

January 26, 2005

Mr. Raymond Shadis
Staff Technical Advisor
New England Coalition
Post Office Box 98
Edgecomb, ME 04556

Dear Mr. Shadis:

The petition from the New England Coalition (NEC) dated December 7, 2004, and addressed to Mr. Luis A. Reyes, Executive Director for Operations of the Nuclear Regulatory Commission (NRC or Commission) has been referred to me pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Section 2.206 of the Commission's regulations. Your petition requested that the NRC take immediate and decisive action to address the degraded emergency notification system at the Vermont Yankee Nuclear Power Station (Vermont Yankee). Specifically, the petition requested the NRC to order cold shutdown of Vermont Yankee, and/or take other such action to restore reasonable assurance of adequate protection of public health and safety, until Entergy Nuclear Vermont Yankee, LLC and Entergy Nuclear Operations, Inc. (the licensee) has provided a workable emergency warning or alert system and the NRC has verified its operability. The petition also included several other requests which are briefly summarized as follows:

- (1) the NRC should undertake a review of all inspection findings and licensee documents related to emergency response and notification;
- (2) the licensee should be required to provide for an independent audit of the emergency response plan; and
- (3) certain improvements should be considered with respect to the emergency notification system related to use of alert radios.

As a basis for your request, your petition cited problems related to the operation and use of alert radios within the Vermont Yankee emergency planning zone.

The NRC's Petition Review Board (PRB) met on December 13, 2004, to discuss the request for immediate action to order cold shutdown of Vermont Yankee based on the status of the emergency notification system. NRC staff responsible for reviewing emergency preparedness issues also participated in this meeting. The PRB determined that based on a recently completed inspection of the Vermont Yankee emergency preparedness program, as documented in an inspection report dated November 12, 2004, the proposed immediate action was not necessary. As discussed in the inspection report, the NRC identified an apparent violation associated with emergency planning standard 10 CFR 50.47(b)(5) because the licensee's method of distributing tone alert radios to members of the public outside of siren coverage was not meeting the intent of the design basis for the alert and notification system. However, the report concluded that this preliminary finding "does not present an immediate safety concern because the licensee has informed the towns to be prepared to do route alerting to ensure that those residents outside of siren coverage are notified in the event of an emergency."

Route alerting relies on emergency personnel from the affected towns notifying residents via public address systems on emergency vehicles. On December 13, 2004, following the PRB meeting, the NRC staff notified you that your request for immediate action was denied.

By teleconference on January 6, 2005, you, Mr. Edward Anthes, and Ms. Judy Davidson, provided information to the PRB as further explanation and support for the NEC petition. The transcript of this teleconference is enclosed.

On January 6, 2005, following the teleconference, the PRB reconvened to evaluate whether the NEC petition should be reviewed under the 10 CFR 2.206 process. Based on the PRB's recommendation, I have decided to accept your petition for review pursuant to 10 CFR 2.206. Your petition is being reviewed by the Division of Licensing Project Management within the Office of Nuclear Reactor Regulation. I have assigned Richard Ennis to be the petition manager for your petition. Mr. Ennis can be reached at 301-415-1420.

As provided by 10 CFR 2.206, we will take action on your request within a reasonable time. For your information, I have enclosed a copy of the notice that is being filed with the Office of the *Federal Register* for publication regarding your petition. Additionally, I have enclosed a copy of Management Directive 8.11, "Review Process for 10 CFR 2.206 Petitions," and the associated brochure NUREG/BR-0200, "Public Petition Process," prepared by the NRC Office of Public Affairs.

Sincerely,

/RA/

J. E. Dyer, Director
Office of Nuclear Reactor Regulation

Docket No. 50-271

Enclosures: 1. *Federal Register* Notice
2. Transcript of January 6, 2005, teleconference
3. Management Directive 8.11
4. NUREG/BR-0200

cc w/encls: See next page

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/RA/
 J. E. Dyer, Director
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JLyons

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DSchneck, NSIR

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SLaVie, NSIR

VBucci, OIG

BPoole, OGC

Vermont Yankee Nuclear Power Station

cc:

Regional Administrator, Region I
U. S. Nuclear Regulatory Commission
475 Allendale Road
King of Prussia, PA 19406-1415

Mr. David R. Lewis
Shaw, Pittman, Potts & Trowbridge
2300 N Street, N.W.
Washington, DC 20037-1128

Ms. Christine S. Salembier, Commissioner
Vermont Department of Public Service
112 State Street
Montpelier, VT 05620-2601

Mr. Michael H. Dworkin, Chairman
Public Service Board
State of Vermont
112 State Street
Montpelier, VT 05620-2701

Chairman, Board of Selectmen
Town of Vernon
P.O. Box 116
Vernon, VT 05354-0116

Operating Experience Coordinator
Vermont Yankee Nuclear Power Station
320 Governor Hunt Road
Vernon, VT 05354

G. Dana Bisbee, Esq.
Deputy Attorney General
33 Capitol Street
Concord, NH 03301-6937

Chief, Safety Unit
Office of the Attorney General
One Ashburton Place, 19th Floor
Boston, MA 02108

Ms. Deborah B. Katz
Box 83
Shelburne Falls, MA 01370

Ms. Carla A. White, RRPT, CHP
Radiological Health
Vermont Department of Health
P.O. Box 70, Drawer #43
108 Cherry Street
Burlington, VT 05402-0070

Mr. James M. DeVincentis
Manager, Licensing
Vermont Yankee Nuclear Power Station
P.O. Box 0500
185 Old Ferry Road
Brattleboro, VT 05302-0500

Resident Inspector
Vermont Yankee Nuclear Power Station
U. S. Nuclear Regulatory Commission
P.O. Box 176
Vernon, VT 05354

Director, Massachusetts Emergency
Management Agency
ATTN: James Muckerheide
400 Worcester Rd.
Framingham, MA 01702-5399

Jonathan M. Block, Esq.
Main Street
P.O. Box 566
Putney, VT 05346-0566

Mr. John F. McCann
Director, Nuclear Safety Assurance
Entergy Nuclear Operations, Inc.
440 Hamilton Avenue
White Plains, NY 10601

Mr. Gary J. Taylor
Chief Executive Officer
Entergy Operations
1340 Echelon Parkway
Jackson, MS 39213

Vermont Yankee Nuclear Power Station

cc:

Mr. John T. Herron
Sr. VP and Chief Operating Officer
Entergy Nuclear Operations, Inc.
440 Hamilton Avenue
White Plains, NY 10601

Mr. Danny L. Pace
Vice President, Engineering
Entergy Nuclear Operations, Inc.
440 Hamilton Avenue
White Plains, NY 10601

Mr. Brian O'Grady
Vice President, Operations Support
Entergy Nuclear Operations, Inc.
440 Hamilton Avenue
White Plains, NY 10601

Mr. Michael J. Colomb
Director of Oversight
Entergy Nuclear Operations, Inc.
440 Hamilton Avenue
White Plains, NY 10601

Mr. John M. Fulton
Assistant General Counsel
Entergy Nuclear Operations, Inc.
440 Hamilton Avenue
White Plains, NY 10601

Mr. Jay K. Thayer
Site Vice President
Entergy Nuclear Operations, Inc.
Vermont Yankee Nuclear Power Station
P.O. Box 0500
185 Old Ferry Road
Brattleboro, VT 05302-0500

Mr. Kenneth L. Graesser
38832 N. Ashley Drive
Lake Villa, IL 60046

Mr. James Sniezek
5486 Nithsdale Drive
Salisbury, MD 21801

Mr. Ronald Toole
1282 Valley of Lakes
Box R-10
Hazelton, PA 18202

Ms. Stacey M. Lousteau
Treasury Department
Entergy Services, Inc.
639 Loyola Avenue
New Orleans, LA 70113

Mr. Raymond Shadis
New England Coalition
Post Office Box 98
Edgecomb, ME 04556

Mr. James P. Matteau
Executive Director
Windham Regional Commission
139 Main Street, Suite 505
Brattleboro, VT 05301

Mr. William K. Sherman
Vermont Department of Public Service
112 State Street
Drawer 20
Montpelier, VT 05620-2601

U.S. NUCLEAR REGULATORY COMMISSIONDOCKET NO. 50-271LICENSE NO. DPR-28ENERGY NUCLEAR VERMONT YANKEE, LLCAND ENERGY NUCLEAR OPERATIONS, INC.RECEIPT OF REQUEST FOR ACTION UNDER 10 CFR 2.206

Notice is hereby given that by petition dated December 7, 2004, the New England Coalition (NEC or the petitioner) has requested that the Nuclear Regulatory Commission (NRC or the Commission) take action with regard to the Vermont Yankee Nuclear Power Station (Vermont Yankee). The NEC petition requested that the NRC take immediate and decisive action to address the degraded emergency notification system. Specifically, the petition requested the NRC to order cold shutdown of Vermont Yankee, and/or take other such action to restore reasonable assurance of adequate protection of public health and safety, until the licensee has provided a workable emergency warning or alert system and the NRC has verified its operability. The petition also included several other requests which are briefly summarized as follows: (1) the NRC should undertake a review of all inspection findings and licensee documents related to emergency response and notification; (2) the licensee should be required to provide for an independent audit of the emergency response plan; and (3) certain improvements should be considered with respect to the emergency notification system related to use of alert radios.

As a basis for this request, the petitioner cited problems related to the operation and use of alert radios within the Vermont Yankee emergency planning zone.

The request is being treated pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Section 2.206 of the Commission's regulations. The request has been referred to the Director of the Office of Nuclear Reactor Regulation. As provided by 10 CFR 2.206, appropriate action will be taken on this petition within a reasonable time. Mr. Raymond Shadis, in his capacity as the petitioner's Staff Technical Advisor, participated in a telephone conference call with the NRC's Petition Review Board (PRB) on January 6, 2005, to discuss the petition. Mr. Edward Anthes and Ms. Judy Davidson assisted Mr. Shadis during this call. The results of that discussion were considered in the PRB's determination regarding the petitioner's request for action and in establishing the schedule for the review of the petition.

A copy of the petition and the transcript of the telephone conference call is available for inspection at the Commission's Public Document Room (PDR), located at One White Flint North, Public File Area O1 F21, 11555 Rockville Pike (first floor), Rockville, Maryland and from the NRC's Agencywide Documents Access and Management System (ADAMS) Public Electronic Reading Room on the Internet at the NRC Web site, <http://www.nrc.gov/reading-rm/adams.html> (ADAMS Accession Nos. ML043490156 and ML050140017). Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS, should contact the NRC PDR Reference staff by telephone at 1-800-397-4209 or 301-415-4737, or by e-mail to pdr@nrc.gov.

FOR THE NUCLEAR REGULATORY COMMISSION

/RA/

R. William Borchardt, Acting Director
Office of Nuclear Reactor Regulation

Dated at Rockville, Maryland
This 25th day of January 2005.

**Official Transcript of Proceedings
NUCLEAR REGULATORY
COMMISSION**

Title: 2.206 Petition Review Board Conference Call

Docket Number: 50-271

Location: (telephone conference)

Date: Thursday, January 6, 2005

Work Order No.: NRC-187

Pages 1-27

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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PETITION REVIEW BOARD (PRB)

CONFERENCE CALL

+ + + + +

THURSDAY,

JANUARY 6, 2005

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The conference call was held, Jim Lyons
presiding.

NEW ENGLAND COALITION:

RAYMOND SHADIS

PETER ALEXANDER

NUCLEAR FREE VERMONT:

JUDY DAVIDSON

ED ANTHES

ENTERGY:

CHARLENE FAISON

MICHAEL SLOBIDIEN

JIM DEVICENTIS

MARY ANN WILSON

BOB WANCZYK

RHONDA DAFLUCAS

ROB WILLIAMS

1 NRC:
2 JOHN WHITE
3 GREG SMITH
4 AMAR PATEL
5 RICK ENNIS
6 STEVE LEWIS
7 DONNA SKAY
8 DYLANNE DUVIGNEAUD
9 CORNELIUS HOLDEN
10 HERB BERKOW
11 JIM LYONS
12 DARRELL ROBERTS
13 ALLEN HOWE
14 JOHN BOSKA
15 DEBRA SCHNECK
16 BOB KAHLER
17 STEVE LAVIE
18 STATE OF VERMONT:
19 DUNCAN HIGGINS
20 LEWIS STOWELL
21 STATE OF NEW JERSEY:
22 DENNIS ZANNONI
23 FEMA:
24 CRAIG CONKLIN
25 DANIEL WILCOX

- 1 FEMA: (cont.)
- 2 MIKE TAKACS
- 3 DIANE DONLEY
- 4 CRAIG FIORE
- 5 DEBORAH BELL
- 6 LAUREN DEMARCO
- 7 DAN McELHINNEY
- 8 BOB POOLE
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P R O C E E D I N G S

(Time not given.)

MR. ENNIS: (Tape begins mid-sentence) --
headquarters in Rockville, Maryland. I think we'll
get started now. I'm going to go around and have
everybody introduce themselves and we'll start out
with the New England Coalition and their
representatives.

MR. SHADIS: Good morning, everyone. This
is Raymond Shadis for the New England Coalition.

MR. ALEXANDER: Peter Alexander, Executive
Director of the New England Coalition.

MS. DAVIDSON: Judy Davidson from Nuclear
Free Vermont.

MR. ENNIS: That's everybody that you have
this morning, Ray?

MR. SHADIS: That's everyone that we have
at this office. Also, Ed Anthes who called in a
little while ago will identify himself.

MR. ENNIS: Okay.

MR. SHADIS: But he is also providing
information with respect to this 2206.

MR. ENNIS: Okay.

MR. ANTHERS: I'm Ed Anthes from Nuclear
Free Vermont by 2012 at another location.

1 MR. ENNIS: Okay. Entergy, White Plains?

2 MS. FAISON: Charlene Faison and Michael
3 Slobodeien.

4 MR. ENNIS: At the plant?

5 MR. DEVINCENTIS: Jim DeVincentis, Mary
6 Ann Wilson and Bob Wanczyk.

7 MR. ENNIS: And the Brattleboro office?

8 MS. DAFLUCAS: Rhonda Daflucas and Rob
9 Williams.

10 MR. ENNIS: Okay, NRC Region I?

11 MR. WHITE: John White, Greg Smith, Amar
12 Patel.

13 MR. ENNIS: Okay, we'll go around the room
14 here at NRC Headquarters. I'm Rick Ennis. I'm the
15 Project Manager for Vermont Yankee as well as the
16 Manager for this Petition.

17 MR. LEWIS: Steve Lewis, Office of General
18 Counsel.

19 MS. SKAY: Donna Skay, Agency 2.206
20 Coordinator.

21 MS. DUVIGNEAUD: Dylanne Duvigneaud, DLPM.

22 MR. HOLDEN: Cornelius Holden, Reactor
23 Projects.

24 MR. BERKOW: Herb Berkow, Reactor
25 Projects.

1 MR. LYONS: Jim Lyons, Reactor Projects.

2 MR. ROBERTS: Darrell Roberts, Reactor
3 Projects.

4 MR. HOWE: Allen Howe, Reactor Projects.

5 MR. BOSKA: John Boska, Reactor Projects.

6 MS. SCHNECK: Debra Schneck, Emergency
7 Preparedness.

8 MR. KAHLER: Bob Kahler, Emergency
9 Preparedness.

10 MR. LAVIE: Steve LaVie, Emergency
11 Preparedness.

12 MR. ENNIS: That's everybody at NRC
13 Headquarters.

14 State of Vermont?

15 MR. HIGGINS: Duncan Higgins, Vermont
16 Emergency Management.

17 MR. STOWELL: Lewis Stowell, Vermont
18 Emergency Management.

19 MR. ENNIS: Anyone from the State of New
20 Hampshire? Massachusetts? New York? New Jersey?

21 MR. ZANONNI: This is Dennis Zannoni,
22 everybody, how are you.

23 MR. ENNIS: Okay, any other States? Okay,
24 FEMA.

25

1 MR. CONKLIN: FEMA Headquarters, this is
2 Craig Conklin.

3 MR. WILCOX: FEMA Headquarters, Dan
4 Wilcox.

5 MR. TAKACS: FEMA Headquarters, Mike
6 Takacs.

7 MS. DONLEY: FEMA Headquarters, Diane
8 Donley, Office of Counsel.

9 MS. BELL: FEMA Region 1, Deborah Bell.

10 MS. DEMARCO: Good morning, FEMA Region 1,
11 Lauren DeMarco, Dan McElhinney.

12 MR. POOLE: Region 1, Bob Poole.

13 MR. FIORE: FEMA Headquarters, Craig
14 Fiore.

15 MR. ENNIS: Any others from FEMA? Okay,
16 are there any other people on the line that haven't
17 identified themselves yet?

18 Hearing none, we'll get started here.

19 MR. SHADIS: Mr. Ennis, this is Ray Shadis
20 and I could hear most of NRC Staff introducing
21 themselves, but just barely, so if people are sitting
22 around a large table, I'd ask that they speak loudly
23 directly to your speaker phone or whatever arrangement
24 you have.

25

1 MR. ENNIS: Okay, whoever is going to
2 speak during the call, we'll have them come closer to
3 the phone.

4 MR. SHADIS: Thank you.

5 MR. ENNIS: Thank you. And at this point
6 I'd like to introduce Jim Lyons who is the Petition
7 Review Board Chairman.

8 MR. LYONS: Thank you, Rick. I'm going to
9 go through the standard discussion here at the
10 beginning of this call so we can set the ground rules
11 for everybody.

12 The subject of this teleconference is a 10
13 CFR 2.206 Petition submitted by Mr. Raymond Shadis for
14 the New England Coalition, dated December 7, 2004.

15 The Petition pertains to the Emergency
16 Notification System at the Vermont Yankee Nuclear
17 Power Station.

18 The Petitioner has requested that the NRC
19 take enforcement action against Entergy, the licensee
20 for Vermont Yankee. Specifically, the Petitioner has
21 requested that the NRC order a cold shutdown of
22 Vermont Yankee and/or take other such action as is
23 within NRC's discretion to restore reasonable
24 assurance of adequate protection of public health and
25 safety until such time as the licensee has provided a

1 workable emergency warning or alert system and the NRC
2 has verified its operability.

3 The petition also included several other
4 request which are briefly summarized as follows:

5 The Petitioner requested that the NRC
6 undertake a review of all inspection findings and
7 licensing documents related to emergency response and
8 notification. Petitioner requested that the licensee
9 be required to provide for an independent audit of the
10 emergency response plan and the Petitioner requested
11 that certain improvements be considered with respect
12 to the emergency notification system related to the
13 use of the alert radios.

14 The Petitioner requested that the NRC take
15 immediate and decisive action, specifically, the
16 petition stated that if in the NRC's opinion that
17 prompt action cannot be taken to the 10 CFR 2.206
18 process, then the New England Coalition urges the NRC
19 to exercise the statutory discretion to halt power
20 operation if emergency warning system operability
21 cannot be assured prior to screening the request for
22 the acceptance of the 2.206 petition.

23 The NRC's Petition Review Board met on
24 December 13, 2004 to discuss the request for immediate
25 action. The NRC Staff responsible for reviewing

1 emergency preparedness issues also participated in
2 this meeting. The PRB determined that based upon a
3 recently completed inspection of the Vermont Yankee
4 Emergency Preparedness Program, as documented in an
5 inspection report dated November 12, 2004, the
6 proposed immediate action was not necessary.
7 Specifically, the inspection included a finding that
8 the licensee has failed to maintain the Vermont Yankee
9 primary emergency preparedness alert notification
10 system. It was determined that Entergy did not
11 properly assure the distribution and maintenance of
12 tone alert radios which are relied on to alert the
13 populace outside of siren coverage within the
14 emergency planning zone. However, as discussed in the
15 Inspection Report, the finding related to the tone
16 alert radios does not present an immediate safety
17 concern because the license has informed the affected
18 town to be prepared to do route alerting to ensure
19 that those residents outside of siren coverage are
20 notified in the event of an emergency.

21 On December 13, 2004, the Petition
22 Manager, Rick Ennis, called Mr. Shadis and informed
23 him that the PRB had determined that immediate action
24 is not necessary, since there is no immediate safety

1 concern based on the conclusion of the November 12
2 Inspection Report.

3 The purpose of this teleconference is to
4 allow the Petitioners to address the Petition Review
5 Board which is an opportunity for the Petitioners to
6 provide additional explanations or support for this
7 petition.

8 This is also an opportunity for the Staff
9 and licensee to ask any clarifying questions. The
10 purpose of the teleconference is not to debate the
11 merits of the petition.

12 Following this call, the PRB will meet to
13 determine whether the NRC accepts the petition under
14 the 2.206 process or whether it will be dealt with
15 under another mechanism.

16 The PRB meeting today will not determine
17 whether we agree or disagree with the contents of the
18 petition.

19 The teleconference is being transcribed,
20 so it will help if anyone making a statement first
21 state their name clearly. The transcript will become
22 a supplement to the petition and will be made publicly
23 available.

24 We request that the Petitioners keep their
25 remarks to about 30 minutes. If the PRB decides that

1 the petition will be considered under 2.206, they will
2 issue an acknowledgment letter to the Petitioner.

3 The Petition Manager will keep the
4 Petitioners and licensee periodically informed of the
5 progress of the Staff's review.

6 We understand that Mr. Shadis has
7 requested to have representatives from the Nuclear
8 Free Vermont Association or organization assist him
9 in addressing the PRB today. The NRC has no objection
10 to this request.

11 At this point I'd like to turn it over to
12 Mr. Shadis.

13 MR. SHADIS: Thank you and good morning
14 again to you all. The first point that I would like
15 to address is the reliance on route notification and
16 my understanding that NRC issued their findings in the
17 Inspection Report based on Vermont Yankee's assurance
18 that they had notified the towns that they would now
19 be switching to route notification or adding route
20 notification.

21 And we had looked at that under 10 CFR 50
22 Appendix E, part D, where it states that the design
23 objective is notification from the time that public
24 officials receive notice to the time that the public
25 itself, members of the public receive notice at about

1 15 minutes. And we had asked in telephone conference
2 with Mr. Ennis if the PRB Members and the Emergency
3 Notification staff or the Emergency Response staff at
4 NRC that reviewed this petition could provide
5 regulatory and material justification for allowing as
6 it is the situation, allowing up to 45 minutes for
7 notification and not the "about 15 minutes" which we
8 can't logically follow that transition. It appears
9 that this amounts to some sort of exemption from the
10 "about 15 minutes" standard. So what we would like
11 from the Petition Review Board is some explanation on
12 how they arrived at that decision.

13 Now I would like to just tell you just by
14 way of example that today in the region we are
15 experiencing extended freezing rain and snow, most of
16 the secondary roads are quickly becoming impassable.
17 It is not uncommon in weather situations like this to
18 lose power locally, to have downed tree limbs and
19 trees themselves and the notification, route
20 notification today is from our point of view not
21 practical. So without radio notification, without a
22 siren alert system, without a practical route
23 notification, Vermont Yankee is operating today
24 without an operable emergency system. And this
25 situation for this area that is the geographic area

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1 around Vermont Yankee, it's not untypical for winter
2 time. So we need to hear from NRC with respect to how
3 they view enforcement under these conditions.

4 MR. LYONS: This is Jim Lyons from the
5 NRC. We're not -- at this call, we're here to hear
6 your comments and not discuss the merits.

7 MR. SHADIS: Thank you, Mr. Lyons. I'm
8 presuming that after the Petition Review Board
9 determines the different criteria for acceptance as a
10 2.206 that we'll be hearing from NRC on this following
11 that.

12 The other thing I wanted to point out and
13 really wasn't emphasized in your summary of our issues
14 is that we also pointed out in its petition and I
15 guess we didn't drive it home the way we should have.
16 We pointed out that this particular operability
17 question is part of what we see as a series of
18 failures in the area of emergency notification and
19 emergency response preparedness and that underlies our
20 asking NRC to go back and take a review of
21 documentation to determine. I guess what we're
22 looking for is for NRC to determine when these
23 repeated failures indicate some systemic or management
24 failure and so I wanted to just emphasize that and
25 make that clear, if I could.

1 If they're prepared to do it, I will ask
2 that Mr. Anthes -- if no one has any questions on
3 this, first off. Does anyone have any questions on
4 what I've just said or on the petition itself?

5 MR. ENNIS: No, we don't.

6 MR. SHADIS: Thank you. I'll now ask Mr.
7 Anthes to speak to the question of notification. His
8 organization, he himself and Judy Davidson have
9 communicated extensively with local officials.
10 They've attended many of the emergency response plan
11 meetings in the area and I think they are really
12 intimately familiar with local conditions, but I will
13 ask Mr. Anthes now to take the floor, if he will.

14 MR. ANTHERS: Thank you. Good morning. My
15 name is Ed Anthes, A-N-T-H-E-S.

16 As people who live in the Emergency
17 Planning Zone, we've been interested in the evacuation
18 plan for a long time. And beginning in late fall
19 2001, we began attending meetings sponsored by the
20 Select Boards, Vermont Emergency Management, Entergy
21 and others on the plan.

22 In the early, late summer, early fall of
23 2004, we circulated a list to the local governing
24 boards, the Select Boards of things that Vermont
25 Emergency Management and Entergy should do now to make

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1 the evacuation plan better. Several of those
2 concerned notification.

3 We're in a very rural area and we only
4 have siren coverage in part of Brattleboro and part of
5 Vernon. So the first thing that the Select Boards
6 asked and this was agreed to by the Select Boards of
7 the towns of Dummerston, Brattleboro, Guilford,
8 Halifax and Marlboro and it was presented to the Town
9 of Vernon, but to my knowledge they didn't take any
10 action on it.

11 The first item was that remote controlled
12 sirens be put -- be installed throughout the EPZ.
13 It's our understanding that Vermont Yankee's plan is
14 to do testing at least in some areas on silent
15 coverage when the leaves on the trees in May or June.
16 The Select Boards have been on record for some time
17 saying that they need siren coverage and so we need
18 some enforcement action so that the licensee worked on
19 this so that these sirens are in place this year in
20 2005.

21 The second item was the implementation of
22 the dial up system of an emergency notification. It
23 had been tested in one town with some success, some
24 problems, but all of the Select Boards that I
25 mentioned agreed that this should be implemented.

1 The third item is on the emergency radio
2 alert system. What all of the towns saw when they
3 looked through these items is that we need redundancy
4 in notification. None of the items are going to work
5 for every person and all of them have great failures.
6 As I said, the sirens are only heard in about one and
7 a half of the towns, one and a third of the towns.

8 The radio systems, when we first started
9 working on this, in the town of Dummerston, we have
10 about 2,000 people, roughly 800 residents and
11 businesses. When we started working on this there
12 were fewer than 300 radios that had been distributed
13 in the town. Through a lot of work we've probably
14 raised that to half or perhaps even more than that of
15 people who have the radios, but we still have a very
16 large segment of people who don't have the radios and
17 it appears that the licensee has lost control of the
18 information of just who has radios, who has gotten
19 them over the years, even though I know that in our
20 town we have to fill out paperwork in order to get a
21 radio.

22 The radios themselves are a great problem.
23 AS you probably know, they're based on the National
24 Weather Service and so they warn people of every
25 weather event that's coming for 100 miles around. In

1 the summer time when thunder storms are predicted, you
2 can listen to where the thunderstorms are going to be
3 coming from, the central New York State to the
4 seacoast of New Hampshire. People get so tired of the
5 alarm going off every hour through the night that
6 they'll turn off their alarm. And then they have to
7 remember to turn them on again.

8 People who have pets, who have babies, are
9 turning these off because of the disturbance caused by
10 the weather alert.

11 So a number of the towns asked that the
12 radios be preprogrammed for the correction station.
13 The other problem they talked about was that the
14 battery backup is very bad on the radios. This seems
15 to have been a problem all through the years, the
16 batteries just don't hold the charge and so when the
17 power goes down as it has now, as it is likely to do
18 now with the ice storm, people don't have usable
19 radios.

20 The system all moves to the individual
21 citizen, that it's their responsibility to find out
22 what's going on. The individual citizen is required
23 to request a radio. The citizen is expected to keep
24 that maintained and the citizen is expected to get

1 batteries from the local emergency management people
2 when the batteries go out.

3 This system doesn't work. People don't do
4 it that way. We know that the number of people with
5 radios is a very small portion of the people who would
6 need to be notified.

7 MS. DAVIDSON: Can I add something here?

8 MR. ANTHERS: Please, Judy.

9 MS. DAVIDSON: Judy Davidson from Nuclear
10 Free Vermont. The other thing I would like to add
11 about these weather alert radios is that the manual of
12 instructions that goes with this radio is 31 pages
13 long and the first time I tried to figure out to
14 program the radio it took me about half an hour and I
15 got so frustrated I put it away and came back to it
16 later. An ordinary citizen has an incredibly
17 difficult time first learning how to program it and
18 then when it goes off, it malfunctions and instead of
19 being on the right channel, channel 2, it says E-OFF.
20 Then you have to get out that manual and re-learn how
21 to reprogram it again so that for the ordinary
22 consumer this particular radio is totally ineffective.
23 Thank you.

24 MR. ANTHERS: In towns like Guilford,
25 people there estimate that they lose their electricity

1 half a dozen times a year, sometimes as much as once
2 a month, they'll lose electricity. And when that
3 happens the radio loses its programming if the battery
4 is not sufficiently charged.

5 So the towns, their emphasis is that there
6 needs to be redundancy. Would you like me to move to
7 route alerting now?

8 MR. SHADIS: Fine, Ed, you go ahead. We
9 do have some time limits so.

10 MR. ANTHERS: Yes, okay. Keep me abreast
11 of that Ray, if I'm going over.

12 MR. SHADIS: I'll depend on NRC to keep
13 time and maybe they can tell you when we're pushing
14 the limit.

15 MR. ANTHERS: The route alerting has been
16 in place since I've started looking at the plan years
17 ago. But it was never thought that it would actually
18 have to be used. And so in the town of Dummerston
19 when the Select Boards looked at that and spoke with
20 the Fire Chief about that it was clear very quickly
21 that they couldn't be done in 45 minutes. And they're
22 operating under the assumption that it would take 45
23 minutes to drive the route, not that they will be able
24 to notify people 45 minutes from when they get the
25 word, but rather that once someone is in the vehicle

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1 and moving and gets to the beginning of their location
2 where the route starts, that's when their 45 minutes
3 starts. So clearly, that 45 minutes could easily be
4 twice that time by the time somebody receives word,
5 gets to the Fire Station and gets out on the route.

6 Now the number of routes pretty nearly
7 double. I think they went from 5 to 9 in Dummerston
8 once they saw that they had to be able to do this in
9 45 minutes and make that a real plan.

10 The plan there, as spelled out in the
11 instructions in the evacuation plan, is that people
12 will drive on the roads, they'll slow down to a
13 specified speed as they go by houses and they will
14 inform people of a specific message that they should
15 tune in to the radio to find out what's going on.
16 There's no provision for driving up driveways or going
17 on private roads. There's no provision for getting to
18 farmers who are out in the field. There's no
19 provision for getting the people who are out in the
20 woods, who are hiking, who are operating chain saws.
21 This is a rural community and that's what people do.
22 That's where people are when it's daytime. People are
23 not in their homes sitting by their radios. And the
24 route alerting isn't expected to get to them.

1 Moreover, it hasn't been demonstrated that
2 the route alerting will work when people's windows are
3 closes in the winter, when they're watching TV, when
4 the stereo is on. To my knowledge, it hasn't been
5 demonstrated that people can hear the route alerting
6 at all.

7 All of the towns rely on volunteers, all
8 of the smaller towns rely on volunteers for their
9 route alerting and the Town of Dummerston for years
10 has written to Vermont Emergency Management to say
11 that they don't have enough people to cover all of the
12 tasks that they're tasked with in the evacuation plan.
13 And Judy has some more information on how two of the
14 towns expect to cover that gap in the lack of
15 personnel to handle the routing.

16 MS. DAVISON: This is Judy Davidson. And
17 as Ed points out the towns do not have enough
18 volunteers and one of the reasons is that we recognize
19 that in a radiological emergency some of the volunteer
20 firemen who have young families or other volunteers
21 will feel a role conflict and will need to take care
22 of their own families. Therefore, there are not
23 enough volunteers in a radiological emergency to
24 really address who is alerting and the other issues.

1 One of the towns, Dummerston has looked
2 into perhaps using the Putney Volunteer Fire
3 Department to help with route alerting, however, this
4 clearly increases the amount of time that it would
5 take to do the route alerting because you have to
6 notify those people. They have to drive to
7 Brattleboro to Dummerston, so the time limit is
8 enormous.

9 Guilford has not enough -- they have eight
10 routes. They don't have enough volunteers or vehicles
11 to drive the eight routes. And one of the real
12 concerns that we have, that we just learned is that --
13 I want to repeat this, the Dummerston Select Board has
14 written to Vermont Emergency Management on March 30 of
15 2004 saying we have concluded that route alerts, while
16 helpful, will not be sufficient to reach many of our
17 citizens. They have taken a strong stance and have
18 not approved the evaluation plans partly because of
19 the problem with route alerting and with notification
20 of the public.

21 One of the concerns that we have is that
22 even FEMA doesn't seem to be taking seriously that
23 route alerting is an essential part of this plan. At
24 the last FEMA alert in 2003, both Guilford and
25 Dummerston were told that they only needed to complete

1 one of the routes in order to pass the drill. Now if
2 route alerting is considered a compensatory measure
3 and therefore means that there's not -- it's a very
4 low safety concern, not an immediate safety concern,
5 how can it be that FEMA in a drill would pass towns
6 that are only doing one out of six or eight routes?
7 That seems to be totally absurd. So we are really
8 concerned about route alerting not being effective and
9 certainly not an adequate substitute and it seems
10 absurd to me that Entergy gets credit for taking
11 compensatory measures in this way when it is the
12 volunteers in the town who are doing the route
13 alerting. It doesn't seem (Inaudible) I don't
14 understand how Entergy can get credit for something
15 that the town is taking on.

16 Thank you.

17 MR. ANTHES: On days like today route
18 alerting would be completely ineffective. I live on
19 one of the major routes in Dummerston so it's up and
20 down very steep hills and people just don't drive that
21 road today. In a meeting that was held in Guilford in
22 the winter time to discuss the emergency planning, a
23 woman brought photos of what we call mud season here.
24 Roads that were almost literally swallowing cars
25 because of the depth of the mud.

1 The route alert may be fine during some of
2 the year, but it's not fine during several months of
3 the year.

4 Thank you. Ray?

5 MR. SHADIS: Thank you, Ed, and I believe
6 that completes the comments added by Nuclear Free
7 Vermont.

8 I would like to make a point now, whether
9 it's adding on to this or not, that if NRC has not
10 received a similar description of (Inaudible) for this
11 system from the licensee, then we question whether the
12 licensee is in conformance with NRC reporting
13 requirements and standards for truthfulness and
14 completeness of licensee communication to NRC. If the
15 licensee assured the NRC inspection staff that they
16 had taken compensatory measures, but did not describe
17 to them the limitations on those compensatory
18 measures, in other words, the limitations on the route
19 notification, then they didn't, in essence, tell the
20 whole truth to NRC. And we would like NRC and in
21 response to our petition to also determine if they got
22 the whole story and if the licensee is in compliance
23 with NRC regulation on that count.

24 And I think that completes our statement
25 and we are open to any questions that NRC might have.

1 MR. ANTHES: Ray, if I might just add one
2 more thing. This is Ed Anthes. The reliance on route
3 alerting does not address the need of -- the so-called
4 special needs population. It's another limitation of
5 the plan that too few people who don't have
6 transportation and have special needs report in using
7 the self-reporting system and there's no provision in
8 the route alerting to alert people who may not hear
9 or see an operator driving by making an announcement
10 with a bullhorn.

11 MR. ENNIS: This is Rick Ennis. Ray, does
12 that conclude your remarks?

13 MR. SHADIS: It does and we're open to
14 questions of NRC Staff.

15 MR. ENNIS: Does anyone from Entergy have
16 any comments or questions?

17 MR. DEVINCENTIS: No, Rick. This is Jim
18 DeVincentis. We have no comments or questions.

19 MR. ENNIS: NRC Region I, do you have any
20 comments or questions?

21 MR. WHITE: Not at this time.

22 MR. ENNIS: No questions or comments from
23 NRC Headquarters either.

24 MR. LYONS: This is Jim Lyons again. I
25 want to thank you for this information. It was a very

1 good presentation, putting together the thoughts and
2 easy to follow and able for us to take this
3 information and we will at the Petition Review Board
4 review it and the petition that we got to determine
5 whether or not we're going to accept this in the 2.206
6 petition. But I'd like to reemphasize that whether or
7 not we accept it as a 2.206 petition we will be
8 responding to the petition either through the 2.206
9 process or through regular correspondence.

10 With that, I'd like to again thank
11 everybody for participating and we'll now go off the
12 line.

13 Thank you very much.

14 MR. SHADIS: Thank you. Good morning,
15 everyone. Thank you.

16 (Whereupon, the teleconference was
17 concluded.)

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