

From: Rick Ennis *RE*
To: A. Randolph Blough; Allen Howe; Anthony McMurtray; Beth Sienel; Brian Holian; Brian Sheron; Cliff Anderson; Darrell Roberts; David Pelton; Diane Screnci; Donald Florek; Elizabeth Hayden; Eric Leeds; Hubert J. Miller; Linda Portner; Neil Sheehan; Paul Lohaus; Rosetta Virgilio; Sue Gagner; Tad Marsh; Thomas Madden; William Ruland
Date: Tue, Mar 16, 2004 12:23 PM
Subject: Fwd: VT Senate resolution regarding independent engineering assessment

Attached is a resolution passed this morning by the Vermont Senate. The resolution goes way beyond the definition of the independent assessment in the PSB request. The resolution states that a copy will be sent to Chairman Diaz.

E-10

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Subject: Fwd: VT Senate resolution regarding independent engineering assessment

Creation Date: Tue, Mar 16, 2004 12:23 PM

From: Rick Ennis

Created By: RXE@nrc.gov

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ROV (Rosetta Virgilio)	Opened	03/16 1:30 PM
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ACM2 (Anthony McMurtray)	Opened	03/16 12:30 PM
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AGH1 (Allen Howe)	Opened	03/16 4:01 PM
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LEP (Linda Portner)	Opened	03/16 5:53 PM
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MESSAGE	676	Tuesday, March 16, 2004 12:23 PM

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From: "Sherman, William" <William.Sherman@state.vt.us>
To: "Paul Lohaus (E-mail)" <PHL@nrc.gov>, "Rosetta Virgilio (E-mail)" <ROV@nrc.gov>
Date: Tue, Mar 16, 2004 11:32 AM
Subject: VT Senate resolution regarding independent engineering assessment

For your information, the attached resolution was passed unanimously by the Vermont Senate this morning. 28-0. (2 senators absent).

<<senate resolution indep engr assessment.pdf>>

CC: "susanne_fleek@leahy.senate.gov" <susanne_fleek@leahy.senate.gov>, "mary_repko@epw.senate.gov" <mary_repko@epw.senate.gov>, "David McElwee (E-mail)" <dmcclwe@entergy.com>, "Rick Ennis (E-mail)" <rxe@nrc.gov>, "Dave Pelton (E-mail)" <dlp1@nrc.gov>, "Beth S (E-mail)" <bek@nrc.gov>

TO THE HONORABLE SENATE

The Committee on Finance, to which was referred Senate Bill S.R.21, entitled "Senate resolution urging state and federal regulatory authorities to proceed with great caution in considering authorization of the proposed extended power uprate at Vermont Yankee."

respectfully report that they have met and considered the same and recommend that the bill be amended striking all after the enacting clause and inserting in lieu thereof the following:

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 the 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.