

EDO Principal Correspondence Control

FROM: DUE: 09/23/04 EDO CONTROL: G20040597
DOC DT: 08/19/04
FINAL REPLY:

Senator John F. Kerry

TO:

Rathbun, OCA

FOR SIGNATURE OF : ** GRN ** CRC NO: 04-0559

Reyes, EDO

DESC:

Proposed Power Rate Increase at Vermont Yankee
Nuclear Power Station (Leland Stevens, Philip
Maddern and Ann Banash, Town of Gill,
Massachusetts)

ROUTING:

Reyes
Virgilio
Kane
Merschhoff
Norry
Dean
Burns/Cyr
Miller, RI
Rathbun, OCA

DATE: 09/01/04

ASSIGNED TO: CONTACT:

NRR

Dyer

SPECIAL INSTRUCTIONS OR REMARKS:

Template: SECY-017

E-RIDS: SECY-01

OFFICE OF THE SECRETARY
CORRESPONDENCE CONTROL TICKET

Date Printed: Sep 01, 2004 10:16

PAPER NUMBER: LTR-04-0559 **LOGGING DATE:** 08/30/2004
ACTION OFFICE: EDO

AUTHOR: SEN John Kerry
AFFILIATION: SEN
ADDRESSEE: Dennis Rathbun
SUBJECT: Express concerns about the proposed power rate increase at Vermont Yankee nuclear power station.

ACTION: Signature of EDO
DISTRIBUTION: OCA to Ack

LETTER DATE: 08/19/2004
ACKNOWLEDGED: No
SPECIAL HANDLING:

NOTES:
FILE LOCATION: ADAMS

DATE DUE: 09/23/2004 **DATE SIGNED:**

EDO --G20040597

United States Senate

WASHINGTON, DC 20510-2102

One Bowdoin Square
Tenth Floor
Boston, MA 02114
(617) 565-8519

August 19, 2004

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

Dear Mr. Rathbun,

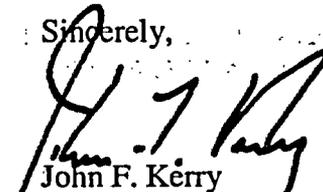
I am forwarding to you a copy of a correspondence from the Gill, Massachusetts Select Board expressing concerns about the proposed power rate increase at Vermont Yankee Nuclear Power Station.

It is the desire of this office to be responsive to all inquiries and communications. I respectfully ask for your assistance in resolving the issues outlined in the attached correspondence.

Please convey a copy of your response to the issues raised in the Board's correspondence to Tyke Crowley of my Boston office.

I thank you for your cooperation in this matter.

Sincerely,


John F. Kerry
United States Senator

Enclosures: The Gill Select Board's Letter
JFK/fbc

PLEASE RESPOND TO:

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TC

TOWN OF GILL

MASSACHUSETTS



US Senator John F. Kerry
1 Bowdoin Square
Boston, MA 02114

11 August 2004

RE: Vermont Yankee Nuclear Power Plant

Dear Most Honorable Senator Kerry,

The Board of Selectmen is writing on behalf of the Town of Gill to plead for filing of a formal intervention by Massachusetts Attorney General Thomas Reilly in regard to the proposed power rate increase at Vermont Yankee Nuclear Power Station. This rate increase represents a license amendment and is thus subject to legal intervention. Our appeal is based on the assumption that the state represents the interests of its citizens and, therefore the obligation to intervene in this process.

The filing deadline for intervener status must be completed by late August. The design review that is currently in process should be made available to interveners and interested parties, however will not even be complete by the end of August. An extension of this filing deadline has been requested by the governor of Vermont and their federal delegation, but has not yet been granted. We would therefore also ask that Attorney General Reilly join in their petition for a time extension.

The basis of the intervention is public health and safety. This power uprate requested would represent the largest expansion in nuclear generation in New England since the building of the Seabrook plant in the late 1970's. The Vernon Nuclear Power Station is thirty-three years old and has operated longer than any other plant in New England. This reason alone should eliminate it as a candidate for a 20% increase in power output, however additional statistics provide even further evidence. Please allow us to demonstrate:

- **The "over-pressure" operating mode proposed for the plant under uprated conditions is against in the NRC's own guidelines.** NRC's own guidelines explicitly recommend against relying on elevated pressure in the containment. The proposed mode of operation will increase the likelihood that the emergency core cooling system will not work properly in the event of an emergency, which increases the probability of a radioactive release to the surrounding countryside.
- **The assessment process underway has not identified the criteria against which the plant is to be assessed.** This is totally unacceptable to the Massachusetts public at risk.

- **The NRC is excluding "independent" observers from the review process.** The public cannot be assured of an objective evaluation process unless truly independent observers are allowed to participate.
- **The plant after uprate has NOT been demonstrated to be in compliance with today's standards.** This uprate should be blocked until compliance with today's standards can be demonstrated; anything else should not be acceptable.
- **Recently there have been a series of "accidents" or "events" at the Vernon Nuclear Station.** This includes the discovery of cracks in a key component, the misplacement of nuclear fuel, a transformer fire, and several problems with the emergency notification system, including inadvertent disconnection of the emergency alarm system. These "events" bring into question the effectiveness of current plant operation and management and further undermines the public's confidence in the safety of the facility.
- **As a community within the ten-mile evacuation zone of the power station, the Town of Gill's property and the health of its residents are very much at risk in the event of an accident resulting in a release of radioactivity.**
- **In the event of an accident at the Vernon Nuclear Power Station, Massachusetts is actually more at risk than Vermont.** This is due largely to its location east and downwind of the plant.

The Gill Select Board feels strongly that there is more than enough information available that clearly shows a definite immediate need for action and therefore urges you to intervene in all ways possible in this matter on behalf of Massachusetts' citizens. Time is of the essence.

It is also our intent to forward similar requests for public support in this matter to Attorney General Reilly, State Representatives Stephen Kulik and Christopher Donelan, Senators Stanley Rosenberg and Stephen Brewer, US Congressman John Olver and US Senator Edward Kennedy. We will also be communicating our concerns to other adjacent Massachusetts communities, encouraging them in similar action to provide for the health and safety of our residents.

Sincerely,
Gill Select Board

Leland E. Stevens, Chair
Philip W. Maddern
Ann H. Banash

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Philip W. Maddern
Ann H. Banash