



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

June 2, 2011

Mr. Michael Mulligan
P.O. Box 161
Hinsdale, NH 03451

Dear Mr. Mulligan:

Your letter dated March 17, 2011, addressed to Mr. William Borchardt, Executive Director for Operations, has been referred to the Nuclear Regulatory Commission's (NRC) Office of Nuclear Reactor Regulation pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Section 2.206. In your petition, you stated that "NRC's Reactor Oversight Program [ROP] is ineffective and Entergy has a documented history of a culture of falsification and thumbing their noses at reoccurring violations." You also expressed a concern on the reactor building outer shell cracks at Vermont Yankee (VY), which may not withstand in case of an earthquake. Also in your petition, you stated that the "last ditch emergency source to prevent a Vermont Yankee Fukushima nuclear plant meltdown depends on the Vernon switchyard and this switchyard couldn't withstand an earthquake."

The Petition Review Board (PRB) met on April 4, 2011, and denied your request for immediate shutdown of VY and other Entergy nuclear power plants. The PRB determined that there was no immediate safety concern to the plant or to the public health and safety justifying the immediate shutdown of VY and other Entergy nuclear power plants. On April 4, 2011, you were informed of the PRB's decision on the immediate action and you requested to address the PRB prior to its initial meeting to provide supplemental information for the PRB's consideration.

By teleconference on April 6, 2011, you addressed the PRB to discuss your petition. A transcript of that teleconference, which supplements your petition, has been provided to you and is publicly available in the Agencywide Documents Access and Management System (ADAMS) under Accession No. ML111020331. During this call, you clarified your concern that a portion of the reactor building wall could collapse as a result of outer shell cracks, thus impacting the operation of safety-related equipment.

On April 19, 2011, the PRB held its internal meeting to make the initial recommendation, in accordance with the criteria provided in Management Directive (MD) 8.11, "Review Process for 10 CFR 2.206 Petitions." In this meeting, the PRB made an initial recommendation that your requested actions (as summarized below) were either not within the scope of the 2.206 process or did not meet the criteria for review because you failed to provide sufficient facts to warrant further inquiry. Specifically, the petition contains general assertions that safety concerns exist, however you failed to provide the PRB with specific facts to support your requests.

On April 24, 2011, you were informed of the PRB's initial recommendation. You requested a second opportunity to address the PRB to provide additional information in support of the petition request.

On May 4, 2011, you addressed the PRB by teleconference to discuss the PRB's initial recommendation. A transcript of that teleconference, which supplements your petition, has been provided to you and is publicly available in ADAMS under Accession No. ML11132A002. On May 12 and May 16, 2011, the PRB met internally to make the final recommendation. In addition to the petition, the PRB also considered information you provided via the transcribed teleconferences on April 6, 2011, and May 4, 2011.

Regarding your concern on the reactor building outer shell cracks, you failed to provide sufficient information to warrant further inquiry. Although your petition did not meet the criteria for review, the NRC staff performed a walk-down of the reactor building (secondary containment) but the staff did not discover any significant cracks. In addition, NRC inspections conducted as part of the staff's license renewal review process did not reveal any significant cracks, as described in your petition and meeting transcripts, on the reactor building.

Regarding your concern on the Vernon Tie, you raised this issue previously in a 10 CFR 2.206 petition dated June 10, 2010. By letter dated September 8, 2010 (Accession No. ML102380170), the PRB previously reviewed, evaluated, and resolved this concern. The PRB's final recommendation, as noted in the letter dated September 8, 2010, was that this issue had already been reviewed, evaluated, and resolved by the NRC.

The PRB made the final recommendation to not accept your petition because your petition did not meet the criteria for review. As stated previously, some of your requested actions failed to provide sufficient facts to warrant further inquiry, and other requested actions were not within the scope of the 2.206 process. More specifically, the PRB made the following final recommendations regarding the specific-requests within your petition:

1. Immediate Shutdown of VY and other Entergy Nuclear Power Plants

The petition did not provide any specific information. Based on the existing NRC ROP results, the PRB concluded that there was no immediate safety concern which would justify the immediate shutdown of VY and other Entergy Nuclear Power Plants.

2. Replacement of Top VY Management Staff

In your petition, you accused VY management of falsification and essentially ignoring recurring violations. However, you did not provide sufficient information to support your claims. In accordance with MD 8.11, this request does not meet the criteria for review because you failed to provide sufficient facts to warrant further inquiry.

3. Replacement of Entergy Corporate Nuclear Staff

In your petition, you accused Entergy corporate nuclear staff of falsification. However, you did not provide sufficient information to support this claim. In accordance with MD 8.11, this request does not meet the criteria for review because you failed to provide sufficient facts to warrant further inquiry.

4. Formation of a Local Public Oversight Panel Around Every Plant

This request is not an enforcement related action and is not within the scope of Section 2.206. This request pertains to the NRC's ROP. In accordance with MD 8.11, this request does not meet the criteria for a Section 2.206 petition.

5. Formation of an Emergency NRC Senior Official Oversight Panel

This request is not an enforcement related action and is not within the scope of Section 2.206. This request pertains to the NRC's ROP. In accordance with MD 8.11, this request does not meet the criteria for a Section 2.206 petition.

6. Formation of a National NRC Oversight Public Panel

This request is not an enforcement related action and is not within the scope of Section 2.206. The Inspector General, who provides oversight of NRC actions, reports directly to the U.S. Congress. Any further oversight would have to be authorized by the U.S. Congress. In accordance with MD 8.11, this request does not meet the criteria for a Section 2.206 petition.

7. Analysis of Entergy's Recurring Problems

In accordance with MD 8.11, this request does not meet the criteria for review because you failed to provide sufficient facts to warrant further inquiry. The NRC has a rigorous ROP in which inspections are conducted throughout the year to ensure that power reactor facilities are operated safely and licensee activities do not pose an undue risk to public health and safety. The ROP includes analysis of recurring problems and the NRC takes additional action, when warranted, as specified in the ROP.

The PRB's final determination is to not accept your petition for review under the 10 CFR 2.206 process because your petition did not meet the criteria for review as stated in NRC MD 8.11, "Review Process for 10 CFR 2.206 Petitions."

Sincerely,



Robert A. Nelson, Deputy Director
Division of Policy and Rulemaking
Office of Nuclear Reactor Regulation

Docket No. 50-271

cc: Distribution via Listserv

5. Formation of an Emergency NRC Senior Official Oversight Panel

This request is not an enforcement related action and is not within the scope of Section 2.206. This request pertains to the NRC's ROP. In accordance with MD 8.11, this request does not meet the criteria for a Section 2.206 petition.

6. Formation of a National NRC Oversight Public Panel

This request is not an enforcement related action and is not within the scope of Section 2.206. The Inspector General, who provides oversight of NRC actions, reports directly to the U.S. Congress. Any further oversight would have to be authorized by the U.S. Congress. In accordance with MD 8.11, this request does not meet the criteria for a Section 2.206 petition.

7. Analysis of Entergy's Recurring Problems

In accordance with MD 8.11, this request does not meet the criteria for review because you failed to provide sufficient facts to warrant further inquiry. The NRC has a rigorous ROP in which inspections are conducted throughout the year to ensure that power reactor facilities are operated safely and licensee activities do not pose an undue risk to public health and safety. The ROP includes analysis of recurring problems and the NRC takes additional action, when warranted, as specified in the ROP.

The PRB's final determination is to not accept your petition for review under the 10 CFR 2.206 process because your petition did not meet the criteria for review as stated in NRC MD 8.11, "Review Process for 10 CFR 2.206 Petitions."

Sincerely,

/ra/

Robert A. Nelson, Deputy Director
Division of Policy and Rulemaking
Office of Nuclear Reactor Regulation

Docket No. 50-271

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Package: ML111450191 Incoming: ML110800523 Response: ML111450209

Transcript of 4/6/11: ML111020331

Transcript of 5/4/11: ML11132A002

*Via email

OFFICE	LPL1-1/PM	LPL1-1/LA	R1/BC*	LPL1-1/BC	DPR/PM	DPR/DD
NAME	JKim	SLittle	DJackson	NSalgado	TMensah	RNelson
DATE	5/26/11	5/26/11	5/31/11	5/31/11	6/2/11	6/2/11