

From: Tam, Peter
Sent: Wednesday, March 17, 2010 8:44 AM
To: Michael Mulligan [e-mail address, which is privacy information, deleted]
Cc: Chawla, Mahesh
Subject: Petition Review Board Action on Your 10 CFR 2.206 Petition
Attachments: ML090160238.pdf

Mr. Mulligan:

The Petition Review Board (PRB) met on Tuesday, March 9, 2010, to discuss your petition and make an initial recommendation. In accordance with Management Directive (MD) 8.11, the PRB determined that your petition met the criteria for review under 10 CFR 2.206; however, the PRB is rejecting the petition using the criteria in MD 8.11, as described in further details below.

In your petition you stated that that NRC, Entergy, and Palisades committed significant fraud and falsification associated with the license renewal of Palisades. You accused the NRC of wrongdoing and stated that the NRC staff participated in a cover-up through delaying of inspection activities to obfuscate the connection of license renewal and the swelling of the spent fuel storage racks. You also stated that during the Palisades license renewal review, which was completed on January 18, 2007, the NRC staff did not properly address the swollen fuel racks at Palisades; in particular, the NRC did not identify and correct the problem.

The PRB responds to your petition as follows:

- (1) Regarding your request to immediately shutdown Palisades if deception and falsification at Palisades is similar to Vermont Yankee, the NRC staff has already issued a Demand For Information (DFI) to determine what, if any, regulatory actions are necessary regarding Vermont Yankee, as related to buried piping issues. In accordance with NRC's Enforcement Policy, the DFI requires Entergy to provide information under oath or affirmation to allow the NRC staff to make this determination. This step is being taken in response to Entergy's investigation of its interactions with the State of Vermont. If the results of the DFI identify concerns with respect to Entergy, those issues will be addressed through the NRC's Enforcement Policy. Currently, the PRB has determined that there is no basis provided in your petition to warrant consideration of an immediate shutdown of Palisades.
- (2) The issue regarding the swelling of the spent fuel storage racks has already been the subject of NRC staff review, and there is a list of activities which have taken place regarding this issue. The swelling of racks was first discovered in 1988 and since then the licensee has been evaluating and monitoring the condition of these racks. During the review of the Palisades license renewal application, in November 2005, and in response to NRC staff questions, the licensee made a commitment to test the fuel racks prior to March 24, 2011. After renewal of the license in 2007, the NRC staff conducted a number of inspection and licensing activities to ensure that Palisades is operated in compliance with its renewed license, Technical Specifications, and applicable regulations.

The cause of swelling of the racks in the Palisades spent fuel pool is currently unknown, but is still under evaluation. The most probable cause is gas build-up inside the rack cell walls. The amendment approved on February 6, 2009 (Accession No. ML090160238; copy attached), did not credit any of the installed neutron absorber as providing neutron absorption, and conservatively considered the rack cell walls swollen to the maximum extent possible with the volume created by the swelling to be a vacuum, meaning that there is no neutron absorption by this swollen volume.

Based on the above facts, the NRC staff has reasonable assurance that:

- There is currently no public health and safety concern associated with the swollen fuel racks in the Palisades spent fuel pool.
- There is currently no negative environmental impact associated with the swollen fuel racks in the Palisades spent fuel pool.
- The swollen fuel racks at Palisades are not currently violating NRC regulations.

Per MD 8.11, if you have additional information for the PRB to consider prior to making a final recommendation on your petition, you may present that additional information to the PRB during a teleconference, or in writing. Please let us know within one (1) week of the date of this message if you would like the opportunity to address the PRB.

Peter S. Tam, Senior Project Manager
acting for Mahesh (Mac) Chawla, Petition Manager

E-mail Properties

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