

March 21, 2016

To the Petitioners on the Enclosed List

Dear Sir or Madam:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your electronic transmission dated February 19, 2016. Pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Section 2.206, "Requests for action under this subpart," you submitted a petition to the Executive Director for Operations (EDO) of the NRC regarding concerns on open phase conditions in the electric power system for current operating nuclear power plants. You requested that the NRC either: (1) issue orders which require immediate corrective actions including compensatory measures to address the operability of electric power systems in accordance with their plant Technical Specifications, and to implement plant modifications in accordance with current NRC regulatory requirements and staff guidance provided in the references within the 2.206 petition, or (2) issue orders to immediately shutdown the nuclear power plants that are operating without addressing the significant design deficiency identified in NRC Bulletin 2012-01, "Design Vulnerability in Electric Power System," since the licensees are not in compliance with their Technical Specifications 3.8.1 (typical) requirements related to onsite and offsite power systems.

The full text of your request is publicly available on the NRC's Web site, www.nrc.gov, in the Agencywide Documents Access and Management System (ADAMS), under Accession No. ML16050A212. The EDO assigned your petition to the Office of Nuclear Reactor Regulation (NRR) for review. Management Directive (MD) 8.11, "Review Process for 10 CFR 2.206 Petitions," (ADAMS Accession No. ML041770328), describes the NRC's review process for 10 CFR 2.206 petitions.

As the basis for this request, the petitioners refer to a Byron Station operating event which led to NRC's issuance of Information Notice 2012-03, "Design Vulnerability in Electric Power System," dated March 1, 2012 (ADAMS Accession No. ML120480170). On July 27, 2012, the NRC issued Bulletin 2012-01, "Design Vulnerability in Electric Power System" (ADAMS Accession No. ML12074A115), to require that the addressees comprehensively verify their compliance with the regulatory requirements of General Design Criteria (GDC) 17, "Electric Power System," in Appendix A, "General Design Criteria for Nuclear Power Plants," to 10 CFR Part 50 or the applicable principal design criteria in the updated final safety analysis report, and the design criteria for protection systems under 10 CFR 50.55a(h)(2) and 10 CFR 50.55a(h)(3). All licensees provided a response to Bulletin 2012-01. The NRC staff conducted an analysis of these responses, and documented the details of its review in a summary report dated February 26, 2013 (ADAMS Accession No. ML13052A711). Based on the analysis, the NRC staff determined that some licensees may not fully comply with their site-specific license. The licensees began implementing compensatory measures and corrective actions that the NRC staff has been monitoring.

On February 24, 2016, an NRR petition manager contacted you to describe the 10 CFR 2.206 process. You were also offered an opportunity to address NRR's 2.206 Petition Review Board (PRB) to discuss your petition request. You declined the opportunity to address the PRB on the basis that your petition already contained all of the relevant information to support the PRB's review.

On March 14, 2016, the PRB met internally to discuss your request for immediate action, and to make an initial recommendation on your petition. Regarding your request for immediate action, the PRB denied the request for immediate action on the basis that the petition presented no significant new information, and only raised issues that have already been the subject of NRC staff review for regulatory and safety significance. By NRC letter dated November 25, 2014 (ADAMS Accession No. ML14120A203), the NRC concluded that although existing NRC regulations have requirements for the onsite and offsite power systems to permit functioning of structures, systems, and components important to safety for any failures in the offsite power system including a single failure in the onsite power system, open phase conditions were not specifically identified as an issue during the licensing reviews of the current operating nuclear power plants. For this reason, the NRC staff is recommending to the Commission that the NRC grant enforcement discretion and refrain from issuing an enforcement action for certain noncompliances which would require a reactor shutdown while addressing the open phase conditions of the design vulnerability within their electrical power system. Finally, to support future licensing actions related to electric power system design vulnerability, the NRC published Branch Technical Position 8-9, "Open Phase Conditions in Electric Power System," (ADAMS Accession No. ML15057A085) in July 2015, to provide guidance to NRC staff.

The PRB also made an initial recommendation that your petition met the criteria for review in accordance with MD 8.11, Section III.C, "Criteria for Reviewing Petitions Under 10 CFR 2.206." Therefore, your petition will be accepted for review.

On March 15, 2016, the NRR petition manager informed you of the PRB's decision to deny the request for immediate action, and the PRB's initial recommendation to accept your petition for review. The petition manager also offered you a second opportunity to address the PRB, which you declined on the basis that the petition already contained all of the relevant information to support the PRB's review. Therefore, the PRB's initial recommendation, to accept your petition for review under 10 CFR 2.206, is now a final recommendation.

As provided by 10 CFR 2.206, we will take action on your request within a reasonable amount of time. I have assigned Ms. Tanya Mensah to be the petition manager for this petition. Ms. Mensah can be reached by telephone at 301-415-3610 or by e-mail at Tanya.Mensah@nrc.gov.

Enclosed for your information is a copy of the notice (Enclosure 2) that is being filed with the Office of the *Federal Register* for publication. Also enclosed for your information is a copy of

Management Directive 8.11, "Review Process for 10 CFR 2.206 Petitions" (Enclosure 3), along with the associated brochure NUREG/BR-0200, "Public Petition Process" (Enclosure 4), prepared by the NRC Office of Public Affairs.

I would like to express my appreciation for your effort in working toward a final resolution of this matter.

Sincerely,

/ra/

William M. Dean, Director
Office of Nuclear Reactor Regulation

Enclosures:

1. List of Petitioners
2. *Federal Register* Notice
3. MD 8.11
4. NUREG/BR-0200

Management Directive 8.11, "Review Process for 10 CFR 2.206 Petitions," (Enclosure 3) along with the associated brochure NUREG/BR-0200, "Public Petition Process," (Enclosure 4) prepared by the NRC Office of Public Affairs.

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DISTRIBUTION: OEDO-16-00104

See next page

ADAMS Accession Nos.

Package: ML16069A172

Incoming petition: ML16050A212

Acknowledgement Letter: ML16069A214

FRN: ML16069A219

ML050900248 (NUREG/BR-0200) ML041770328 (Management Directive 8.11) *Concurrence via e-mail

OFFICE	NRR/DPR/PGCB/PM	NRR/DPR/PGCB/LA	NRR/DPR/PGCB/BC	OGC	NRR/DSS/D	NRR/D
NAME	TMensah	ELee	SStuchell (w/comments)	DCylkowski	TMcGinty	WDean
DATE	03/16/16	03/16/16	03/16/16	03/16/16	03/15/16	03/21/16

OFFICIAL RECORD COPY

List of Petitioners

Roy Mathew
18837 Falling Star Road
Germantown, MD 20874

Sheila Ray
109 Swarthmore Avenue
Gaithersburg, MD 20877

Swagata Som
18031 Wheatridge Drive
Germantown, MD 20874

Gurcharan Singh Matharu
110 Harbour Town Court
New Orleans, LA 70131

Tania Martinez Navedo
13529 Wisteria Drive
Germantown, MD 20874

Thomas Koshy
218 Lower Country Drive
Gaithersburg, MD 20877

Kenneth Miller
174 Canal Way
Shepherdstown, WV 25443

To the Petitioners on the Enclosed List from William M. Dean dated March 21, 2016.

Subject: Acknowledgement Letter on Open Phase Condition 2.206 – All current operating nuclear plants

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MMcConnell, NRR

GTaylor, RES

Enclosure 2

Federal Register Notice

ADAMS Accession No. ML16069A219

Enclosure 3

Management Directive 8.11

Review Process for 10 CFR 2.206 Petitions

ADAMS Accession No. ML041770328

Enclosure 4

NUREG/BR-0200

Public Petition Process

ADAMS Accession No. ML050900248