

## NRR-PMDAPEm Resource

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**From:** Lyon, Fred  
**Sent:** Tuesday, April 15, 2014 6:33 AM  
**To:** Charles K. Johnson  
**Cc:** Nancy Matela; John Pearson; Steven Gilbert; Banic, Merrilee; Giitter, Joseph; Li, Yong; Cylkowski, David; Groom, Jeremy  
**Subject:** RE: PRB Initial Recommendation (G20130776; MF3031)

Thanks very much, Chuck. If you want to address the PRB again, then it's done exactly as we did for your presentation prior to the PRB's *initial* recommendation. I set up a telecon, and you have the opportunity to present any new evidence that you believe the board should consider before making a *final* recommendation to NRC senior management. Remember, the PRB can recommend that your entire petition be rejected or accepted, or recommend partial rejection and acceptance.

If you want to address the board again, then please let me know, and I'll set it up. Thanks, Fred

**From:** Charles K. Johnson [mailto:johnsonc20@gmail.com]  
**Sent:** Friday, April 11, 2014 9:56 PM  
**To:** Lyon, Fred  
**Cc:** Nancy Matela; John Pearson; Steven Gilbert  
**Subject:** Re: PRB Initial Recommendation (G20130776; MF3031)

Hi Fred,  
St. Basil was a wise fellow.

We have been discussing the possibility of challenging the initial recommendation, based upon the new evidence of the US Department of Energy's Office of the Inspector General inquiry into the Waste Encapsulation and Storage Facility on the Hanford Nuclear Reservation near the Columbia Generating Station.

<http://energy.gov/ig/downloads/audit-report-oas-l-14-04>

This report is described in a Tri-City Herald article on April 3, 2014: <http://www.tri-cityherald.com/2014/04/02/2908764/inspector-general-says-hanford.html>

It would seem that the same things that made the US DOE's OIG concerned about the beyond design earthquake hazard at the WESF facility should be of equal concern to the Nuclear Regulatory Commission and Energy Northwest. Degraded concrete and earthquakes that create greater than planned for ground motion are not a good combination for containing a reactor and an elevated pool filled with spent nuclear fuel.

How would we proceed if we were to challenge the initial recommendation?

Best,  
Chuck Johnson

On Mon, Apr 7, 2014 at 4:11 AM, Lyon, Fred <[Fred.Lyon@nrc.gov](mailto:Fred.Lyon@nrc.gov)> wrote:

Chuck, have you all decided whether or not you want to address the PRB again? Thanks, Fred

P.S. Basil of Caesarea said, "You cannot bring a refutation to bear upon a palpable absurdity." Of course, Basil didn't say which side was absurd.

**From:** Charles K. Johnson [mailto:[johnsonc20@gmail.com](mailto:johnsonc20@gmail.com)]  
**Sent:** Monday, March 24, 2014 12:30 PM  
**To:** Lyon, Fred  
**Cc:** Nancy Matela  
**Subject:** Re: PRB Initial Recommendation (G20130776; MF3031)

Hello Fred,

I was wondering when you would get back to me to tell me that the 2.206 petition was rejected. That has been a foregone conclusion, of course, as it is always the answer that the NRC gives to 2.206 petitioners.

If there is a greater than design basis earthquake and the CGS melts down and explodes it will be on your head, and these memos and paper trail will make interesting reading for reporters trying to figure out what went wrong in the regulatory process. I am sure it will be comforting to the people and businesses evacuated from the Tri-Cities, and the people who rely upon local farming and a clean Columbia River fishery for their livelihoods, that these issues were being considered using the properly designated NRC rules.

Not to lay a guilt trip on you.

We will consider whether or not to appeal your decision and in which forum to do so.

Best,

Chuck

On Mon, Mar 24, 2014 at 5:58 AM, Lyon, Fred <[Fred.Lyon@nrc.gov](mailto:Fred.Lyon@nrc.gov)> wrote:

Chuck, I'm sorry to be so late in getting back to you. We had some scheduling difficulties because some of the NRC staff involved our process were on travel. The PRB met on February 21, 2014, to consider the petition and the additional information that you provided on February 4, 2014. The PRB's initial recommendation is to reject the petition for review.

The plant is already undergoing a seismic hazard review, and the issues raised by the petitioners are encompassed by the NRC's Fukushima 50.54(f) letter, dated March 12, 2012 (ADAMS Accession No. ML12056A046). The NRC's letter states,

The current regulatory approach, and the resultant plant capabilities, gave the NTTF 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.

Energy Northwest should provide a Seismic Hazard Evaluation and Screening report by March 12, 2015 (for 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 staff to accelerate its schedule for the Fukushima 50.54(f) letter. The staff has already provided in the NRC’s Fukushima 50.54(f) letter 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,

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. Additionally, licensees would need to determine if the situation is reportable pursuant to 10 CFR 50.72 and 50.73.

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>).

Based on the above, the PRB’s initial recommendation is to reject the petition, in accordance with MD 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.”

In addition, the staff provided the following answer to Mr. Tolan’s question, that you provided on February 4, 2013:

Is it the case that the maximum vibratory ground motion (SSE) for the Columbia Generating Station is 0.25 g to 0.6 g in the 2 to 10 Hertz (Hz) range on Figure 1 as stated in the attached letter? If so, can you explain the statement on page 2 of the letter ( highlighted in yellow) that cites 20 Hz? Should it state "2 Hz and greater?"

The NRC staff responded:

The Safe Shutdown Earthquake (SSE) ground motion for the Columbia Generating Station (CGS) shown in Figure 1 is a response spectrum simply reflecting changes in spectral acceleration values with respect to natural frequencies (at 5 percent damping). The SSE spectrum for the CGS can be approximately divided into four frequency segments:

From 0.4 Hz to 2 Hz, the spectral acceleration is from 0.11 to 0.6 g,  
from 2 to approximately 6.2 Hz, the spectral acceleration is 0.6 g,  
from 6.2 Hz to about 20 Hz, the spectral acceleration is from 0.6 g to 0.25 g,  
and from about 20 Hz to 100 Hz, the spectral acceleration is 0.25 g.

Therefore, the statement in the staff's evaluation is correct, because the spectral acceleration is 0.25 g from about 20 Hz to 100 Hz.

The NRC staff reiterated that all the concerns and questions raised by Mr. Tolan in his letter will be addressed and answered during the ongoing seismic hazard reevaluation for CGS.

In accordance with the 2.206 process, you may request to comment on the PRB's initial recommendation, either in person or by telecon. It is your opportunity to provide any relevant additional explanation and support for your petition in light of the PRB's recommendation. Whether or not you wish to address the PRB again, please let me know.

Thanks, Fred

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**Email Number:** 1224

**Mail Envelope Properties** (Fred.Lyon@nrc.gov20140415063200)

**Subject:** RE: PRB Initial Recommendation (G20130776; MF3031)  
**Sent Date:** 4/15/2014 6:32:39 AM  
**Received Date:** 4/15/2014 6:32:00 AM  
**From:** Lyon, Fred

**Created By:** Fred.Lyon@nrc.gov

**Recipients:**

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Tracking Status: None

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