

From: [Paul Gunter](#)
To: [Venkataraman, Booma](#)
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Subject: [External_Sender] Reply to PRB decision to reject Petitioners relief atitzPatrick (10 CFR 2.206)
Date: Tuesday, November 29, 2016 12:02:19 PM

Mr. Venkataraman,

The Petitioners, Beyond Nuclear and AGREE are in receipt of the NRC Petition Review Board's (PRB) decision to dismiss all of our requests for relief for emergency enforcement actions (10 CFR 2.206) at the James A. FitzPatrick.

Given that the PRB decision comes now more than four years and eight months after the emergency enforcement request, the Petitioners can not reasonably expect that by requesting any additional time or another meeting that this PRB will provide any different result or subsequent relief.

The Petitioners therefore do not request an additional meeting with the PRB.

The PRB dismisses the Petitioners' request for relief largely on the issuance of NRC Order EA-13-109 requiring the installation and implementation of a reliable severe-accident capable hardened containment vent. The PRB asserts that the licensee "JAF plant must comply with the requirements of the Order EA-13-109."

However, the PRB is aware that Entergy has announced a plan to restart Fitzpatrick power operations following the January 2017 refueling outage in violation with the Order's scheduled implementation deadline ("immediately effective") as per its operating license for at least 18 months and possibly longer with any additional extension requests..

Therefore, Petitioners find that the referenced Order does not provide adequate relief given that Entergy cannot and will not comply with scheduled compliance as incorporated into its licensed condition per Order of EA-13-109.

**On behalf of Petitioners,
Paul Gunter
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