

December 7, 2005

Mr. Jonathan M. Block  
94 Main Street  
P.O. Box 566  
Putney, VT 05346

Dear Mr. Block:

Your petition dated October 11, 2005, addressed to Mr. Luis Reyes, Executive Director for Operations at the Nuclear Regulatory Commission (NRC) has been referred to me pursuant to Section 2.206 of Title 10 of the *Code of Federal Regulations* (10 CFR 2.206). You requested that the NRC issue an emergency order for a temporary closure or de-rating of the Vermont Yankee Nuclear Power Station (VY) as a result of flooding and storm damage to the city of Keene, the town of Hinsdale, and other portions of New Hampshire that are part of existing evacuation routes for VY in an emergency event and within the effluent pathway.

In a teleconference on October 18, 2005, the NRC Petition Manager, Mr. James Shea, informed you that your emergency request for temporary plant closure or de-rating was denied, based on an evaluation by the Department of Homeland Security, Federal Emergency Management Agency (DHS/FEMA) regarding the State of New Hampshire's establishment of alternate evacuation routes during the recent flooding. In that teleconference, you raised additional concerns about whether FEMA and the State of New Hampshire have plans for an evacuation if an event were to occur at VY simultaneously with a natural disaster such as the recent flooding. Specifically, you were concerned with how people would evacuate from the city of Keene and the town of Hinsdale while roads were flooded and if there were alternative assembly points and decontamination centers for people who normally would evacuate through these flooded areas. Finally, you asked what the NRC is doing to ensure that contingency evacuation plans are in place.

On October 26, 2005, we informed you that your additional concerns regarding emergency planning had been accepted for review by the NRC staff pursuant to Section 2.206 of the Commission's regulations. You also were informed that we would take action by including the enclosed proposed Director's Decision with this petition acknowledgment letter and address your original petition along with your additional concerns regarding evacuation planning during a VY event simultaneously occurring with a natural disaster. Please provide comments to me on any portions of the proposed decision that you believe involve errors and on any issues in the petition that you believe have not been fully addressed. The NRC staff is making a similar request of the licensee. The NRC staff will then review any comments provided by you and the licensee, and consider them in the final version of the Director's Decision with no further opportunity to comment.

Please provide your comments within 30 days of the date of this letter.

J. M. Block

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For your information, I have enclosed a copy of the notice regarding your petition, that is being filed with the Office of the Federal Register for publication. Additionally, Management Directive 8.11, "Review Process for 10 CFR 2.206 Petitions," and the associated brochure NUREG/BR-0200, "Public Petition Process," prepared by the NRC Office of Public Affairs are available in ADAMS under Accession Nos. ML041770328 and ML013600445.

Please feel free to contact Mr. James Shea, Petition Manager, at 301-415-1388 to discuss any questions related to this petition.

Sincerely,

*/RA/*

Catherine Haney, Director  
Division of Operating Reactor Licensing  
Office of Nuclear Reactor Regulation

Docket No. 50-271

Enclosures: 1. *Federal Register* Notice  
2. Proposed Director's Decision

cc w/encls: See next page

J. M. Block

-2-

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Sincerely,

/RA/

Catherine Haney, Director  
Division of Operating Reactor Licensing  
Office of Nuclear Reactor Regulation

Docket No. 50-271

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cc w/encl: See next page

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Package: ML053140204

Incoming: ML052910172

Response: ML053140197

Proposed Director's Decision: ML053140216

Federal Register Notice: ML053140207

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DISTRIBUTION FOR LETTER TO JONATHAN M. BLOCK RE: REQUEST FOR EMERGENCY  
ENFORCEMENT ACTION UNDER 2.206 TO ADDRESS EVACUATIONS DURING AN EVENT  
AT VERMONT YANKEE COUPLED WITH STORM DAMAGE:

Dated: December 7, 2005

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Vermont Yankee Nuclear Power Station

cc:

Regional Administrator, Region I  
U. S. Nuclear Regulatory Commission  
475 Allendale Road  
King of Prussia, PA 19406-1415

Mr. David R. Lewis  
Pillsbury, Winthrop, Shaw, Pittman, LLP  
2300 N Street, N.W.  
Washington, DC 20037-1128

Ms. Christine S. Salembier, Commissioner  
Vermont Department of Public Service  
112 State Street  
Montpelier, VT 05620-2601

Mr. Michael H. Dworkin, Chairman  
Public Service Board  
State of Vermont  
112 State Street  
Montpelier, VT 05620-2701

Chairman, Board of Selectmen  
Town of Vernon  
P.O. Box 116  
Vernon, VT 05354-0116

Operating Experience Coordinator  
Vermont Yankee Nuclear Power Station  
320 Governor Hunt Road  
Vernon, VT 05354

G. Dana Bisbee, Esq.  
Deputy Attorney General  
33 Capitol Street  
Concord, NH 03301-6937

Chief, Safety Unit  
Office of the Attorney General  
One Ashburton Place, 19th Floor  
Boston, MA 02108

Ms. Carla A. White, RRPT, CHP  
Radiological Health  
Vermont Department of Health  
P.O. Box 70, Drawer #43  
108 Cherry Street  
Burlington, VT 05402-0070

Mr. James M. DeVincentis  
Manager, Licensing  
Vermont Yankee Nuclear Power Station  
P.O. Box 0500  
185 Old Ferry Road  
Brattleboro, VT 05302-0500

Resident Inspector  
Vermont Yankee Nuclear Power Station  
U. S. Nuclear Regulatory Commission  
P.O. Box 176  
Vernon, VT 05354

Director, Massachusetts Emergency  
Management Agency  
ATTN: James Muckerheide  
400 Worcester Rd.  
Framingham, MA 01702-5399

Jonathan M. Block, Esq.  
Main Street  
P.O. Box 566  
Putney, VT 05346-0566

Mr. John F. McCann  
Director, Nuclear Safety Assurance  
Entergy Nuclear Operations, Inc.  
440 Hamilton Avenue  
White Plains, NY 10601

Mr. Gary J. Taylor  
Chief Executive Officer  
Entergy Operations  
1340 Echelon Parkway  
Jackson, MS 39213

Vermont Yankee Nuclear Power Station

cc:

Mr. John T. Herron  
Sr. VP and Chief Operating Officer  
Entergy Nuclear Operations, Inc.  
440 Hamilton Avenue  
White Plains, NY 10601

Mr. Danny L. Pace  
Vice President, Engineering  
Entergy Nuclear Operations, Inc.  
440 Hamilton Avenue  
White Plains, NY 10601

Mr. Brian O'Grady  
Vice President, Operations Support  
Entergy Nuclear Operations, Inc.  
440 Hamilton Avenue  
White Plains, NY 10601

Mr. Michael J. Colomb  
Director of Oversight  
Entergy Nuclear Operations, Inc.  
440 Hamilton Avenue  
White Plains, NY 10601

Mr. John M. Fulton  
Assistant General Counsel  
Entergy Nuclear Operations, Inc.  
440 Hamilton Avenue  
White Plains, NY 10601

Mr. Jay K. Thayer  
Site Vice President  
Entergy Nuclear Operations, Inc.  
Vermont Yankee Nuclear Power Station  
P.O. Box 0500  
185 Old Ferry Road  
Brattleboro, VT 05302-0500

Mr. Kenneth L. Graesser  
38832 N. Ashley Drive  
Lake Villa, IL 60046

Mr. James Snizek  
5486 Nithsdale Drive  
Salisbury, MD 21801

Mr. Ronald Toole  
1282 Valley of Lakes  
Box R-10  
Hazelton, PA 18202

Ms. Stacey M. Lousteau  
Treasury Department  
Entergy Services, Inc.  
639 Loyola Avenue  
New Orleans, LA 70113

Mr. Raymond Shadis  
New England Coalition  
Post Office Box 98  
Edgecomb, ME 04556

Mr. James P. Matteau  
Executive Director  
Windham Regional Commission  
139 Main Street, Suite 505  
Brattleboro, VT 05301

Mr. William K. Sherman  
Vermont Department of Public Service  
112 State Street  
Drawer 20  
Montpelier, VT 05620-2601

Venessa Quinn, Chief  
Radiological Emergency Preparedness Sec.  
Department of Homeland Security  
1800 S. Bell Street, Room 837  
Crystal City-Arlington, VA 22202-3546

Deborah Bell, Chair  
Regional Assistance Committee  
FEMA, Region 1  
99 High Street, 6th Floor  
Boston, MA 02110

Craig J. Fiore  
Radiological Emergency Preparedness Sec.  
Department of Homeland Security  
1800 South Bell Street-Room 839  
Crystal City-Arlingong, VA 22202-3546