



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

June 7, 2011

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

Dear Mr. Mulligan:

Your letter dated March 25, 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 what you described as non-testable nuclear safety systems at Vermont Yankee (VY).

The Petition Review Board (PRB) met on April 5, 2011 to discuss the request for immediate action. The PRB denied your request for immediate shutdown of VY and testing of all non-testable safety systems. 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 testing of all non-testable safety systems. On April 5, 2011, you were informed of the PRB's decision on the immediate action and you requested to address the PRB to provide supplemental information for the PRB's consideration prior to its internal meeting to make the initial recommendation.

By teleconference on April 12, 2011, you addressed the PRB to discuss your petition. A transcript of that teleconference, which supplements your petition, was provided to you and is publicly available in the Agencywide Documents Access and Management System (ADAMS) under Accession No. ML11110A020.

On April 25, 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 did not provide sufficient facts to warrant further inquiry. Specifically, the petition contains general assertions that safety concerns exist, however, you did not provide the PRB with specific facts to support your requests.

On April 29, 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 16, 2011, you addressed the PRB by teleconference to discuss the PRB's initial recommendation. A transcript of that teleconference, which supplements your petition, was provided to you and is publicly available in ADAMS under Accession No. ML11145A004. After the teleconference, 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 12, 2011, and May 16, 2011.

Regarding your concern on what you described as non-testable nuclear safety systems, you did not provide sufficient information to warrant further inquiry. The NRC has a rigorous Reactor Oversight Process (ROP) in which inspections are conducted throughout the year and also special inspections are conducted from time to time based on the individual performance or occurrence of events at the nuclear power plants. The current ROP results did not identify any issues related to testability of nuclear safety systems at VY.

The PRB made the final recommendation to not accept your petition because your petition did not meet the criteria for review. More specifically, the PRB made the following final recommendations regarding the specific requests within your petition:

1. Immediate Shutdown of VY and Testing of All Non-Testable Safety Systems

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 testing of all non-testable safety systems.

2. An Outside Investigation of NRC Behavior for Tolerating the Atrocious Regulatory Behavior

In accordance with MD 8.11, this request does not meet the criteria for review because you did not provide sufficient facts to warrant further inquiry. However, the petition has been forwarded to the NRC's Office of the Inspector General.

3. 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 did not provide sufficient facts to warrant further inquiry.

4. 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 did not provide sufficient facts to warrant further inquiry.

5. 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 10 CFR 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 2.206 petition.

6. Formation of an Emergency NRC Senior Official Oversight Panel

This request is not an enforcement-related action and is not within the scope of 10 CFR 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 2.206 petition.

7. Formation of a National NRC Oversight Public Panel

This request is not an enforcement-related action and is not within the scope of 10 CFR 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 2.206 petition.

8. Analysis of Entergy's Numerous Findings of Problems

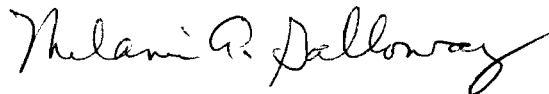
In accordance with MD 8.11, this request does not meet the criteria for review because you did not provide sufficient facts to warrant further inquiry. The NRC has a rigorous ROP in which inspections are conducted throughout the year to ensure that power reactor facilities are operated safely and licensee 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.

9. Listing of Non-Testable Nuclear Safety Systems Country Wide

Safety-related systems are subject to regular baseline inspections and surveillance requirements. The current results of baseline inspections and surveillance requirements did not identify any issues related to what you described as non-testable nuclear safety systems at VY. In accordance with MD 8.11, this request does not meet the criteria for review because you did not provide sufficient facts to warrant further inquiry.

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,

A handwritten signature in black ink, appearing to read "Melanie A. Galloway". The signature is fluid and cursive, with a long, sweeping tail on the last name.

Melanie A. Galloway, Deputy Director
Division of License Renewal
Office of Nuclear Reactor Regulation

Docket No. 50-271

cc: Distribution via Listserv

7. Formation of a National NRC Oversight Public Panel

This request is not an enforcement-related action and is not within the scope of 10 CFR 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 2.206 petition.

8. Analysis of Entergy's Numerous Findings of Problems

In accordance with MD 8.11, this request does not meet the criteria for review because you did not 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.

9. Listing of Non-Testable Nuclear Safety Systems Country Wide

Safety-related systems are subject to regular baseline inspections and surveillance requirements. The current results of baseline inspections and surveillance requirements did not identify any issues related to what you described as non-testable nuclear safety systems at VY. In accordance with MD 8.11, this request does not meet the criteria for review because you did not provide sufficient facts to warrant further inquiry.

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/

Melanie A. Galloway, Deputy Director
Division of License Renewal
Office of Nuclear Reactor Regulation

Docket No. 50-271

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Package: ML111520147 Incoming: ML110890937 Response: ML111520183
Transcript of 4/12/11: ML11110A020 Transcript of 5/16/11: ML11145A004 *Via email

OFFICE	LPL1-1/PM	LPL1-2/LA	R1/BC*	LPL1-1/BC	DPR/PM	DLR/DD
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DATE	6/2/11	6/2/11	6/2/11	6/2/11	6/2/11	6/7/11

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