EDO Principal Correspondence Control

FROM: DUE: 06/16/04 EDO CONTROL: G20040358
DOC DT: 05/11/04
FINAL REPLY:

Bill Noyes
Christopher Harlow
Paul Harlow
K. Sheldon Beebe
Westminster Selectboard
Town of Westminster, Vermont

TO:

Chairman Diaz

FOR SIGNATURE OF : ** GRN ** CRC NO: 04-0330

Dyer, NRR

DESC:

Independent Safety Assessment of Vermont Yankee

ROUTING:

Reyes
Norry
Virgilio
Kane
Collins
Dean
Burns
Miller, RI
Cyr, OGC

DATE: 05/25/04

ASSIGNED TO: CONTACT:

NRR Dyer

SPECIAL INSTRUCTIONS OR REMARKS:

Template: SECY-017

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OFFICE OF THE SECRETARY
CORRESPONDENCE CONTROL TICKET

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PAPER NUMBER:	LTR-04-0330	**LOGGING DATE:**	05/24/2004
ACTION OFFICE:	EDO		
AUTHOR:	Christopher Harlow		
AFFILIATION:	VT		
ADDRESSEE:	Nils Diaz		
SUBJECT:	Urges the Commission to do an Independent Safety Assessment of Entergy Nuclear Vermont Yankee		
ACTION:	Direct Reply		
DISTRIBUTION:	SECY to Ack		
LETTER DATE:	05/11/2004		
ACKNOWLEDGED	No		
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NOTES:			
FILE LOCATION:	ADAMS		
DATE DUE:	06/16/2004	**DATE SIGNED:**	

EDO --G20040358

TOWN OF WESTMINSTER

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May 11, 2004

Mr. Nils Diaz, Chairman
U.S. Nuclear Regulatory Commission
11555 Rockville Pike
Rockville, MD 20852

Dear Mr. Diaz,

The Selectboard of the Town of Westminster, Vermont is writing to urge you to do an Independent Safety Assessment of Entergy Nuclear Vermont Yankee similar to the thorough examination done at Maine Yankee in 1996 at the request of then Governor Angus King.

Entergy has requested an uprate which would bring the capacity to 120 percent of the power output it was originally designed for at the time of the plant's opening 31 years ago. In its order of March 15, 2004, the Vermont Public Service Board granted conditional approval of that request, and required that an "independent engineering assessment" be done by the NRC in addition to its usual uprate review. The PSB was constrained in what it could legally require, and the issue of safety is, unbelievably, out of the Board's jurisdiction.

We, as elected officials, are not so constrained. We believe that our constituents are primarily concerned about safety at this aging plant, and that only a safety assessment that includes the criteria as outlined below and passed in the recent Vermont and New Hampshire Senate resolutions, adequately address safety concerns. We urge you to require that just such an assessment be completed before any further action on the uprate request is taken. The recent discovery of cracks in the steam dryer at VY and the current crisis of two unaccounted for and highly radioactive fuel rods, confirms the concerns of many Vermonters about this aging facility and makes such an Independent Safety Assessment essential.

At town Meeting in 2003, the town of Westminster, along with eleven other towns in Windham County, voted to bar the relicensing of Vermont Yankee beyond its current license. While the town has no formal position on the uprate itself, it is clear that the voters of Westminster are deeply concerned about the safety and oversight at Vermont Yankee. At the very least it would be prudent and appropriate to assure the people of the town and region that the uprate will in no way compromise the safety of the people.

We strongly support the Senate 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.

Thank you for your consideration of this request and we look forward to a reply.

Sincerely,

Westminster Selectboard

Bill Noyes, Chair

Christopher Harlow

Peter Barrett

Paul Harlow

K. Sheldon Beebe

cc: Governor James Douglas
Senator James Jeffords
Senator Patrick Leahy
Representative Bernie Sanders
David J. O'Brien, Chairman Department of Public Service
Sen. Jeanette White
Rep. David Deen
Rep. Steve Darrow