

EDO Principal Correspondence Control

FROM: DUE: 01/14/05 EDO CONTROL: G20040831
DOC DT: 12/07/04
FINAL REPLY:

Raymond Shadis
New England Coalition

TO:

Reyes, EDO

FOR SIGNATURE OF :

** GRN **

CRC NO:

Dyer, NRR

DESC:

ROUTING:

2.206 - Degraded Emergency Notification System at
Vermont Yankee Nuclear Power Station

Reyes
Virgilio
Kane
Merschhoff
Norry
Dean
Burns
Zimmerman, NSIR
Collins, RI
Cyr, OGC
Skay, NRR
Goldberg, OGC

DATE: 12/10/04

ASSIGNED TO:

CONTACT:

NRR

Dyer

SPECIAL INSTRUCTIONS OR REMARKS:

Template: EDO-001

E-RIDS: EDO-01

New England Coalition
VT . NH . ME . MA . RI . CT . NY
POST OFFICE BOX 545, BRATTLEBORO, VERMONT
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on Nuclear Pollution

By U.S. Mail, FAX [301-415-2700] and by e-mail[lar1@nrc.gov]

December 7, 2004

Mr. Luis A. Reyes
Executive Director for Operations
Mail Stop 016E15
U.S. Nuclear Regulatory Commission
Washington, DC 20555

SUBJECT: REQUEST FOR EXPEDITED NRC ACTION UNDER 10 CFR 2.206
TO ADDRESS DEGRADED EMERGENCY NOTIFICATION SYSTEM
AT VERMONT YANKEE NUCLEAR POWER STATION (DKT. 50-271)

Dear Mr. Reyes

As you are aware, NRC has recently cited Entergy Nuclear Vermont Yankee Power Station for failure to keep complete and accurate records with respect to members of the public purportedly served by the station's emergency warning system.

Of much greater importance is the fact that presently physical components of the public warning system are inoperable. This system depends, in large part, upon special radio receivers that are set to alarm on signal in the event of an emergency pending, or actual radiological release.

To our best knowledge only the Vermont towns of Vernon and Brattleboro utilize emergency warning sirens.

Remaining towns within the Emergency Planning Zone ("EPZ") all rely on emergency alert radios. Those towns include: Vermont towns of Guilford, Halifax, and Dummerston, and Marlboro; New Hampshire towns of Chesterfield, Hinsdale, Winchester, Richmond, and Swanzey; and Massachusetts towns of Leyden, Bernardston, Gill, Northfield, Warwick, Colrain, and Greenfield.

Recently residents of the EPZ have drawn our attention to the fact that many radios, if not most or all radios, are not working, are not receiving or annunciating a periodic test signal, and lack simple, inexpensive contemporary reliability and safety

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features. News of this situation has been confirmed by Vermont's Emergency Management Agency, which adds that the problems are perennial, in some cases intermittent, and so far without solution.

Notice

New England Coalition herein notifies NRC that Entergy Nuclear's Vermont Yankee Power Station public warning system is not operable and cannot at this time pass minimum standards of operability under 10 CFR 50, Appendix E, § (D)¹, (E), and other applicable regulation. The public warning system certainly is not in any condition where, in the event of an accident, public safety could be adequately assured. If an accident resulting in a large early release of radionuclides were to take place today, there would be no way to give timely warning to a significant number of EPZ residents.

Repeated failures over time of both physical components and human performance in the area of emergency response/emergency notification at Entergy Nuclear Vermont Yankee are cumulatively sufficient for a determination that Entergy Nuclear's Vermont Yankee Power Station is operating without a functional Emergency Response Plan and that there are serious systemic flaws in licensee management and operations. These summary statements of notice are further discussed below.

Request for Action

New England Coalition, a non-profit membership organization incorporated in the State of Vermont, now requests under provisions set forth in the Code of Federal Regulations (10 CFR 2.206), that the U.S. Nuclear Regulatory Commission act immediately to restore reasonable assurance of adequate protection of public health and safety that is now degraded by the failure of emergency public warning systems, which may be found described in Entergy Nuclear Vermont Yankee Power Station Emergency Response Plans as required under 10 CFR 50.47 (b).²

¹ 10 CFR 50, Appendix E (D) states, "The design objective of the prompt public notification system shall be to have the capability to essentially complete the initial notification of the public within the plume exposure pathway EPZ within about 15 minutes. The use of this notification capability will range from immediate notification (within 15 minutes of the time that State and local officials are notified that a situation exists requiring urgent action) to the more likely events where a more substantial amount of time is available for the State and local government officials to make a judgment whether or not to activate the notification system."

² New England Coalition is aware of the four month period allowed for the correction of emergency plan deficiencies in 10CFR 50.54(s)(2), however, based upon information and belief, we assert that Entergy Nuclear Vermont Yankee has been aware this system and component failure, as well as the encompassing

- Specifically, New England Coalition requests, for the above stated reasons and on the basis of information set forth below, that until such time as the licensee has provided a workable emergency warning or alert system and NRC has verified its operability, NRC order cold shutdown of the Entergy Nuclear Vermont Yankee reactor and/or take other such action as is within NRC's discretion to restore reasonable assurance of adequate protection of public health and safety.

Also,

New England Coalition asserts, upon information and belief that the licensee has established in recent years an extremely poor record in the area of emergency response with wholly inadequate quality assurance, root-cause analysis, and corrective action following procedural, human error, and system failures. For example, the most recent emergency exercise was shot through with organizational and communications failures that duplicated those of the previous exercise. During the April 2004 transformer fire, operators displayed a shocking unfamiliarity with use of the dedicated emergency notification telephones; ultimately abandoning them to use ordinary phones. In another recent instance, an emergency transmitter generator was inadvertently activated when a utility lineman disconnected power supply lines. The generator then ran until partially filled fuel tanks were exhausted; all without being detected by the licensee.

We believe that the perennial and widespread nature of these many failures would lead any competent reviewer to reasonably conclude that the origin of these failures is systemic.

- Therefore, New England Coalition also requests that NRC undertake a review of all inspection findings and licensee documents related to emergency response and notification and take other such other steps as professionalism, NRC guidance, and regulation dictate to **determine extent of condition**, including, but not limited to, extent of condition as it may affect emergency response, quality assurance, root cause analysis, and the licensee's corrective action program.

The preponderance of evidence shows that Entergy Nuclear's Vermont Yankee Power Station does not now have an effective and functional Emergency Response Plan,

systemic failures since due diligence examination of the plant and plant operations preceding Entergy's purchase of the plant in July, 2002.

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nor has it been able demonstrate an effective and functional Emergency response plan for more than two years.

- Therefore, New England Coalition requests that the licensee be required to provide for an independent audit of the Emergency Response plan (including its assumptions, methodologies, human and component performance) to determine the extent to which the plan is functional and the degree to which it provides reasonable assurance of adequate public health and safety through all the various gradients of accidents assumed in 10 CFR 50. Appendix E.

By way of example, New England Coalition respectfully directs NRC's attention to an August 2, 2002 report of a study on the functional quality of emergency response plans for the Indian Point Energy Center performed by James Lee Witt Associates and commissioned by the State of New York.

Additional Considerations

Additionally, it should be noted NRC tolerance of such poor licensee practices, as exhibited by poorly planned and executed emergency plans, encourages poor, and possibly unsafe, licensee practices in general.

In restoring the emergency notification system, if it is decided to continue with the radio alert systems, certain practicalities and improvements should be considered.

- Licensee personnel should be periodically test radios in their functional locations and conditions. The burden of checking radio batteries and replacing them falls to the affected public and it is a fact that many people forget to maintain the radios.
- Replacement radios should include a "chirp" function, similar to that in smoke detectors, that will warn users when batteries are low.
- Rugged weatherproof compact personal alert radios should be provided for those citizens who work in the outdoors.
- Distribution of new alert radios also provides an opportunity, which should be seized, for the distribution of potassium iodide thyroid blocking tablets and printed emergency instructions.

Permitting Entergy Nuclear's Vermont Yankee Power Station to continue operation with a seriously flawed Emergency Response Plan is to put the licensee's

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convenience and economic well-being in higher priority than the obvious increase in risk to the health and safety of EPZ residents.

Conclusion

Of primary interest, is that US NRC takes **immediate and decisive action**.

If in your opinion, prompt action cannot be taken through the 10 CFR 2.206 process, then New England Coalition urges that the NRC exercise its statutory discretion to **halt power operation** if emergency warning system operability cannot be assured and to do so prior to screening New England Coalition's letter for acceptance into the 2.206 process.

New England Coalition now eagerly awaits a response. Please address all correspondence on this matter to my address below.

Thank you for your prompt attention,



Raymond Shadis
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Cc: Chairman Nils J. Diaz, US NRC
US Senator Patrick Leahy
US Senator James Jeffords
US Representative Bernie Sanders
Governor James Douglas

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FAX- 6 PAGES, INCLUDING THIS ONE.
12/09/04

MR LUIS A. REYES, EDO
USNRC

301-415-2700

FROM. R.SHADIS
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Please confirm receipt via e-mail to shadis@prexar.com

Thank you



Raymond Shadis