

December 23, 2005

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

Dear Mr. Shadis:

This letter responds to the petition you filed with the Executive Director for Operations of the Nuclear Regulatory Commission (NRC or Commission) pursuant to Section 2.206 of Title 10 of the *Code of Federal Regulations* (10 CFR) on May 3, 2005, on behalf of the New England Coalition (NEC). The petition was supplemented on May 17, 2005.

The petition concerns the use of the Hemyc electrical raceway fire barrier system (ERFBS) at Vermont Yankee Nuclear Power Station (Vermont Yankee). In the petition, as supplemented, the petitioners requested that the NRC take the following actions:

- 1) Require Entergy Nuclear Vermont Yankee (ENVY), the licensee for Vermont Yankee, to promptly conduct a review at Vermont Yankee to determine the extent of condition, including a full inventory of the type, amount, application, and placement of Hemyc, and an assessment of the safety significance of each application;
- 2) Require ENVY to promptly provide justification for operation in nonconformance with 10 CFR Part 50, Appendix R; and
- 3) Upon finding that Vermont Yankee is operating in an unanalyzed condition and/or that assurance of public health and safety is degraded, promptly order a power reduction (derate) of Vermont Yankee until such time as it can be demonstrated that ENVY is operating in conformance with 10 CFR Part 50, Appendix R, and all other applicable regulations.

The petition, as supplemented, also requested that the licensee's review for extent of condition be expanded beyond Hemyc to include other fire barriers.

On June 1, 2005, the NRC staff acknowledged receiving your petition and stated that the petition was being referred to the Office of Nuclear Reactor Regulation for appropriate action and that it would be acted upon within a reasonable time, pursuant to 10 CFR 2.206. In addition, the Petitioner's request for immediate action and the request to expand the scope to cover other fire barriers issues were denied by the NRC. When the Hemyc test results became available, the NRC staff examined whether there was an immediate and significant risk to safety. Because fire detection, prevention, and suppression measures are already in place to minimize both the probability of occurrence and consequences of a fire that could prevent the performance of safe shutdown functions, the NRC staff concluded that continued plant

operation while corrective actions are implemented will not pose an undue risk to public health and safety. As for the request that the licensee review fire barriers beyond the Hemyc ERFBS, the Petitioner did not provide adequate information to justify expanding the scope of the review.

Representatives of the petition held a teleconference with the Petition Review Board (PRB) on May 17, 2005, to discuss the petition. The PRB considered the results of that discussion when considering the Petitioner's request for action and determining the review schedule for the petition. The transcript of this teleconference was treated as a supplement to the petition.

The NRC staff sent a copy of the proposed Director's Decision (DD) to you for comment on October 11, 2005. The NRC staff did not receive any comments on the proposed DD.

The final DD addresses the petitioner's requested actions as follows: As a basis for the requested actions, the Petitioner's primary concern was the quality of the Vermont Yankee fire barriers, including Hemyc, and the effect on compliance with the requirements of 10 CFR Part 50, Appendix R. However, in its inspections of fire protection at Vermont Yankee, which included the review of numerous fire barriers and penetrations, the NRC did not identify any safety concerns other than the unresolved item related to Hemyc ERFBS. Furthermore, by letter dated August 17, 2005, ENVY stated that on July 28, 2005, they completed replacement of Hemyc in systems that are credited in the Vermont Yankee safe shutdown capability analysis. This is the analysis that supports compliance with 10 CFR Part 50, Appendix R. Therefore, the NRC staff concludes that the Petitioner's concerns have been adequately addressed by the licensee's corrective actions.

A copy of DD-05-07 will be filed with the Secretary of the Commission for the Commission to review in accordance with 10 CFR 2.206(c). As provided for by this regulation, the decision will constitute the final action of the Commission 25 days after the date of the decision unless the Commission, on its own motion, institutes a review of the DD within that time. The documents cited in this letter and the enclosed DD are available for inspection at the Commission's Public Document Room at One White Flint North, Public File Area O1 F21, 11555 Rockville Pike (first floor), Rockville, Maryland, and from the NRC's Agencywide Documents Access and Management System Public Electronic Reading Room on the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

R. Shadis

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I have also enclosed a copy of the notice of "Issuance of Director's Decision Under 10 CFR 2.206" that has been filed with the Office of the *Federal Register* for publication.

Sincerely,

***/RA/***

J.E. Dyer, Director  
Office of Nuclear Reactor Regulation

Docket No. 50-271

Enclosures: 1. DD-05-07  
2. *Federal Register* Notice

cc w/encls: Licensee (w/copy of incoming 2.206 request)  
See next page

R. Shadis

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J.E. Dyer, Director  
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Enclosure 1: ML053500012 (Final Director's Decision)  
Enclosure 2: ML053500007 (Federal Register Notice)

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DATE	12/16/05	12/16/05	12/16/05	12/19/05	12/23/05

OFFICIAL RECORD COPY

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