



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

April 10, 2013

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

Dear Mr. Mulligan:

Your letter dated December 5, 2012, addressed to Mr. R. 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 a number of actions including immediate shutdown of Vermont Yankee Nuclear Power Station (VY) because you state that "the NRC and Entergy can't keep their nuclear safety paperwork and documents (Licensee Event Reports (LERs) and NRC Inspection Reports) accurate and up-to-date."

The Petition Review Board (PRB) met on December 20, 2012, and denied your request for immediate action to shutdown VY. 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. On December 21, 2012, 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 January 9, 2013, you addressed the PRB to discuss your petition.

On January 23, 2013, 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's decision was to reject the petition on the grounds that all the items requested in the petition either did not meet the criteria for review or met the criteria for rejection.

As support for the PRB's initial recommendation, there was an initial LER in 2010 for which a supplemental LER was submitted on March 2011, which did correct the information that was found to be faulty. The cause of the safety relief valve (SRV) seal material failure was corrected from defective seal material to thermal degradation. You refer to an error stating a 2009 refueling outage in the NRC Inspection Report 05000271/2012004 dated October 31, 2014, which was actually a 2010 refueling outage. You were correct that this was an error, but there was no safety concern associated with the error.

The SRVs now have fully qualified seal material installed in the actuators, i.e. Viton, installed during the 2011 refueling outage. There is no safety concern at this time which would justify the immediate shutdown of VY.

Your requests as you state in the petition are listed below, each followed by the PRB recommendation.

1. Request Vermont Yankee be fined \$10 million for not keeping required federal "comic book" documents fully accurate, current and up-to-date.

This request does not meet the criteria for review because you did not provide sufficient facts to warrant further inquiry. Vermont Yankee has submitted the LER in accordance with 10 CFR 50.73(a)(2)(i)(B) as an operation or condition prohibited by Technical Specifications. Further, there was an initial LER in 2010 for which a supplemental LER was submitted which did correct information that was found to be faulty. The only further difference between the 2010 LER and the NRC Inspection Report is a reference to local temperature in the LER versus the NRC inspection report making a more general statement of material not being qualified for the temperature.

2. Request a Department of Justice/FBI investigation of these events.

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 and the transcript have been forwarded to the NRC's Office of the Inspector General (OIG).

3. Request an investigation nationwide with equipment and components not being accident qualified in any nuclear plant containments especially max temperatures and radiation.

You stated that the NRC allowed the plants to operate knowingly with unsafe components with inoperable safety functions. However, this request does not meet the criteria for review per MD 8.11 because you did not provide sufficient information to support the claims. However, the petition and the transcript have been forwarded to the NRC's OIG. The NRC has a rigorous Reactor Oversight Program (ROP) in which inspections are conducted throughout the year to ensure that power reactor facilities are operated safely and the licensee activities do not pose an undue risk to public health and safety.

4. Request the 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 does not meet the criteria for a 2.206 petition.

5. Formation of an emergency NRC senior official oversight panel with the aims of reforming the ROP.

This request is not an enforcement-related action and is not within the scope of 10 CFR 2.206. This request does not meet the criteria for a 2.206 petition.

6. Formation of a national NRC oversight panel of outsiders.

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.

7. Request massive reforms within the 2.206 system and their directives. The system doesn't serve the public and their communities.

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

8. Request a comprehensive extent of cause/condition outsider professional investigation over the environmental temperature qualification of the SRV leaking pneumatic actuator.

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 the licensee activities do not pose an undue risk to public health and safety.

9. Stated the outcome of this half truth environment and inspection report is truth gaming, the employees will turn off all their nuclear safety equipment and fill up all these plants with cheap defective components in the name of doing good and altruism.

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

10. Request a detailed report on the new 400 degree Viton material installed.

This request does not meet the criteria for review because you did not provide sufficient facts to warrant further inquiry.

On March 21, 2013, 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 April 2, 2013, you addressed the PRB by teleconference. You did not provide any additional information; therefore the PRB's initial recommendation became final.

M. Mulligan

- 4 -

The PRB's final determination is to reject your petition for review under the 10 CFR 2.206 process because it does not meet the criteria for review under 10 CFR 2.206.

Sincerely,

A handwritten signature in black ink, appearing to read "Mary C. Muessle".

Mary C. Muessle, Deputy Director
Division of Policy and Rulemaking
Office of Nuclear Reactor Regulation

Docket No. 50-271

cc: Distribution via Listserv

The PRB's final determination is to reject your petition for review under the 10 CFR 2.206 process because it does not meet the criteria for review under 10 CFR 2.206.

Sincerely,

/ra/

Mary C. Muessle, Deputy Director
Division of Policy and Rulemaking
Office of Nuclear Reactor Regulation

Docket No. 50-271

cc: Distribution via Listserv

DISTRIBUTION: G20120955

PUBLIC

LPL1-1 R/F

RidsNrrDorl

RidsNrrDorlLpl1-1

RidsOeMailCenter

RidsOiMailCenter

RidsOpaMail

RidsRgn1MailCenter

RidsOcaMailCenter

RidsNrrLAKGoldstein

RidsNrrMailCTR

RidNrrPMMillstone

RidsNrrPMVermontYankee

RidsNrrOd

RidsEDOMailCenter

MBanic, NRR

JBillerbeck, NRR

MRazzaque, NRR

RBellamy,RI

LCox, NRR

Package: ML13086A623 Incoming: ML12347A153 Response: ML13086A633 *Via email

OFFICE	LPL1-1/PM	LPL1-1/LA	R1/BC*	DPR/PM	LPL1-1/BC(A)	DPR/DD
NAME	JKim	KGoldstein	RBellamy	MBanic	SMeighan	MMuessle
DATE	04/03/13	03/28/13	04/02/13	04/09/13	04/10/13	04/10/13

OFFICIAL RECORD COPY