

Official Transcript of Proceedings
NUCLEAR REGULATORY COMMISSION

Title: Entergy Nuclear Vermont Yankee L.L.C. and
Entergy Nuclear Operations, Inc.

Docket Number: 50-271-OLA

Location: Brattleboro, Vermont

DOCKETED
USNRC

July 11, 2006 (11:41am)

Date: Monday, June 26, 2006

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

Work Order No.: NRC-1108

Pages 1-94

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD

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IN THE MATTER OF:

ENTERGY NUCLEAR VERMONT YANKEE L.L.C. : Docket Number
and ENTERGY NUCLEAR OPERATIONS, INC. : 50-271-OLA
(VERMONT YANKEE NUCLEAR POWER STATION): ASLBP NO.

- - - - - x 04-832-02-OLA

Monday

June 26, 2006

Latchis Theater
50 Main Street
Brattleboro, Vermont

The above-entitled matter was convened,
pursuant to Notice, at 6:36 p.m.

BEFORE: ALEX S. KARLIN, Administrative Judge
ANTHONY BARATTA, Administrative Judge
LESTER RUBENSTEIN, Administrative Judge
MARCIA CARPENTIER, Law Clerk

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P R O C E E D I N G S

(6:36 p.m.)

MR. KARLIN: Thank you and welcome.

Please let me begin by introducing ourselves. In accordance with the Atomic Energy Act and the regulations of the Nuclear Regulatory Commission, we, the three people sitting here, have been established as an Atomic Safety and Licensing Board to deal with the matter of the Entergy request for a 20 percent uprate or increase in power with regard to the Vermont Yankee Nuclear Power Station, which you are all familiar with.

For purposes of the record here tonight, we have a court reporter who will be recording this and a copy of that will be made available on the Website of the NRC. And so, for that purpose, I do need to say that this is Docket Number 50-271-OLA, Operating License Amendment, and for the record, today is June 26th and this proceeding is being held in the Latchis Theatre, the historic Latchis Theatre in Brattleboro, Vermont.

To my left is Dr. Anthony Baratta, he has a Ph.D. in nuclear engineering and is the Associate Chief Judge of the Atomic Safety and Licensing Board panel. To my right is Judge Lester Rubenstein, he has

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1 more than 40 years of technical and leadership
2 experience in the NRC and it's predecessor entity, the
3 Atomic Energy Commission.

4 My name is Alex Karlin and I am a lawyer,
5 by training, and an administrative law judge and the
6 chairperson of this particular board, the board that
7 is handling the uprate.

8 As a second matter, I would like to
9 express our appreciation to the Latchis Theatre for
10 making this facility available. We know that there is
11 a lot of public interest in this matter, we understand
12 that there is and we are glad that people were able to
13 make it out here tonight, on a rainy evening, to
14 speak, and hopefully give us information and perhaps
15 help us with this process.

16 In particular, I want to thank Gail
17 Nunziato and Rick Taft, Darren Goldsmith and David
18 Woodbury, they are part of the management of the
19 theater who have graciously made this facility
20 available to us. We welcome the public participation
21 here tonight and I'm glad so many people were able to
22 make it out with the rain. We are here to conduct
23 what is called a limited appearance statement session
24 and what that means is the members of the public, who
25 are interested or concerned about this facility, have

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1 the opportunity to make a limited appearance
2 statement, a verbal statement to us here tonight, and
3 we are here to listen to that.

4 There are regulations that lay this all
5 out and we want to have this session, it's not always,
6 it's a discretionary session, the boards are not
7 required to do this. We have written limited
8 appearance statements that are also available for
9 people who want to submit something in writing to us,
10 who aren't a party to the litigation but who would
11 like to submit something, and a number of people
12 already have done that and I invite you to do that as
13 well. And if you want to supplement your remarks here
14 tonight with something in writing, that would be fine.
15 The notice that we put out earlier will give you that
16 information and I'll tell you a little bit more about
17 that later.

18 Before we start, I would like to cover
19 five items, and it may take a couple of minutes and,
20 if you bear with me, it might be helpful to you all,
21 and then we turn the floor over to you so we can
22 listen. The five items are housekeeping matters, one.

23 Two is the Atomic Safety and Licensing
24 Board panel, a little bit of explanation of what we
25 are, who we are. I think we are a different entity

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1 than perhaps the other NRC proceedings that you've
2 seen up here.

3 Three is the history of this proceeding,
4 many of you know a great deal about that and we'll
5 just try to summarize a little bit of what this
6 proceeding is and how it is distinguished from some of
7 the others that are going on.

8 Fourth is the purpose of the limited
9 appearance statement session, what we do with the
10 information you provide us tonight, and the fifth is
11 some procedures we would like to use for conducting
12 this proceeding tonight.

13 The housekeeping matters first, just the
14 basics. If you have cell phones, I would appreciate
15 it if you could turn them off or put them on some sort
16 of a vibrate function and, if you have a cell phone
17 conversation, if you could conduct it outside in the
18 lobby, that would be very helpful.

19 Also, second, the media is here, we
20 welcome the media and we have a policy, the NRC has a
21 policy for media to be present and I understand that
22 this is a helpful way for this to be publicized and
23 information made public.

24 And third, as I mentioned before, we are
25 having a transcript made and that will be available to

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1 the public in about ten days to two weeks on the
2 Website. Mr. Farley, the Court Reporter to my left,
3 is the one who is going to take the transcript of this
4 proceeding. That's the housekeeping.

5 Second, the nature and role of the Atomic
6 Safety and Licensing Board, this entity of three
7 judges you see here, Administrative Judges, I think it
8 would be worth explaining a little bit of that. We
9 have a web page that might also be helpful to you.
10 There is, on the counter outside, a printout from the
11 first page of our web page, the Atomic Safety and
12 Licensing Board Panel web page, so you might want to
13 access that to get information. There is also a
14 little brochure that they put together that could be
15 of help in explaining who we are and what the board
16 does, what these boards do.

17 Overview. Federal law created the Nuclear
18 Regulatory Commission, the commission is headed by
19 five commissioners who are appointed by the president
20 and I think confirmed by the senate. The
21 commissioners have a large regulatory staff working
22 for them, there are like 3,000 people who work at the
23 NRC and they all essentially work for the
24 commissioners. You will hear sometimes in the
25 proceeding the NRC staff, they are here, they are

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1 here, they do their job, they are working on the
2 licensing and reviewing of the license amendment
3 application for the uprate, but they are very
4 different from what the Atomic Safety and Licensing
5 Board is.

6 Our role is quite different, the judges
7 here, the members of the this board, once they are
8 appointed, are appointed essentially for life. We
9 have, no performance reviews are done by the
10 commissioners on us, they can't fire us, or hire us,
11 or promote us, or give us raises or bonuses or take
12 money away from us if we issue a decision that they
13 don't like. We have some independence, therefore, and
14 we take that seriously and we try to call them the way
15 we see them, when it comes to issues that are brought
16 before us.

17 We have no allegiance to the staff, to the
18 licensee, to Entergy, to environmental groups and, in
19 fact, we are not allowed to talk with the staff, of
20 the licensee or the environmental groups on anything
21 substantive about this proceeding. I mean we can say
22 hello, we can ask how is the weather, but we are not
23 allowed, it is prohibited for them to talk with us or
24 us to talk with them. So, if the staff is doing
25 something, we don't have a way of knowing about it

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1 unless they tell us or someone else tells us, one of
2 the parties to the litigation, or you tell us.

3 We don't talk with them, we don't talk
4 with the commissioners either and they don't talk with
5 us about this. We issue our ruling, we call it the
6 way we see it and if somebody doesn't like it, they
7 can appeal it to the commission and then they'll make
8 a decision. They are like an appellate body, they can
9 overrule us, but we do not discuss the merits of these
10 proceedings with the commissioners at all and if
11 anyone did try to talk with us about it, we would have
12 to do something and lay it on the record in something
13 called ex parte communications, and we take that
14 seriously and we try to avoid all such communications.
15 These rules are essentially in effect to try to help
16 us be independent and impartial in ruling on these
17 things.

18 Third, a general area, a brief history of
19 this proceeding. You all may know, as well as we do,
20 some of the history of this proceeding. In September
21 of 2003, Entergy submitted a license amendment
22 application for the uprate, a 20 percent uprate. In
23 July of '04, the commission, remember they are
24 different from the board, the commission published a
25 notice saying anybody who wanted to seek a hearing or

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1 challenge some part of the uprate had a right to
2 request a hearing, and requests were received from the
3 New England Coalition and from the State of Vermont.

4 At that point, this board was appointed in
5 September of '04 to deal with the requests for the
6 hearing. In October of '04, we came up here and held
7 two days in the Brattleboro Middle School what we call
8 oral argument, listening to NEC, the New England
9 Coalition, the State of Vermont, Entergy and the NRC
10 staff tell us and argue to us why these particular
11 contentions they were raising should or shouldn't be
12 brought into a hearing, and there are some regs that
13 deal with that. In November of '04, we issued a
14 ruling stating that we thought that the State of
15 Vermont and the New England Coalition had in fact
16 raised some viable contentions that met the standards
17 that NRC regs set.

18 We can't change the regs, we have to
19 follow them, but we felt that both of those entities
20 had presented viable contentions that were worth
21 having a hearing on and so we granted the hearing
22 request. Well the next question is, you may ask, is,
23 well, if you granted a hearing request in October or
24 November of '04, when was the hearing that you held on
25 these contentions that were admitted? And the answer,

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1 as you may know, is we haven't had the hearing yet,
2 that hearing is scheduled for September, the week of
3 September 11th and, if necessary, the week of October
4 16th, here in Brattleboro. Well, actually, I have to
5 correct that, it will be in Newfane, a few miles up
6 the road, as I understand it. I haven't been there
7 yet but this is the facility we've been able to have
8 and make available.

9 So the evidentiary hearing on the
10 contentions, the ones that we granted in November of
11 '04, will be held in September of '06. Why did it
12 take so long? Why did we wait two years before we
13 could have the evidentiary hearing? Well the reason
14 is that there are regulations which say you are really
15 not supposed to have the evidentiary hearing until
16 after the applicant and the staff, the NRC staff,
17 which is separate from us, finish doing their thing,
18 and one of their things is the staff has to issue
19 what's known as a safety evaluation report and that's
20 based upon information submitted by Entergy and, for
21 whatever reason, that took them a couple of, over a
22 year, and that's not abnormal.

23 And in the spring of this year, the staff,
24 March, I think 3rd it was, the staff issued the safety
25 evaluation report and it was at that point we could

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1 then trigger the proceedings which would ultimately
2 lead to the hearing in September. Those involve the
3 state, I'm sorry, the parties submitting written
4 testimony to us, written rebuttal testimony, certain
5 plans for direct and cross examination and other
6 procedures that lead up to the actual evidentiary
7 hearing.

8 So that's where we are, we are going to
9 have an evidentiary hearing on the matter of the
10 contentions that have been admitted in this matter.

11 Finally, I would note that, as you may
12 know, in April, April 10th actually, we issued a
13 notice to the public and it was in the *Federal*
14 *Register* which, for what it's worth, is out there and
15 is a federal mechanism for informing the public, which
16 said we wanted to hold this limited appearance
17 statement session, and so that was published. There
18 is copies, there are copies of that in the back, on
19 the table in lobby when you come in, if you want to
20 look at the full length, three or four pages of what
21 a limited appearance statement is and how we called
22 this, so I thought that history was helpful.

23 Before we leave the topic of history, I
24 think two points probably need to be understood or
25 maybe explained, I'll try to explain them. The first

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1 point that the public might ask is, well, why is this
2 board dealing with the question of an uprate, hasn't
3 the uprate at Vermont Yankee already been implemented?
4 Isn't it already in effect? The hearing is in
5 September of '06, isn't that getting the cart before
6 the horse? What can this board do? Well I think
7 that's a good question and, let me see, in the notice
8 that we, the Federal Register notice that's out there
9 on the table, for anyone who wants to, I tried to
10 address that.

11 We tried to address that in the notice and
12 let me just read that because the best thing I can say
13 is to read that particular provision. Bear with me.
14 It's in footnote one, it's on the first page, right
15 there at the bottom. Commission regulations permit
16 the NRC staff to approve a license, to approve a
17 license amendment and to authorize the licensee to
18 implement the action, i.e. the uprate, prior to the
19 adjudicatory hearing, if the staff determines that the
20 amendment involves no significant hazards
21 considerations, and there is a reg that says that and
22 I cited that reg. This is what has happened in this
23 case.

24 On March 2, '06, after finding that there
25 are no significant hazards considerations associated

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1 with the Vermont Yankee uprate, the NRC staff approved
2 Entergy's request for the license amendment, and then
3 I give you a cite to that document in the Federal
4 Register. Entergy, as I understand it, has already
5 begun to implement the uprate and maybe it's fully
6 uprated at this point, for all I know, all I know is
7 what I read in the newspaper and so it seems.
8 However, the NRC staff decision shall have no effect
9 on the responsibility and authority of this board to
10 rule on the validity of the objections raised by the
11 interveners herein.

12 As the commission recently explained, and
13 this is the commissioners, if the board determines,
14 after full adjudication, that the license amendment
15 should not have been granted, it may be revoked or
16 conditioned, and then they cite or I cited a ruling
17 where the commission said that. So the hearing will
18 be in September, the uprate has already been in effect
19 but if we are, if we are convinced that some of the
20 contentions that have been raised are legitimate, then
21 there is something we can do about it and I thought
22 you ought to know that, and it might be a source of
23 confusion, if you didn't understand that procedure.

24 The second point in the history, sort of
25 for clarification, is what about the Vermont Yankee

1 license renewal, isn't that what we are here for
2 tonight? And I think most of you know the answer to
3 that is no, we are not here for the renewal, the
4 renewal is a separate matter from the uprate.
5 Remember, the uprate was requested by Entergy in
6 September of '03, the renewal was requested by them in
7 January of '06. In March of '06, NRC published a
8 notice. In May of '06 four entities requested hearing
9 on the renewal, the States of Vermont and
10 Massachusetts, NEC, New England Coalition, and the
11 Town of Marlboro, and a different board was created to
12 handle the renewal.

13 The renewal board plans to have oral
14 argument on the requests on August 1st and 2nd of this
15 year, that is a different board. I am on both boards,
16 my colleagues here, my technical colleagues, are not
17 on the other board, but I happen to be chairing both
18 boards, there is hopefully some efficiency in that.
19 But the main point is that there are two separate
20 applications, the 2003 application for an uprate and
21 a 2006 application for a renewal, and this board is
22 only really here properly, our only authority is to
23 deal with the uprate and hopefully you will understand
24 that. I mean it may be frustrating to have several
25 things going on at the same time, that is how this

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1 process works and we are trying to do the best we can.

2 Okay, the fourth point, the purpose of
3 today's proceeding, what is the limited appearance
4 statement session? It's really for us to listen to
5 your comments relating to the uprate. This is to
6 allow for members of the public to alert the board to
7 issues and areas related to the uprate that you think
8 we should consider, it primarily relates to the
9 contentions that have been admitted in the proceeding.
10 There are specific contentions that were admitted and
11 those are the ones we'll be having a hearing on in
12 September, but if there is something else related to
13 the uprate you need to say it.

14 Note that what you are going to say here
15 tonight, limited appearance statements are not sworn
16 under oath, like we would if we had a hearing, it's
17 not testimony, and evidence and that sort of a thing,
18 but your statements will be transcribed, and they will
19 be placed into the docket of this proceeding and will
20 be considered by the three of us in trying to deal
21 with this. This is not a time for the NRC staff to
22 talk, or for the applicant or for the New England
23 Coalition, it's the time for the public to speak to us
24 about the uprate and for us hopefully to listen.

25 Finally, and I appreciate you bearing with

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1 me, the procedures for this evening. We have the
2 notice on April 10th, we asked people, we asked people
3 to preregister, to send in an e-mail or contact us to
4 let us know if you wanted to talk and we have gotten
5 quite a few or a number of people who have
6 preregistered. I have a list of some names for this
7 evening, there are also people who have preregistered
8 to speak for the two sessions tomorrow. We have one
9 at, I think it's at 9:00 a.m. tomorrow morning. Let
10 me just make sure and get that right. Yes, 9:00 a.m.
11 tomorrow morning here and 1:30 tomorrow afternoon, so
12 we really have three sessions and we have people who
13 have preregistered at those sessions.

14 Our approach to that would be first come
15 first serve and as people registered, we have put
16 their name on the list and will ask them to speak,
17 hopefully, if they are here, in that order. We, in
18 light of what we anticipated, we will ask that you
19 limit your remarks to five minutes. We have two
20 microphones in the front here, one over here and one
21 over here, and if you would come to the front, I'll
22 try to call the names and let people know what the
23 order is, and maybe we'll even have a bull pen where
24 somebody can be waiting but, if you could come up in
25 order, I would appreciate it.

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1 If you could focus your remarks on the
2 uprate and try to limit them to five minutes, given
3 that it doesn't look like it's that crowded this
4 evening, we, if we, a couple, we might be able to
5 accommodate a little more time, if someone really
6 needs it, so we are not going to try to be super rigid
7 or anything on that, but I think we will start with
8 trying to ask people to do it the five minutes. If
9 you haven't signed up in advance already, you are
10 welcome to do so. Go out to the lobby, Karen Valloch,
11 one of our administrative assistants is out there, and
12 she will take your name, and that will be shuttled up
13 to me and to us here and we'll try to call the names
14 in order. So anybody who wants to, if you could,
15 please try to preregister so we can have the names,
16 the Court Reporter will keep the names and that sort
17 of thing.

18 Let's see. Remember that you can submit
19 written limited appearance statements as well. We
20 hope everyone will cooperate this evening and try to
21 keep it on topic, so we can maximize our chances to
22 hear from everyone who does want to speak on the
23 uprate topic. Before I close, I would like to also
24 introduce some of, Marsha Carpentier, she is a lawyer
25 who works for the board and is one of our law clerks,

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1 she is also here to help us with some of the legal
2 issues. And Jonathan Rund is another lawyer who works
3 with us and he is I think in the back, somewhere, the
4 very back of the theater right now.

5 I thank you for your patience in listening
6 to what I had to say here, I hope this information was
7 helpful to you. Before proceeding, is there anything
8 my colleagues on the board would like to say?

9 MR. RUBENSTEIN: No, except we are happy
10 to be here, and to listen to you and consider your
11 thoughts on the matter.

12 MR. BARATTA: Just for Mr. Farley's
13 benefit, please make sure you do state your name
14 clearly and also I would like to extend my thanks to
15 you all for coming out tonight and I'm anxious to hear
16 what you have to say. Thank you.

17 MR. KARLIN: With that, what I'm going to
18 do is ask Ms. Carpentier to help us with the time
19 keeping, which is to say five minutes. I hope she
20 will give us a one minute warning, hopefully it's not,
21 like I said, in the football parlance, a two minute
22 warning that then takes 30 minutes before it's over
23 with, but she'll, one minute left and then she'll say
24 the time, and hopefully you can try to wrap your
25 remarks up in that amount of time. I will also ask

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1 that the lights be dimmed at this point so that we can
2 have some opportunity to see you a little bit better
3 as you are speaking, that would help us, and hopefully
4 that will suffice for you.

5 So right now we have, and I'm going to
6 call them in order. If you are here, hopefully you
7 will come up. The first person registered is Ms.
8 Sally Shaw. Ms. Shaw? Okay, great.

9 I might mention the second person is Clay
10 Turnbull so, if Mr. Turnbull could be in the bullpen,
11 as it were, that would be helpful.

12 Ms. Shaw, the floor is yours, welcome.

13 MS. SHAW: Thank you and thank you for
14 providing the opportunity to appear in a limited way.
15 I am sort of, there is a, I am happy for the
16 opportunity to go first because there is some really
17 basic questions about what the ASLB is doing here that
18 you didn't answer, one of which is if this limited
19 oral appearance is not going to be part of the
20 evidentiary record, in other words it's not part of an
21 evidentiary hearing, and the judges on your board are
22 not allowed to consider anything that is not presented
23 as evidentiary at the evidentiary hearing, then I'm a
24 little confused about how you will weigh people's
25 statements in making your decision about whether the

1 uprate is in the best interest of the public, as far
2 as safety is concerned.

3 And what then is the purpose of the
4 limited oral appearance, if not to provide testimony
5 into the evidentiary record? That's just something
6 I'm confused about, and maybe you could ponder it a
7 bit and then answer it when I finish. I was also
8 gratified to hear you tell us how many people are
9 employed by the NRC. It occurs to me that we've
10 continually heard about how inexpensive nuclear power
11 is, compared to other sources of power, and it seems
12 that if everyone at NRC were making \$50,000 a year,
13 which I am sure is a modest sum to you folks but it's
14 a gold mine to us here in Vermont, then we taxpayers
15 are spending \$150 million to support the nuclear
16 industry. There is no other power generating source
17 in the world that has a government agency that is
18 installed for the purpose of protecting us from an
19 absolute holocaust.

20 I would like to talk about the accidents
21 or mistakes or mishaps that have occurred at Entergy,
22 at Vermont Yankee since Entergy took ownership in
23 August, 2002, but I want to start with an event that
24 occurred slightly before that. They apparently took
25 ownership in August. In March of 2002, Vermont Yankee

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1 identified fuel clotting failures, the fourth and
2 fifth such occurrences since early December of 2001.
3 Then, in January, 2002, actually that preceded that,
4 the Vermont Yankee, Entergy Vermont Yankee reported
5 blistering of paint primer in the containment.

6 The concern about that is debris clogging
7 the pumps or the screens in the containment that could
8 interact with their need for containment overpressure
9 in order to render the cooling system ineffective. We
10 don't know a lot about nuclear reactors, but we know
11 that the cooling system is really important, so this
12 is a concern. On November 20, 2003, the, there was an
13 event reported on the NRC website, high pressure
14 coolant injection system declared inoperable.

15 In March of 2003, ElecTrac, which is a
16 vendor of software for cable management and fire
17 protection data, reports that the Trac 2000 Fire
18 Hazard Module incorrectly reports the total BTU value
19 assigned to a given fire zone after user input of a
20 suitable additive BTU margin, the fear being the Nine
21 Mile Point reactor and Vermont Yankee Nuclear Plants
22 may be affected.

23 On August 29, 2003, the NRC completed a
24 team inspection at Vermont Yankee and there were two
25 findings identified during this inspection related to

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1 the effectiveness of the correction action program,
2 which is an issue I'm sure you know about, since New
3 England Coalition has filed a contention that involves
4 quality assurance, and quality control and its
5 problems at Vermont Yankee. The two problems were,
6 one, that the plant staff had not identified or fully
7 evaluated the non-compliance with Appendix R and had
8 not performed an appropriate evaluation for the impact
9 on the ability of the operators to achieve and
10 maintain safe shut down. Now this is going to be a
11 theme that you'll hear again.

12 The second finding involved the adequacy
13 of corrective actions to address--

14 MR. KARLIN: Time, Ms. Shaw, that was five
15 minutes. She tried to give a one minute warning, but
16 she didn't speak up enough, so we'll just make that a
17 one minute warning and ask--

18 MS. SHAW: You'll give me a one minute?
19 Thanks.

20 MR. KARLIN: Sure.

21 MS. SHAW: I mean there are about 20
22 people here, you'll be done in an hour and a half, you
23 are supposed to go until 10:30. I would think maybe
24 people could have a little more time.

25 MR. KARLIN: Well, yeah, I think we are

1 going to try to be reasonable on that, yes.

2 MS. SHAW: Okay, thank you. In addition--

3 MR. KARLIN: Ms. Carpentier, try to speak
4 up quite loud. I'm sorry, she doesn't have a
5 microphone, but she is placed over there closer to
6 hopefully where most of the speakers will be, so--

7 MS. SHAW: Maybe we should give her a big
8 cane with a--

9 (Laughter)

10 MR. KARLIN: I apologize.

11 MS. SHAW: I'll try to read faster.

12 The second finding involved the adequacy
13 of corrective actions to address problems identified
14 during the testing of relief valves, these findings
15 were determined to be violations of NRC requirements.
16 In addition, minor problems were identified that were
17 entered into the corrective action program, some of
18 them were corrective actions that were ineffectively
19 tracked or had not been implemented. On November 20,
20 2003, once again the high pressure coolant injection
21 system was declared inoperable. On November 21st, the
22 morning report reported potential failure of high
23 range containment monitor detectors, Vermont Yankee is
24 among those reactors potentially effected. Has this
25 containment monitor been replaced?

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1 On December 31, 2003, an inspection found
2 more problems, cornerstone initiating events involving
3 the use of work instructions for work effecting
4 quality, no work instructions were provided to
5 improve, to include proper verification of safety
6 related piping locations in the vicinity of core
7 boring activities. As a result, the contractor in
8 advertently perforated the BSW supply header, which is
9 something water, I can't remember, while core boring.
10 That doesn't sound good. This is a really, this is
11 one I like a lot, this is the finding that two of nine
12 crews, who were assessed using a simulator, failed to
13 pass their simulator examinations.

14 What were they doing in the simulator?
15 They were trying to shut down the plant manually in
16 the event of an accident. Two of nine operator teams
17 failed.

18 MR. KARLIN: Okay.

19 MS. SHAW: Do you want to shut me off
20 before I finish?

21 MR. KARLIN: Well I think what I would
22 like to do is ask you to close now and we'll call
23 Mr. Turnbull. If there is enough time at the end and
24 if my colleagues agree, we could ask you to come back
25 at the end, after we have gone through people who--

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1 MS. SHAW: That would be great because I
2 didn't even get to the four fires they have had in the
3 past two years yet.

4 Thank you.

5 MR. KARLIN: Well what we'll, we'll put
6 you down as wanting to speak later and I'll try to
7 call that.

8 Next, Clay Turnbull. Mr. Turnbull?

9 Well we'll hold that and next we have
10 Sunny Miller. Mr. Miller? Ms. Miller? Sunny Miller?
11 Oh, okay.

12 MS. MILLER: I would like to raise a point
13 of order, that I understand that you've asked the
14 people taking pictures to only use ambient light and
15 the public is here in the semi dark while you are all
16 very well lit. So the photographs, you can see behind
17 me that news photographer is taking your picture, but
18 how will they light the public? So I would like to
19 pause and ask if we can address that.

20 MR. KARLIN: Well we are not here to
21 answer questions, but there is a policy that the NRC
22 camera, that is out there on the table, which provides
23 that ambient lighting is what is, what we use in these
24 kind of proceedings.

25 MR. MILLER: But the problem--

1 MR. KARLIN: We didn't make it up. I
2 asked the Latchis Theatre to bring the house lights up
3 as high as they could make them and this is as high as
4 they can make them, so the only alternative we could
5 do and we asked them is to dim our lights a little bit
6 so we can see you, so that's, so please proceed.

7 MS. MILLER: I would be happy to come up
8 to the stage and be in the light for making my
9 remarks.

10 MR. KARLIN: No, you make the remarks from
11 there, please.

12 MS. MILLER: So I, under protest, I speak
13 to here in the dark, and it's a little hard to read
14 here as well, sir. I wonder if you have any
15 assistance for my eyes here to read this text?

16 MR. KARLIN: No, I'm sorry, I don't.

17 MS. MILLER: May I hear a little applause
18 if you object to these conditions?

19 (Applause)

20 MS. MILLER: Well the lights on the stage
21 are quite bright and I would like to move up to the
22 stage.

23 MR. KARLIN: I'm sorry, Ms. Miller, please
24 just continue where you are and, for security reasons,
25 we are not allowing people up on the stage.

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1 MS. MILLER: Grandmas are dangerous now?

2 MR. KARLIN: Now, we are just trying to
3 have the presentation, are you saying you cannot read
4 that?

5 MS. MILLER: It's difficult, the print is
6 fine.

7 MR. KARLIN: Well please try to get--

8 MS. MILLER: It's not reading glasses,
9 it's light.

10 MR. KARLIN: If you get a flash light, he
11 is going to get a flashlight.

12 MS. MILLER: I'm very sorry that you feel
13 threatened by citizens in Vermont, and Massachusetts
14 and New Hampshire who want to speak to you, I'm very
15 sorry about that, I don't understand it. Do you bring
16 this attitude from Washington? Where does this
17 attitude come from?

18 MR. KARLIN: Hopefully we'll have a
19 flashlight that will help you read your statement.

20 MS. MILLER: I can't hold it, and read
21 these and turn my pages at the same time. If you
22 would like to hold it for me, that would be a big
23 help.

24 MR. KARLIN: So we'll start the five
25 minutes now.

1 MS. MILLER: Thank you. I would like to
2 present, my name is Sunny Miller of Deerfield,
3 Massachusetts and I would like to present some
4 comments.

5 First, David O'Brien, Commissioner of the
6 Department of Public Service, the state's liaison with
7 the federal agency, wrote, in June of 2004, opposing
8 a key request of Entergy's upgrade plan that could
9 ultimately increase the release of radiation in the
10 event of an emergency and disaster at the Vermont
11 Yankee reactor, doubling the allowable leakage would
12 mean potentially exposing Vermonsters, and I might say
13 people in Massachusetts, New Hampshire, Maine and
14 around the world, it doesn't stop at any border, to
15 twice as much radioactive leakage from the main steam
16 isolation valves in the event of a design basis loss
17 of coolant accident.

18 Exposing us to this increased potential is
19 unnecessary and undesirable. The Public Service
20 Board, the quasi judicial board that hears utility
21 matters, scheduled a conference with the NRC on the
22 power boost, specifically to address whether the NRC's
23 announcement of a 4,000 hour engineering assessment
24 would satisfy the board's conditional approval of the
25 so called power uprate. Susan Hudson, Clerk of the

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1 Public Service Board, said the hearing conference on
2 June 28th would allow the board to ask NRC officials
3 questions about the extent of the engineering
4 assessment that in announced in 2004, May.

5 The Public Service Board granted Entergy
6 Nuclear a state Certificate of Public Good for the
7 power increase but conditioned it on what it called an
8 independent engineering assessment. I hold that the
9 engineering assessment is not adequate to date and I
10 would like to back that up with comments by William
11 Sherman. Based on reliability problems caused by the
12 steam dryers at Quad Cities units one and two, Dresden
13 units two and three and the lack of resolution of
14 these concerns in either the NRC's staff review or the
15 power ascension tests, additional means should be
16 provided in order for Entergy's Certificate of Public
17 Good to be considered and to be determined to remain
18 in the public good.

19 At the time of the close of the
20 evidentiary record in docket number 6812, the steam
21 dryer at Quad Cities unit two had failed twice, in
22 June, 2002 and May, 2003, as a result of operating at
23 higher upgraded power levels. Despite this repeat
24 failure at Quad Cities unit two, the expectation at
25 the close of the evidentiary record that, once

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1 identified, the steam dryers would be modified and
2 repaired to prevent further roller. Power uprate
3 related failure of the steam dryer at Quad Cities unit
4 one in October of 2003 was an emerging issue at the
5 close of the evidentiary record.

6 The following are findings in this area
7 from the board's order of March 15, 2004, and I might
8 say that whenever William Sherman uses the word
9 "plants", I will substitute the word "reactor".
10 Reactors, which have implemented 20 percent power
11 uprate of experience, forced outages and power
12 reductions as a result of the modifications made for
13 power uprate Eight nuclear reactors have undergone
14 extended power uprates of 17 percent or greater, two
15 of these, the Quad Cities units one and two, have
16 experienced extended outages as well as periods of de-
17 rates or less productivity.

18 Quad Cities two has experienced 42 days of
19 uprate related outages, along with additional loss
20 generation through a period of de-rating. The cost
21 risk for Vermonters occurs from having to purchase
22 replacement power at prices potentially higher than
23 those set in the power purchase agreement. The cost
24 of this replacement power would most likely be defined
25 by market prices, since uprate related outages would

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1 most likely be unplanned.

2 I might say that I count the costs of a
3 meltdown to be far greater than the cost of
4 replacement power, and I am concerned about more than
5 the steam dryers and I would hope that your scrutiny
6 would increase greatly concerning our safety.

7 Thank you.

8 MR. KARLIN: Thank you.

9 (Applause)

10 MR. KARLIN: I think on the signup sheet
11 we have, let me ask, just again, Mr. Turnbull, Clay
12 Turnbull, has he arrived yet?

13 Okay, then I'll go to Jonathan Mark Haber.
14 Do I have Mr. Haber? Great.

15 MR. HABER: Do I go over there?

16 MR. KARLIN: Whichever side. This would
17 probably be good, but take your pick.

18 MR. HABER: My name is Jonathan Mark
19 Haber, I'm a publisher for an on-line news resource
20 called Fly-by News. This came from efforts to expose
21 and stop the Casini Earth fly-by, which was a NASA
22 space mission in 1997, it was launched and it had 72.3
23 pounds of plutonium on board. They sent it the
24 opposite way of Saturn to Venus, did two fly-bys
25 around Venus, came back for an Earth fly-by, was

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1 traveling at ten miles per second with all this
2 plutonium on board that had no containment if it did
3 hit the atmosphere.

4 Fortunately, it didn't hit the atmosphere,
5 but the threat of 400,000 curies of plutonium
6 radiation that was on board, with the environmental
7 impact statement saying that five billion people could
8 be exposed to it, was very disconcerting. And then,
9 from learning about this campaign, we got a letter of
10 concern by Dr. John Goffman, the discoverer of the
11 plutonium group, who worked at the University of
12 Berkeley and was involved with nuclear radiation, he
13 came out with a letter saying that it was
14 experimentally proven that there was no safe dose for
15 radiation if it enters the body, no safe dose because
16 his experiments proved that alpha wave particles emit
17 these radiation that causes the mutation of the cells
18 on a cellular level.

19 Alpha waves are smaller than atomic
20 particles and so he said this was also experimentally
21 prove by the national, reported by the National
22 Science Academy in New York in 1997, and I have the
23 document from Dr. John Goffman, that and I can give
24 you all, that mentions it and explains, which is why
25 it's so difficult, and why a lot of people might not

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1 even want to come to speak with you is because there
2 is certain assertions being made that kind of like
3 makes things get away from the truth, that there is no
4 safe dose, because NRC has said that you are allowed
5 a certain amount of radioactive steam being released
6 from these power plants.

7 And uprate will increase that but because
8 they still have the figures of how much is safe, and
9 it's not based on science, it's kind of like you have
10 a catch 22, you have the NRC saying well, legally, we
11 say we are under our conditions of not allowing the
12 stuff to go up, but then you have a scientist
13 experimentally proving that there is no safe dose and
14 uprate will definitely release more radioactive steam,
15 so it's just, you know, if there was a safe dose, if
16 you can take a little bit of it and not get cancer,
17 but you can't confirm that and there has been more and
18 more evidence of the harm of low level radiation from
19 the use of depleted uranium in the Iraq Wars.

20 Dr., I mean Major Doug Rockie was involved
21 with the team of a hundred scientists for the U.S.
22 Government discovering how much harm was caused by the
23 depleted uranium when it exploded and got into the air
24 and the dust. Thirty of his members have died within
25 ten years, since he was conducting that, he has major

1 amounts of radioactivity in his blood, and then the
2 army basically got rid of him, and they are still in
3 denial and they haven't admitted the harm of depleted
4 uranium dust that has untold amounts of evidential
5 harm, especially to the children and the unborn
6 people.

7 So the idea of no safe dose is the main
8 issue of what I think that this debate should be all
9 about. Is there a safe dose or isn't there? The
10 scientists say that there is no safe dose and so, when
11 we do an uprate, when we haven't taken care of the
12 waste factors of Vermont Yankee, basically there is
13 more and more chaos coming out into the picture, and
14 it makes people more desperate and so they'll do more
15 and more things to try to maintain the status quo,
16 which is really for their own economy interests.

17 I'm also involved with a company
18 developing a new sterling cycle engine because we
19 realize there is danger of having enough supply for
20 electricity, and for eight years, we haven't been
21 funded. This technology could use waste resources and
22 use the heat from waste resources to generate
23 electrical power using a cycle of an engine that was
24 invented back in the 1800s. My website, fly-
25 bynews.com, has all these projects involved on the

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1 sterling engine, on the Casini Fly-by and on our
2 interests of that there is no safe dose, and other
3 issues of what we think is the harm to this nation by
4 a crisis of the constitutional rights and human rights
5 because of a government that has major interests
6 controlled by major money, and that's our difficulty.
7 Thank you very much.

8 MR. KARLIN: Thank you, thank you. And,
9 Mr. Haber and anyone else, you can submit written
10 supplementary materials, written limited appearance
11 statements to us, if you wish, so please, if you have--
12 -

13 MR. HABER: Give them to the lady outside,
14 the--

15 MR. KARLIN: Well you can give it to her
16 tonight, if you have something, or send it in by e-
17 mail or by letter. The information is out there as to
18 who to send it and how to send it in.

19 Okay, we now have Mr. William Pearson.
20 Mr. Pearson, you are next on the signup sheet.

21 MR. PEARSON: I'm Bill Pearson, Bill
22 Pearson, Brattleboro, Vermont.

23 It would appear that a detailed
24 cost/benefit analysis of Vermont Yankee's extended
25 power uprate was never done. Had it been done, the

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1 uprate would have been in serious trouble because the
2 costs so clearly outweigh the benefits. The costs we
3 are talking about are not only economic costs but
4 public health and safety costs, environmental costs
5 and moral costs. Add them all up and no sane person
6 with any sense of social responsibility would endorse
7 the uprate.

8 It is puzzling, by the way, that NRC's
9 Atomic Safety and Licensing Board, whose prerogative
10 I guess is to consider any and all safety issues,
11 would elect to stage these hearings in Brattleboro
12 about Vermont Yankee's uprate and then attempt to
13 confine the public's testimony to two, possible three
14 narrowly defined contentions of a very technical
15 nature. We have concerns to voice but we are not all
16 nuclear engineers. We are informed that we will not
17 be on too short a leash, but on a leash nevertheless,
18 and will be allowed some freedom to speak about the
19 uprate in general.

20 Since when is our freedom of speech
21 something to be doled out only in allowable amounts?
22 Our general comments, we are told, will not
23 necessarily become part of the evidentiary record.
24 One could wonder then, as has already been mentioned,
25 what this is all about? Enriched uranium is the fuel

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1 Vermont Yankee uses to heat Connecticut River water
2 into steam to power turbines to make electricity, the
3 enrichment process produces something called
4 "depleted" uranium as a byproduct. I understand that
5 the United States now has a stockpile of 700,000 tons
6 of this material, the Pentagon uses it in munitions by
7 the thousands of tons in Iraq and Afghanistan.

8 When depleted uranium explodes, you
9 gentlemen probably know this, it produces one to four
10 micron sized ceramic radioactive uranium oxide
11 particles that are carcinogenic, mutagenic and
12 chemically toxic. One result of exposure is birth
13 defects, babies born with no eyes, missing limbs,
14 grotesque tumors, Iraqi babies, American babies. DU's
15 half life is 4.5 billion years, the United Nations
16 Human Rights Commission has labeled DU a weapon of
17 mass destruction, using it is a war crime.

18 Depleted Uranium is one cost of doing the
19 business of making electricity for Vermonsters, Vermont
20 Yankee's uprate will require the production of
21 additional amounts of depleted uranium. When Vermont
22 Yankee makes electricity by means of nuclear fission,
23 plutonium is produced, plutonium can be used for fuel
24 or for bombs. In the year 2000, some 310 tons of
25 weapons grade plutonium was produced by U.S. nuclear

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1 power plants, enough to make 34,000 nuclear weapons.
2 How many additional bombs could Vermont Yankee's
3 plutonium make with its uprate? At what potential
4 cost in suffering and death to the world's people?

5 Vermont Yankee's uprate involves the
6 increased risk of an accident. Oh, boy, I'm going to
7 run over. The plant is 34 years old, metal fatigues,
8 concrete can brittle, steam dryers crack, as we've
9 learned recently about the new one installed by
10 Excelon's Quad Cities plant. After Chernobyl's number
11 four reactor exploded in 1986, radiation levels in
12 Scotland, 1,400 miles away, were ten thousand times
13 higher than normal. Chernobyl's cost the Soviet,
14 former Soviet Union was more than three times the
15 economic benefits accrued from the operation of all
16 Soviet nuclear power plants operating between 1954 and
17 1990.

18 At every stage, Vermont Yankee's
19 production of nuclear energy entails untenable costs.
20 The only reason we still have nuclear energy to kick
21 around is that the federal government, the U.S. tax
22 payer, subsidizes it with billions of dollars. The
23 mining, refining and enrichment of uranium for Vermont
24 Yankee all produce radioactive isotopes--

25 MR. KARLIN: Mr. Pearson?

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1 MR. PEARSON: Yes?

2 MR. KARLIN: Mr. Pearson, if you have a
3 little bit more, you can finish it or we can schedule
4 you for later on, if you have a lot.

5 MR. PEARSON: I would prefer to finish
6 now, if you don't mind.

7 MR. KARLIN: Well go head.

8 MR. PEARSON: I'm about two-thirds of the
9 way through.

10 MR. KARLIN: Well go ahead, give it a try,
11 yeah.

12 MR. PEARSON: As I was saying, the mining,
13 refining and enrichment of uranium for Vermont Yankee
14 all produce radioactive isotopes that contaminate the
15 environment, including ground water, air, land,
16 plants, equipment and people. Were we to seriously
17 attempt to clean up all the accumulated contamination,
18 the cost would be prohibitive, but better to pretend
19 that it doesn't exist, better to let someone else deal
20 with it. Vermont Yankee, like the other 102 working
21 reactors in the United States, produces a variety of
22 waste materials, the 20 percent uprate will produce
23 more of it.

24 A typical reactor generates 20 to 30 tons
25 of high level nuclear waste every year, there is no

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1 safe way to dispose of it. Vermont Yankee's highly
2 dangerous waste will probably remain right here on the
3 banks of the Connecticut River forever. A hundred
4 thousand years longer than that, the half life of
5 plutonium, for example, is 24,000 years, but it
6 remains hazardous for 240,000 years. The operation of
7 Vermont Yankee therefore condemns the next 4,000 to
8 10,000 human generations of Vermonsters and those in
9 the area to the worry, the risk, the expense of
10 dealing with that waste, the cost is unimaginable.

11 Vermont Yankee routinely releases
12 unregulated radioactive emissions, Vermont Yankees
13 would say no problem, it's safe, but we know now that
14 no amount of ionizing radiation is safe. With the
15 upgrade, uprate, there will be more emissions. I'll
16 skip some of this. The cost involved in a terrorist
17 attack on Vermont Yankee would be catastrophic, the 20
18 percent uprate only enhances Vermont Yankee as a
19 target. The NRC probably doesn't appreciate the
20 recently announced ruling by the 9th District of the
21 U.S. Court of Appeals that the possibility of
22 terrorism needs to be factored into uprate
23 applications.

24 Anyone intent on attacking Vermont Yankee
25 could purchase a rocket propelled grenade from some

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1 foreign arms bazaar for as little as \$10, such a
2 device could presumably drain the spent fuel pool or
3 puncture the Vermont Yankee whole tech dry cask. I
4 haven't said anything about Vermont Yankee's uprate
5 benefits, I couldn't think of any. Sorry to introduce
6 gloom and doom into our sleepwalking through the lives
7 of blissful social denial, made so comfortable and
8 convenient by all manner of electrical appliances, but
9 we must wake up to the very real peril posed by
10 Vermont Yankee and all nuclear power plants and work
11 to close it as soon as possible, we mustn't allow the
12 nuclear industry's lobbyists and promoters to bully us
13 into thinking otherwise. I urge the ASLB to scrap the
14 uprate.

15 Thank you very much.

16 (Applause)

17 MR. KARLIN: Thank you.

18 The next speaker signed up is, I hope I
19 get this somewhat close, Anneliese Mordhorst?
20 Anneliese Mordhorst? Ms. Mordhorst I guess is not
21 present at the moment.

22 Jane Newton? Ms. Newton? Great.

23 The people who have not, who have signed
24 up but who didn't show, I will call again later in the
25 evening certainly and try to, if they do come in,

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1 we'll get them on, back in order. Ms. Newton, I'm
2 sorry, thank you.

3 MS. NEWTON: Can you hear me? Is it loud
4 enough?

5 MR. KARLIN: Speak up a little bit,
6 please.

7 MS. NEWTON: My name is Jane Newton and I
8 live in Londonderry, Vermont, I'm a member of the New
9 England Coalition and the title of my presentation is
10 "A Public Process, a Farce".

11 Eight thousand four hundred people, dozens
12 of state and federal legislators and local select
13 boards in three states affected by Vermont Yankee
14 called for an independent safety assessment of the
15 reactor before the NRC granted its approval for the 20
16 percent power uprate. The NRC denied this
17 unprecedented public demand for safety assurance
18 equivalent to the one conducted at the Maine Yankee
19 Reactor in Wiscasset, Maine.

20 Since that time, members of congress,
21 representing New York State, have had to file
22 legislation to ensure that an independent safety
23 assessment will be done for the Indian Point Reactor.
24 We expect our government agencies, especially those
25 entrusted with our health and safety, to be more

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1 responsive to our clearly expressed demands.

2 The last time the Atomic Safety and
3 Licensing Board, the ASLB, was in town, in October of
4 2004, it was to hear the would be interveners, the New
5 England Coalition and, at the time, the Vermont
6 Department of Public Service, defend the contentions
7 they had filed on the uprate without the benefit of
8 the NRC's pilot component inspection or the rather
9 inadequate independent engineering assessment that
10 Sunny spoke about, even though this inspection had,
11 wait a minute, I'm sorry, without the inspection, even
12 though the inspection had been done weeks before.

13 The inspection report was being held by
14 the NRC until after the deadline for filing
15 contentions, despite petitions from a number of state
16 and federal representatives at the request of their
17 constituents that it be released as soon as possible
18 and the deadline for filing contentions be extended.
19 Again, the NRC ignored our pleas. There are just two,
20 these are just two of the patterns of insincerity and
21 nearly impossible public participation hoops that
22 interveners and the general public just jump through
23 in order to be recognized, a recognized party to the
24 uprate approval process.

25 Because the uprate application, over a

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1 year old now, was still far from complete at the time
2 of the October, 2004 hearing, New England Coalition
3 filed a motion requesting that it be renoticed for an
4 opportunity for a hearing when it was substantially
5 complete. The ASLB panel rejected the coalition's
6 motion and advised that, as new information came
7 forward, interveners should file late contentions.
8 The board, however, did not make clear how arduous and
9 how difficult the multiple legal hurdles might be for
10 the late intervener.

11 NEC's good faith efforts to ensure the
12 safety of its members have been thwarted repeatedly by
13 the NRC and the ASLB. I request that the ASLB restore
14 the safety contentions it has dismissed and
15 investigate them to the fullest. In particular, we
16 hope you will reinstate the containment overpressure
17 contention and allow the New England Coalition to
18 defend it.

19 Thank you.

20 (Applause)

21 MR. KARLIN: Thank you, Ms. Newton.

22 Sanford Lewis? Mr. Lewis?

23 I might mention the next one is Elizabeth
24 Wood, if she could stand by, I think she is next on
25 the list.

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1 MR. LEWIS: Thank you for the opportunity
2 to appear. My name is Sanford Lewis, I'm an
3 environmental attorney from Amhearst, Massachusetts
4 whose practice focuses on technology risks. Among
5 other publications, I'm the author of the *Safe Home*
6 *Towns Guide*, a guidebook for prevention and
7 preparedness against terrorist attacks on chemical
8 plants.

9 I have a long history of representing
10 communities and organizations seeking to prevent
11 catastrophes from nearby facilities, I'm also counsel
12 to a group of investors, including the New York City
13 Fire Department Pension Fund, who are concerned with
14 various elements of the aftermath of the Bhopal
15 chemical disaster. This was a 1984 chemical plant
16 explosion in Bhopal, India in which more than 7,000
17 people were killed overnight and more than 20,000 died
18 in the aftermath.

19 I am speaking today on my own behalf, not
20 on behalf of any clients and, with regard to the
21 contentions in today's hearing, I want to draw a
22 broader context, some attention to some worrisome
23 parallels between what happened in Bhopal and the
24 uprate at Vermont Yankee. In my opinion, the
25 contentions at issue today regarding Vermont Yankee

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1 relate to whether Entergy will be allowed to cut
2 corners on testing, on safety assurances and with
3 regard to the failure of equipment in uprated activity
4 at the Vermont Yankee Plant.

5 So, parallel number one, in Bhopal, normal
6 safety system assumptions were disregarded by the
7 operator of that plant. Critical safety systems
8 failed during the Bhopal disaster, the vent gas
9 scrubber, the flair tower, the water spray system. A
10 set of mistaken assumptions about scale and efficacy
11 underlay the failure of those systems and the
12 resulting devastation. In that instance, no
13 government regulator was watching while these corners
14 were cut.

15 The astonishing thing about Vermont Yankee
16 is that the operator may be allowed, in the uprate, to
17 ignore or overlook normal safety assumption and
18 capacity issues within plan sight of government
19 regulators. The assumptions that would be overlooked
20 include the need for large transient testing prior to
21 an extended uprate, deficiencies in current cooling
22 safety tower assurances and issues regarding the
23 reliability of the steam dryer. There are also other
24 serious contentions, as I understand it, such as one
25 concerning the dubious practice of recirculating

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1 cooling water between the spent fuel area and the
2 reactor's own cooling system. Again, as in Bhopal, a
3 case of driving equipment beyond its intended
4 capacity, yet these contentions have not even been
5 allowed into this proceeding, these last contentions,
6 giving me and giving us little confident that our own
7 government is willing to protect us from a horrendous
8 regional catastrophe.

9 Parallel two, in Bhopal, the pressure to
10 increase profitability appeared to be a prime motive
11 for driving the plant harder than its safety systems
12 were designed to handle and for using "unproven
13 technology" to keep costs down. The results was a
14 catastrophe of an unanticipated magnitude, 20,000
15 dead, hundreds of thousands injured and only in 20/20
16 hindsight can we see how dangerous the Bhopal Plant
17 was to its neighbors. Is Entergy now being driven by
18 similar profit motives to repeat the tragic mistakes
19 of Bhopal here in Vermont? To overlook the serious
20 shortcomings, such as testing and cooling system
21 safety, for the sake of increasing output and profits?

22 Well one only needs to look at Entergy's
23 growth and financial plans to understand that the
24 uprate is all about growing Entergy's profitability
25 with as little overhead as possible, in this instance

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1 without incurring the expense of siting or building a
2 new plant. The economic temptations to drive
3 technologies beyond their design, to the breaking
4 point, is a seductive danger heightened by the Price
5 Anderson Act shielding of companies like Entergy from
6 full liability in the event of a disaster of the scale
7 that could happen here in New England.

8 And by the way, Entergy's assertion that
9 the damage from a breach at this site would be limited
10 to a mile or two radius is inconsistent with the NRC's
11 own study of the Millstone plant which estimated that
12 a release could kill 25,000 people over a 500 mile
13 radius, or other studies. And finally, parallel
14 three, in Bhopal, Union Carbide asserted that the
15 disaster was due to an intentional act of sabotage by
16 an aggrieved employee, a deliberate act akin to
17 terrorism. Most experts say it was the company's own
18 underdesign of safety systems and system failure that
19 was to blame but, no matter which, more than 20,000
20 people were killed and hundreds of thousands live with
21 horrible illnesses as a result.

22 At Vermont Yankee, it would not matter
23 whether a terrorist attack or a system failure were
24 the cause of a disastrous nuclear incident, but
25 Vermont Yankee is at risk for both. If the systems at

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1 issue today are vulnerably pushed beyond their
2 capacity, it doesn't much matter whether --. Just one
3 more sentence. It doesn't much matter whether Vermont
4 Yankee fails by accident or a malicious act of a
5 terrorist, it would be an unimaginable catastrophe for
6 New England. The NRC must take its duty seriously to
7 prevent a Bhopal on the Connecticut River and in my
8 belief, based on the inadequacies that we see here,
9 they must halt the uprate.

10 (Applause)

11 MR. KARLIN: Thank you, Mr. Lewis. Mr.
12 Lewis, if you have more that you want to submit in
13 writing, please do so. Do you want to come back later
14 and continue? No? Okay. All right, thank you.

15 Elizabeth Wood? Ms. Wood? Is Ms. Wood
16 here? No? Okay, well we'll reserve that for later.
17 Elisa Williams? I'm sorry if I didn't get that right.
18 Isha? Is it Isha Williams? Isha Williams? Okay,
19 we'll hold that one.

20 Scott Ainslie?

21 MR. AINSLIE: Thank you for giving me the
22 opportunity to speak to you this evening and for
23 coming to Brattleboro, we appreciate it. I have two
24 things I would like to address, one is the steam dryer
25 safety and reliability at the plant.

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1 As you may or may not know, the plant was
2 tested, as they ran into uprate, at 105, 117 and then
3 120 percent and they had to recalculate their formulas
4 in order to stay within, they basically moved the goal
5 posts on the stress on the steam lines and the
6 vibrations that they allowed, so the ascension power
7 testing of the steam dryers at Vermont Yankee has
8 really only served to provide Entergy with the
9 opportunity to move the goal posts on vibration and
10 stress limits in the same way they have sought to move
11 the goal posts on fence line radiation exposure, by
12 fiddling with the numbers and arbitrarily changing the
13 formulas to suit their economic desire for this
14 uprate.

15 They are, in short, engaging in a pattern
16 of distorting science, cherry picking their evidence
17 in support of their economic interests and at the cost
18 of our safety. As William Sherman, a Vermont State
19 Engineer, testified before the Vermont Department of
20 Public Service just last week, on June 21st, the fact
21 that limit curves had to be recalculated three
22 separate times demonstrates that the steam line and
23 steam dryer interactions are not well understood
24 analytically. Based on not being able to predict the
25 uncertainties related to how the steam line

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1 frequencies would perform, there exists sufficient
2 doubt in the steam line strain-steam dryer stress
3 correlation to merit additional protection for the
4 community.

5 The ascension power tests have failed to
6 provide any assurance that the structural cracking in
7 the steam dryer and the degrading of its integrity
8 under the increased stress of prolonged uprate will
9 not continue. Mr. Sherman testified there are several
10 different steam dryer designs and boiling water
11 reactors, one design, the square hood design, has
12 proven susceptible to failure under power uprate
13 conditions. There are only five square hood steam
14 dryers in U.S. reactors, two at Quad Cities and two at
15 Dresden, both of which we have heard about, the other
16 one is at Vermont Yankee.

17 All four reactors sharing this flawed
18 steam dryer design with Vermont Yankee had experienced
19 persistent structural failures under uprated power
20 conditions. In the Fall of 2003, the Dresden units
21 implemented the same steam dryer modifications that
22 Vermont Yankee implemented, but just two years later,
23 during the November, 2005 refueling outage, the
24 modified parts had again cracked as a result of the
25 power uprate loads.

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1 I understand the NRC itself has finally
2 opened a task force to examine whether the chronic
3 structural failures in uprated plants are not
4 generically related to the conditions of the uprate,
5 failures inherent in the prospect of driving nuclear
6 power plants at 120 percent of their original design
7 capacity late in their working lives.

8 Why should our community be subjected to
9 this sort of experimentation? The excess power is
10 being sold elsewhere, the profits are going elsewhere,
11 we are left with increasingly dangerous jobs,
12 increases in radioactivity and waste and an increased
13 threat of losing everything we have worked for, that
14 we love and that we admire about where we live.

15 I would also like to address the
16 structural integrity of the cooling systems. The New
17 England Coalition has amended contention four before
18 you now, which concerns the structural and operational
19 integrity of the alternate cooling tower cell, one of
20 the enumerated concerns being the ability of the
21 system's components to withstand reasonable seismic
22 activity.

23 This contention about the cooling towers
24 should be considered not only in light of possible
25 earthquake activity but in light of the recent

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1 decision by the 9th Circuit Court of Appeals mandating
2 the consideration of the structure's ability to
3 withstand and the consequences of a terrorist attack,
4 even though that decision was in a different type of
5 NRC licensing matter, thank you. As you know, on June
6 2nd, the Circuit Court of Appeals, in a three to zero
7 ruling, found that the NRC had violated the National
8 Environmental Protection Act of 1969 by failing to
9 take into account and to analyze environmental
10 consequences of a terrorist attack on the Oceanside
11 nuclear waste storage site at Diablo Canyon.

12 The Vermont Yankee extended power uprate
13 proposed to irradiate and store more and more highly
14 enriched nuclear fuel, thus increasing the
15 consequences of an accident or system failure due to
16 earthquake, sabotage or terrorist attack that breeches
17 the barriers between the nuclear fuel and the
18 environment. All sides in this licensing fight, I
19 guess well call it, all sides have admitted that the
20 margins of safety in accident mitigation systems are
21 reduced by the extended power uprate.

22 It is quite possible that an act of
23 sabotage or terrorism could throw Vermont Yankee into
24 a station blackout, or breach the spent fuel pool, or
25 rupture the service water system or cause failure in

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1 the main steam lines, and this would also destroy its
2 safety related alternate cooling system dedicated to
3 the cooling towers. I've got just another--

4 MR. AINSLIE: May I continue?

5 MR. KARLIN: All right, do you want to
6 just finish it up or come back?

7 MR. AINSLIE: Yeah, just very quickly, if
8 it's okay.

9 MR. KARLIN: Okay, go ahead.

10 MR. AINSLIE: Washington, D.C. attorney
11 Diane Kerr, in her argument before the 9th Circuit
12 Court, warned that our expert study found that if only
13 two casks of spent fuel were breached, an area more
14 than half the size of the State of Connecticut could
15 be rendered uninhabitable. It's our contention that,
16 as members of the Atomic Safety and Licensing Board,
17 you should exercise your discretion and now your legal
18 duty to examine safety issues which have come or have
19 been brought to your attention and offer the New
20 England Coalition and the effected public and
21 opportunity to put forth a new contention or to amend
22 the existing alternate cooling system contention based
23 on the recent 9th Circuit Court decision.

24 And two, to order the immediate suspension
25 of the operation of Vermont Yankee at 100 percent of

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1 its original licensed thermal power until such time as
2 its potential consequences, the potential consequences
3 of an act of terror or sabotage and its interaction
4 with an uprated plant or thoroughly, properly and
5 publicly analyzed.

6 Thank you very much.

7 (Applause)

8 MR. KARLIN: Thank you. Let me go back
9 and say a few of housekeeping things. Just a
10 reminder, anyone who came in late, if you want to
11 speak, you can go out to the lobby and sign up a
12 limited appearance statement, please give Karen
13 Valloch your name, and it will be shuttled up here and
14 we'll call you in turn. What we are doing now is
15 calling people who have signed up in order that they
16 signed up, so sign up if you want to. I might also
17 note that we have skipped a couple people who had
18 signed up but weren't here at the earlier part of the
19 session. I might just try, one more time, Clay
20 Turnbull? Clay Turnbull? Is Clay Turnbull here?
21 Okay, we are going to hold that one and actually, he
22 showed up as being interested today, but if he comes
23 tomorrow, he can talk tomorrow, that would be fine.

24 Anneliese Mordhorst? Elizabeth Wood?
25 Isha Williams? Okay, we are going to save these

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1 names, I'll call them a little bit later in the
2 evening and we'll see. If they come tomorrow, they
3 can speak tomorrow.

4 Howard Schaeffer? I'm sorry, Mr.
5 Schaeffer, please.

6 MR. SCHAEFFER: Good evening. My name is
7 Howard Schaeffer from Enfield, New Hampshire, a
8 retired nuclear engineer.

9 During the course of my 30 year, longer
10 than 30 year career, I have been doing public
11 outreach, in addition to my day job, including a year
12 in Washington, in 2001, as a Congressional Fellow, so
13 I want to address tonight the political aspects of, as
14 Mr. Ainslie so properly said, the political fight over
15 nuclear power. It's my contention that technical
16 issues are only a lever into the political fight.

17 MR. KARLIN: Could you speak a little
18 closer to the mic?

19 MR. SCHAEFFER: It's my contention that
20 the technical issues are just a lever into the
21 political fight. In our political system, in this
22 democratic society, at the bottom, all political
23 fights over value, are over value judgements, not the
24 technical numbers. Every fight, whether it involves
25 money or something else, basically comes down to value

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judgements and, in our system, it is the majority of the particular governing body that makes the decision with respect for minority rights, so we always respect minority rights and listen politely as the discussion continues, even after the decision.

And in this case, congress decided long ago, making the value judgements and I know you all, all know this, this is more for the benefit of some of the audience, that we ought to have nuclear power. They judge it to be safe enough for the benefits received, when compared to the alternatives. The opponents, some of them are opposed to nuclear power because they are really continuing the fight over the difference between sustainability and the previous societal mode of operation of the environment as an unlimited resource and an unlimited sewer. Some of them just disagree with congress' risk/benefit analysis and some are genuinely afraid of radiation.

We have ample evidence, by what has been said at various hearings and in the press, that the objective of some of the opponents, as is their right, is to shut down nuclear power right now, and of course it's also the right of those who are in favor of it to say that they are, as evidenced by the votes in congress and in the Vermont Legislature, just

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1 exercising a minority opinion and, after the decision
2 is made, the discussion can continue politely.
3 However, from what has appeared in the newspapers and
4 in some of the hearings, there is adequate indication
5 that many people genuinely misunderstand how Vermont
6 Yankee works and how the power plant works, and I
7 would urge you, in your response to these hearings,
8 within your scope, to say what you can to address
9 these issues and move the issue of public education
10 forward.

11 Thank you.

12 MR. KAELIN: Thank you, Mr. Schaeffer.

13 Next we have signed up Gary Sachs. Mr.
14 Sachs?

15 MR. SACHS: I'm not sure how many
16 employees there, thank you for coming down here. My
17 name is Gary Sachs, I'm a resident of Brattleboro, I
18 am not a member of the New England Coalition, I do not
19 represent any other organization. I forget how many
20 individuals you said the ASLB comprises, I know I see
21 you three, four, you are a court reporter, I saw five.
22 You are five individuals on the Atomic Safety and
23 Licensing Board, my slim familiarity with the New
24 England Coalition, they have one and a half employees,
25 but I do understand that you three did say to the

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1 coalition, when they filed a contention late,
2 recently, that they should be able to get everything
3 to you on time, and I guess I took a bit of offense at
4 that.

5 And I know you did say the NRC is 3,000
6 employees, I guess you guys probably have more than,
7 I understand you are a lawyer, Mr. Karlin, I
8 understand there is probably, and you as well, ma'am.
9 I understand there is probably more lawyers behind you
10 than just the three of you. The coalition has one
11 person and a half, who is their office manager, so I
12 wish you would be so kind as to extend a little bit of
13 courtesy toward them, perhaps, in the future, instead
14 of claiming that they are experienced in the realms of
15 the NRC. They may, but one person can only do X-
16 amount. How many lawyers do you have? Thank you.

17 I also wish you would define for me the
18 word quasi, as a quasi judicial board, because I have
19 seen many boards like you, I've seen the ASLB, I've
20 seen the ACRS and I have seen individuals up there who
21 work associated with the NRC look interested, and grab
22 their pens and write stuff down, and then, as though
23 in total disregard for what the public states, say,
24 rule in favor of the industry, and I personally find
25 it a bit disturbing. March 8th of 2006, NRC

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1 commissioner, one of the five NRC commissioners whose
2 name is Yasco took particular note of how he believes
3 the NRC violated federal statute in the no significant
4 hazards consideration NSHC findings offered, only
5 after the SER that you spoke of earlier that was
6 offered, I believe you said, on March 3rd.

7 Commissioner Yasco contends that the NRC
8 "has misapplied the implementation of the NSHC
9 determination". He cites case law from a house
10 conference report and from an interim final rule in
11 the Federal Register, "somewhere we strayed from our
12 course", he pauses as he refers to the interim final
13 rule regarding standards for the no significant
14 hazards determination process in 1983. An increase in
15 authorized maximum core power level was provided as an
16 example of an amendment that the NRC considered likely
17 to involve significant hazards considerations.

18 Coincidentally, at the time of the first
19 extended power uprates, all the way back in 2001, oh,
20 sorry, that wasn't very long ago, the NRC staff began
21 to change this policy, apparently because of the
22 "significant safety" contentions yet to be heard
23 before the ASLB, raised formerly by both the State of
24 Vermont, or it used to be by the State of Vermont, and
25 by the New England Coalition "to issue and NSHC in

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1 such an instance is, I believe, precisely what the
2 congress directed the agency, meaning the commission,
3 not to do". He cites law from a house conference
4 committee report and from an interim final rule in the
5 *Federal Register*.

6 I do not think it appropriate for the NRC
7 or the ASLB to go against the mandates that were put
8 in place to protect the external stakeholders.
9 Regretfully, again the commissions actions in regard
10 to VY have a striking resemblance to the actions that
11 occurred at the Davis Bessey Plant. Profit over
12 safety is a dangerous business precedent.

13 (Applause)

14 MR. KARLIN: Thank you, Mr. Sachs.

15 If you'll just hold for a moment, let me
16 confer with my colleagues. We might want to take a
17 break at some point, it's 8:00, but perhaps we can --.
18 Yeah, I think we are going to take a, it's 8:00, we've
19 been here for an hour and a half, I guess. We'll take
20 a ten minute break, reconvene at 8:10 or so and,
21 again, if anyone wants to sign up to speak, please do
22 so. We have some more speakers registered here and
23 we'll call them, we'll call the people who weren't
24 here earlier and--

25 MR. AINSLIE: Sir, how many more do you

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1 have?

2 MR. KARLIN: We don't have that many, so
3 I think we'll be getting to the point of repeating and
4 be able to have Ms. Shaw come back, I think she
5 indicated she wanted to speak.

6 MR. AINSLIE: If we have written comments,
7 where should we turn them in?

8 MR. KARLIN: Let me just, if you send an
9 e-mail, I think the best thing to do would be to send
10 an e-mail to one of our lawyers or law clerks. If you
11 would e-mail it to ksv@nrc.gov, she is our
12 administrative assistant, she'll get the written
13 limited appearance statements and send copies to each
14 member of the board and we will read them, we will
15 read them all. We have received some from the last
16 year and a half, so we are going to take--

17 FROM THE FLOOR: Was the ksv as in
18 ketchup?

19 MR. KARLIN: Yes, ketchup, Sam, Victor at
20 nrc.gov.

21 Thank you, we'll take a ten minute break
22 now. Thank you.

23 (Whereupon, at 8:02 p.m., there was a
24 recess until 8:12 p.m.)

25 MR. KARLIN: Thank you. We have next on

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1 the sign up sheet, I believe it's Mr. Shapiro. Is it
2 a Dave Shapiro? Dave Shapiro I believe it is, is Mr.
3 Shapiro here? I have trouble reading it. Mr.
4 Shapiro?

5 Okay, Paul Bousquet? Mr. Bousquet? Okay,
6 good.

7 MR. BOUSQUET: Hello. My name is Paul
8 Bousquet, I'm from West Townsend, Vermont.

9 I have written down something, I hope I
10 can read it in this light. Ready? Go. I come here
11 today not as a paid consultant or a technical witness.
12 Unlike many here, I have no invested interest and I
13 stand nothing to gain from its outcome. I wonder how
14 many here are getting paid, in some way, to attend
15 today. Several years ago, I remember a meeting where
16 hundreds of concerned citizens turned out to try and
17 counter this ridiculous uprate.

18 Through a technique called engineered
19 consent, the crowds have thinned, not because they
20 were convinced that the uprate is a good idea, but
21 rather that they had been beaten back and humiliated,
22 overwhelmed by the power and the perseverance of the
23 nuclear industry. Thousands and thousands of local
24 citizens have signed a petition demanding a safety
25 inspection equal to what Maine Yankee received in

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1 1996, what we got was a pittance in the form of an
2 engineering assessment which couldn't even foresee the
3 stalling of the uprate due to the unknown vibrations
4 in the steam dryer.

5 You have no idea how those delays have
6 terrorized the locals. Without a realistic evacuation
7 plan in place, thousands of people have been on egg
8 shells ever since. It took Vermont, Vermont's Nuclear
9 Advisory Panel over two years to stew over whether the
10 risk of an uprate truly outweighed the benefits and,
11 when they finally voted on it, no one took their
12 advice. Entergy simply sweetened the pot and
13 continued to steamroller everyone in their path to
14 attain maximum profits. If this uprate is such a
15 great idea, have you ever wondered just why the last
16 owners were afraid to do it?

17 Weren't they concerned with profits? Or
18 were they more concerned with the risk, knowing that
19 more power meant more controversial waste to deal
20 with, more fence line radiation to deal with and more
21 public outcry to deal with? The bottom line is that
22 Entergy is gambling with our future, knowing all along
23 that should their experiment fail in some way, they
24 can simply go belly up, like they did in Louisiana,
25 and let us pick up the pieces. They have openly said

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1 that they would not decommission for generations after
2 they close their doors, they have opted to deal with
3 the waste problem just as cheaply as they can get away
4 with.

5 They have changed the fence line dosage
6 formula so they can spew more toxins into our
7 communities, they have applied to warm up our
8 Connecticut River even more in the name of profit
9 alone. I can't speak today about credit for
10 overpressure, or net suction head or even the
11 vulnerability of the spent fuel pool to terrorists,
12 but I can speak, as a concerned citizen, wanting the
13 best future for my kids, there is a reason why the
14 last owners didn't uprate, and a reason why the old
15 fence line formulas were realistic, and a reason why
16 no new nukes have been built in decades and a reason
17 why no nuclear waste should live in Vermont.

18 Don't let profits dull your reasoning. I
19 know that everyone on this committee is somehow
20 connected to the nuclear industry financially, so I
21 kind of wonder why I'm speaking today, but if you
22 truly believe in the future of nuclear technology,
23 then I beg you to take your blinders off, and consider
24 safety before profits and lower the throttle on this
25 old machine.

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1 Thank you.

2 (Applause)

3 MR. KARLIN: Thank you, Mr. Bousquet.

4 I was calling David Shapiro. I think I've
5 got it right, Jodie Shapiro, is Jodie Shapiro here?
6 She is signed up, I believe. Okay, well, we'll just
7 hold that in reserve. I believe the next one is G.
8 Nowakoski, Nowakoski.

9 MS. NOWAKOSKI: Mr. Rubenstein, Mr. Karlin
10 and Mr. Baratta, and all of us here in the audience,
11 I am incredibly inspired by the thoughtfulness, the
12 care, the time that citizens have put into their
13 remarks, I apologize I have not done the same kind of
14 research. Paul, that was truly inspiring and others
15 before me. I think there are so few of us here for
16 reasons that people have already stated, but also
17 because of a very peculiar quality of nuclear power,
18 one that those in the business of profiting from
19 nuclear power take full advantage of, radiation is
20 fabulously hard to see, you can't taste it either, you
21 can't smell, you know, you can't even really see car
22 exhaust, unless you are looking hard, but that's tons,
23 and tons and tons of it.

24 Gentlemen, ladies, people who are looking
25 ahead, we have a huge problem. There are lots of

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1 people on the planet and we are avaricious, we want
2 everything and we want it now, and we'll go to no ends
3 to get what we want, and we need to figure out ways to
4 live on the planet that aren't going to bring us all
5 tumbling down in a short amount of time. We have
6 heard about the argument between carbon dioxide and
7 other greenhouse gases being benefit, that issue being
8 reduced by nuclear power but I think, if you look at
9 it closely, that's a red herring. The amount of
10 greenhouse gasses produced in the production of
11 uranium for use in power plants is enormous, etcetera.

12 Briefly, tonight we have heard about the
13 fact that scientists now assure us that there is no
14 safe level of radiation, I think that's the most
15 important thing to look at, all the other things are
16 issues that just kind of tug us from one side to
17 another. And I guess I don't want to, you know, I
18 didn't prepare a statement and I want to speak very
19 honestly, I am sure you, and the folks you work with
20 and the folks who have the power, you invite us here
21 but you really don't give us any power, so I speak to
22 you as the people with the actual power.

23 I mean we feel powerful, and we will use
24 our power and we will stand in front of you again and
25 again, but you can talk to the people at Entergy and

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1 you can stand in front of them. Think about whether
2 this is the best use of your intelligence and your
3 love for your family, your species, your home.

4 (Applause)

5 MR. KARLIN: Thank you.

6 The next person who signed up to speak is
7 Mr. Daniel Sicken, Mr. Sicken?

8 MR. SICKEN: Good evening, gentlemen.
9 First off, I would like to say thank you for
10 pronouncing my name correctly, there have only been
11 about three people in my lifetime, that have looked at
12 my name, that haven't seen it before, that have
13 pronounced it correctly.

14 I would like to, I would like to address
15 the issue of speed and I would like to address it
16 particularly based on my experience of what speed
17 does. We have all seen commercials or roadway signs
18 that says speed kills, this is a common sense thing
19 that I think most of us are familiar with.

20 For several years, I worked as, I worked
21 in the insurance industry, I'm a graduate mechanical
22 engineer, I worked, I'm a certified safety
23 professional, I was a certified CSP for ten years and
24 I worked six years inspecting industrial plants and
25 commercial plants in Cleveland, Ohio and in Grand

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1 Rapids, Michigan. I looked at many huge plants and I
2 looked at many hazards and I gave recommendations not
3 only to the insurance company that I was working for,
4 which was Traveler's Insurance, a commercial carrier,
5 but to the plants themselves on how they could better
6 improve the safety of their operations.

7 I inspected for fire, liability, workers
8 compensation, and the fleet and many other types of
9 risk, product liability. I have, I made my
10 recommendations based on good, average or poor, and we
11 all, I think, just from reading the papers, we can
12 understand about what kinds of hazards are out there
13 in normal industrial plants, just seeing from the
14 accidents that happen, we can associate what the
15 hazards really are. For instance, if an oil terminal
16 leaks, if the big tanks leak, it's safe to put a dike
17 around it. If you have a sprinkler system in a large
18 building, it will put out the fire in a small section
19 of the building without letting it spread to the
20 larger plant or the building.

21 I don't see how, in my work, that you can
22 make this nuclear power plant safe. I have seen
23 machines speed up and I have seen people speed up in
24 industry and in commercial operations and both times,
25 in both types of instances where the management was

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1 doing these things, the accident rate went up. The
2 plants that I have seen, very dangerous plants where
3 people were told by their management to take their
4 time, and when they took their time, no matter how
5 much the danger was, they didn't have accidents, but
6 I feel that we are in a, that the nature of the
7 hazards in this plant are such that there isn't
8 anything that we can really do to keep that plant
9 operating and keep it safe.

10 And I know everybody has their own idea
11 about what safety is because a lot of people will
12 neglect, a lot of people will neglect, or oversee, or
13 overlook or not think about the evacuation plant
14 because they think it just can't happen, but what they
15 don't realize is that there are human beings, and
16 there are machines, and there are bearings that go bad
17 and there are things that are going to happen that
18 nobody can predict. And I saw this happening all the
19 time and I would just like you to, as the audience, to
20 think about the speed factor, and the human factor and
21 what that does, what it does with this plant that even
22 insurance companies won't insure.

23 Thank you.

24 (Applause)

25 MR. KARLIN: Thank you.-

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1 Next we have Ian Bigelow, I believe it is.
2 Do I have that right, Bigelow?

3 MR. BIGELOW: Yes.

4 MR. KARLIN: All right.

5 MR. BIGELOW: I did not prepare a speech
6 either, but I just, I guess I'll just say a few
7 things. So I guess what I would like to say is that
8 I just, I really oppose this plant and I believe that
9 most people know that, even if they say that they
10 think it's not dangerous, that it really is dangerous.
11 I think that most, I mean why is there so much safety
12 concern? Obviously it's very dangerous. Why is it
13 producing so much waste? Because it was a stupid idea
14 in the first place. And back when, and it was
15 amazing, when we were first coming out with nuclear
16 energy, I'm sure it seemed like it was going to save
17 our future, but it didn't work and now we need to like
18 kind of clean up the mess and stop moving forward with
19 it.

20 So I don't understand why we would even
21 consider relicensing an old plant or upgrading, you
22 know, up, so I think that most people are like just
23 they, a lot of people are giving up on thinking that
24 they'll ever change this because the money is being
25 paid to everybody to keep it running because the

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1 people who do own the plant and do get the profits
2 don't care about the people. We are people too, but
3 we are peasants, so what does the peasants matter? We
4 have lives and I feel like we should be respected as
5 human beings and fellow citizens and whatnot in this
6 world.

7 And I think that a lot of apathy, well not
8 really apathy but just like people are afraid to come
9 out and speak their voice because they don't think
10 it's going to change anything anymore, and I'm here
11 because I still think that sometimes saying stuff, and
12 I think people, if you talk to them and ask them, on
13 the street or something, do you think it's dangerous
14 or do you support it? They probably would say no, I
15 think it's completely dangerous and I don't support
16 it, but I can't make it to the meetings because I've
17 got to work because I have to pay my electric bill.

18 And even the electric company, I know CVPS
19 is priding themselves on making electricity from cow
20 manure, they are like, I think, I like that, cow
21 manure is a far better idea to make electricity from
22 than nuclear waste, it's, you know, recyclable. This
23 whole world needs to stop creating so much waste, I
24 wish we would just stop the factories, turn off the
25 factories, we don't need more plastic, we don't need

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1 more styrofoam, we don't need more cars, we can just
2 reuse our cars.

3 The mentality of this country, I can't say
4 as a whole but a lot of the big buck mentality, the
5 success mentality is just the wrong direction because,
6 I don't know, I guess the money is what's talking to
7 everybody because everybody is trying to find that
8 happiness, but if you, money isn't happiness, you
9 know? And power plants are not happiness, nuclear
10 power plants.

11 I don't know what else to say. Thank you.

12 MR. KARLIN: Thank you, Mr. Bigelow.

13 All right, I'm going to try to all the
14 people who had signed up and may have shown up at this
15 point. Once again, in order, Clay Turnbull, Clay
16 Turnbull?

17 Oh, great, welcome, Mr. Turnbull.

18 MR. TURNBULL: Thank you. Sorry I wasn't
19 here the first time around.

20 MR. KARLIN: That's all right.

21 MR. TURNBULL: Thanks for being here
22 tonight. My name is Clay Turnbull, I live in the town
23 of Townsend, Vermont and I am a member, proudly, of
24 the New England Coalition. But I am speaking as an
25 individual, for myself, tonight and I want to thank

1 the New England Coalition for its efforts in bringing
2 the health and safety concerns of the community to the
3 NRC process. Without their guidance, I know I
4 wouldn't be here, and I hope that you'll get some
5 input tonight that you are able to take back to
6 Washington, is it? Are you in D.C.? And say, well,
7 let's think about what's happening up there in
8 Vermont.

9 Before I go to my prepared remarks, I just
10 wanted to pick up, a gentleman two speakers ago spoke
11 about bearings that wear out, you know, bearings wear
12 out and we need to be aware of that, and it reminded
13 me of the NRC coming to see 600 Vermonters gathered at
14 a local school in Vernon when the NRC was announcing
15 what the process would be for the uprate, and I think
16 it was the day before or the week before the facility
17 shut down because, I think it was a valve failed, was
18 leaking, and it wasn't that they didn't, no one
19 expected it to leak.

20 Entergy knew that that valve had a
21 lifespan and it was projected, they told us to rest
22 assured we were going to replace that valve at the
23 next scheduled outage, which was in a couple of
24 months. They didn't quite make it to the couple of
25 months before they had to shut down because that piece

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1 of equipment failed. It could have been replaced, I
2 think it was four or maybe six years sooner, if it was
3 going to be replaced on the manufacturer's schedule
4 for when that piece of equipment was designed to be
5 replaced. The manufacturer said this will fail, it's
6 designed for, replace it between this period and that
7 period, and Entergy said let's push it to the last
8 possible day, and they didn't quite make it.

9 So, having said that, I'd better go
10 through these quickly. In August of '04, the New
11 England Coalition petitioned the ASLB to take up the
12 issue of the adequacy of Entergy Vermont Yankee's
13 quality assurance program to provide assurance of as
14 found plant conditions and performance to support a
15 credible, extended power uprate review by the NRC
16 staff.

17 The New England Coalition's proposed
18 contention stated New England Coalition contends that
19 an extended power uprate, license amendment approval
20 should not be considered until the potential effect of
21 a reduced QA/QC program is investigated and analyzed.
22 10CFR50.54 details the requirement for maintaining a
23 quality assurance program, any changes requiring a
24 reduction in the program must be submitted to the NRC.

25 The New England Coalition provided the

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1 ASLB sufficient documentation to trigger an
2 investigation in the form of in-house Entergy
3 corporate memo, excerpts as follows, dated April 15,
4 2004. Subject, transition of quality control
5 functions from quality assurance to engineering and
6 maintenance of fleet alignment, revision 0. Number
7 eight, Vermont Yankee applicability. While the
8 alignment of functions outlined in this paper will
9 allow inspection, NDE standardization throughout the
10 energy nuclear fleet, there will be one outlier,
11 Vermont Yankee.

12 Currently, at Vermont Yankee only, there
13 is no QC inspection group to transition, maintenance
14 personnel perform limited PTMP and vision inspections.
15 There is one NDE level three whose primary function is
16 ISI, in-service inspection, coordination. The
17 maintenance group is already performing peer
18 inspection. If is desired to align Vermont Yankee
19 with the rest of the Entergy nuclear fleet, then it
20 would require additional resources to be provided to
21 engineering to perform the assigned NDE ISI functions.
22 This may happen through transfer of fleet personnel,
23 new hires, resource sharing, outsourcing and/or any
24 combination of these methods.

25 In October of '04 hearings on the

1 admissability of the contentions, this board permitted
2 Entergy attorneys to testify on the material aspects
3 of the contention. Entergy Vermont Yankee's defense
4 was, in contradiction to the spirit if not the letter
5 of the regulation, that they have never had a stand
6 alone quality assurance/quality control program.

7 MR. KARLIN: Go ahead, you have one
8 minute.

9 MR. TURNBULL: Thank you.

10 Independence is of course essential to
11 avoid peer pressure and management pressure to go
12 along scheduling and budgeting pressures, this stand
13 alone independence does not exist at Vermont Yankee.
14 The ASLB exercised its discretion to ignore real
15 safety concerns, and help out the industry and refused
16 to hear the NEC's quality assurance contention.
17 Shortly after ASLB issued an order throwing out five
18 of New England Coalition's seven original contentions,
19 and I think you've since refused to hear three more on
20 procedural grounds, the NRC's pilot engineering and
21 design inspection team reported on its component
22 inspection of Vermont Yankee.

23 Out of 45 components or procedures
24 selected as high risk/low margin items, the team found
25 eight issues of safety significance, including several

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1 directly related and effected bu uprate. New England
2 Coalition's expert, Paul M. Blanche, a 40 year veteran
3 of the industry and expert on nuclear regulation,
4 offered his professional opinion that all eight issues
5 were quality assurance related. Entergy Nuclear
6 Vermont Yankee has experienced two scrams, in '04 and
7 '05, since operating modifications began, both
8 resulting from predictable and preventable equipment
9 failure, both indicative of a inadequate or non-
10 functional quality assurance/quality control program.

11 This is an industry-wide issue and it
12 resides in one of the least transparent of reactor
13 programs. In testimony before the U.S. Congress, in
14 June of '06, nuclear safety specialist David Lockebaum
15 pointed out the NRC or actually the NRC's predecessor,
16 the AEC, promulgated its quality assurance regulations
17 in June of 1970. Embarrassing quality assurance
18 breakdowns at many nuclear plants, such as Zimeron,
19 Ohio, and Midland and Michigan, prompted the NRC and
20 the nuclear industry to adopt the terminology
21 corrective action programs in the late '80s to get
22 away from the stigma that had become linked with
23 quality assurance programs at nuclear plants.

24 Embarrassing corrective action program
25 breakdowns at many nuclear power plants, such as

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1 Sequoia and Wattsbar in Tennessee, Browns Ferry in
2 Alabama, Indian Point in New York and Millstone in
3 Connecticut, promoted the NRC and the industry to swap
4 to problem identification and resolution programs in
5 the late '90s to once again avoid a stigma. Unless
6 the NRC effectively enforces its quality assurance
7 regulations, another stigma evasion swap will be
8 needed toward the end of this decade because of
9 embarrassing problem identification and resolution
10 breakdowns at nuclear power plants, such as Davis
11 Bessey, Salem and Hope Creek in Jersey, Palo Verde in
12 Arizona and Greater Wood and Quad Cities in Illinois.

13 The NRC must consistently and effectively
14 enforce its quality assurance regulations to avoid
15 chronic erosion of safety levels that have led to
16 dozens of year plus reactor outages and which could
17 some day factor in a tragic nuclear plant accident.
18 I call upon this panel to exercise its discretion and
19 reconsider admission of New England Coalition's
20 contention on quality assurance and quality control at
21 Vermont Yankee.

22 Thank you.

23 (Applause)

24 MR. KARLIN: Thank you, Mr. Turnbull.

25 Let me just see. Anneliese Mordhorst? Is

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1 Ms. Mordhorst here? Okay. Elizabeth Wood? Is
2 Elizabeth Wood here? I will call these names again
3 tomorrow, in case these individuals are not able to
4 make it and can come tomorrow.

5 Isha Williams? Ms. Williams? And I think
6 I had the one other, Jodie Shapiro? She did not
7 speak, did she? Jodie Shapiro?

8 Okay, well, I think we are done with
9 people who have signed up and Ms. Shaw I believe
10 reserved time and wanted to speak further. We have
11 time for that now, if you are available.

12 MR. SACHS: I would also like to say
13 something else. It's Gary Sachs.

14 MR. KARLIN: Mr. Sachs, I thought you were
15 done but, if you have something additional--

16 MR. SACHS: I wasn't done, I was just
17 following your time, that's all.

18 MR. KARLIN: Yes. Well we have some time
19 here, we are not going to go for hours but certainly,
20 Mr. Gary Sachs, is that correct? Mr. Sachs? Okay,
21 yes, we'll put some time for you.

22 Okay, Ms. Shaw?

23 MS. SHAW: Thank you for letting me speak
24 again and I yield one minute of my precious five to
25 ask you to answer my original question which is if

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1 this is not part of the evidentiary record, how does
2 it figure in?

3 MR. KARLIN: We are not here to answer
4 questions, we are here to listen. I tried to
5 articulate, in the written document which we
6 submitted, what we would do, whether it would be part
7 of the docket. We will consider it and if we think
8 the issues are of significance, we will probe into
9 them.

10 MS. SHAW: I'm glad to hear that. When I
11 last spoke, I only got to the end of 2003 and, if
12 you'll bear with me, I would like to take you up to
13 the present. Here is a summary of the plant's status
14 from the December, 2003 NRC inspection. At the
15 beginning of the inspection period, Vermont Yankee was
16 shut down due to a step change in dry well leakage
17 which required a technical specification required shut
18 down on September 27. The increased leakage was found
19 to be due to a packing leak on a reactor head vent
20 valve. Following repairs to the valve, operators took
21 the reactor critical on the evening of September 28.

22 On September 29, operators again shut down
23 the reactor to replace the B recirculation pump seal
24 which failed during the start up. After the
25 recirculation pump seal was replaced, operators took

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1 the plant critical on October 2. Fast forward to
2 April 21, 2004 and the inspection reveals lost fuel
3 rods, and why is the paperwork over there in such a
4 shambles? What other system's components or materials
5 are poorly documented over there? Perhaps that's why
6 the relicensing process looks only at the reactor's
7 design basis, not at its current age and configuration
8 because trying to get straight what's really going on
9 over there would be nightmare.

10 On June 18 until July 5 of 2004, a
11 transformer fire, that was really quite spectacular,
12 you should see the photos, closed the reactor.
13 Entergy Nuclear Vermont Yankee officials have said the
14 fire was due to their failure to properly maintain and
15 monitor equipment, that was a quote from the
16 *Brattleboro Reformer*. On July 8, 2004, approximately,
17 this was from a David Graham AP article, the Vermont
18 Yankee Fire Brigade responds to yet another emergency,
19 black smoke billows from a furnace until the fuel
20 supply is turned off. No damages or injuries are
21 reported.

22 Vermont Yankee downplays the incident by
23 Lynch New Hampshire Governor, I'm sorry, but Lynch,
24 the New Hampshire Governor, wants a full report.
25 "It's a big concern for me that Vermont Yankee

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1 officials failed to notify New Hampshire of all the
2 facts surrounding the incident as it was unfolding",
3 Lynch said in a statement released by his office.
4 Then, on October 12, 2004, there was another
5 inspection report and the purpose of which was to
6 provide Vermont Yankee with their preliminary white
7 finding which involved a failure to establish a means
8 to provide early notification and clear instruction to
9 a portion of the populous within the plume exposure
10 pathway.

11 There is a nice diagram of what that might
12 be out there in the lobby, if anyone cares to look at
13 the NRC, NEC table. The plume exposure pathway
14 emergency planning zone, as required by the Vermont
15 Yankee emergency plan. And then there was the 18
16 minute shut down of the HPSI cooling system during the
17 last refueling outage, but then I'm jumping forward.
18 Something caused a third fire that same, in that same
19 time period, June or July, 2004, and I don't remember
20 what it was, it might have been a welding error. I
21 couldn't find any record of it on the NRC website, but
22 those of us who read the local papers remember it very
23 well because it was quite absurd, the series of fires
24 and other problems the plant had during that period.

25 A July 21, 2004 even report, loss of

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1 public notification system due to loss of normal and
2 emergency power supply, this failure caused the public
3 notification system to be inoperable during the period
4 which is considered a major loss of emergency response
5 capability. Just eight days later, on July 29, there
6 was a part 21 reportable condition and 60 interim
7 report notification on a non-conservative safety limit
8 minimum critical power ratio and, in that incident,
9 Global Nuclear Fuel and GE Nuclear Energy determined
10 that the current process for determination of the
11 safety limit minimum critical power ratio can result
12 in a non-conservative SLMCPR, and maybe you know what
13 that means but I haven't got a clue, NV, or Vermont
14 Yankee, was identified as one of the effected
15 reactors.

16 Event number 41004 on July 31, I guess
17 that was just two days later, 2004, with the reactor
18 at full power, the power supply that provides power to
19 the reactor protections system of the reactor building
20 ventilation exhaust radiation monitor and RPS channel
21 of the refuel floor rad monitor was momentarily lost
22 causing an invalid PCIS group three actuation. This
23 even has been entered into the NV corrective action
24 program where the quality assurance/quality control
25 problems end up and disappear.

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1 On, let's see, we are moving forward to
2 January of '05, Whiting Corporation, a crane vendor,
3 reported an overstress condition on some hoist
4 equalizer plates and welds. The vendor stated that
5 the overstress condition is limited to the main hoist
6 of redundant single failure proof cranes having
7 capacities of 125 tons, effected reactors include
8 Vermont Yankee. I understand that that's a thing
9 that's used to move fuel rods around, you don't want
10 your crane malfunctioning if you are moving those
11 things around. On January 28, there was a part 21
12 report involving potential to exceed low pressure
13 technical specifications safety limits.

14 On February 2 of '05 there was a notice of
15 violation, a white finding, involving the failure to
16 establish a means to provide, oh, that was the early
17 notification thing. Sorry, I must have already said
18 that, or maybe that was just when the formal letter
19 came out. 3/15/05, a radiation monitor at the fence
20 line of Vermont Yankee recorded a radiation level
21 above what is allowed by the state. There were a
22 number of those that occurred, apparently, in that
23 year, that are still under investigation and the
24 solution to the problem is of course either raise the
25 allowable radiation limit or do some fuzzy math and

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1 change the formula you use to calculate it. We are
2 not really happy with either of those options.

3 On June 22 of 2005 Vermont Yankee had
4 another notice of violation, so that would be a week,
5 no, actually two months and a week later. This was
6 the lost fuel rods. On July 25, 2005 an electrical
7 glitch shuts down Entergy Vermont Yankee, that was a
8 broken insulator in the switch yard. On November 2nd
9 of 2005, once again, the HPSI system was declared
10 inoperable. In 11/2/05, with the reactor shut down
11 for a refueling outage, an invalid PCIS group three
12 actuation occurred while cycling a breaker during a
13 tagging clearance activity, etcetera, etcetera. This
14 is an expected result of opening the breaker.

15 I don't like it when the HPSI system gets
16 shut down, so maybe they could stop opening that
17 breaker. Even report 11/04/05, temporary loss of the
18 running RHR pump. Let's see, reactor, what was that,
19 HRH? Residual heat removal, yes, that's a good thing,
20 but that pump lost power during a bus transfer on
21 11/04/05. And then, on December 23, '05, boy they had
22 a lot of problems in '05, a critical Entergy Vermont
23 Yankee safety system fails and Yankee entered a
24 license event report that declared the HPSI system
25 inoperable.

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1 May 25th, 2006, that was fairly recently,
2 they had the fourth fire they have had in two years.
3 This time, a condenser pump shorted and that suspended
4 dust bunnies that overcame a fire fighter. That was
5 how it was reported in the *Rutland Herald*, dust
6 bunnies, the fourth fire in two years, and I'm
7 concerned about why NV exceeded fence line radiation
8 limits twice or three times since 2004, and I think
9 you get the picture that we don't think that
10 everything is really happy over there.

11 Thank you.

12 MR. KARLIN: Thank you.

13 (Applause)

14 MR. KARLIN: Thank you, Ms Shaw.

15 Mr. Sachs? Mr. Gary Sachs, please?

16 MR. SACHS: Everything Ms. Shaw, thank
17 you. Again, my name is Gary Sachs, I live in
18 Brattleboro here, I am not a member of the New England
19 Coalition or any other anti nuclear organization, I
20 speak today as an individual. I'll join any of them,
21 if they would like. I do thank the coalition for what
22 it's done, as well as thanking CAN, as well as
23 thanking any other group. Everything that Ms. Shaw
24 just said, including the fires, the lost fuel rods,
25 the high readings on the fence line, the TLDs of the

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1 fence line dose, thermal luminescent devices of the
2 fence line dose, that all occurred during the uprate
3 proceedings, in front of the state as well as in front
4 of the NRC.

5 And it was alarming to me that those would
6 occur but would not be registered as to reasons why
7 perhaps they should not be granted the possibility of
8 increasing the output from the reactor, the largest
9 legal amount. If the uprate is so safe, why isn't
10 there a 30 percent uprate and why don't we have it?
11 I mean I could speak really loud because of how much
12 electricity we have now, thanks to the uprate, but
13 that probably won't serve the purpose. The issue I
14 wanted to bring up here, and I'll step away to not be
15 too loud, I am concerned that the Atomic Safety and
16 Licensing Board dropped the containment overpressure
17 contentions when many questions remain about the need
18 for the availability of containment overpressure in an
19 accident.

20 I am also concerned that the NRC currently
21 allows zero margin for net, positive net pressure
22 suction head. If vital cooling pumps won't work, if
23 they are pumping steam or hot air instead of pumping
24 water at a time when they should be pumping into or as
25 part of the emergency core cooling system, shouldn't

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1 there be a margin of safety within which Entergy is
2 not allowed to venture with this experiment they call
3 the uprate, which you guys have permitted? From the
4 ACRS transcript of 11/16, Mr. Wallace said that
5 "presumably, since I understand the net positive
6 suction head margin of zero is unacceptable to the
7 agency, it seems to me in part, it seems to me, part
8 of the SER, that they were allowing a zero margin".

9 The government has no written regulations
10 concerning the crediting of containment overpressure.
11 There is a lot of back and forth in the ACRS
12 transcripts about whether and how section 1.174 and
13 182 revision three apply, and what is in draft versus
14 adopted status, and whether the uprate application has
15 to be risk informed in whole or in part. This
16 confusion seems to be to the benefit of Entergy,
17 disadvantageous to those of us who live nearby, who
18 have our concerns but yet can't be as educated as you,
19 as nuclear engineers or people who work for the power
20 station themselves.

21 From a November 29th advisory committee on
22 reactor safety hearing transcript, Chairman Denning
23 said "I have a quick question about the issue of
24 1.174, I notice that the staff states that they are
25 making a risk informed presentation and in RSO 01, in

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1 the older version, there it definitely states that
2 these are not risk informed applications". Is that a
3 policy that's changing, as far as the staff of the NRC
4 and/or the ASLB is concerned? Can they risk inform a
5 piece of it but not all of it? I'll bring that to
6 your attention.

7 Rick Anest, a nuclear reactor regulations
8 project manager for VUI, said "I believe we discussed
9 this a little bit at the meeting a couple of weeks
10 ago, it's not the intent to risk inform the entire EPU
11 application, the overall EPU. For this specific
12 subject, we said that if a licensee was going to
13 request credit for containment overpressure, we would
14 ask them to provide risk information on the vat aspect
15 of the EPU but not the overall EPU". Then, on page
16 13, Mr. Anest states I would like to note that the
17 staff's risk evaluation presentation will discuss the
18 overall EPU 25, oh, excuse me, overall EPU and won't
19 include the risk aspects of crediting containment
20 overpressure, since that topic was discussed two weeks
21 ago up in Vermont.

22 As Mr. Holden mentioned, the NRR staff
23 will provide further discussion on the risk aspects of
24 crediting containment overpressure at the ACRS full
25 committee meeting on December 7th, I request tonight

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1 that the ASLB reinstate the coalition's contentions on
2 containment overpressure.

3 Thank you.

4 (Applause)

5 MR. KARLIN: Thank you, Mr. Sachs.

6 With that, we have heard from everyone who
7 signed up and we are going to close the meeting. Yes,
8 okay, can we have your name, please? Why don't you go
9 up to a mic. We are not going to take any, we'll take
10 this statement. Yeah, go ahead.

11 MS. ZABRISKIE: Thank you. My name is
12 Shari Zabriskie and I live in Guilford, Vermont, very
13 close to the reactor.

14 MR. KARLIN: Could you spell that for us,
15 please?

16 MS. ZABRISKIE: S-H-A-R-I
17 Z-A-B-R-I-S-K-I-E.

18 MR. KARLIN: Thank you.

19 MS. ZABRISKIE: Sure.

20 I just feel like this 20 percent uprate,
21 as a citizen who lives very close, is an experiment.
22 It feels to me like a child blowing up a balloon and
23 you never know when that balloon is going to pop and,
24 to me, that's very, very scary because not only do I
25 love my home, I love the woods of Vermont, but I love

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1 the people who live in this community and I don't
2 think it's fair. I think that most people in this
3 community are feeling very unsafe and on the verge of
4 panic and, if the, excuse my language but if the shit
5 hits the fan, it's going to be chaos.

6 And there is many, many, many questions
7 that need to be answered in regards to evacuation,
8 filter masks for the children in our schools, all
9 kinds of things, and I just feel like this experiment
10 is not humane. And that's really all I want to say,
11 thank you.

12 (Applause)

13 MR. KARLIN: Thank you.

14 Okay, we are going to adjourn the meeting
15 now, we have taken all the statements. If anyone has
16 something they want to say or any other people, we
17 have a session tomorrow at 9:00 a.m., here in this
18 same auditorium, and then another one at 1:30
19 tomorrow. Our basic approach is to take the statement
20 in the order that they have been signed up and take
21 anyone who comes in and signs up in that order. We
22 are not going to repeat people who have spoken here
23 tonight, but we will hear anyone new and anyone who
24 signs up.

25 MR. SACHS: If the people who have been

1 here tonight have new things to share with you, would
2 you like us to speak tomorrow or simply send it in?

3 MR. KARLIN: Please send it in, if you
4 would.

5 MR. SACHS: Well shouldn't we have the
6 opportunity for the presentation to be heard?

7 MR. KARLIN: Well you had an opportunity
8 this evening, and I think we noticed this more than two
9 months ago, so we are going to adjourn now and we will
10 reconvene tomorrow at 9:00 a.m. I appreciate everyone
11 who came here tonight and we will take these into
12 consideration.

13 Thank you, this meeting is adjourned.

14 (Whereupon, at 9:01 p.m., the meeting was
15 adjourned.)

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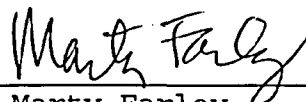
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