

EDO Principal Correspondence Control

FROM: DUE: 07/13/04 EDO CONTROL: G20040407  
DOC DT: 06/09/04  
FINAL REPLY:

Senator Judd Gregg

TO:

Denis Rathbun

FOR SIGNATURE OF : \*\* GRN \*\* CRC NO: 04-0377

Reyes

DESC:

ROUTING:

Vermont Yankee Nuclear Power Plant

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

DATE: 06/18/04

ASSIGNED TO: CONTACT:

NRR

Dyer

SPECIAL INSTRUCTIONS OR REMARKS:

Template: SECY-017

E-RIDS: SECY-01

OFFICE OF THE SECRETARY  
CORRESPONDENCE CONTROL TICKET

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**ACTION OFFICE:** EDO

**AUTHOR:** SEN Judd Gregg  
**AFFILIATION:** SEN  
**ADDRESSEE:** Dennis Rathbun  
**SUBJECT:** Vermont Yankee nuclear powr plant

**ACTION:** Signature of EDO  
**DISTRIBUTION:** OCA to Ack

**LETTER DATE:** 06/09/2004

**ACKNOWLEDGED:** No  
**SPECIAL HANDLING:**

**NOTES:**

**FILE LOCATION:** ADAMS

**DATE DUE:** 07/13/2004 **DATE SIGNED:**

EDO --G20040407

JUDD GREGG  
NEW HAMPSHIRE

COMMITTEES:

HEALTH, EDUCATION, LABOR  
AND PENSIONS, *Chairman*

APPROPRIATIONS

BUDGET

# United States Senate

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Reply to:  
Concord Office

June 9, 2004

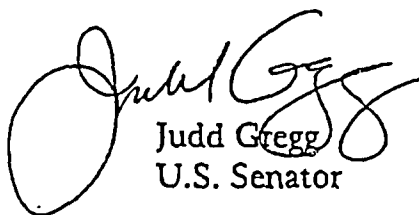
Mr. Dennis Rathbun, Director  
Office of Congressional Affairs  
Nuclear Regulatory Commission  
Washington, DC 20555-0001

Dear Mr. Rathbun:

Enclosed is a letter I received from Charles Butterfield of Hinsdale, New Hampshire. As you will read, Mr. Butterfield raises several issues regarding the Vermont Yankee Nuclear Power Plant in Vernon, Vermont. I would appreciate your reviews of these issues.

Thank you and I look forward to your response.

Sincerely,

  
Judd Gregg  
U.S. Senator

JG/ml

Enclosure

Charles H. Butterfield • 433 Oxbow Road • Hinsdale, New Hampshire • 03451  
(603) 256-6571 • cnbutter@sover.net

May 22, 2004

*C. Gregg*

04 JUN -4 PM 3:00

Senator Judd Gregg  
393 Russell Senate Building  
Washington, D.C. 20510

Dear Senator Gregg:

I seek your assistance in three matters concerning the uprate application filed by Vermont Yankee (Entergy) with the Nuclear Regulatory Commission.

1. NRC recently ordered an engineering assessment of the Vernon (Vermont) plant, situated not six miles, as the crow flies, from my house here in Hinsdale. Having recently attended a lengthy public forum at which the uprate application was discussed by members and staff of NRC I came away with the distinct impression that NRC's first priority is advancement of the nuclear power industry and not public safety. Therefore, I want to see a public component to the NRC inspection team, one with an obvious public safety bias. This public representation should include at least one technical person and one or more public observers in addition to any official state representation. I would like to see these public team participants report directly to your office and ultimately to towns like Hinsdale that are in the vicinity of the plant.

2. NRC, through recent changes in the rules governing public access to formal on-the-record licensing hearings, has accrued to itself expansive discretion in determining whose testimony will be heard. Under the new rules NRC may curtail or eliminate discovery, cross examination and all other adjudicatory tests of truth. These changes to 10 CFR 2 are being challenged in federal court, but in the meantime I ask that you use the power of your office to urge the NRC to exercise its discretion in favor of formal hearings.

3. Vermont Yankee was built before the first set of nuclear power plant design criteria were formalized. Design criteria, safety standards and regulations have evolved since Vermont Yankee began operating some thirty plus years ago. Where the plant is exempted from or otherwise does not comply with all current nuclear safety standards, NRC must analyze and certify what effects, if any, these deviations from current standards have on risk to the public. I hope you will do all that you can to persuade the NRC to include this analysis in the uprate engineering assessment.

Thank you for your attention to these matters.

Sincerely,

*Charles H. Butterfield*  
Charles H. Butterfield