

EDO Principal Correspondence Control

FROM: DUE: 07/14/04 EDO CONTROL: G20040431
DOC DT: 06/23/04
FINAL REPLY:

Senator James M. Jeffords

TO:

Chairman Diaz

FOR SIGNATURE OF : ** GRN ** CRC NO: 04-0399

Reyes, EDO

DESC:

Proposed Power Uprate for the Vermont Yankee
Nuclear Power Plant (Westminster Selectboard/
Wardsboro Selectboard)

ROUTING:

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

DATE: 06/25/04

ASSIGNED TO: CONTACT:

NRR

Dyer

SPECIAL INSTRUCTIONS OR REMARKS:

Ref. G20040358.

Template: SECY-017

E-RIDS: SECY-01

OFFICE OF THE SECRETARY
CORRESPONDENCE CONTROL TICKET

Date Printed: Jun 25, 2004 09:14

PAPER NUMBER: LTR-04-0399 **LOGGING DATE:** 06/24/2004
ACTION OFFICE: EDO

AUTHOR: SEN James Jeffords
AFFILIATION: SEN
ADDRESSEE: Nils Diaz
SUBJECT: Concerns proposed power uprate for the Vermont Yankee nuclear power plant

ACTION: Signature of EDO
DISTRIBUTION: Chairman, Comrs, OCA to Ack

LETTER DATE: 06/23/2004
ACKNOWLEDGED: No
SPECIAL HANDLING:

NOTES: Ref--LTR-04-0330...Date due: June 16th

FILE LOCATION: ADAMS

DATE DUE: 07/16/2004 **DATE SIGNED:**

EDO --G20040431

JAMES M. INHOFE, OKLAHOMA, CHAIRMAN

JOHN W. WARNER, VIRGINIA
CHRISTOPHER S. BOND, MISSOURI
GEORGE V. VOINOVICH, OHIO
MICHAEL D. CRAPO, IDAHO
LINCOLN CHAFFE, RHODE ISLAND
JOHN CORNYN, TEXAS
LISA MURKOWSKI, ALASKA
CRAIG THOMAS, WYOMING
WAYNE ALLARD, COLORADO

JAMES M. JEFFORDS, VERMONT
MAX BAUCUS, MONTANA
HARRY REID, NEVADA
BOB GRAHAM, FLORIDA
JOSEPH I. LIEBERMAN, CONNECTICUT
BARBARA BOXER, CALIFORNIA
RON WYDEN, OREGON
THOMAS R. CARPER, DELAWARE
HILLARY RODHAM CLINTON, NEW YORK

ANDREW WHEELER, MAJORITY STAFF DIRECTOR
KEN CONNOLLY, MINORITY STAFF DIRECTOR

United States Senate

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

WASHINGTON, DC 20510-6175

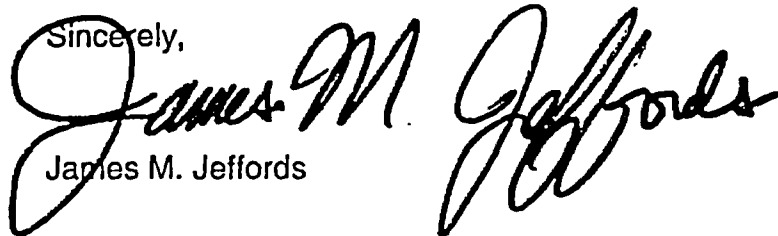
June 23, 2004

The Honorable Nils J. Diaz
Chairman
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Dear Mr. Chairman:

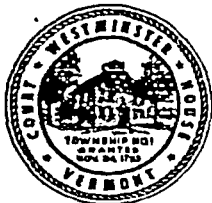
Enclosed please find copies of two letters to the Nuclear Regulatory Commission (NRC) that I received recently from Vermont towns. These letters express the views of these communities regarding the proposed power uprate at Vermont Yankee. Due to the safety-screening delay in mail delivery to both Capitol Hill and federal agencies located in Washington, D.C., I write to make certain that you received this correspondence and to request that you respond to these communities directly. I appreciate your assistance in ensuring that my constituents receive a timely response.

Sincerely,



James M. Jeffords

Enclosures



TOWN OF WESTMINSTER

P.O. BOX 147 WESTMINSTER, VT 05158
Tel 802-722-4255 Fax 802-722-9816
westmin@sover.net

935983

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

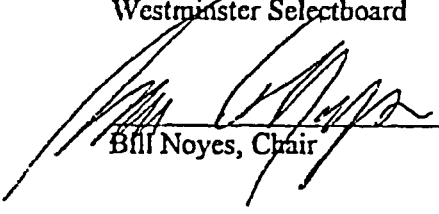
regulations) and verifies that adequate safety margins are retained despite the cumulative effect of such deviations, exemptions, and/or waivers for both the present licensed power level and under the proposed extended power uprate;

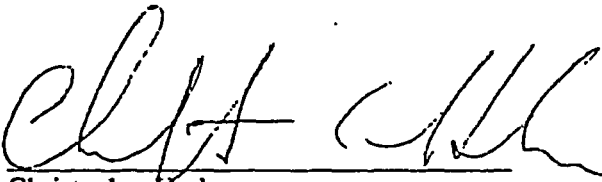
- 3) Assesses the facility's operational safety performance giving risk perspectives where appropriate;
- 4) Evaluates the effectiveness of licensee self-assessments, corrective actions, and improvement plans; and
- 5) Determines the root cause(s) of safety-significant findings and draws conclusions on overall performance.

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

Sincerely,

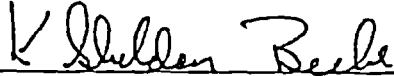
Westminster Selectboard


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

May, 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 Wardsboro, 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 Wardsboro, 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 Wardsboro 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. We look forward to a reply.

Sincerely,

Ralph Ay — *Selectboard Chair*
5/18/04

cc: Governor James Douglas
109 State Street
Montpelier, VT 05609

Senator James Jeffords
728 Hart Senate Office Building
Washington, DC 20510

Senator Patrick Leahy
433 Russell Senate Office Building
Washington, DC 20510

Representative Bernie Sanders
2135 Rayburn HOB
Washington, DC 20515

VERMONT STATE NUCLEAR ADVISORY PANEL
David J. O'Brien, Chairman
Department of Public Service
112 State Street, Drawer 20
Montpelier, VT 05620-2601

Sen. Jeanette White
35A Old Depot Rd.
Putney, Vt 05346

Rep. David Deen
5607 Westminster West Road
Putney, VT 05346

Rep. Steve Darrow
PO Box 880-E
Putney, Vt 05346



JAMES M. INHOFE, OKLAHOMA, Chairman
JAMES M. JEFFORDS, VERMONT, Ranking Member

JOHN W. WARNER, Virginia
CHRISTOPHER S. BOND, Missouri
GEORGE VOINOVICH, Ohio
MICHAEL D. CRAPO, Idaho
LINCOLN CHAFFEE, Rhode Island
JOHN CORNYN, Texas
LISA MURKOWSKI, Alaska
CRAIG THOMAS, Wyoming
WAYNE ALLARD, Colorado

MAX BAUCUS, Montana
HARRY REID, Nevada
BOB GRAHAM, Florida
JOSEPH I. LIEBERMAN, Connecticut
BARBARA BOXER, California
RON WYDEN, Oregon
THOMAS R. CARPER, Delaware
HILLARY RODHAM CLINTON, New York

ANDREW WHEELER, Majority Staff Director
KEN CONNOLLY, Minority Staff Director

UNITED STATES SENATE
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS
Washington, DC 20510-6175

FAX TO: NMCC CONGRESSIONAL
ATTN: TOM MADDEN

DATE: 6/23/04

PHONE: _____

Number of Pages 7
(Including Cover)

FAX: (301) 415-8571

Main Office - 456 Dirksen
Phone: 202-224-8832
Fax: 202-224-1273

Hart Office - 508 Hart
Phone: 202-224-8832
Fax: 202-228-0574

- FROM:
- Ken Connolly, Staff Director
 - Alison Taylor, Chief Counsel
 - Jo-Ellen Darcy, Senior Policy Advisor
 - Chris Miller, Professional Staff Member
 - Catharine Cyr Ransom, Professional Staff Member
 - Daniel Bresette, Research Assistant
 - Malia Somerville, Staff Assistant
 - Margaret Wetherald, Prof. Staff/Office Manager
 - Jeffrey Johnson, Intern
 - Jeff Squires, Dep. Staff Director for Transportation
 - Mary Frances Repko, Senior Policy Advisor
 - Geoff Brown, Professional Staff Member
 - James Sandberg, Counsel
 - Malcolm D. Woolf, Counsel
 - Elizabeth Ryan, Professional Staff Member
 - Carolyn Dupree, Executive Assistant
 - Patrick Rankin, Legis. Correspondent
 - Shannon D. Heyck-Williams, Prof. Staff Member
 - William Boyd, Fellow
 - Wendy Parker, Fellow

MESSAGE: ATTN: TOM MADDEN

