

February 6, 2012, and included the opportunity for restorative rest for the HRO staff.

The exemption request specifies that the exemption is not for discretionary maintenance activities. The exemption request states that the exemption would provide for use of whatever plant staff and resources may be necessary to respond to a plant emergency and ensure that the units achieve and maintain a safe and secure status and can be safely restarted. The exemption request also states that maintenance activities for structures, systems and components that are significant to public health and safety will be performed, if required. The NRC staff finds the exclusion of discretionary maintenance from the exemption request to be consistent with the intent of the exemption.

In its exemption request, the licensee committed to maintain the following guidance in a Millstone site procedure:

- The conditions necessary to sequester site personnel that are consistent with the conditions specified in this exemption request.

- The provisions for ensuring that personnel who are not performing duties are provided an opportunity, as well as accommodations, for restorative rest.

- The condition for departure from this exemption, consistent with the Site Vice President's (or his designee's) determination that adequate staffing is available to meet the requirements of 10 CFR 26.205(c) and (d).

When the exemption period(s) ends, the licensee is immediately subject to the scheduling requirements of 10 CFR 26.205(c) and the work hour/rest break/days off requirements of 10 CFR 26.205(d), and must ensure that any individual performing covered work complies with these requirements. 10 CFR 26.205(d)(3) requires the licensee to "look back" over the calculation period and count the hours the individual has worked and the rest breaks and days off he/she has had, including those that occurred during the licensee-declared emergency. Hours worked must be below the maximum limits and rest breaks must be above the minimum requirements in order for the licensee to allow the individual to perform covered work. Days off and hours and shifts worked during the licensee-declared emergency and the exempted period before and after the declared emergency would be counted as usual in the establishment of the applicable shift schedule and compliance with the minimum-days-off requirements.

Granting these exemptions is consistent with 10 CFR 26.207(d) Plant

Emergencies which allows the licensee to not meet the requirements of 10 CFR 26.205(c) and (d) during declared emergencies as defined in the licensee's emergency plan. The Part 26 Statement of Considerations, page 17148 states that, "[p]lant emergencies are extraordinary circumstances that may be most effectively addressed through staff augmentation that can only be practically achieved through the use of work hours in excess of the limits of § 26.205(c) and (d)." The objective of the exemption is to ensure that the control of work hours do not impede a licensee's ability to use whatever staff resources may be necessary to respond to a plant emergency and ensure that the plant reaches and maintains a safe and secure status. The actions described in the exemption request and submitted procedures are consistent with the recommendations in NUREG-1474. Also consistent with NUREG-1474, NRC staff expects the licensee would have completed a reasonable amount of hurricane preparation prior to the need to sequester personnel, in order to minimize personnel exposure to high winds.

The NRC staff has reviewed the exemption request from certain work hour controls during conditions of high winds and recovery from high wind conditions. Based on the considerations discussed above, the NRC staff has concluded that (1) there is a reasonable assurance that the health and safety of the public will not be endangered by the proposed exemption, (2) such activities will be consistent with the Commission's regulations and guidance, and (3) the issuance of the exemption will not be contrary to the common defense and security or to the health and safety of the public.

#### *Consistent With Common Defense and Security*

This change has no relation to security issues. Therefore, the common defense and security is not impacted by this exemption.

#### **4.0 Conclusion**

Accordingly, the Commission has determined that, pursuant to 10 CFR 26.9, granting an exemption to the licensee from the requirements in 10 CFR 26.205(c) and (d) during severe wind events such as tropical storms and hurricanes and bounded by the entry and exit conditions of the exemption request, by allowing Millstone to sequester individuals to ensure the plant reaches and maintains a safe and secure status, is authorized by law and will not endanger life or property and is otherwise in the public interest.

Therefore, the Commission hereby grants DNC an exemption from the requirements of 10 CFR 26.205(c) and (d) during periods of severe winds at the Millstone site.

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this exemption will not have a significant effect on the quality of the human environment as published in the **Federal Register** on August 31, 2011 (76 FR 54260).

This exemption is effective upon issuance.

For the Nuclear Regulatory Commission.

Dated at Rockville, Maryland, this 24th day of February 2012.

**Michele G. Evans,**

*Director, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.*

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## **NUCLEAR REGULATORY COMMISSION**

**[Docket Nos. 50-338 and 50-339; NRC-2012-0051; License Nos. NPF-4 and NPF-7]**

### **Virginia Electric and Power Company; Receipt of Request for Action**

Notice is hereby given that by petition dated September 8, 2011 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML11256A019), as supplemented by letters dated September 8, 2011 (ADAMS Accession No. ML11334A152), and October 21, 2011 (ADAMS Accession No. ML11308A016), Thomas Saporito (the petitioner) requests that the U.S. Nuclear Regulatory Commission (NRC or the Commission) take action with regard to Virginia Electric and Power Company's (the licensee's) North Anna Power Station, Units 1 and 2 (North Anna 1 and 2). The petitioner requests that the NRC:

- (1) Take escalated enforcement action against the licensee and suspend, or revoke, the operating licenses for North Anna 1 and 2;

- (2) Issue a notice of violation against the licensee with a proposed civil penalty in the amount of 1 million dollars; and

- (3) Issue an order to the licensee requiring the licensee to keep North Anna 1 and 2, in a "cold shutdown" mode of operation until such time as a series of actions described in the petition are completed.

As the basis for this request, the petitioner states that:

- (1) On August 23, 2011, North Anna 1 and 2, automatically tripped offline as

a direct result of ground motion caused by an earthquake centered in Mineral, Virginia, approximately 10 miles from North Anna 1 and 2. The licensee has not determined the root cause of this event, nor has it explained why the reactor tripped on “negative flux rate” rather than on loss of offsite power.

(2) Subsequent to the earthquake, the licensee initiated various inspection activities and tests to discover the extent of damage to the nuclear facility, but these inspection and testing activities continue and remain incomplete and non-validated.

(3) The licensee had set an overly aggressive schedule for restarting North Anna 1 and 2 that was based on economic considerations rather than safety.

(4) The licensee needs to amend its licensing documents, including its licenses and the updated facility analysis report. As a result of ground motion experienced at, and damage sustained to, North Anna 1 and 2, due to the earthquake of August 23, 2011, which is greater than the licensee’s design and safety bases, North Anna 1 and 2, are in an unanalyzed condition and current licensing documents are erroneous and incomplete. As a result, the licensee cannot rely on them to provide reasonable assurance to the NRC that these nuclear reactors can be operated in a safe and reliable manner to protect public health and safety.

(5) The licensee needs to conduct new seismic and geological evaluations of the North Anna 1 and 2, site that are independent. These evaluations should ascertain the degree and magnitude of future earthquake events and address a “worst case” earthquake.

(6) There are numerous issues with the seismic instrumentation at North Anna 1 and 2, including lack of free field instrumentation, issues associated with conversion of analog data to digital data, issues with lack of on-site personnel with sufficient training in seismic measurements, and potential skewing of ground motion data due to the location of the “scratch plates.”

(7) Retrofitting of North Anna 1 and 2, is required due to damage to North Anna 1 and 2, from the earthquake of August 23, 2011.

(8) There are concerns with the impact of the August 23, 2011, earthquake on the North Anna 1 and 2, Independent Spent Fuel Storage Installation (ISFSI) including the fact that 25 casks weighing over 115 tons were not supposed to shift as much as 4.5 inches during a predicted earthquake, validation of the integrity of the seals inside the spent fuel casks, assessing whether spent nuclear fuel

storage facilities could topple or otherwise sustain significant damage resulting in a release, and assessing whether the licensee’s emergency plans adequately addressed damage to the ISFSI as a result of a severe earthquake.

(9) The petitioner is concerned that the licensee cannot be trusted to communicate reliable information to the public or the regulator based on the fact that the licensee in the 1970s failed to promptly disclose the discovery of geological information and was subjected to a monetary fine for the violation.

The request is being treated pursuant to Title 10 of the Code of Federal Regulations (10 CFR) 2.206, “Requests for action under this subpart,” of the Commission’s regulations. The request has been referred to the Director of the Office of Nuclear Reactor Regulation. As provided by § 2.206, appropriate action will be taken on this petition within a reasonable time. The petitioner met with the NRR petition review board on September 29, 2011 (transcript at ADAMS Accession No. ML11332A046), and November 7, 2011 (transcript at ADAMS Accession No. ML113530035), to discuss the petition. The results of these discussions were considered in the PRB’s final recommendation to accept the petition for review and in establishing the schedule for the review of the petition.

A copy of the petition is available for inspection at the Commission’s Public Document Room, located at One White Flint North, Public File Area O1-F21, 11555 Rockville Pike (first floor), Rockville, Maryland 20852. Publicly available documents created or received at the NRC are accessible electronically through the NRC’s Agencywide Documents Access and Management System (ADAMS) in the NRC Library at <http://www.nrc.gov/reading-rm/adams.html>. Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS should contact the NRC PDR Reference staff by telephone at 1-800-397-4209 or 301-415-4737, or by email to [PDR.Resource@nrc.gov](mailto:PDR.Resource@nrc.gov)

Dated at Rockville, Maryland, this 22nd day of February, 2012.

For the Nuclear Regulatory Commission.

**Eric J. Leeds,**

*Director, Office of Nuclear Reactor Regulation.*

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## POSTAL REGULATORY COMMISSION

[Docket No. CP2012-17; Order No. 1261]

### International Mail Contract

**AGENCY:** Postal Regulatory Commission.

**ACTION:** Notice.

**SUMMARY:** The Commission is noticing a recently-filed Postal Service request to enter into an additional International Business Reply Service contract. This document invites public comments on the request and addresses several related procedural steps.

**ADDRESSES:** Submit comments electronically by accessing the “Filing Online” link in the banner at the top of the Commission’s Web site (<http://www.prc.gov>) or by directly accessing the Commission’s Filing Online system at <https://www.prc.gov/prc-pages/filing-online/login.aspx>. Commenters who cannot submit their views electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section as the source for case-related information for advice on alternatives to electronic filing.

**DATES:** *Comments are due:* March 6, 2012.

**FOR FURTHER INFORMATION CONTACT:** Stephen L. Sharfman, General Counsel, at 202-789-6820 (case-related information) or [DocketAdmins@prc.gov](mailto:DocketAdmins@prc.gov) (electronic filing assistance).

### SUPPLEMENTARY INFORMATION:

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#### I. Introduction

On February 24, 2012, the Postal Service filed a notice announcing that it has entered into an additional International Business Reply Service (IBRS) contract.<sup>1</sup> The Postal Service asserts that the instant contract is functionally equivalent to the IBRS 3 baseline contract originally filed in Docket Nos. MC2011-21 and CP2011-59 and supported by Governors’ Decision No. 08-24 (IBRS 3 baseline contract). *Id.*, Attachment 3. The notice explains that Order No. 684, which established IBRS Competitive Contracts 3 as a product, also authorized functionally equivalent agreements to be included within the product, provided that they meet the requirements of 39 U.S.C. 3633. *Id.* at 1-2.

<sup>1</sup> Notice of the United States Postal Service Filing of a Functionally Equivalent International Business Reply Service Competitive Contract 3 Negotiated Service Agreement, February 24, 2012 (notice).