



The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES

STEPHEN KULIK
REPRESENTATIVE

1ST FRANKLIN DISTRICT
STATE HOUSE, ROOM 279
BOSTON, MA 02133-1054
TEL. (617) 722-2210
FAX (617) 722-2821
E-MAIL:

Rep.StephenKulik@hou.state.ma.us

Committees on:
Ways and Means
Transportation
Natural Resources and Agriculture

DISTRICT OFFICE:
330 MONTAGUE CITY ROAD
SUITE 102
TURNERS FALLS, MA 01376
TEL. (413) 772-2727
FAX (413) 773-1821

November 15, 2004

The Office of the Secretary,
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
Attention: Rulemakings and Adjudication Staff
hearingdocket@nrc.gov,

RE: Entergy-VT Yankee Uprate

Dear NRC Rulemakings & Adjudication Staff:

I am writing to express my deep concern about Entergy's request to increase power at the VT Yankee nuclear reactor. I am aware that similar uprates at other reactors of this type have caused costly shutdowns due to potentially dangerous steam dryer cracking and valve jamming. The accidental release of increased radioactive steam due to valves jamming open, should the structural integrity of the steam dryers fail, increases health risks to children in our schools and all our townspeople. The Entergy request to run the ENVY reactor at containment overpressure, a potentially dangerous, and operationally confusing condition, merits much greater examination, under full disclosure rights and under oath, to establish the whole truth about its safety implications.

Last Spring, a letter was sent to the VT Public Service Board by the Franklin County, MA legislative delegation asking them to require an independent safety inspection at the Entergy-VT Yankee nuclear power plant and to make their decision regarding a power uprate conditional upon a review of the plant similar to the one conducted at MaineYankee before its closure. Many state and federal officials from Vermont and Massachusetts joined us in making this request to the NRC and the VT Public Service Board. NRC denied the request. We considered an independent and thorough safety assessment necessary for the full confidence of our constituents in the safe operation of the ENVY reactor at uprated conditions. The engineering assessment released on the NRC website recently does not begin to approach the level of analysis we requested for this aging facility, nor were our concerns about safety allayed by recent events at the plant including fires (during which public notification procedures were NOT followed,

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November 24, 2004 (10:13am)

OFFICE OF SECRETARY
RULEMAKINGS AND
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Docket No. 50-271-OLA

apparent loss of fuel rod segments, and failure of two out of nine operator teams to pass a January 2004 emergency shutdown simulation under normal (as opposed to uprated) conditions, as reported on the ADAMS database before it was closed to public scrutiny.

It is my opinion that the EPU requested by Entergy is a significant change in the reactor license that should trigger an extensive and comprehensive safety inspection and evaluation. Intervenor representing the public interest must be allowed to contend Entergy Corporation's claims in a G-type hearing, with full adjudicatory hearing rights, with those giving testimony under oath. Due to NRC rules, timelines, withholding of technical reports, and refusal to conduct a full independent safety assessment, the public is at a great disadvantage in establishing standing and contentions on safety concerns. Therefore, intervenors for the public interest should be afforded every right to examine evidence and cross-examine Entergy testimony under oath, in order to establish as far as possible the whole truth regarding the safety implications of the requested changes in operating conditions and procedures.

I urge you to conduct an open, transparent, and thorough process of evaluating the new conditions involved in the uprate, the impact of the uprate on emissions, accident scenarios, and public safety, and resolution of the question of whether ENVY is even in compliance with its design basis now. I ask that in order to accomplish this, an open, public, G-type hearing be held, to establish a factual information base on which to evaluate the uprate.

I trust that your decision will be in the best interest of the public.

Sincerely,



STEPHEN KULIK
State Representative

cc: Alex S. Karlin, Chairman of the ASLB panel at:
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Mail Stop T-3 F23, Washington, D.C. 20555-0001
ask2@nrc.gov