

December 7, 2005

Mr. Jonathan M. Block  
94 Main Street  
P.O. Box 566  
Putney, VT 05346

Dear Mr. Block:

Your petition dated October 11, 2005, addressed to Mr. Luis Reyes, Executive Director for Operations at the Nuclear Regulatory Commission (NRC) has been referred to me pursuant to Section 2.206 of Title 10 of the *Code of Federal Regulations* (10 CFR 2.206). You requested that the NRC issue an emergency order for a temporary closure or de-rating of the Vermont Yankee Nuclear Power Station (VY) as a result of flooding and storm damage to the city of Keene, the town of Hinsdale, and other portions of New Hampshire that are part of existing evacuation routes for VY in an emergency event and within the effluent pathway.

In a teleconference on October 18, 2005, the NRC Petition Manager, Mr. James Shea, informed you that your emergency request for temporary plant closure or de-rating was denied, based on an evaluation by the Department of Homeland Security, Federal Emergency Management Agency (DHS/FEMA) regarding the State of New Hampshire's establishment of alternate evacuation routes during the recent flooding. In that teleconference, you raised additional concerns about whether FEMA and the State of New Hampshire have plans for an evacuation if an event were to occur at VY simultaneously with a natural disaster such as the recent flooding. Specifically, you were concerned with how people would evacuate from the city of Keene and the town of Hinsdale while roads were flooded and if there were alternative assembly points and decontamination centers for people who normally would evacuate through these flooded areas. Finally, you asked what the NRC is doing to ensure that contingency evacuation plans are in place.

On October 26, 2005, we informed you that your additional concerns regarding emergency planning had been accepted for review by the NRC staff pursuant to Section 2.206 of the Commission's regulations. You also were informed that we would take action by including the enclosed proposed Director's Decision with this petition acknowledgment letter and address your original petition along with your additional concerns regarding evacuation planning during a VY event simultaneously occurring with a natural disaster. Please provide comments to me on any portions of the proposed decision that you believe involve errors and on any issues in the petition that you believe have not been fully addressed. The NRC staff is making a similar request of the licensee. The NRC staff will then review any comments provided by you and the licensee, and consider them in the final version of the Director's Decision with no further opportunity to comment.

Please provide your comments within 30 days of the date of this letter.

J. M. Block

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For your information, I have enclosed a copy of the notice regarding your petition, that is being filed with the Office of the Federal Register for publication. Additionally, 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 are available in ADAMS under Accession Nos. ML041770328 and ML013600445.

Please feel free to contact Mr. James Shea, Petition Manager, at 301-415-1388 to discuss any questions related to this petition.

Sincerely,

*/RA/*

Catherine Haney, Director  
Division of Operating Reactor Licensing  
Office of Nuclear Reactor Regulation

Docket No. 50-271

Enclosures: 1. *Federal Register* Notice  
2. Proposed Director's Decision

cc w/encls: See next page

J. M. Block

-2-

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Sincerely,

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Catherine Haney, Director  
Division of Operating Reactor Licensing  
Office of Nuclear Reactor Regulation

Docket No. 50-271

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cc w/encl: See next page

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Package: ML053140204  
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DISTRIBUTION FOR LETTER TO JONATHAN M. BLOCK RE: REQUEST FOR EMERGENCY ENFORCEMENT ACTION UNDER 2.206 TO ADDRESS EVACUATIONS DURING AN EVENT AT VERMONT YANKEE COUPLED WITH STORM DAMAGE:

Dated: December 7, 2005

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Vermont Yankee Nuclear Power Station

cc:

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Vermont Yankee Nuclear Power Station

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