

May 28, 2004

Mr. Raymond Shadis
Staff Technical Advisor
New England Coalition
Post Office Box 98
Edgecomb, ME 04556

Dear Mr. Shadis:

Your petition, received on April 22, 2004, and addressed to Dr. William Travers, has been referred to me pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Section 2.206 of the Nuclear Regulatory Commission's (NRC's) regulations. The petition requests that until such time as Entergy Nuclear Operations, Inc. (Entergy) renders an accurate and NRC-verified account of the location, disposition, and condition of all irradiated fuel, including fuel currently loaded in the reactor core, the NRC order a halt to all fuel movement at Vermont Yankee Nuclear Power Station (Vermont Yankee). As the basis for the request, you stated that because Entergy has lost control of the spent fuel inventory at Vermont Yankee, you have no confidence that Entergy did not put leaking fuel or suspected leaking fuel assemblies back into the reactor core during this refueling outage.

By teleconference on April 28, 2004, the NRC staff provided you with a brief description of the 2.206 process and your options for proceeding with this petition. Another teleconference was held on May 5, 2004, to discuss your petition with the Petition Review Board (PRB). Based on our discussions with you, we concluded that you identified no immediate safety concern that would warrant stopping the restart of Vermont Yankee.

The results of the May 5, 2004, teleconference have been considered in the PRB's determination regarding the request for immediate action and in concluding that your petition meets the criteria to be considered under 10 CFR 2.206. Your request to stop all fuel movement at Vermont Yankee is moot as all fuel movement for this outage had been completed by the time we received your request. During this teleconference, you reaffirmed your request to stop all fuel movement but stated that you understood that at the present time that request would be limited to the spent fuel pool. You stated that you wanted the NRC to issue an order to Entergy to verify the inventory of all the special nuclear material in the spent fuel pool. You also stated your request for the NRC to verify Entergy's account of the inventory. In addition, you noted that you are not averse to moving fuel in the spent fuel pool if it is related to the inventory inspection.

As result of your petition, the NRC issued a letter dated May 21, 2004, to Entergy requesting that they respond to the petition and provide documentation of the following: (1) verification of the inventory of all special nuclear material in the spent fuel pool; (2) all other actions being performed to locate the missing fuel; (3) verification of the location of the remaining portions of the two spent fuel rod segments; and (4) the results of actions to locate the missing fuel when the current efforts are completed.

R. Shadis

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As provided by 10 CFR 2.206, we will take action on your request within a reasonable time. The petition is being reviewed by the Division of Licensing Project Management within the Office of Nuclear Reactor Regulation. I assigned Alan Wang to be the petition manager for the petition. Mr. Wang can be reached at 301-415-1445. Additionally, I have referred to the NRC Office of the Inspector General those allegations of NRC wrongdoing discussed during the May 5, 2004, teleconference. For your information, I have enclosed a copy of the notice that is being filed with the Office of the Federal Register for publication regarding your petition. Additionally, I have enclosed a copy of Management Directive 8.11, "Review Process for 10 CFR 2.206 Petitions," and the associated brochure NUREG/BR-0200, "Public Petition Process," prepared by the NRC Office of Public Affairs.

Sincerely,

/RA/

Ledyard B. Marsh, Director
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Enclosures: 1. *Federal Register* Notice
 2. Management Directive 8.11
 3. NUREG/BR-0200

cc w/copy of 2.206 petition: see next page

As provided by 10 CFR 2.206, we will take action on your request within a reasonable time. The petition is being reviewed by the Division of Licensing Project Management within the Office of Nuclear Reactor Regulation. I assigned Alan Wang to be the petition manager for the petition. Mr. Wang can be reached at 301-415-1445. Additionally, I have referred to the NRC Office of the Inspector General those allegations of NRC wrongdoing discussed during the May 5, 2004, teleconference. For your information, I have enclosed a copy of the notice that is being filed with the Office of the Federal Register for publication regarding your petition. Additionally, I have enclosed a copy of Management Directive 8.11, "Review Process for 10 CFR 2.206 Petitions," and the associated brochure NUREG/BR-0200, "Public Petition Process," prepared by the NRC Office of Public Affairs.

Sincerely,

/RA/

Ledyard B. Marsh, Director
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Enclosures: 1. *Federal Register* Notice
2. Management Directive 8.11
3. NUREG/BR-0200

cc w/copy of 2.206 petition: see next page

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OFFICE	PDI-2/PM	PDI-2/PM	PDI-2/LA	PDI-1/VY SC	PDI/PD
NAME	DSkay for AWang	REnnis	CRaynor	REnnis for AHowe	CHolden
DATE	5/27/04	5/27/04	5/27/04	5/24/04	5/24/04

OFFICE	Tech Ed	OGC	DLPM/D
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OFFICIAL RECORD COPY

Vermont Yankee Nuclear Power Station

cc:

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Vermont Yankee Nuclear Power Station

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