



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

August 7, 2013

Mr. Timothy Judson, President
Citizens Awareness Network
599 East 7th Street, #6D
Brooklyn, NY 11218

Dear Mr. Judson:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your electronic transmission dated March 18, 2013, as supplemented on April 23, June 28, and July 22, 2013. You submitted a petition, pursuant to Title 10, Section 2.206, "Requests for action under this subpart," of the *Code of Federal Regulations* (10 CFR) to the Executive Director for Operations (EDO) of the NRC regarding the financial qualifications for the James A. Fitzpatrick Nuclear Power Plant (Fitzpatrick), the Vermont Yankee Nuclear Power Station (Vermont Yankee), and the Pilgrim Nuclear Power Station (Pilgrim). On behalf of Alliance for a Green Economy, Citizens Awareness Network, Vermont Citizens Action Network, Pilgrim Watch, and Beyond Nuclear (hereafter referred to as "the petitioners"), you requested that the NRC: (1) suspend the Entergy Nuclear Operations, Inc. (Entergy) licenses to operate Fitzpatrick and Vermont Yankee; (2) investigate whether Entergy possesses sufficient funds to cease operations and to decommission the FitzPatrick and Vermont Yankee reactors, per 10 CFR 50.75; and (3) investigate Entergy's current financial qualifications per 10 CFR 50.33(f)(5) for Pilgrim to determine whether the licensee remains qualified to continue safe operation of the facility.

The full text of your request is publicly available on the NRC's Web site, www.nrc.gov, through the Agencywide Documents Access and Management System (ADAMS), using Accession Nos. ML13079A022, ML13133A161, ML13184A109, and ML13205A251, respectively. The EDO assigned your petition to the Office of Nuclear Reactor Regulation (NRR) for review. Management Directive (MD) 8.11, "Review Process for 10 CFR 2.206 Petitions," which is publicly available (ADAMS Accession No. ML041770328), describes the NRC's review process for 10 CFR 2.206 petitions.

On March 27, 2013, the NRR petition manager contacted you by electronic mail (e-mail) to describe the 10 CFR 2.206 process. You were also offered an opportunity to address NRR's 2.206 Petition Review Board (PRB) to discuss your petition request during an NRC public meeting, which you accepted.

On April 8, 2013, the PRB met internally to discuss your request for immediate action. On April 15, 2013, the NRR petition manager informed you of the PRB's decision to deny the request for immediate action, concluding that Entergy's financial situation does not pose an immediate danger to public health and safety and the environment based on the following:

- The immediate or emergency shutdown of Fitzpatrick and Vermont Yankee, as requested by the petitioners, was not necessary to protect public health and safety and the environment.

- The NRC relies on multiple engineered barriers and multiple levels of reactor oversight that have been established through NRC regulations to provide reasonable assurance of adequate protection of public and health and safety and the environment. Emergent safety concerns are promptly assessed through the NRC's Reactor Oversight Process, which requires that licensees take prompt corrective action to resolve safety concerns. Onsite resident inspectors monitor the day-to-day operations at the plant, providing additional assurance of the safe operation.
- The NRC issued a Request for Additional Information regarding its 10 CFR 50.33 financial qualification review to Vermont Yankee; the licensee's response is currently under NRC review. If further NRC inquiry determines that Entergy's financial qualifications pose an immediate danger to the public health and safety and the environment, the NRC will take appropriate action to address the concern.

On May 7, 2013, you along with the petitioners, met with the PRB during an NRC public meeting (ADAMS Accession No. ML13108A328) to discuss your petition. The transcript of that meeting is publicly available at ADAMS Accession No. ML13135A001.

On May 21, 2013, the PRB met internally to discuss your petition, as supplemented on April 3, and May 7, 2013. The PRB's initial recommendation was that your petition met the criteria for review in accordance with MD 8.11, Section III.C, "Criteria for Reviewing Petitions Under 10 CFR 2.206."

On May 25, 2013, the NRR petition manager informed you of the PRB's initial recommendation and offered you a second opportunity to address the PRB. You did not request a second opportunity to address the PRB. The PRB's final recommendation is to accept your petition for review under 10 CFR 2.206.

As provided by 10 CFR 2.206, we will take action on your request within a reasonable amount of time. I have assigned Mr. Richard Guzman to be the petition manager for this petition. Mr. Guzman can be reached by telephone at 301-415-1030 or by e-mail at Richard.Guzman@nrc.gov.

Enclosed for your information is a copy of the notice (Enclosure 1) that is being filed with the Office of the *Federal Register* for publication. Also, enclosed for your information is a copy of Management Directive 8.11, "Review Process for 10 CFR 2.206 Petitions," (Enclosure 2) along with the associated brochure NUREG/BR-0200, "Public Petition Process," (Enclosure 3) prepared by the NRC Office of Public Affairs.

T. Judson

- 3 -

I would like to express my appreciation for your effort in bringing these matters to the attention of the NRC.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric J. Leeds" with a stylized flourish at the end.

Eric J. Leeds, Director
Office of Nuclear Reactor Regulation

Enclosures:

1. *Federal Register* Notice
2. MD 8.11
3. NUREG/BR-0200

cc w/encl 1: Listserv

Ms. Deb Katz, Executive Director
Citizens Awareness Network
P.O. Box 83
Shelburne Falls, MA 01370

Ms. Jessica Azulay, Organizer
Alliance for a Green Economy
2013 E. Genesee Street
Syracuse, NY 13210

Ms. Mary Lampert, Director
Pilgrim Watch
148 Washington Street
Duxbury, MA 02332

Mr. Chris Williams, President
Vermont Citizens Action Network
P.O. Box 16
Hancock, VT 05748

Mr. Paul Gunter, Director
Reactor Oversight Project, Beyond Nuclear
6930 Carroll Avenue, Suite 400
Takoma Park, MD 20912

Enclosure 1

Federal Register Notice

ADAMS Accession No. ML13154A331

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-333, 50-271, and 50-293; NRC-2013-xxxx]

Entergy Nuclear Operations, Inc., James A. Fitzpatrick Nuclear Power Plant,

Vermont Yankee Nuclear Power Station, Pilgrim Nuclear Power Station

Request for Action

AGENCY: Nuclear Regulatory Commission.

ACTION: Request for Action; receipt.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC or the Commission) is giving notice that by petition dated March 18, 2013, as supplemented on April 23, June 28, and July 22, 2013, Timothy Judson, the petitioner, on behalf of Alliance for a Green Economy, Citizens Awareness Network, Vermont Citizens Action Network, Pilgrim Watch, and Beyond Nuclear (hereafter referred to as "the petitioners") has requested that the NRC take action with regard to James A. Fitzpatrick Nuclear Power Plant, Vermont Yankee Nuclear Power Station, and Pilgrim Nuclear Power Station. The petitioners' requests are included in the **SUPPLEMENTARY INFORMATION** section of this document.

ADDRESSES: Please refer to Docket ID <NRC-2013-XXXX> when contacting the NRC about the availability of information regarding this document. You may access information related to this document, which the NRC possesses and is publicly available, using the following methods:

- **Federal Rulemaking Web site:** Go to <http://www.regulations.gov> and search for Docket ID <NRC-2013-XXXX>. Address questions about NRC dockets to Carol Gallagher; telephone: 301-492-3668; e-mail: Carol.Gallagher@nrc.gov. For technical questions, contact

the individual(s) listed in the FOR FURTHER INFORMATION CONTACT section of this document.

- **NRC's Agencywide Documents Access and Management System (ADAMS):**

You may access publicly available documents online in the NRC Library at <http://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "ADAMS Public Documents" and then select "Begin Web-based ADAMS Search." For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1-800-397-4209, 301-415-4737, or by e-mail to PDR.Resource@nrc.gov. The ADAMS accession number for each document referenced in this notice (if that document is available in ADAMS) is provided the first time that a document is referenced.

- **NRC's PDR:** You may examine and purchase copies of public documents at the NRC's PDR, Room O1-F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

SUPPLEMENTARY INFORMATION:

On March 18, 2013 (ADAMS Accession No. ML13079A022), the petitioners requested that the NRC take action with regard to James A. Fitzpatrick Nuclear Power Plant (Fitzpatrick), Vermont Yankee Nuclear Power Station (Vermont Yankee), and Pilgrim Nuclear Power Station (Pilgrim). The petitioners supplemented the petition on April 23, June 28, and July 22, 2013 (ADAMS Accession Nos. ML13133A161, ML13184A109, and ML13205A251, respectively). The petitioners met with the Petition Review Board (PRB) on May 7, 2013, to discuss the petition; the transcript of that meeting is an additional supplement to the petition (ADAMS Accession No. ML13135A001). The petitioners request that the NRC take enforcement action against Entergy Nuclear Operations, Inc. (Entergy) to: (1) suspend operations at Fitzpatrick and

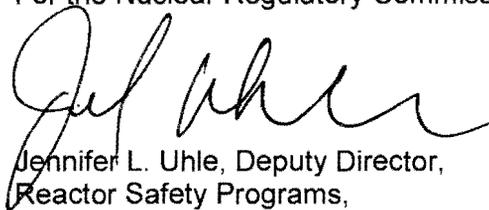
Vermont Yankee; (2) investigate whether Entergy possesses sufficient funds to cease operations and to decommission the Fitzpatrick reactor and Vermont Yankee reactor, per Title 10 of the *Code of Federal Regulations* (10 CFR), Part 50, Section 75 (10 CFR 50.75); and (3) investigate Entergy's current financial qualifications per 10 CFR 50.33(f)(5) for Pilgrim to determine whether the licensee remains qualified to continue safe operation of the facility.

As the basis for this request, the petitioners state that Entergy no longer meets the financial qualifications requirements to possess the licenses and operate Fitzpatrick and Vermont Yankee, pursuant to 10 CFR 50.80(b)(1)(i) and 10 CFR 50.33(f)(2) and that Entergy may no longer meet the same licensing requirements for Pilgrim.

The request is being treated pursuant to 10 CFR 2.206 of the Commission's regulations. The request has been referred to the Director of the Office of Nuclear Reactor Regulation. As provided by 10 CFR 2.206, appropriate action will be taken on this petition within a reasonable time.

Dated at Rockville, Maryland, this 7th day of August 2013.

For the Nuclear Regulatory Commission.

A handwritten signature in black ink, appearing to read "Jennifer L. Uhle". The signature is fluid and cursive, with a large initial "J" and a long, sweeping underline.

Jennifer L. Uhle, Deputy Director,
Reactor Safety Programs,
Office of Nuclear Reactor Regulation.

I would like to express my appreciation for your effort in bringing these matters to the attention of the NRC.

Sincerely,

/RA by JUhle for/

Eric J. Leeds, Director
Office of Nuclear Reactor Regulation

Enclosures:

- 1. *Federal Register* Notice
- 2. MD 8.11
- 3. NUREG/BR-0200

cc w/encl 1: Listserv

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See next page

ADAMS Accession Nos.

ML13154A304 (Package)	ML13079A022 (Incoming petition)
ML13154A313 (Acknowledgement Letter)	ML13154A331 (<i>Federal Register</i> Notice)
ML050900248 (NUREG/BR-0200)	ML041770328 (Management Directive 8.11) *Concurrence via e-mail

OFFICE	PM/LPL1-1	LA/LPL1-1*	PM/DPR*	BC/LPL1-1(A)	D/DORL	D/NRR
NAME	RGuzman	KGoldstein	TMensah	RBeall	MEvans	JUhle for ELeeds
DATE	06/04/13	06/10/13	06/03/13	06/10/13	06/19/13	8/7/13

Letter to Timothy Judson from Eric Leeds dated August 7, 2013.

SUBJECT: Acknowledgement Letter on Timothy Judson 2.206 - James FitzPatrick
/Pilgrim/Vermont Yankee Nuclear Power Stations

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