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

March 17, 2011

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

Dear Mr. Mulligan:

Your letter dated January 18, 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 expressed a concern regarding inspection activities associated with the Advanced Off-Gas (AOG) piping tritium leak at Vermont Yankee Nuclear Power Station (VY) and requested an emergency shutdown of VY.

The Petition Review Board (PRB) met on January 24, 2011, and denied your request for immediate shutdown of VY. The PRB determined that there was no immediate safety concern to the plant or to the public health and safety. The AOG piping system is non-safety-related and the tritium leak amounted to approximately less than 1 mrem exposure to the public. No drinking water sources were impacted. Therefore, the PRB denied the request to immediately shutdown VY. On January 25, 2011, you were informed of the PRB's decision on the immediate action.

On January 21, 2011, you requested to address the PRB prior to its initial meeting to provide supplemental information for the PRB's consideration. By teleconference on February 3, 2011, you provided information to the PRB as further explanation and support for 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. ML110400018.

The NRC's PRB met on February 10, 2011, to discuss your petition. In addition to the petition, the PRB also considered information you provided via the transcribed teleconference on February 3, 2011. The PRB made an initial recommendation to not accept your petition because your petition did not meet the criteria for review. Some of your requested actions failed to provide sufficient facts to warrant further inquiry and other requested actions were not within the scope of 2.206 process. More specifically, the PRB made the following findings regarding the requests made in your petition:

1. <u>Request Vermont Yankee to be immediately shutdown and that Entergy be prohibited from owning nuclear power plants.</u>

   The PRB met and concluded that there was no immediate safety concern to the plant or to the public health and safety justifying the immediate shutdown of VY.

2. <u>Request an extent of conditions with Entergy providing the NRC with inaccurate information, false and incomplete documents and any falsifications to the NRC.</u>

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

3. Request the NRC look into if Entergy gave new false testimony to any proceeding with the state of Vermont.

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

4. Request an OIG investigation concerning recent falsified and incomplete NRC inspections.

   This request is not within the scope of 2.206. Your petition has been forward to OIG.

5. Request an extent of conditions with any falsified and incomplete licensing bases, Updated Final Safety Analysis Report or any plant engineering and plant designs that protect the public and environment of the people surrounding Vermont Yankee.

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

6. Request a national formal NRC code and regulations on Root Cause Analysis (RCA) and the quality of RCA.

   This request does not meet the criteria for review because there is another proceeding (Rule making process) for which the petitioner could be a party to address this generic concern to the NRC regulations.

7. Request to have a discussion with the top NRC official in charge, or the most knowledgeable, on the RCA.

   This request is not within the scope of the 2.206 process. Per MD 8.11, the petitioner requested to address the PRB, which is chaired by an SES level manager. In addition, an informal phone call between Region I and the petitioner was held to address questions on the RCA. The discussion with Region I was outside the scope of the 2.206 process.

8. State that Entergy's corrective actions program is keyed off the RCA or Root Cause Evaluation (referred to as RCE), and asserts that Entergy's corrective actions program is corrupted and that they don't address why the tritium leak occurred.

   This request does not meet the criteria for review because the petitioner failed to provide sufficient facts to warrant further inquiry. The NRC assessed the comprehensiveness of Entergy's RCA and documented this review in NRC Inspection Report 05000271/2010009 dated October 13, 2010 (ADAMS Accession No. ML102860037). The NRC concluded that Entergy's root and apparent cause evaluations for the tritium ground water leakage events were appropriate and no violation of NRC requirements was identified.

9. Request the NRC be prohibited from ever using the term, "it is before the ROP [Reactor Oversight Process] overhaul and it is of no concern of the NRC."

   This request is not within the scope of 2.206 process.

10. State that in case of OIG involvement, it should be an open NRC OIG process; mostly the investigation should be accurate, swift and open.

    This is not within the scope of the 2.206 process. The petition was forwarded to the OIG.

The NRC staff informed you of the PRB's initial determination on February 15, 2011, and you requested a second opportunity to address the PRB.

On March 2, 2011, you addressed the PRB via a transcribed teleconference in response to the PRB's initial recommendation. The PRB determined that the information you provided pertaining to the inspection activities associated with the AOG piping tritium leak 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. ML110680070.

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

Thank you for your interests in these matters.

Sincerely,

Theodore R Quay

Theodore R. Quay, Deputy Director
Division of Policy and Rulemaking
Office of Nuclear Reactor Regulation

Docket No. 50-271

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/ra/

Theodore R. Quay, Deputy Director
Division of Policy and Rulemaking
Office of Nuclear Reactor Regulation

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