

# New England Coalition

VT NH ME MA RI CT NY  
POST OFFICE BOX 545, BRATTLEBORO, VERMONT 05302

on Nuclear Pollution

Chief, Rules and Directives Branch  
Division of Administrative Services  
Office of Administration  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

RECEIVED

1/11/06

71FR 1774

February 8, 2006

22

RE: Federal Register / Vol. 71, No. 7 / Wednesday, January 11, 2006, page 1774.

Gentlemen:

Please consider the enclosed petitions and letters from Massachusetts, Vermont and New Hampshire in your review of the NRC staff's decision to approve the 20% power increase at the Entergy Nuclear Vermont Yankee Reactor.

There are enclosed more than 8375 individual petition signatures. Also enclosed are copies and lists of resolutions and letters from legislative bodies, municipal governments, individual officials and legislators. All of them call for the performance of an Independent Safety Assessment prior to approval of reactor power ascension to uprate levels. All are clear indication that large numbers New England people in the affected environment remain deeply concerned that a power boost of 20% above original licensed thermal power at one of the oldest reactors in the country represents an increase in both risk and potential consequences of a nuclear accident. New Englanders know that a protocol for an independent safety assessment was developed following flawed NRC approval of a power uprate at Maine Yankee Atomic Power Station. This type of in depth assessment has not been done at Vermont Yankee. Abstract probabilistic risk assessments relying on unverified licensee representations are not sufficient to engage the trust of the public who stand to lose too much if risk assumptions and conclusions are faulty.

The NRC staff review of the agency's pilot engineering inspection, conducted at Vermont Yankee in 2004. concluded "The staff believes it unlikely that these inspection-identified issues would have been identified by subsequent NRR technical reviews, because the NRR technical reviews rely primarily on licensee-submitted documentation. The staff therefore believes a detailed inspection is a good complement to the NRR technical review in this area."

SESP Review Complete

Template = ADM-013

E-RIDS = ADM-03

Cdd = C. Raynor (CHR)

R. Emuis (RXE)

However the staff's draft SE also relied heavily on industry-submitted data, and many uncertainties with both the licensee's calculations (e.g. the ACM for steam dryer integrity) and the staff's methods (e.g. the questionable use of PRA in predicting performance under uprate conditions) were expressed in the SE and in ACRS hearings.

Clearly there is no substitute for actual physical and diagnostic inspection.

We request that the sampling of letters from town officials, state legislators, and federal legislators, as well as resolutions from the VT and NH Senate, which we have enclosed in addition to the petitions, be made a part of the public record part of the public record and that NRC provide a response to them. After all, it should be noted, these documents express the wishes not just of the officials and representatives who wrote them, but of the many thousands of constituents who requested them.

Suffice it to say that if the NRC gives the green light to an experimental power uprate without doing an independent safety assessment at Vermont Yankee, public confidence in the NRC and the industry will be reduced to abysmal levels in the region. But if NRC decides to do an independent safety assessment equal in scale and scope to the one conducted in Maine, and releases its findings to the public in a timely manner, trust may be regained.

Sincerely,

  
Raymond Shadis

Staff Technical advisor  
New England Coalition  
Post Office Box 98,  
Edgecomb, Maine 04556

**OFFICE OF THE SELECT BOARD**

Post Office Box 6  
50 Main Street  
Hancock NH 03449

Telephone: 525-4441  
Fax: (603) 525-4427  
select@hancocknh.org

October 17, 2005

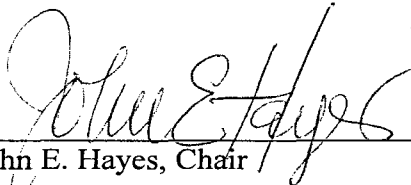
Michael Dworkin, Chairman  
Vermont Public Service Board  
Drawer 20  
Montpelier VT 05620-2710

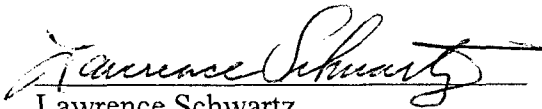
Dear Chairman Dworkin:

We, the Select Board of Hancock, New Hampshire, a town in close proximity to the Vermont Yankee nuclear power plant, respectfully request that an Independent Safety Assessment be undertaken at that plant prior to permitting the 20% increase in energy producing capacity for which the owners are seeking permission.

While we support the operation of nuclear power plants, we request the Independent Safety Assessment to assure that Vermont Yankee, now in its thirty-third year of operation, is capable of safely increasing its production by 20%. It is our understanding that your board has the authority to make such a request. We urge you to do so.

Thank you for your time in considering this request.

  
John E. Hayes, Chair

  
Lawrence Schwartz

  
Margaret A. Carlson

JOHN W. OLVER  
1ST DISTRICT, MASSACHUSETTS

COMMITTEE:  
APPROPRIATIONS

SUBCOMMITTEES:  
TRANSPORTATION AND TREASURY  
RANKING MEMBER  
INTERIOR

ASSISTANT WHIP

**Congress of the United States**  
**House of Representatives**  
Washington, DC 20515-2101

August 23, 2004

Nils Diaz, Chairman  
Nuclear Regulatory Commission  
11555 Rockville Pike  
Rockville, MD 20852

Chairman Diaz:

I am writing to you today regarding the August deadline for intervener status on the proposed power rate increase at Vermont Yankee Nuclear Power Station. Several communities in my district, including the Town of Gill, would like to see the filing deadline extended.

I understand that the filing deadline for intervener status must be completed by late August. The difficulty with this deadline is that the design review that is currently in process will not be completed until *after* the deadline. This is a problem. Potential interveners and interested parties should have access to this design review *before* making a decision to intervene or not. The Governor of Vermont and that state's federal delegation have already requested an extension of the filing deadline, and their sentiments are now being echoed by communities in my district. I share this concern and would like to ask your full and fair consideration of their request to extend the deadline.

Thank you very much for your time and attention to this matter. I look forward to hearing from you.

Sincerely,



John W. Olver  
Member of Congress

PLEASE RESPOND TO:  
☐ 1027 LONGWORTH HOUSE OFFICE BUILDING  
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(202) 226-1224 FAX

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HOLYOKE, MA 01040  
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(413) 532-6543 FAX

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(413) 443-2792 FAX

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**COPY COPY**



*The Commonwealth of Massachusetts*

HOUSE OF REPRESENTATIVES

*Copy*

**STEPHEN KULIK  
REPRESENTATIVE**

1<sup>ST</sup> FRANKLIN DISTRICT  
STATE HOUSE, ROOM 279  
BOSTON, MA 02133-1054

TEL. (617) 722-2210

FAX (617) 722-2821

E-MAIL:

Rep.StephenKulik@hou.state.ma.us

Committees on:

Ways and Means

Transportation

Natural Resources and Agriculture

DISTRICT OFFICE:

330 MONTAGUE CITY ROAD

SUITE 102

TURNERS FALLS, MA 01376

TEL. (413) 772-2727

FAX (413) 773-1821

February 8, 2005

Vermont Public Service Board  
112 State Street  
Drawer 20  
Montpelier, VT 05620-2701

Dear Members of the Public Services Board:

We are writing to request reconsideration of the conditional approval by your Board of the uprate request for the Entergy Vermont Yankee nuclear reactor based on our understanding of the following.

Your order conditioned approval upon the result of an "independent engineering assessment" by the NRC, which did not take place as you had proposed in your order of March 15, 2004. The inspection that did occur did not meet the criteria of a "vertical slice review of two-safety related systems and two Maintenance Rule, non-safety systems affected by the uprate." Furthermore, your order cited the 1996 assessment of Maine Yankee Power Station as an example to emulate and the assessment that did occur did not reflect in either the scale or scope of the Maine assessment. The effects of the proposed 17-20 percent increase in uprate on a plant the age of Vermont Yankee are not well known. An engineering study to the magnitude requested in your order of March 15, 2004 will provide a valuable check of the reliability of the systems reviewed and allow for correction of any problems that may suggest.

As members of the legislative delegation that represents Franklin County, MA, which borders Vernon, VT, we request you reject the inspection presented as unsatisfactory in determining reliability of Vermont Yankee under conditions of extended power uprate. We further urge that you order Entergy to provide funds for a four deep slice inspection to be conducted by a private contractor to be chosen through mutual agreement of all parties involved and that such inspection meet all the criteria set forth in your original order of March 15, 2004. We also request that you issue an opinion advising the Governor and the Legislature on the complexity of extended power uprate issues, urging their support of a full Independent Safety Assessment as allowed under Vermont law, 30 V.S.A. §209.

Thank you for your time and attention to this extremely important matter.

Sincerely,

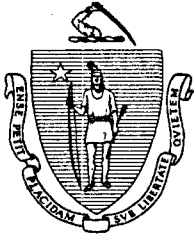
*Stephen Kulik* *Christopher Donelan* *Stan Rosenberg*

STEPHEN KULIK  
State Representative  
1<sup>st</sup> Franklin District

CHRISTOPHER DONELAN  
State Representative  
2<sup>nd</sup> Franklin District

STANLEY ROSENBERG  
State Senator  
Franklin/Hampshire District





# *The Commonwealth of Massachusetts*

HOUSE OF REPRESENTATIVES  
STATE HOUSE, BOSTON 02133-1054

## **CHRISTOPHER J. DONELAN**

REPRESENTATIVE  
2ND FRANKLIN DISTRICT  
STATE HOUSE, ROOM 39  
TEL. (617) 722-2230

Rep.ChristopherDonelan@hou.state.ma.us

Committees :  
Public Safety  
Housing and Urban Development

DISTRICT OFFICE:  
217 EAST MAIN STREET  
ORANGE, MA 01364  
(978) 544-2180

April 6, 2005

His Excellency Jim Douglas  
State House  
115 State Street  
Montpelier, Vermont 05633

Dear Governor Douglas:

As elected representatives of the people of Massachusetts, we urge the Vermont Legislature to effect safe, secure, limited and temporary storage of nuclear waste at the Entergy Nuclear Vermont Yankee power station.

We understand Entergy Nuclear Vermont Yankee proposes legislation to permit unfettered loading and siting of up to 12 Holtec International Hi-Storm 100 spent nuclear fuel storage silos at Vernon, Vermont, very close to the Connecticut River. We understand further that just one of the 68 nuclear fuel assemblies proposed to be stored in each of the silos contains more radioactivity than that released by the atomic bomb dropped on Hiroshima.

Although the U.S. Nuclear Regulatory Commission expresses confidence in the Holtec storage system's ability to withstand assaults from nature or terrorists, the nature of the materials to be stored – lethal even in small portions and requiring isolation for 10,000 years or more – dictates to any responsible party to proceed with caution. Further, we understand the Holtec "dry cask" system is not a trouble-free system and has had problems elsewhere in the United States.

We respectfully request the Vermont Legislature to establish best practices criteria for the movement and storage of spent nuclear waste fuel at Entergy Nuclear Vermont Yankee ensuring:

- That cask radiation emanations are minimized
- That casks are protected from line-of-sight targeting from missiles, ballistics or aircraft
- That casks are protected from assault with explosives
- That sufficient fuel is moved to dry cask to ensure density of fuel storage in the spent fuel pool is substantially reduced;
- And that dry cask storage is not used to enable license renewal

Sincerely,

Rep. Christopher Donelan  
2<sup>nd</sup> Franklin

Rep. Stephen Kulik  
2<sup>nd</sup> Franklin

Rep. Denis Guyer  
2<sup>nd</sup> Berkshire

Sen. Stanley Rosenberg  
Hampshire & Franklin

Rep. Stephen Brewer  
Worcester, Hampden, Hampshire & Franklin

JOHN W. OLVER  
1ST DISTRICT, MASSACHUSETTS

COMMITTEE:  
APPROPRIATIONS

SUBCOMMITTEES:  
TRANSPORTATION, TREASURY, AND HOUSING AND  
URBAN DEVELOPMENT, THE JUDICIARY,  
DISTRICT OF COLUMBIA  
RANKING MEMBER

INTERIOR, ENVIRONMENT, AND RELATED AGENCIES

ASSISTANT WHIP

Nils Diaz, Chairman  
Nuclear Regulatory Commission  
11555 Rockville Pike  
Rockville, MD 20852

**Congress of the United States**  
**House of Representatives**  
Washington, DC 20515-2101

November 9, 2005

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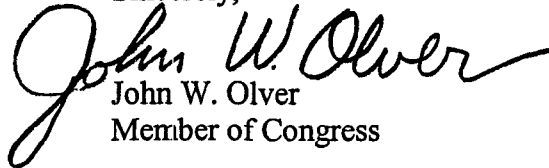
Dear Chairman Diaz:

I am writing to urge you to conduct a comprehensive Independent Safety Assessment of the Vermont Yankee Nuclear Power Plant using the same methodology and scope that was applied to the Maine Yankee Reactor.

I represent the 1st Congressional District of Massachusetts and many of my constituents live within the fallout area of Vermont Yankee. It is my understanding that a 20% power increase subjects all components of the reactor to greatly increased stresses, which can lead to major malfunctions in the rest of the power station. It is known that the Vermont Yankee Nuclear Power Plant has existing cracks in its steam dryers, an issue that has caused major failures in other uprated facilities across the country. Conducting a stress test of components while the reactor's power level is being ramped up is both irresponsible and creates an unacceptable risk to the lives of all living in the vicinity of the reactor.

Thank you for your consideration of my request. I look forward to your response.

Sincerely,

  
John W. Olver  
Member of Congress

# Congress of the United States

Washington, DC 20515

November 10, 2005

The Honorable Nils J. Diaz  
Chairman  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

Dear Mr. Chairman:

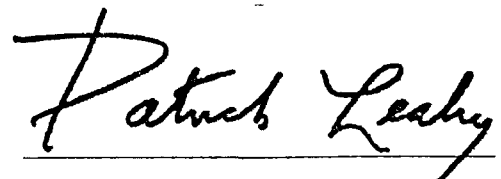
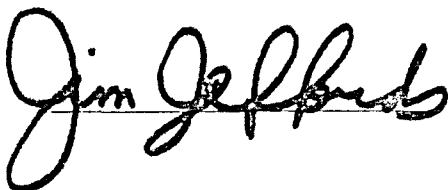
We write in response to the announcement today of the discovery, during a recent scheduled outage, of more than 40 additional cracks in the steam dryer at Vermont Yankee. We understand that a Region 1 Nuclear Regulatory Commission (NRC) inspector was dispatched to assist the resident inspector in the determining whether these cracks pose safety and operational concerns for the plant's current power production. We request that the condition of the steam dryer be fully evaluated, using the techniques of the most recent inspection and any other appropriate means, as the NRC considers Entergy Nuclear's request to produce an additional 100 megawatts of power from Vermont Yankee.

We understand that these cracks were discovered through the use of enhanced visual inspection techniques. As you know, these cracks are in addition to some 18 cracks, both hairline and larger, that were discovered through visual inspections of the plant's steam dryer in April and May of 2004. Steam dryer cracking is of concern at many boiling water reactor facilities. We know that cracking problems have persisted at the Quad Cities facilities' steam dryers, despite repeated fixes, and that uprated power conditions at those facilities place additional stresses on dryer performance. While the steam dryer itself is not a safety-related piece of equipment, its proper functioning is important to the plant's safe and reliable operation. Steam dryer cracking could result in pieces breaking off, and falling back into the steam lines that lead out of the reactor. In the case of the Quad Cities reactors, these plants have been forced to shut down because of cracking, making their operation less reliable.

As the NRC reviews the Vermont Yankee power uprate request, we believe it is essential that our constituents receive needed information about whether the plant's steam dryer will be able to withstand boosted power conditions and operate safely and reliably. The functioning of this piece of equipment should receive the Commission's full and thorough attention during the review of the uprate application.

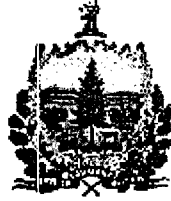
We look forward to a prompt reply.

Sincerely,





*State of Vermont*  
*House of Representatives*



*Montpelier, Vermont*  
**House Resolution**

**H.R. 30**

House resolution urging state and federal regulatory authorities to proceed with great caution in considering authorization of the proposed extended power uprate at Vermont Yankee

Offered by: Representatives Edwards of Brattleboro, Allaire of Rutland City, Allard of St. Albans Town, Anderson of Woodstock, Aswad of Burlington, Atkins of Winooski, Audette of South Burlington, Bohi of Hartford, Bolduc of Barton, Botzow of Pownal, Branagan of Georgia, Brooks of Montpelier, Chen of Mendon, Clark of Vergennes, Connell of Warren, Corcoran of Bennington, Cross of Winooski, Crowley of West Rutland, Dakin of Colchester, Darrow of Dummerston, Deen of Westminster, Donahue of Northfield, Donovan of Burlington, Dostis of Waterbury, Emmons of Springfield, Fallar of Tinmouth, Fisher of Lincoln, French of Randolph, Grad of Moretown, Head of South Burlington, Heath of Westford, Hingtgen of Burlington, Howrigan of Fairfield, Hummel of Underhill, Hunt of Essex, Jewett of Ripton, Johnson of South Hero, Kainen of Hartford, Keenan of St. Albans City, Kennedy of Chelsea, Kenyon of Bradford, Keogh of Burlington, Kiss of Burlington, Kitzmiller of Montpelier, Klein of East Montpelier, Larson of Burlington, LaVoie of Swanton, Lippert of Hinesburg, Maier of Middlebury, Marek of Newfane, Martin of Springfield, Masland of Thetford, McCullough of Williston, McLaughlin of Royalton, Milkey of Brattleboro, Miller of Shaftsbury, Molloy of Arlington, Nease of Johnson, Nitka of Ludlow, Nuovo of Middlebury, Obuchowski of Rockingham, Partridge of Windham, Peterson of Williston, Pillsbury of Brattleboro, Pugh of South Burlington, Reese of Pomfret, Rodgers of Glover, Rusten of Halifax, Seibert of Norwich, Shand of Weathersfield, Sharpe of Bristol, Shouldice of Calais, Smith of Morristown, Starr of Troy, Sweaney of Windsor, Sweetser of Essex, Symington of Jericho, Tracy of Burlington, Trombley of Grand Isle, Vincent of Waterbury, Waite of Pawlet, Young of Orwell and Zuckerman of Burlington

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 House of Representatives:

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 as stated in the Public Service Board letter dated March 15, 2004 addressed to Nils J. Diaz, and be it further

**Resolved:** That the Clerk of the House 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, and to the Vermont Congressional Delegation.

**Attested to:**

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**Walter E. Freed**

**Speaker of the House**

---

**Donald G. Milne**

**Clerk, House of Representatives**

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Published by:

**The Vermont General Assembly  
115 State Street  
Montpelier, Vermont**



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# NEW HAMPSHIRE SENATE

## SR 5 - AS INTRODUCED

2004 SESSION

04-3265

03/01

### SENATE RESOLUTION 5

A RESOLUTION urging an Independent Safety Assessment for Vermont Yankee.

SPONSORS: Sen. Below, Dist 5; Sen. Larsen, Dist 15; Sen. Eaton, Dist 10; Sen. Green, Dist 6; Sen. D'Allesandro, Dist 20; Sen. Odell, Dist 8; Sen. Cohen, Dist 24; Sen. Estabrook, Dist 21; Sen. Foster, Dist 13; Sen. Peterson, Dist 11; Sen. O'Hearn, Dist 12; Sen. Kenney, Dist 3

COMMITTEE: [committee]

### ANALYSIS

This senate resolution urges an Independent Safety Assessment for Vermont Yankee.

04-3265

03/01

### STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Four*

A RESOLUTION urging an Independent Safety Assessment for Vermont Yankee.

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

Whereas, Vermont Yankee began operation in 1972 and is now one of the oldest operating nuclear power stations in the nation; and

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

Whereas, Vermont Yankee operates as a merchant generating facility subject to cost pressures imposed by a competitive regional market in New England; 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, only 4 facilities have experience with an extended power uprate that is cumulative to 20 percent; and

Whereas, only one nuclear plant, Clinton Nuclear Power Station in Illinois, which is only ½ the age of Vermont Yankee, has sought a 20 percent power uprate through a single application; and

Whereas, no nuclear plant as old as Vermont Yankee has ever sought such a power increase; and

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

Whereas, Vermont Yankee does not meet current design criteria and could neither be licensed nor built today; and

Whereas, the Entergy proposal has no precedent; and

Whereas, the Entergy proposal raises major concerns for public safety in light of the facility's age, the limited experience with extended uprates, and the pressures on a new merchant generating facility created by the competitive marketplace in which the facility now operates; and

Whereas, the benefits to the people of New Hampshire and Vermont from such an extended power uprate may be realized if there are no unanticipated negative impacts to safety or reliability encountered after the uprate; and

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

Whereas, it is essential that the state and 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 NRC in the past has conducted an Independent Safety Assessment (ISA) as documented in an NRC report issued on October 7, 1996; and

Whereas, such a diagnostic evaluation would provide an in-depth physical examination and diagnostic evaluation of several selected safety-related plant systems; and

Whereas, NRC's standard review for extended power uprates is focused on review of the uprate application and does not include a comprehensive physical examination and diagnosis such as that included in an ISA; and

Whereas, the safety of the Vermont Yankee facility, its employees, and nearby residents is a matter of great concern to the citizens of New Hampshire and Vermont and the New Hampshire general court; now, therefore, be it

Resolved by the Senate:

That the New Hampshire senate urges the NRC to approve only any uprate at the Vermont Yankee nuclear power facility when an ISA, or the equivalent, has been completed at Entergy Nuclear Vermont Yankee 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, including appropriate reviews at the plant's site and its corporate offices;
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 or causes of safety-significant findings and draws conclusions on overall performance; and

That the clerk of the senate transmit copies of this resolution to Nils J. Diaz, NRC Chair, and to the chairman and commissioners of the New Hampshire public utilities commission.

March 31<sup>st</sup>, 2004

Michael Dworkin  
Chairman  
VT Public Service Board  
Drawer 20  
Montpelier, VT 05620-2710

Dear Chairman Dworkin,

As Mayor of the largest and closest city in New Hampshire to Vermont Yankee, Vernon, Vt, I humbly request that an independent safety assessment be undertaken at Vermont Yankee prior to permitting the 20% increase in energy producing capacity.

I have recently toured Vermont Yankee, and I am very impressed with its security, its personnel, and the condition of the facility. My reason for requesting an Independent Safety Assessment is to assure all that Vermont Yankee is capable of safely increasing its production by 20%. As I understand the process, your board has the authority to make such a request. Again, I urge you to do so.

Thank you for your time in considering this request.

Sincerely,

Michael E. J. Blastos,  
Mayor

**TOWN OF GILL**  
**MASSACHUSETTS**



March 31, 2004

RE: Resolution for Safety Inspection at Vermont Yankee

To Whom It May Concern:

Much of the town of Gill, Massachusetts is in the emergency evacuation zone of the Vernon Nuclear Power Station. Therefore, the Selectboard of the Town of Gill Massachusetts is writing to urge the Nuclear Regulatory Commission to conduct a safety assessment of Vermont Yankee prior to licensing and building the 20% upgrade to the Vermont Yankee plant located in Vernon VT.

The provision of an independent safety assessment of the Vermont Yankee Nuclear Power station prior to allowing a power uprate to the plant is prudent and reasonable and is in our community's and the public's best interest. We insist that this study be done, either by the NRC, the State of Vermont or other suitable independent agency and made public prior to licensing to insure the confidence in the safety and security of the plant to all the citizens within the 10-mile Emergency Preparedness Evacuation Zone.

Gill Board of Selectmen

Ann Banash, Chair  
Philip Maddern  
Leland Stevens



**TOWN OF GILL**  
**MASSACHUSETTS**

**FYI**



**COPY**

July 28, 2004

**Vote of Concern regarding Vermont Yankee Nuclear Power:**

The Gill Selectboard, as a community adjacent to the power plant and within its evacuation zone, considers the engineering assessment to which NRC agreed as inadequate to provide protection to its citizenry. It is therefore the order of this Board that a comprehensive Independent Safety Assessment be conducted to demonstrate the system can meet current regulatory standards for operating conditions as they now exist and in support of the proposed uprate of 120% power for the safety and security of its citizens.

It is furthermore the opinion of this Board that such review should include the emergency core cooling system, the containment system, design criteria, the design life of Vermont Yankee and a complete vertical slice of each system to be assured that the "Defense in Depth" concept is retained.

Additionally, the Gill Select board wishes to voice extreme dissatisfaction regarding the unacceptable fiasco where plant operators failed to securely monitor highly dangerous fuel rods.

The above concerns are to be conveyed to the Nuclear Regulatory Commission, the office of the Governor of Vermont and Massachusetts, State Senator Stanley Rosenberg, State Representative Christopher Donelan, and US Senators Kennedy and Kerry, in addition to \* editorials in the Greenfield Recorder, Montague Reporter and Hampshire Gazette.

\* US Congressman John Olver  
Gill Selectboard

Dated: July 28, 2004

  
Leland E. Stevens, Chair

  
Ann H. Banash

  
Philip W. Maddern

JOHN W. OLVER  
1ST DISTRICT, MASSACHUSETTS

COMMITTEE  
APPROPRIATIONS

SUBCOMMITTEES:  
TRANSPORTATION AND TREASURY  
RANKING MEMBER  
INTERIOR

ASSISTANT WHIP

Congress of the United States  
House of Representatives  
Washington, DC 20515-2101

August 23, 2004

COPY

Nils Diaz, Chairman  
Nuclear Regulatory Commission  
11555 Rockville Pike  
Rockville, MD 20852


Chairman Diaz:

I am writing to you today regarding the August deadline for intervenor status on the proposed power rate increase at Vermont Yankee Nuclear Power Station. Several communities in my district, including the Town of Gill, would like to see the filing deadline extended.

I understand that the filing deadline for intervenor status must be completed by late August. The difficulty with this deadline is that the design review that is currently in process will not be completed until *after* the deadline. This is a problem. Potential intervenors and interested parties should have access to this design review *before* making a decision to intervene or not. The Governor of Vermont and that state's federal delegation have already requested an extension of the filing deadline, and their sentiments are now being echoed by communities in my district. I share this concern and would like to ask your full and fair consideration of their request to extend the deadline.

Thank you very much for your time and attention to this matter. I look forward to hearing from you.

Sincerely,

  
John W. Olver  
Member of Congress

PLEASE RESPOND TO  
☐ 1027 LONGWORTH HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515-2101  
(202) 225-5335  
(202) 226-1224 FAX

☒ DISTRICT OFFICES  
57 SUFFOLK STREET  
SUITE 310  
HOLYOKE, MA 01040  
(413) 532-7010  
(413) 532-6543 FAX

☐ CONTE FEDERAL BUILDING  
78 CENTER STREET  
PITTSFIELD, MA 01201  
(413) 442-0946  
(413) 443-2792 FAX

☐ 463 MAIN STREET  
FITCHBURG, MA 01420  
(978) 342-8722  
(978) 343-8156 FAX

# GILL SCHOOL

48 BOYLE ROAD  
GILL, MASSACHUSETTS 01376

(413) 863-3255  
(413) 863-3268 (FAX)

GILL-MONTAGUE REGIONAL SCHOOL DISTRICT

ROBERT A. MAHLER  
PRINCIPAL

31 March 2004

## To Whom It May Concern:

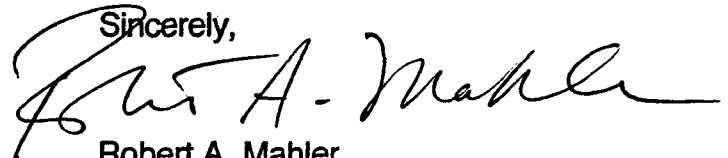
I am writing this letter as the Principal of The Gill School, located within the ten mile limit of the Vermont Yankee Nuclear Power Plant. I have worked closely with officials of MEMA (Massachusetts Emergency Management Agency) to develop contingency plans in response to an accident at the power plant. These plans, although very well intentioned, underscore the basic disconnect between the people in the power production industry and those affected by any accident. The plans call for a series of actions to be undertaken by the staff of the school in response to any unusual event at the plant. The ultimate response is to evacuate the school. The disconnect occurs when people assume that school staff will respond with the same single-mindedness as a military unit when faced with a crisis. No one has truly taken the time to look at the reality of a disaster.

The remarkable courage demonstrated in New York on September 11th by the firefighters and police is inspiring. They were at the scene to, among other responsibilities, control the panic. People were unsure of what was truly happening and were in relatively good control of themselves. In any type of unusual event at Vermont Yankee people WILL know what is happening. People will be informed via the media outlets and by listening in to local police and fire department radio communications. This will create panic among the general population. We may want to believe that people will respond responsibly, but I think that a nuclear accident is the ultimate nightmare, and the public will respond accordingly. So, going back to the school that is located within ten miles of the power plant.....how will staff respond? How will staff respond when their own families are in danger? How will school administrators deal with staff who are unwilling to abandon their cars at school? How will school staff ride buses to safety (if one considers fifteen miles from a power plant as a safe zone), while their own families are in harm's way? These are not idle questions, but the unsettling thoughts of a school administrator who sits within arm's length of his Radiological Emergency Response Plan and Implementing Procedures manual.

It is time for us to consider those who are living with this unseemly reality and not allow Vermont Yankee to increase its power output. Let me ask finally, why would reasonable people take actions that could increase the chance of a horrible situation for our schools and children?

Thank you for your time.

Sincerely,



Robert A. Mahler  
Principal



# *The Commonwealth of Massachusetts*

HOUSE OF REPRESENTATIVES

**STEPHEN KULIK  
REPRESENTATIVE**

1ST FRANKLIN DISTRICT  
STATE HOUSE, ROOM 279  
BOSTON, MA 02133-1054  
TEL. (617) 722-2210  
FAX (617) 722-2821  
E-MAIL:

Rep.StephenKulik@hou.state.ma.us

Committees on:  
Ways and Means  
Transportation  
Natural Resources and Agriculture

DISTRICT OFFICE:  
330 MONTAGUE CITY ROAD  
SUITE 102  
TURNERS FALLS, MA 01376  
TEL. (413) 772-2727  
FAX (413) 773-1821

March 31, 2004

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

Re: Vermont Yankee Nuclear Plant Performance and Power Uprate Review

Dear Commissioners:

I write regarding the proposed uprate of the Entergy Vermont Yankee nuclear power plant that has been requested by its owners. As I understand the matter, Entergy has requested an uprate, which would bring its output capacity to 120 percent of the power output it was originally designed for at the time of the plant opening, 31 years ago.

Last week, the Vermont Public Services Board granted approval of that request, contingent on the successful completion of an independent safety assessment. I urge you to require that just such an assessment be completed before any further action on the uprate request is taken. It is critical to the health and safety of the population that an independent engineering assessment of all the plant systems at the Vermont Yankee plant be completed in order to determine whether or not the systems are reliable and safe under the current standards, before an uprate request is considered.

I represent the First Franklin District in Franklin County, Massachusetts, which borders the Vernon, Vermont town where the plant is located. I strongly believe that this is a matter that greatly affects my constituency because of our close physical proximity to Vernon, regardless of the political boundaries that preclude any official role this office may play in the State of Vermont. Clearly, the health and safety impact on my district would be substantial in the event of any accident, shutdown or other major event at the plant. The threat to our residents' physical well-being, job status and overall security is potentially very great.

I understand and was pleased to learn that my colleagues in the Vermont State Senate voted unanimously on a resolution to ask for an independent inspection with five criteria that are identical to the Independent Safety Assessment (ISA) performed in 1996 at Maine Yankee at the request of then Governor Angus King. I strongly support their resolution that calls for an inspection that:

- 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, including appropriate reviews at the plant's site and its corporate offices;
- 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.

In light of the deep concerns about this matter shared by myself and my constituency, I strongly urge you to require that an independent assessment be completed in order to analyze whether Vermont Yankee is in compliance with current regulations, what the risks to an uprate in the system might include and what the full range of safety issue are currently, as well as under the proposed capacity increase.

Thank you for your consideration of this request. Please feel free to contact me if I can provide your office with any information or assistance.

Sincerely,



STEPHEN KULIK  
State Representative  
First Franklin District  
Massachusetts House of Representatives

The Office of the Secretary,  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555-0001  
Attention: Rulemakings and Adjudication Staff  
[hearingdocket@nrc.gov](mailto:hearingdocket@nrc.gov),

cc:

Alex S. Karlin, Chairman of the ASLB panel at:  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Mail Stop T-3 F23, Washington, D.C. 20555-0001  
[ask2@nrc.gov](mailto:ask2@nrc.gov)

November 9, 2004

Honorable Adjudicators:

The Gill-Montague Regional School District lies partly within the 10-mile emergency evacuation zone of the VT Yankee nuclear reactor, and wholly within about 20 miles of the reactor. As School Committee members, we are deeply concerned about Entergy's request to increase power at the VT Yankee nuclear reactor. We are aware that similar uprates at other reactors of this type have caused costly shutdowns due to potentially dangerous steam dryer cracking and valve jamming. The accidental release of increased radioactive steam due to valves jamming open, should the structural integrity of the steam dryers fail, increases health risks to children in our schools. The evacuation plans in existence now have never been actually tested, and simulations have repeatedly failed to include private nursery schools in the town of Gill. This is of great concern to us. Although the evacuation plans are outside of NRC purview, the level of our concern, and the need for public confidence in any increase of power, and nuclear waste and emissions at the plant should be apparent to you.

Last Spring, the Gill-Montague Regional School Committee sent a letter to the VT Public Service Board asking them to require an independent safety inspection at the Entergy-VT Yankee nuclear power plant and to make their decision regarding a power uprate conditional upon a review of the plant similar to the one conducted at Maine Yankee before its closure. We were joined by many state and federal officials in VT and MA in making this request to the NRC and the Public Service Board. NRC denied the request. We continue to consider our request reasonable. Maine citizens were given the benefit of a complete and thorough safety inspection: for our children's sake, we consider it necessary in this case. Our confidence in the safety of the ENVY plant under current, let alone uprated, conditions is not gained by the brief NRC engineering assessment released on the NRC website recently, nor are our concerns about safety allayed by recent events at the plant.

We ask again for an open, transparent, and thorough process of evaluating the new conditions involved in the uprate, and their impact on emissions, accident scenarios, and safety. We ask that, at minimum, a full, open, public hearing be held, with intervenors allowed to cross examine witnesses under oath, to enable a factual information base known to all parties and the public to be established on which to evaluate the uprate.

We trust that your decision will be in the best interest of the public.

Sincerely,

Joyce Phillips, Chair  
Gill-Montague Regional School Committee



# *The Commonwealth of Massachusetts*

HOUSE OF REPRESENTATIVES

**STEPHEN KULIK  
REPRESENTATIVE**

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330 MONTAGUE CITY ROAD  
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TEL. (413) 772-2727  
FAX (413) 773-1821

November 15, 2004

The Office of the Secretary,  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555-0001  
Attention: Rulemakings and Adjudication Staff  
**hearingdocket@nrc.gov,**

RE: Entergy-VT Yankee Uprate

Dear NRC Rulemakings & Adjudication Staff:

I am writing to express my deep concern about Entergy's request to increase power at the VT Yankee nuclear reactor. I am aware that similar uprates at other reactors of this type have caused costly shutdowns due to potentially dangerous steam dryer cracking and valve jamming. The accidental release of increased radioactive steam due to valves jamming open, should the structural integrity of the steam dryers fail, increases health risks to children in our schools and all our townspeople. The Entergy request to run the ENVY reactor at containment overpressure, a potentially dangerous, and operationally confusing condition, merits much greater examination, under full disclosure rights and under oath, to establish the whole truth about its safety implications.

Last Spring, a letter was sent to the VT Public Service Board by the Franklin County, MA legislative delegation asking them to require an independent safety inspection at the Entergy-VT Yankee nuclear power plant and to make their decision regarding a power uprate conditional upon a review of the plant similar to the one conducted at Maine Yankee before its closure. Many state and federal officials from Vermont and Massachusetts joined us in making this request to the NRC and the VT Public Service Board. NRC denied the request. We considered an independent and thorough safety assessment necessary for the full confidence of our constituents in the safe operation of the ENVY reactor at uprated conditions. The engineering assessment released on the NRC website recently does not begin to approach the level of analysis we requested for this aging facility, nor were our concerns about safety allayed by recent events at the plant including fires (during which public notification procedures were NOT followed,



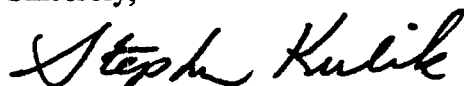
apparent loss of fuel rod segments, and failure of two out of nine operator teams to pass a January 2004 emergency shutdown simulation under normal (as opposed to uprated) conditions, as reported on the ADAMS database before it was closed to public scrutiny.

It is my opinion that the EPU requested by Entergy is a significant change in the reactor license that should trigger an extensive and comprehensive safety inspection and evaluation. Intervenor representatives representing the public interest must be allowed to contend Entergy Corporation's claims in a G-type hearing, with full adjudicatory hearing rights, with those giving testimony under oath. Due to NRC rules, timelines, withholding of technical reports, and refusal to conduct a full independent safety assessment, the public is at a great disadvantage in establishing standing and contentions on safety concerns. Therefore, intervenors for the public interest should be afforded every right to examine evidence and cross-examine Entergy testimony under oath, in order to establish as far as possible the whole truth regarding the safety implications of the requested changes in operating conditions and procedures.

I urge you to conduct an open, transparent, and thorough process of evaluating the new conditions involved in the uprate, the impact of the uprate on emissions, accident scenarios, and public safety, and resolution of the question of whether ENVY is even in compliance with its design basis now. I ask that in order to accomplish this, an open, public, G-type hearing be held, to establish a factual information base on which to evaluate the uprate.

I trust that your decision will be in the best interest of the public.

Sincerely,



STEPHEN KULIK  
State Representative

cc: Alex S. Karlin, Chairman of the ASLB panel at:  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Mail Stop T-3 F23, Washington, D.C. 20555-0001  
[ask2@nrc.gov](mailto:ask2@nrc.gov)

**TOWN OF GILL**  
**MASSACHUSETTS**



[www.gillmass.org](http://www.gillmass.org)

August 8, 2005

Vermont Public Service Board  
Chittenden Bank Building  
112 State Street  
Drawer 20  
Montpelier, VT 05620-2701

RE: Entergy-VT Yankee Uprate and Waste Storage Issues

Dear Board Members:

As one of the Massachusetts' towns that lie partly within the 10-mile emergency evacuation zone of the Entergy-VT Yankee nuclear reactor, we, as elected representatives of citizens of the town of Gill, once again call on the Vermont Public Service Board to emphasize our continued concerns about the Entergy-VT Yankee nuclear power reactor.

Our summary points:

We call on you to reject the NRC's inspection report as inadequate to meet the VPSB's requirement for an independent engineering assessment.

We urge you to rescind your conditional approval of the power increase until an adequate report is provided and its results are evaluated and subjected to public scrutiny.

If added on-site storage is to be allowed at all, we make a call on you to require hardened on-site storage (using concrete and steel structures around each waste module, enclosing them in protective mounds, and with waste modules spread further apart). If this storage system is inadequately designed and constructed, then Vermont may end up bearing the economic and societal burden associated with any malfunction.

Discussion:

We call on the Vermont Public Service Board to reject the NRC inspection report as inadequate for meeting the VPSB's conditional approval requirement of an independent engineering assessment. We again call for an assessment along the guidelines used in the process for evaluating the Maine Yankee reactor and rescinding of the conditional approval until a truly comprehensive study is completed and its implications evaluated.

The problem with the internal distribution of power in the electrical system and the bringing on of emergency back-up power which led to the recent emergency shutdown of the reactor on July 25, 2005, <sup>and</sup> in addition, the citing of an operator for sleeping on the job (as occurred at the Pilgrim reactor) only heighten our concerns in this regard. Technologies and processes at the reactor station need a comprehensive review.

In earlier communications, when we wrote to the VT Public Service Board asking for an independent engineering inspection, many state and federal officials from Vermont and Massachusetts joined us in making this request to the NRC and the VT Public Service Board. We continue to consider an independent and thorough safety assessment necessary for the full confidence of our constituents in the reliable and safe operation of the ENVY reactor at uprated conditions. The public presently has no confidence that this reactor and its operation are safe.

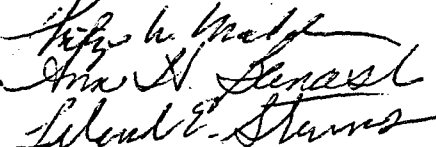
The engineering inspection undertaken by the NRC did not provide the level of analysis we requested for this aging facility, nor are our concerns about reliable operation allayed by recent and past events at the plant including fires (during which public notification procedures were NOT followed, apparent loss of fuel rod segments, and failure of two out of nine operator teams to pass a January 2004 emergency shutdown simulation under normal (as opposed to uprated) conditions, as reported on the ADAMS database before it was closed to public scrutiny.

We are aware that similar uprates at other reactors of this type have caused costly shutdowns due to potentially dangerous steam dryer cracking and valve jamming. The Entergy request to run the ENVY reactor at containment overpressure, a potentially dangerous, and operationally confusing condition, merits much greater examination. Operation in this mode in an emergency would be likely to reduce system reliability.

We trust that your decision will be in the best interest of the public.

Respectfully,

Gill Selectboard



Philip W. Maddern

Ann H. Banash

Leland E. Stevens

Cc: MA Attorney General Thomas Reilly  
Congressman John Olver  
Greenfield Recorder  
Brattleboro Reformer  
Springfield Union