



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

July 24, 1991

The Honorable John F. Kerry
United States Senate
Washington, D. C. 20510

Dear Senator Kerry:

This is in response to your letter of June 25, 1991, to Chairman Carr regarding the Yankee Rowe facility. In that letter you noted that serious safety concerns about the Yankee Rowe reactor vessel were raised at the September 5, 1990, hearing of the U.S. Nuclear Regulatory Commission's (NRC's) Advisory Committee on Reactor Safeguards (ACRS). You also referred to a petition submitted by the Union of Concerned Scientists (UCS) and the New England Coalition on Nuclear Pollution (NECNP).

By way of background, on August 31, 1990, the NRC staff issued a safety assessment of the Yankee Rowe reactor vessel (copy enclosed) and concluded that there was reasonable assurance that the facility could be operated safely for an additional operating cycle, currently expected to be completed in early 1992. Before authorizing operation for the current cycle, the staff thoroughly considered the views of Dr. Pryor N. Randall, an NRC technical staff member who disagreed with the staff's August 31, 1990, safety assessment. Subsequently, the ACRS reviewed the Yankee Rowe reactor vessel issues, including the views of Dr. Randall. The ACRS reported favorably regarding operation of the facility for the additional operating cycle.

On June 4, 1991, the UCS and the NECNP petitioned the NRC, pursuant to the provisions of Section 2.206 of Title 10 of the Code of Federal Regulations (10 CFR 2.206), to immediately shut down Yankee Rowe. On June 25, 1991, the Director of the Office of Nuclear Reactor Regulation responded to the petitioners, stating that the NRC staff had found that the Yankee Rowe facility does not pose an undue risk to the public health and safety and that he would not require immediate action to shut down the facility. Consistent with 10 CFR 2.206, the Director also stated that the NRC will further address the specific issues raised by the petitioners and prepare a detailed response. Copies of documents referred to above are enclosed.

The regulations contained in 10 CFR 2.206 contemplate that some cases may be of sufficient public importance that the Commission itself should make the final decision of whether or not to order plant shutdown in view of issues raised by the petitioner. The Commission believes that the forthcoming staff decision, beyond the Director's Decision on the immediate shutdown request, is such a case.

As you are aware, the Commission held a public meeting on July 11, 1991, at its Rockville, Maryland, office to discuss the reactor vessel issues with the Union of Concerned Scientists, New England Coalition on Nuclear Pollution, the licensee, and the NRC staff. At that meeting, I outlined how the Commission will proceed with decisionmaking in this case. The staff conducted public

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meetings on July 22 and July 23, 1991, near the Yankee Rowe plant. At these meetings, they discussed the technical issues with the licensee and received public comments on the technical merits of the positions of the licensee, the Union of Concerned Scientists, the New England Coalition on Nuclear Pollution, and the staff. The staff is now further reviewing specific issues raised in the petition. As part of this process, the NRC staff will consider all the technical information available to them, including information supplied by the licensee, information developed by the staff, the views of the Advisory Committee on Reactor Safeguards, the differing opinion of Dr. Randall, and views contained in the petition itself. The staff will make a recommendation to the Commission concerning a final response to the petition, upon which the Commission will vote based on its consideration of the submittals of all interested parties. The staff's recommendation will be made public promptly. We expect to receive the staff's recommendation later this month. A final decision on the petition will be made by the Commission, probably on July 31, 1991.

Regardless of the action taken on the petition, the Commission expects that the current uncertainties in several of the factors affecting the safety decision will be reduced by research programs being undertaken by the licensee. With that information, the staff will reassess the safety of continued operation. Again, the staff will provide its recommendation to the Commission, and the Commission will decide on the question after full consideration of relevant materials.

You expressed concerns regarding license renewal for Yankee Rowe. To our knowledge, the licensee has not made a final decision on, nor submitted an application for, renewal of its operating license, even though it has participated actively in related rulemaking activities. If the licensee does seek license renewal, the NRC decision on the matter will depend upon the sufficiency of the licensee's application, including supporting technical analyses, and an extensive review that will provide an opportunity for public participation.

I consider this matter to be of immediate and high priority, and I want to assure you that the Commission will continue to take the appropriate actions to provide adequate protection to the public health and safety.

Sincerely,



Ivan Selin

Enclosures:

1. Safety Assessment dated 8/31/90
2. Four memoranda between Dr. Randall and the NRC staff
3. Letter to D. Curran from T. Murley dated 6/25/91

JOHN - INSIDE OF THIS HOUR IT IS A PLEASURE TO BE HERE

B. H.
W. H.

JOHN KERRY
MASSACHUSETTS

United States Senate

WASHINGTON, DC 20510-2102

June 25, 1991

Kenneth M. Carr, Chairman
U.S. Nuclear Regulatory Commission
Washington, D.C. 20556

Dear Chairman Carr,

We are writing to request your agency's expeditious review of information which raises serious safety concerns at the Yankee Rowe nuclear power plant.

Last September, serious safety concerns regarding the reactor vessel at Yankee Rowe were raised at a hearing of the NRC's Advisory Committee on Reactor Safeguards on September 5, 1990. Staff witness, Neal Randall, testified at the hearing that restarting the plant was neither safe nor justified. Following the hearing, Carlyle Michelson, Chairman of the Advisory Committee on Reactor Safeguards, transmitted in a letter to you concerns about the integrity of Yankee Rowe's reactor vessel. The Union of Concerned Scientists (UCS) and the New England Coalition on Nuclear Pollution submitted a petition to your agency on June 4, 1991, which contends that the reactor vessel has become so embrittled as to be in violation of your agency's own requirements for safety, threatening the health and welfare of the citizens in the region. This allegation is especially serious because there is no backup to prevent a meltdown in the event of a pressure vessel rupture.

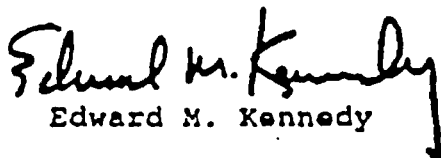
These are extremely troubling allegations and ones which warrant an immediate investigation in order to determine their validity. We ask that the NRC formally demonstrate that Yankee Rowe is in full compliance with the NRC's safety requirements. We also request that this review be personally conducted by you and your fellow commissioners and not staff who have already recorded the problems with the Yankee Rowe nuclear power plant. The recommendation of the Advisory Committee on Reactor Safeguards that the condition of the reactor vessel may substantially exceed the action level in the pressurized thermal shock rule reinforces the necessity for immediate action on the part of the agency.

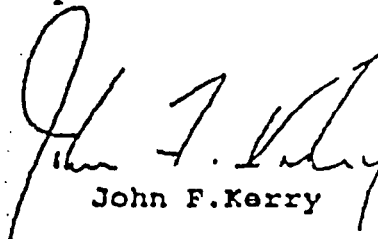
The Yankee Rowe Nuclear Power plant is up for license renewal in the year 2000, however as you probably realize, Yankee Rowe is expected to file for a twenty year licence renewal sometime later this year. It will be the first nuclear power plant in the

Country to attain the 40 year bench mark and will be the subject of much scrutiny regarding whether it can safely continue to operate. We expect that every measure will be taken by the NRC to determine the ability of Yankee Rowe to produce safe energy well into the next century.

The citizens of Massachusetts and Vermont who reside near the facility deserve nothing less than a full and thorough investigation into this matter. If answers to the questions which have been raised are not adequately addressed, the plant should not continue to operate. The safety of our citizens cannot be compromised and complete information regarding all uncertainties must be obtained. We thank you for your time and consideration on this matter and eagerly await your response.

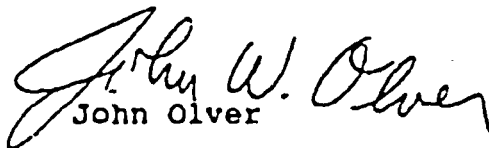
Sincerely,


Edward M. Kennedy


John F. Kerry


Patrick Leahy


Edward Markey


John Oliver


Bernard Sanders

cc: Rep. Dingell