

EDO Principal Correspondence Control

FROM: DUE: 05/17/04

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FINAL REPLY:

State Representative Stephen Kulik

TO:

Region I

FOR SIGNATURE OF :

** GRN **

CRC NO:

Dyer, NRR

DESC:

ROUTING:

Vermont Yankee Nuclear Plant Performance and Power
Uprate Review

Travers
Norry
Paperiello
Kane
Collins
Dean
Burns/Cyr
Miller, RI

DATE: 04/08/04

ASSIGNED TO:

CONTACT:

NRR

Dyer

SPECIAL INSTRUCTIONS OR REMARKS:

Ref. G20040228.

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The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES

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March 31, 2004

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

Re: Vermont Yankee Nuclear Plant Performance and Power Uprate Review

Dear Commissioners:

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

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

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



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

- 1) Assesses the conformance of the facility to its design and licensing bases, for operating at both 100 percent and 120 percent of its originally intended power production level, including appropriate reviews at the plant's site and its corporate offices;
- 2) Identifies all deviations, exemptions and/or waivers from (a) regulatory requirements applicable to Vermont Yankee and (b) regulatory requirements applicable to a new nuclear reactor (i.e. today's safety regulations) and verifies that adequate safety margins are retained despite the cumulative effect of such deviations, exemptions, and/or waivers for both the present licensed power level and under the proposed extended power uprate;
- 3) Assesses the facility's operational safety performance giving risk perspectives where appropriate;
- 4) Evaluates the effectiveness of licensee self-assessments, corrective actions, and improvement plans; and
- 5) Determines the root cause(s) of safety-significant findings and draws conclusions on overall performance.

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

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

Sincerely,



STEPHEN KULIK
State Representative
First Franklin District
Massachusetts House of Representatives