

From: Rick Ennis *RE*
To: Allen Howe; Amar Patel; Anthony McMurtray; Beth Sienel; Brian Holian; Cliff Anderson; David Pelton; Donald Florek; Donna Skay; Eric Leeds; James Clifford; Neil Sheehan; Robert Jasinski; Stuart Richards; Tad Marsh; Tanya Mensah; Tracy Walker; William Ruland
Date: 4/14/04 5:16PM
Subject: 3/31/04 Meeting Summary for Review

Attached is the first draft of the meeting summary for the Vermont Yankee power uprate meeting that was held on 3/31. Please provide your comments to me by COB Friday 4/16.

E-20

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Subject: 3/31/04 Meeting Summary for Review
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From: Rick Ennis

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FACILITY: Vermont Yankee Nuclear Power Station

SUBJECT: SUMMARY OF MARCH 31, 2004, CATEGORY 3 MEETING WITH PUBLIC TO DISCUSS PROPOSED POWER UPRATE FOR VERMONT YANKEE NUCLEAR POWER STATION (TAC NO. MC0761)

On March 31, 2004, the U.S. Nuclear Regulatory Commission (NRC) staff held a Category 3 public meeting, at the Vernon Elementary School in Vernon, Vermont. The purpose of the meeting was to: (1) provide information regarding the NRC's review of the proposed power uprate amendment request from Entergy Nuclear Operations, Inc. (Entergy or the licensee) for the Vermont Yankee Nuclear Power Station (VYNPS); and (2) provide an opportunity for the public to present comments or questions regarding the proposed power uprate. The meeting was held, in part, in response to a request from Vermont Senators Jeffords and Leahy, as discussed in their letter to the NRC dated February 27, 2004. This letter is available in the NRC's Agencywide Documents Access and Management System (ADAMS) on the NRC's Web site at <http://www.nrc.gov/reading-rm/adams/web-based.html> by entering Accession No. ML040630603.

The power uprate meeting was held following a Category 1 public meeting between Entergy and the NRC. The purpose of the Category 1 meeting was to discuss the NRC's annual assessment of the safety performance of the VYNPS for the calendar year 2003. The annual assessment meeting, which took place from approximately 7:00 p.m. until 8:00 p.m., was held in the Vernon Elementary School cafeteria. Although the power uprate meeting was also scheduled to be held in the cafeteria, the meeting was relocated to the gymnasium to better accommodate the large turnout, estimated at approximately 500 people. Due to the large turnout, not all of those who attended the meeting signed the list of attendees. The list is included as Enclosure 1.

The power uprate meeting started at approximately 8:20 p.m. and adjourned shortly after 11:00 p.m. The meeting was transcribed, and a copy of the transcription is included as Enclosure 2.

After introductory remarks by Mr. William Ruland, the NRC manager in charge of the power uprate process, and David Bidwell, the meeting facilitator, comments were provided by a number of people including staff members for Senators Jeffords and Leahy, a member of the Vermont Public Service Board (PSB), an individual representing a number of elected officials from Massachusetts, the Commissioner of the Vermont Department of Public Service, and several Vermont state and local officials. Several of the individuals presented letters to the NRC to be included as part of the meeting record. These letters are included as Enclosures 3 through 8.

Most of the comments expressed the view that an independent assessment (independent engineering assessment (IEA) or independent safety assessment (ISA)) be performed at VYNPS prior to the NRC completing its review of the power uprate request. Numerous signs

were held by members of the public expressing the same view. Some of the individuals indicated that the independent assessment was needed for the public to have confidence that VYNPS would be reliable and safe following the proposed power uprate. Comments were made that the NRC's recent letters to Senators Jeffords and Leahy (ADAMS Accession No. ML040690004) were perceived by the public as indicating that the NRC had already decided not to address the recent request from the PSB for the NRC to perform an IEA at VYNPS (ADAMS Accession No. ML040850076).

Mr. Ruland then explained that the NRC's letter to Senators Jeffords and Leahy did not represent the NRC's position on the Vermont PSB request and that a response would be provided to the PSB. He also provided some background information regarding the ISA that was performed at Maine Yankee in 1996 and design and licensing basis inspections that have been performed at VYNPS since that time. Some of the key points made were that:

- The Maine Yankee ISA was managed by an NRC manager who reported to the NRC Chairman (i.e., those involved did not have routine regulatory oversight of Maine Yankee). The ISA was performed by NRC personnel and independent contractors, with some state observers.
- The NRC and independent contractors have inspected the VYNPS design and licensing basis several times since the Maine Yankee ISA including an architect engineer inspection which was managed by NRC headquarters personnel and performed by contractors. Those involved did not have routine regulatory oversight of VYNPS.
- The NRC does not issue decisions on plant reliability specifically, since safety is our focus. However, plant reliability is closely related to plant safety. The power uprate review process does a safety review that, in part, examines reliability (e.g., plant modifications associated with the proposed power uprate).
- The NRC's inspection program is flexible and has the ability to respond to safety issues.

Mr. Ruland stated that the NRC would return for another meeting later in the power uprate review process.

Due to the urging of many of the public present to allow sufficient time for public comments and questions, the NRC staff decided to forego using the slide presentations that were prepared for the meeting. Instead, the NRC staff limited their remarks to several key points as discussed below.

Mr. Anthony McMurtray, the NRC project manager for the power uprate process, made the following key points:

- The NRC power uprate reviews are significant licensing actions and receive a high level of attention from the NRC Commission and senior NRC management.
- The power uprate review standard, which took over two years to develop, provides details regarding the extent of the review. The NRC staff reviews every plant system impacted by the proposed power uprate.

- The power uprate review process is a structured, comprehensive process that is focused on safety.
- The NRC staff welcomes public comments on the review standard and the review process.

Mr. Stuart Richards, the NRC manager responsible for the NRC's inspection program, made the following key points:

- The NRC has a robust inspection program that inspects engineering at VYNPS and all the nuclear plants across the nation.
- As part of the power uprate process, issues that come out of the technical review will be factored into the inspections that are performed.

Mr. Richard Ennis, the NRC project manager for Vermont Yankee, made the following key points:

- The forecast completion date for the NRC's review is January 31, 2005. Although we are early in the review, the NRC staff has already provided approximately 60 questions to Entergy regarding the specifics of the review.
- The next major milestone in the process will be for the NRC to issue a Federal Register notice to docket acceptance of the application for review. The notice will be posted on the NRC's web site and provides the public an opportunity to request a hearing on the proposed amendment.
- The public may also provide comments to the NRC regarding the proposed amendment outside of the hearing process. The staff will consider those comments in the course of the review, and this meeting is one of the opportunities for the public to provide comments.
- There are many technical areas reviewed as part of the NRC's power uprate process. Two issues that are very high focus areas at this time include steam dryer cracking and flow-induced vibration. These issues are receiving a very high level of attention by both the NRC and the nuclear industry and are probably the two biggest challenges associated with power uprates at this time. Additional interaction between the NRC staff, Entergy, and Entergy's contractor, General Electric, is expected on these issues.
- Much more work still needs to be done before the NRC staff can come to any conclusions regarding the acceptability of the Vermont Yankee power uprate request. The amendment will not be issued unless the NRC is satisfied that safety will be assured.

Comments and questions were then provided by members of the public for approximately two hours. The key issues raised by the public are shown below.

Key Issues

- Mr. Arnold Gundersen discussed documents he had in his possession that seemed to indicate to him a pattern of collusion between Entergy, General Electric, and the NRC, in the approval process for a General Electric report. Mr. Gundersen indicated that he was going

to provide the documents to Senators Jeffords and Leahy but not to the NRC. Mr. Ruland stated that the NRC has two processes to address these types of issues, the allegation process, and referrals to the NRC's Office of the Inspector General. Mr. Ruland stated the NRC was not aware of the details of Mr. Gundersen's allegation and that the NRC would investigate the issues.

- Mr. Paul Blanch stated that he had contacted the Inspector General's office during the afternoon prior to the meeting and turned over issues of wrongdoing. The issues are discussed in a prepared statement he provided to the NRC as part of the meeting record (Enclosure 9).
- Ms. Louise Doud and Mr. Raymond Shadis raised concerns regarding the design life of VYNPS in light of the proposed power uprate.
- Mr. Colin Blazey and Ms. Magdaline Bollitus raised concerns regarding the storage of spent fuel.
- Mr. Ira Feldman and Ms. Deb Katz raised concerns regarding the safety of the plant with respect to the potential for a terrorist attack that could cause an accident.
- Mr. Peter Alexander alleged that the NRC staff mislead the staff members for Senators Jeffords and Leahy regarding the nature of the development of the power uprate review process. Mr. Ruland objected to the accusation and stated that he was part of the phone calls with the Senators' staff and the NRC did not misrepresent anything.
- Mr. Peter Dizinski raised concerns regarding whether Entergy was requesting the power uprate purely for a profit motive. Mr. Ruland stated that the NRC staff's purpose is to look at the proposed power uprate from an engineering point of view and decide on whether the plant can be operated safely at the uprated power condition. The NRC does not speculate on Entergy's motives for seeking the uprate.
- Mr. Gary Sachs expressed a lack of trust in the NRC and Entergy in protecting the safety of public without performing an independent assessment of VYNPS.
- Ms. Amy Enochs raised concerns regarding other plants that have experienced problems following a power uprate (i.e., steam dryer issues at Dresden and Quad Cities plants) and questioned why the NRC is considering more power uprate applications based on these issues. Mr. Ruland discussed that, at the NRC's insistence, the licensee for the affected plants sent us a letter agreeing that they wouldn't raise power above the former 100 percent power level for a significant portion of their operating cycle. Mr. Ruland stated that the NRC is considering taking additional regulatory action regarding these matters and that the lessons-learned on the steam dryer issues would be applied in the review of the proposed VYNPS power uprate.
- Mr. Jonathan Block raised concerns regarding the recent changes to the NRC's hearing process and stated that he's the attorney involved in suing the NRC regarding these changes. Mr. Ruland reiterated that the NRC staff also considers comments regarding proposed amendments informally outside of the hearing process.

- Ms. Martha Cooper read a letter from the Mayor of Keene, New Hampshire (Enclosure 10) requesting an ISA at VYNPS prior to the proposed power uprate.
- Mr. Philip Riendeau expressed concerns that people from the neighboring states of Massachusetts and New Hampshire have not been specifically invited to the public meeting. He also expressed the concern that the term "uprate" may not be understood by the public and if we called it a "power increase" more people would have attended the meeting. Mr. Riendeau also suggested that a group of individuals, independent of the NRC, picked by the States of Vermont, New Hampshire, and Massachusetts, perform the independent assessment at VYNPS. With respect to the meeting notification concerns, Mr. Neil Sheehan, from the NRC's Office of Public Affairs, stated that a press release regarding the meeting was issued, the local media was notified, and the public was invited to attend. The NRC committed to look into the issue of reaching out to neighboring states for meeting notifications. With respect to the independent assessment suggestion, Mr. Ruland emphasized that the Maine Yankee ISA was performed by NRC personnel, with NRC contractors and some state observers. He also reiterated that the NRC is going to respond to the PSB request for an independent assessment.
- Ms. Meredith Blum presented a petition with approximately 400 signatures (Enclosure 11) that demanded that an ISA be performed at VYNPS and that the ISA be in compliance with Vermont Senate Resolution S.R. 21.
- Mr. Andy Davis raised concerns regarding power uprate work already being performed at VYNPS. Mr. Ruland explained that Entergy may make modifications to the plant for the power uprate as long as safety is maintained. However, the licensee is not authorized to exceed the current power level since the NRC has not approved the power uprate request. Therefore, any modifications being performed for the proposed uprate are being undertaken by the licensee at their own risk. Mr. Davis also reiterated the concern raised by Mr. Dizinski regarding whether Entergy was requesting the power uprate purely for a profit motive. Mr. Ruland affirmed that most utilities request power uprates for financial reasons, however, he reiterated Mr. Richards' earlier comments that the NRC's focus is on safety and not on the motive for the requested change.
- Ms. Pamela Cabbage discussed that all previous power uprate requests had been approved by the NRC and raised concerns of fears within the community of the NRC's collusion with the industry. She also feared that Entergy has not been straightforward with the public based on local press reports. She requested that an ISA be done at VYNPS for public confidence regarding the proposed power uprate.
- Ms. Judy Davidson stated there is a lot of mistrust of the NRC and that the NRC stands for "nobody really cares." She believes the NRC is more concerned with the profits of the industry rather than protecting the health and safety of the public.
- Mr. James Doyle requested that the NRC approve the performance of an independent assessment of VYNPS and that the assessment be performed by an outside third-party (i.e., non-NRC).

- Mr. Harold Bradeen stated that as the incident safety officer for the Vernon Fire Department, he goes into the plant on a regular basis, has full confidence in the operation and the status of the plant as is, and supports the power uprate.
- Mr. Tim Stevenson raised concerns regarding the evacuation plan for the area surrounding VYNPS. He stated that there are towns within the emergency planning zone that have rejected the plan and did not believe the plan could evacuate citizens safely in the event of an emergency. Mr. Ruland stated that the NRC would examine his comments.
- Ms. Nancy Burton raised concerns regarding the accountability of spent fuel based on an issue regarding missing fuel rods at the Millstone plant. Mr. David Pelton, the NRC's Senior Resident Inspector at VYNPS, stated that he and Beth Sienel, the other NRC Resident Inspector at VYNPS, performed a review of plant records detailing the history of the storage of spent fuel at VYNPS. The review validated that the current spent fuel inventory was correct.
- Ms. Jeannette Peiffer questioned if additional hours have been scheduled by the NRC for inspections related to the power uprate. Mr. Brian Holian, the Deputy Director of the Division of Reactor Projects at the NRC's Region I office, affirmed that additional hours have been scheduled. He stated that some of those inspections would start in the Spring 2004 VYNPS outage to review some of the plant modifications being performed. Ms. Peiffer asked how many additional hours would be spent. Mr. Holian indicated that there is an individual procedure that looks at a certain scope related to the uprate, and other baseline procedures (procedures for inspection hours previously planned) that look at other items related to the uprate. As such, a specific number of additional inspection hours was not quantified during the meeting.
- Mr. Fred Sprite indicated that there seems to be consensus of elected representative in the three states (i.e., Vermont New Hampshire, and Massachusetts) that an independent assessment at VYNPS is needed. He believes it is needed because confidence in the government is poor based on things such as a study at Three Mile Island (TMI) that indicated there was a 100-fold increase in the rates of certain kinds of cancer. Mr. Ruland stated that, to the best of his knowledge, that studies have not shown increased cancer rates near TMI. He committed for the NRC to look further into this issue.

A note from Dick Brigham and a letter from Alison Macrae were also provided to the NRC during the meeting. They are included as Enclosures 12 and 13.

Action Items

- 1) The NRC committed to putting a list of questions and key issues from the meeting on the NRC's Web site (transcript pages 8-9).
- 2) The NRC committed to returning to Vermont for another public meeting when the NRC staff was further along into the review of the VYNPS power uprate request (transcript page 32).
- 3) The NRC committed into looking into the issues raised by Mr. Gundersen (transcript page 42).

- 4) The NRC committed to look into the issue of reaching out to neighboring states for meeting notifications (transcript page 82).
- 5) The NRC committed to examining the comments made by Mr. Stevenson regarding the evacuation plan (transcript page 112).
- 6) The NRC committed to look into studies related to cancer rates at TMI (transcript page 123).

Please direct any inquires concerning this meeting to me. I can be reached at (301) 415-1420, or rxe@nrc.gov.

Richard B. Ennis, Senior Project Manager
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket No. 50-271

Enclosures:

1. List of Attendees (ADAMS Accession No. MLxxxxxxxxx)
2. Transcription (ADAMS Accession No. MLxxxxxxxxx)
3. Letter from Senators Jeffords and Leahy, and Congressman Sanders dated March 31, 2004*
4. Letter from Vermont Public Service Board dated March 31, 2004*
5. Letter from Bart Bales dated March 31, 2004*
6. Letter from Massachusetts State Representative Kulik dated March 31, 2004*
7. Letter from Board of Selectmen of the Town of Gill Massachusetts dated March 31, 2004*
8. Letter from Robert Mahler dated March 31, 2004*
9. Statement by Paul Blanch dated March 31, 2004*
10. Letter from Michael Blastos, Mayor of Keene, New Hampshire dated March 31, 2004*
11. Petition for an ISA*
12. Note from Dick Brigham*
13. Letter from Alison Macrae dated March 31, 2004*

* Enclosures 3 through 13 are in ADAMS as Accession No. MLxxxxxxxxx

cc w/encls: See next page

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