November 6, 2007

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

Dear Mr. Shadis:

The petition from the New England Coalition (NEC) dated August 27, 2007, and addressed to Mr. Luis A. Reyes, Executive Director for Operations of the Nuclear Regulatory Commission (NRC or Commission) has been referred to me pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Section 2.206 of the Commission's regulations.

Your petition requested that the NRC promptly restore reasonable assurance of adequate protection of public health and safety that is now degraded by the failure of the licensee and its employees to report adverse conditions leading to a reduction in plant safety margins at the Vermont Yankee Nuclear Power Station (Vermont Yankee), or otherwise to order a derate or shutdown of Vermont Yankee until it can be determined to what extent Vermont Yankee is being operated in an unanalyzed condition. Specifically, the petition requested the following actions:

(1) NRC completion of a Diagnostic Evaluation Team examination or Independent Safety Assessment of Vermont Yankee to determine the extent of condition of non-conformances, reportable items, hazards to safety, and the root causes thereof.

(2) NRC completion of a safety culture assessment to determine why worker safety concerns were not previously reported and why assessments of safety culture under the Reactor Oversight Process failed to capture the fact or reasons that safety concerns have gone unreported.

(3) Derate Vermont Yankee to 50% of licensed thermal power with a mandatory hold at 50% until a thorough and detailed structural and performance analysis of the cooling towers, including the alternate cooling system, has been completed by the licensee; reviewed and approved by NRC; and until the above steps (1) and (2) have been completed.

(4) NRC investigation and determination of whether or not similar non-conforming conditions and causes exist at other Entergy-run nuclear power plants.

Your petition requested that, if NRC cannot take prompt action through the 10 CFR 2.206 process, the NRC exercise its statutory discretion to halt power operation before screening NEC's letter into the 2.206 process. As a basis for your request, your petition cited problems related to the inadequate performance of Vermont Yankee Inservice Inspection, Maintenance, Engineering, and Quality Assurance leading to a cooling tower cell collapse coupled with the employees' assertion of degrading plant conditions inimical to public safety.

The NRC's Petition Review Board (PRB) met on September 6, 2007, to discuss the request for immediate action to derate or shutdown Vermont Yankee. On September 6, 2007, you were notified by telephone that the PRB denied your request for immediate action to derate or shutdown the Vermont Yankee Power Plant because the petition did not identify any safety hazards sufficient to warrant those actions. At the conclusion of the telephone call, you requested an opportunity to address the PRB to discuss your petition request.

By teleconference on September 12, 2007, you provided information to the PRB as further explanation and support for the NEC petition. The transcript of this teleconference is enclosed (Enclosure 2).

On September 25, 2007, the PRB convened to discuss the petition, including the information you provided in the teleconference on September 12, 2007, to determine whether to accept or reject the petition for consideration in the 2.206 process. On September 26, 2007, you were notified by telephone that the PRB decided to accept the petition in part. The PRB's initial recommendation was to reject action items (1), (2), and (4), which are the diagnostic evaluation team examination, safety culture assessment, and the NRC investigation at other Entergy facilities. These action items were rejected for review under the 2.206 process because these actions are not enforcement-related. However, the PRB has determined that the petition meets the criteria for review in Management Directive 8.11 with respect to a portion of action item (3). Specifically, the PRB found that the facts presented in your petition related to the cooling tower cell collapse in action (3) were credible and sufficient to warrant further inquiry. Therefore, the PRB has decided to accept your petition request only with respect to the technical concerns associated with the cooling tower cell collapse.

On September 27, 2007, you accepted an opportunity to address the PRB by teleconference to provide any additional explanation and support for the request in light of the PRB's initial recommendations. By teleconference on October 3, 2007, you provided supplemental information and additional explanation to support your petition. The transcript of this teleconference is enclosed (Enclosure 3).

On October 17, 2007, the PRB reconvened to evaluate the petition, including the additional information you provided in the teleconference on October 3, 2007, to determine whether it should be reviewed under the 10 CFR 2.206 process. The PRB confirmed its initial recommendation to accept your petition request only with respect to the technical concerns associated with the cooling tower cell collapse because you did not provide any relevant or new information that would result in a change to the initial recommendation.

Your petition is being reviewed by the Division of Operating Reactor Licensing within the Office of Nuclear Reactor Regulation. I have assigned James Kim to be the petition manager for your petition. Mr. Kim can be reached at 301-415-4125.

As provided by 10 CFR 2.206, we will take action on your request within a reasonable time. 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 the brochure NUREG/BR-0200, "Public Petition Process," prepared by the NRC Office of Public Affairs.

Sincerely,

/RA/

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

Docket No. 50-271

Enclosures:
1. *Federal Register* Notice
2. Transcript of September 12, 2007, teleconference
3. Transcript of October 3, 2007, teleconference
4. NUREG/BR-0200

cc: See next page

As provided by 10 CFR 2.206, we will take action on your request within a reasonable time. 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 the brochure NUREG/BR-0200, "Public Petition Process," prepared by the NRC Office of Public Affairs.

Sincerely,

/RA/

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

Docket No. 50-271

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1. *Federal Register* Notice
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4. NUREG/BR-0200

cc w/encls: See next page

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Response and Enclosure 1: ML072920190
Enclosure 2: ML072610466
Enclosure 3: ML072830584
Enclosure 4: ML013600445

OFFICE	LPL1-1/PM	LPL1-1/LA	LPL1-1/BC	DPR/DD	DORL/D	NRR/OD
NAME	JKim	SLittle	MKowal	HNieh	CHaney	JDyer
DATE	10/24/07	10/24/07	10/25/07	10/25/07	10/29/07	11/06/07

OFFICIAL RECORD COPY

Vermont Yankee Nuclear Power Station

cc:

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Vermont Yankee Nuclear Power Station

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Naples, FL 34110-7306

7590-01-P

U.S. NUCLEAR REGULATORY COMMISSION

DOCKET NO. 50-271

LICENSE NO. DPR-28

ENTERGY NUCLEAR VERMONT YANKEE, LLC

AND ENTERGY NUCLEAR OPERATIONS, INC.

RECEIPT OF REQUEST FOR ACTION UNDER 10 CFR 2.206

Notice is hereby given that by petition dated August 27, 2007, the New England Coalition (NEC or the petitioner) has requested that the Nuclear Regulatory Commission (NRC or the Commission) take action with regard to the Vermont Yankee Nuclear Power Station (Vermont Yankee). The NEC petition requested that NRC promptly restore reasonable assurance of adequate protection of public health and safety that is now degraded by the failure of the licensee and its employees to report adverse conditions leading to a reduction in plant safety margins at the Vermont Yankee Nuclear Power Station (Vermont Yankee), or otherwise to order a derate or shutdown of Vermont Yankee until it can be determined to what extent Vermont Yankee is being operated in an unanalyzed condition. Specifically, the petition requested the following actions: (1) NRC completion of a Diagnostic Evaluation Team examination or Independent Safety Assessment of Vermont Yankee to determine the extent of condition of non-conformances, reportable items, hazards to safety, and the root causes thereof; (2) NRC completion of a safety culture assessment to determine why worker safety concerns were not previously reported and why assessments of safety culture under the Reactor Oversight Process failed to capture the fact or reasons that safety concerns have gone unreported; (3) derate Vermont Yankee to 50% of licensed thermal power with a mandatory hold at 50% until a thorough and detailed structural and performance analysis of the cooling towers, including the alternate cooling system, has been completed by the licensee; reviewed

and approved by NRC; and until the above steps (1) and (2) have been completed; and (4) NRC investigation and determination of whether or not similar non-conforming conditions and causes exist at other Entergy-run nuclear power plants.

As a basis for the request, the petition cited problems related to the inadequate performance of Vermont Yankee Inservice Inspection, Maintenance, Engineering, and Quality Assurance leading to a cooling tower cell collapse coupled with the employees' assertion of degrading plant conditions inimical to public health.

The request is being treated pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Section 2.206 of the Commission's regulations. The request has been referred to the Director of the Office of Nuclear Reactor Regulation. As provided by 10 CFR 2.206, appropriate action will be taken on this petition within a reasonable time. Mr. Raymond Shadis, in his capacity as the petitioner's Staff Technical Advisor, participated in two telephone conference calls with the NRC's Petition Review Board (PRB) on September 12, 2007, and October 3, 2007, to discuss the petition and provide any additional explanation in light of the PRB's initial recommendation. The results of those discussions were considered in the PRB's determination regarding the petitioner's request for action and in establishing the schedule for the review of the petition. The PRB confirmed its initial recommendation to reject action items (1), (2), and (4), which are the diagnostic evaluation team examination, safety culture assessment, and the NRC investigation at other Entergy facilities. These action items were rejected for review under the 2.206 process because these actions are not enforcement-related. However, the PRB has determined that the petition meets the criteria for review in Management Directive 8.11 with respect to a portion of action item (3). Specifically, the PRB found that the facts presented in the petition related to the cooling tower cell collapse in action (3) were credible and sufficient to warrant further inquiry.

A copy of the petition and supplement and the transcripts of the telephone conference calls are available for inspection at the Commission's Public Document Room (PDR), located 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 (ADAMS) Public Electronic Reading Room on the Internet at the NRC Web site, http://www.nrc.gov/reading-rm/adams.html (ADAMS Accession Nos. ML072420194, ML072780363, ML072610466, and ML07830584). 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 e-mail to pdr@nrc.gov.

FOR THE NUCLEAR REGULATORY COMMISSION

/RA/

J. T. Wiggins, Deputy Director
Office of Nuclear Reactor Regulation

Dated at Rockville, Maryland
This 6th day of November 2007.

ENCLOSURE 2

New England Coalition 2.206 Petition
RE: Vermont Yankee

ACCESSION: ML072610466

ENCLOSURE 3

2.206 Petition on
Vermont Yankee

ACCESSION: ML072830584

ENCLOSURE 4

Public Petition Process
(NUREG/BR-0200, Rev. 4

ACCESSION: ML0713600445