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FINAL REPLY:

David A. Gibson  
Secretary of the Senate  
State of Vermont

TO:

Chairman Diaz

FOR SIGNATURE OF : \*\* GRN \*\*

CRC NO: 04-0187

Dyer, NRR

DESC:

ROUTING:

Entergy Nuclear Vermont Yankee Senate Resolution  
21 - Independent Engineering Assessment

Travers  
Norry  
Paperiello  
Kane  
Collins  
Dean  
Burns/Cyr  
Miller, RI

DATE: 04/01/04

ASSIGNED TO: CONTACT:

NRR

Dyer

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STATE OF VERMONT  
OFFICE OF THE SECRETARY OF THE SENATE  
STATE CAPITOL  
MONTPELIER, VT 05633-5501

March 17, 2004

CHAIRMAN REC'D  
04 MAR 30 AM 10:38

Honorable Nils J. Diaz  
Chair, Nuclear Regulatory Commission  
Office of Public Affairs  
Washington, D.C. 20555

Re: Entergy Nuclear Vermont Yankee  
Senate Resolution 21

Dear Mr. Diaz:

Enclosed please find a copy of Vermont Senate Resolution 21, urging the federal Nuclear Regulatory Commission to condition approval of any power uprate at Entergy Nuclear Vermont Yankee upon performance of an independent engineering assessment.

This resolution was adopted by the Vermont Senate on March 17, 2004.

Yours truly,

A handwritten signature in black ink that reads "David A. Gibson".

David A. Gibson  
Secretary of the Senate

DAG/rtq

# State of Vermont

## Senate Chamber



Montpelier, Vermont

### Senate Resolution

By Senators Cummings, Ayer, Gander, MacDonald and White,

**S.R. 21.** Senate resolution urging the federal Nuclear Regulatory Commission to condition approval of any power uprate at Entergy Nuclear Vermont Yankee upon performance of an independent engineering assessment.

*Whereas*, Vermont Yankee is a 540 megawatt nuclear generating station located in Vernon, Vermont, and

*Whereas*, Vermont Yankee began operation in 1972, and

*Whereas*, Vermont Yankee was purchased by Entergy Nuclear in 2002, and

*Whereas*, Entergy now proposes to perform an extended power uprate of the facility, increasing reactor power and electric output of Vermont Yankee by 20 percent, and

*Whereas*, Vermont Yankee is one of 103 operating nuclear power plants in the United States, and

*Whereas*, only 10 nuclear plants have performed an extended power uprate of 13 percent or more, and

*Whereas*, no nuclear plant as old as Vermont Yankee has ever been granted such a power increase, and

*Whereas*, a reactor power uprate of 20 percent is the maximum permitted limit of extended power uprates, and

*Whereas*, a 20 percent power uprate for a 32 year old facility is without precedent, and

*Whereas*, prior to increasing the plant's power output, the approval of regulatory bodies, including the federal Nuclear Regulatory Commission (NRC) and the Public Service Board (PSB), is required, and

*Whereas*, a comprehensive analysis of an uprate proposal requires that federal regulatory authorities have access to a comprehensive and objective inspection report detailing all aspects of Vermont Yankee's physical condition and operational status before making any regulatory decisions which can have an impact on the safety of Vermont Yankee employees and the residents of the surrounding communities, and

*Whereas*, the safety of the Vermont Yankee facility, its employees, and nearby residents is a matter of great concern to Vermont Yankee, to all citizens of Vermont and the General Assembly, and

*Whereas*, the Public Service Board made its approval of the uprate request on March 15, 2004 contingent on an "independent engineering assessment" being completed prior to NRC approval, *now therefore be it*

#### *Resolved by the Senate:*

That this legislative body urges the NRC to condition approval of any uprate at the Vermont Yankee nuclear power facility upon performance of an "independent engineering assessment" being completed at Entergy Nuclear Vermont Yankee as called for in the Public Service Board ruling and which independently:

1) Assesses the conformance of the facility to its design and licensing bases, for operating at both 100 percent and 120 percent of its originally intended power production level;

2) Identifies all deviations, exemptions and/or waivers from (a) regulatory requirements applicable to Vermont Yankee and (b) regulatory requirements applicable to a new nuclear reactor (i.e. today's safety regulations) and verifies that adequate safety margins are retained despite the cumulative effect of such deviations, exemptions, and/or waivers for both the present licensed power level and under the proposed extended power uprate;

3) Assesses the facility's operational safety performance giving risk perspectives where appropriate;

4) Evaluates the effectiveness of licensee self-assessments, corrective actions, and improvement plans; and

5) Determines the root cause(s) of safety-significant findings and draws conclusions on overall performance, and be it further

**Resolved:** That the Secretary of the Senate be directed to send copies of this resolution to Nils J. Diaz, NRC Chair, to Governor James H. Douglas, and to David O'Brien, Public Service Commissioner.

Brian J. Iorio  
PRESIDENT OF THE SENATE

ATTESTED TO:

David A. Gibson  
David A. Gibson  
Secretary of the Senate

DATE: March 17, 2004

