



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

July 15, 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 requested: (1) that the NRC immediately shutdown Vermont Yankee nuclear power plant and all Entergy nuclear power plants, (2) replacement of the O-ring Buna-N material with silicone at Vermont Yankee, (3) investigation of the "one for one" safety related replacement parts program before startup and throughout Entergy, (4) an outside investigation of NRC behavior for tolerating this atrocious regulatory behavior, (5) replacement of top Vermont Yankee Management staff, (6) replacement of Entergy's corporate nuclear senior staff, (7) formation of a local public oversight panel around every plant, (8) formation of an emergency NRC senior official oversight panel with the aims of reforming the Reactor Oversight Process [ROP], (9) formation of a national NRC oversight panel of outsiders to oversee and report on the agency's activities, and (10) analysis of Entergy's numerous findings of problems.

The Petition Review Board (PRB) met on March 29, 2011, to discuss the request for immediate action. The PRB denied your request for immediate shutdown of Vermont Yankee (VY) and replacing Buna-N material with silicone for the threaded seals of SRVs. 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 replacing the Buna-N material with silicone. On March 30, 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 13, 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. ML11110A019.

On April 26, 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." The PRB made the following initial recommendations regarding the specific requests within your petition:

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

Based on the evaluations of the ROP for this issue and for the plant performance in general, the PRB concluded that there was no immediate safety concern which would justify the immediate shutdown of VY and all Entergy nuclear power plants.

2. Replacing the O-ring Buna-N material with Silicone

In accordance with MD 8.11, a concern on the inoperability of SRVs due to degraded thread seals met the criteria for review to warrant further inquiry. However, the PRB's initial recommendation is that the petition is rejected because the issues raised have already been the subject of NRC staff review, and resolution has been achieved. The NRC resident inspectors reviewed the Licensee Event Report (LER) 05000271/2010-002-01: Inoperability of Main Steam Safety Relief Valves Due to Degraded Thread Seals, and documented their inspection results in the NRC Integrated Inspection Report 05000271/2011002 dated April 29, 2011 (ADAMS Accession No. ML111190386), which also included the LER closeout review and two Licensee Identified Violations related to the discovery of the SRV issue.

During the 2010 refueling outage, the pneumatic actuators for the four main steam SRVs were tested and leakage was identified through the shaft-to-piston thread seal that was in excess of the design requirement on two of the four SRVs. Material testing determined that the apparent cause of the degraded thread seal condition was thermal degradation. The thread seals were replaced and tested on all four SRVs prior to startup from the 2010 refueling outage. Entergy determined that this potentially affected the ability of the SRVs to perform their manual and automatic depressurization function, as required by Technical Specifications (TSs), since the leakage impacted the ability of the SRVs to satisfy design actuation requirements. Entergy determined that there was firm evidence that this condition may have existed for a period of time greater than allowed by TSs and, therefore, this event was reportable.

Due to the availability of a safety-class back-up nitrogen supply with separate pressure regulators, Entergy determined that adequate capacity for the Automatic Depressurization System (ADS) existed at all times. Due to the redundancy in ADS design, the availability of the high-pressure core injection system, and the availability of a safety-class backup nitrogen supply, the ability to depressurize the reactor was maintained, and there was no potential adverse impact to public health and safety. The inspectors reviewed and closed the subject LER 05000271/2010-002-01, the as-found condition during the refueling outage, the subsequent material testing and analysis, and Entergy's evaluation of the condition as a part of the NRC quarterly inspection of VY for a period covering January 1, 2011 through March 31, 2011. The enforcement aspects of this finding are discussed below.

The following violations of NRC requirements were determined by the NRC to be of very low safety significance (Green) and were identified by the licensee. These violations meet the criteria of the NRC Enforcement Policy for being dispositioned as non-cited violations.

TS 3.5.F, "Automatic Depressurization System," allows up to one of four SRVs in the automatic depressurization system to be inoperable for up to 7 days at any time the reactor steam pressure is above 150 psig with irradiated fuel within the vessel, or an orderly shutdown of the reactor shall be initiated and the reactor pressure shall be reduced to less than 150 psig within 24 hours. In addition, TS 3.6.D, "Safety and Relief Valves," requires the reactor to be shut down and pressure brought below 150 psig within 24 hours with two (2) or more SRVs inoperable. Contrary to the above, Entergy determined that two (2) of the four (4) SRVs were inoperable for a period of time greater than allowed by TSs. This determination was based on pneumatic actuator thread seal leakage that was identified during testing of the pneumatic SRV actuators in the 2010 refueling outage. Entergy

determined the leakage to be in excess of design requirements. This condition has been entered in the licensee's corrective action program and corrective actions have been developed.

The NRC inspectors determined that this finding was more than minor because it adversely affected the Mitigation Systems cornerstone objective of ensuring the reliability of systems that respond to initiating events to prevent undesirable consequences. The NRC inspectors determined that the function for core decay removal was affected, since the safety function of the ADS valves is to depressurize the reactor to allow for low-pressure coolant injection. The inspectors determined that this finding was not greater than Green, because subsequent laboratory analysis and engineering evaluation documented in Entergy Operability Recommendation concluded that sufficient margin was available in the safety-class backup supply to the pneumatic actuation system. The NRC inspectors reviewed Entergy's laboratory results and Operability Recommendation, and concluded that the ADS function would have been met under the worst-case leakage for all design-basis conditions.

3. An Investigation on Safety Related Replacement Parts before Startup

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. Entergy performed a replacement of the threaded seals prior to restart from a refueling outage in April 2010.

4. 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.

5. 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.

6. 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.

7. 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. In accordance with MD 8.11, this request does not meet the criteria for a 2.206 petition.

8. Formation of an Emergency NRC Senior Official Oversight Panel to Reform the ROP

This request is not an enforcement-related action and is not within the scope of 10 CFR 2.206. In accordance with MD 8.11, this request does not meet the criteria for a 2.206 petition.

9. 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.

10. Analysis of Entergy's Numerous Findings of Problems

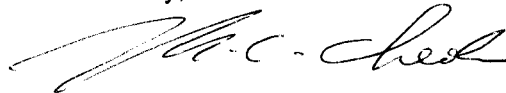
In accordance with MD 8.11, this request does not meet the criteria for review because you did not provide sufficient facts to warrant further inquiry. The NRC has a rigorous ROP in which inspections are conducted throughout the year to ensure that power reactor facilities are operated safely and licensee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

On June 6, 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 June 15, 2011, you addressed the PRB by teleconference to discuss the PRB's initial recommendation. The PRB determined that the information you provided pertaining to the use of Buna-N material with silicone for the threaded seals of SRVs had already been considered by the PRB. A transcript of that teleconference has been provided to you and is publicly available in ADAMS under Accession No. ML11172A101.

The PRB's final determination is to reject your petition for review under the 10 CFR 2.206 process because the issues raised have already been the subject of NRC staff review, and resolution has been achieved as stated in NRC MD 8.11, "Review Process for 10 CFR 2.206 Petitions."

Sincerely,



Michael C. Cheok, Director
Division of Risk Assessment
Office of Nuclear Reactor Regulation

Docket No. 50-271

cc: Distribution via Listserv

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Sincerely,
/ra/
Michael C. Cheek, Director
Division of Risk Assessment
Office of Nuclear Reactor Regulation

Docket No. 50-271

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