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From:
Paul Blanch

TACs:
MC3080

To:
NRC

***** YELLOW *****

For Signature of:

Routing:
Dyer
Borchardt
Sheron
Case
NRR Mailroom

Description:
NRC provides update on review process for Vermont Yankee uprate request

Assigned To:
DLPM

Contact:
MARSH, LEDYARD (TAD) E

Special Instructions:
Need to address the "facts he is committed to". DIPM, working with Region, needs to prepare portion of response dealing with his request to be on inspection team.

Paul M. Blanch
Energy Consultant

May 5, 2004

• Mr. Brian Holian
USNRC
Region 1
King of Prussia, PA

Dear Brian:

I am encouraged to see that the NRC will be conducting an engineering assessment of Vermont Yankee. I am especially pleased to see that there will be an assessment of both the ECCS and the Containment systems. The NRC announcement "NRC provides update on review process for Vermont Yankee uprate request" did not specifically state that this engineering assessment will review and address these systems with respect to today's regulatory criteria both at the present authorized power level and the proposed uprate to 120% power. I assume that your assessment will include these most vital attributes.

I must inform you that I remain committed to the following facts:

1. Vermont Yankee plant must address compliance with today's regulatory criteria
2. The NRC is mandated by Congress¹ to assure that the plant meets current regulations
3. A comprehensive review of design criteria and the design-life of VY must be part of this independent assessment
4. Each system that is reviewed must be a complete vertical slice review assuring that the "Defense in Depth" concept retained
5. It is imperative that every part of this assessment compare the impacted systems of the plant under current operating conditions under the increased stresses of the uprate.

I also note the NRC's statement: "The agency will share the inspection schedule with Vermont officials to facilitate state representative

¹ Letter from NRC Office of General Counsel to the Commissioners dated August 14, 1980:
"Compliance with Commission Regulations and Further Licensing"

- 2 -

May 5, 2004

participation, as allowed by NRC regulation and policy."

I believe the inclusion of a representative from the State of Vermont is appropriate; who that will be remains to be seen. Unfortunately, the State Nuclear Engineer, William Sherman has strongly supported the proposed uprate in spite of his personally identified outstanding safety issues² such as regulatory compliance and the issues dealing with NPSH and containment overpressure. In fact, the State Nuclear Engineer advocated against the independent engineering assessment before the Vermont Public Service Board (PSB) Thus, while it would be within the control of Governor Douglas, the Vermont State Legislature, and the PSB to determine who should represent the State of Vermont, I sincerely question the validity of having Mr. Sherman in any oversight role of this nature given his predetermined non-conservative bias on any form of public oversight role on issues regarding Vermont Yankee's safety and reliability.

The notice further states: "The inspection will be performed by a team of approximately six inspectors, including some NRC inspectors who do not have recent oversight experience with Vermont Yankee and at least two contractors with design experience."

I am hereby formally requesting consideration for one of the two proposed independent contractor positions on the Vermont Yankee Independent Engineering Assessment Review team. I have more than 25 years of design and regulatory experience. Furthermore, I know that I also meet the NRC's Fitness for Duty and security requirements.

Having witnessed NRC inspection teams with contractor members at Millstone, I realize and accept the fact that my participation on the Vermont Yankee engineering assessment team would delineate that my findings be conveyed via the NRC's inspection report. Given the facts that I was an expert witness on the Three Mile Island Case, have been an expert witness for the Vermont Public Service Board on technical issues, and have had my own independent nuclear consulting business since 1993, I would be pleased if the NRC would give proper consideration to my inclusion as a bona-fide member of this investigatory team. My long industry record demonstrates my only bias is promoting nuclear safety, and my track record

² Letter from William Sherman dates December 8, 2003 to the NRC

- 3 -

May 5, 2004

at Millstone clearly shows that I have worked well to support prior NRC inspection efforts.

I formally request participation in this assessment and believe that I exceed any and all the requirements. More importantly, my participation would send a clear message to the elected officials and the general public that the NRC is serious about nuclear safety and welcomes viewpoints that may not always be in concert with the position of the licensees and its vendors.

In closing, I believe my participation would provide the technical expertise, experience, and balance required to assure the public that this evaluation addresses all regulatory, safety and engineering issues. Let's make sure that this independent engineering assessment will lead to the much needed restoration of public confidence.

Sincerely,



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