0115

Additional distribution via Listserv

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/RA/

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NAME	FLyon	JBurkhardt	MMarkley	JGiitter
DATE	5/30/14	5/29/14	5/30/14	6/6/14

OFFICIAL RECORD COPY

Sent identical letters on June 6, 2014:

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Oregon Physicians for Social Responsibility
Joint Task Force on Nuclear Power
812 SW Washington Street, Suite 1050
Portland, OR 97205

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