

March 4, 2006

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

Dear Mr. Block:

This letter responds to the petition that you filed with the Executive Director for Operations pursuant to Section 2.206 of Title 10 of the *Code of Federal Regulations* (10 CFR 2.206) on October 11, 2005. In your petition, you requested that the Nuclear Regulatory Commission (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, during local flooding that occurred on October 8 and 9, 2005.

During 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 time of the 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. 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.

The NRC staff sent a copy of the proposed director's decision (DD) to you and to Entergy Nuclear Operations, Inc. (Entergy), the licensee for VY for comment on December 7, 2005. The NRC staff did not receive any comments on the proposed DD.

The final DD addresses the requested actions as follows: The NRC staff in consultation with DHS/FEMA confirmed that during the flooding on October 8 and 9, 2005, near VY, the State of New Hampshire had established and coordinated potential alternate evacuation routes in the unlikely event of an emergency at VY and that shutting down or de-rating the station was not warranted. Therefore, your request of October 11, 2005, to shut down or de-rate VY was denied. In addition, the NRC staff found that the safe operation of VY was not threatened by the flooding and that the local emergency response organizations could implement protective actions if necessary, to protect public health and safety, in accordance with their emergency procedures, regardless of local severe weather conditions or other natural disasters coincident with an emergency at VY.

J. M. Block

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A copy of DD-06-02 will be filed with the Secretary of the Commission for the Commission to review in accordance with 10 CFR 2.206(c). As provided for by this regulation, the decision will constitute the final action of the Commission 25 days after the date of the decision unless the Commission, on its own motion, institutes a review of the DD within that time. The documents cited in this letter and the enclosed DD are available in ADAMS for inspection at the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, and from the ADAMS Public Library component on the NRC Web site <http://www.nrc.gov/reading-rm/adams.html> (the Electronic Reading Room).

I have also enclosed a copy of the notice of "Issuance of Director's Decision Under 10 CFR 2.206" that has been filed with the Office of the *Federal Register* for publication. Thank you for bringing these concerns to the attention of the NRC. Please feel free to contact Mr. James Shea, petition manager, at 301-415-1388, to discuss any questions related to this petition.

Sincerely,

/RA/

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

Docket No. 50-271

Enclosures:

1. Director's Decision
2. *Federal Register* Notice

cc w/encls: See next page

J. M. Block

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Sincerely,

/RA/

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

Docket No. 50-271

Enclosures:

- 1. Director's Decision
- 2. *Federal Register* Notice

cc w/encl: See next page

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Package: ML060340216
 Incoming: ML052910172
 Response: ML060340131
 Director's Decision: ML060340326
 Federal Register Notice: ML060340246

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Dated: March 4, 2006

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Vermont Yankee Nuclear Power Station

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