



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

April 6, 2006

DOCKETED
USNRC

August 3, 2006 (9:24am)

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

SERVED August 3, 2006

Docket No. 50-271-OLA

SECRETARY

The Honorable Stanley C. Rosenberg
State Senator
The Commonwealth of Massachusetts
Senate
State House, Room 320
Boston, MA 02133

Dear Mr. Rosenberg:

This is in response to your letter to Chairman Nils J. Diaz dated March 22, 2006, in which you urge the Commission to conduct an Independent Safety Assessment of the Vermont Yankee Nuclear Power Station. The Nuclear Regulatory Commission staff will address the specific concerns referenced in your letter and will reply directly to you.

On March 14, 2006, an Atomic Safety and Licensing Board issued a supplemental scheduling order establishing a September and October time-frame for evidentiary hearings in the Vermont Yankee proceeding. Under NRC procedural rules for adjudications, the Commission has an appellate role in proceedings commenced before its Atomic Safety and Licensing Board. Because of that role, the Commissioners must remain impartial during the pendency of a case, whether it is before a Licensing Board Panel or on appeal to the Commission, and it would be inappropriate for any of them to discuss or comment on issues involved in the proceeding.

A copy of your letter and this response, as well as the response of the NRC staff, when issued, will be served on the parties to the proceeding.

Sincerely,

A handwritten signature in black ink, appearing to read "Annette L. Vietti-Cook".

Annette L. Vietti-Cook

cc: Vermont Yankee Service List



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

April 6, 2006

SECRETARY

The Honorable Andrea F. Nuciforo, Jr.
State Senator
The Commonwealth of Massachusetts
Senate
State House, Room 213-B
Boston, MA 02133

Dear Mr. Nuciforo:

This is in response to your letter to Chairman Nils J. Diaz dated March 22, 2006, in which you urge the Commission to conduct an Independent Safety Assessment of the Vermont Yankee Nuclear Power Station. The Nuclear Regulatory Commission staff will address the specific concerns referenced in your letter and will reply directly to you.

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WASHINGTON, D.C. 20555-0001

April 6, 2006

SECRETARY

The Honorable Denis E. Guyer
State Representative
The Commonwealth of Massachusetts
House of Representatives
State House, Room 134
Boston, MA 02133

Dear Mr. Guyer:

This is in response to your letter to Chairman Nils J. Diaz dated March 22, 2006, in which you urge the Commission to conduct an Independent Safety Assessment of the Vermont Yankee Nuclear Power Station. The Nuclear Regulatory Commission staff will address the specific concerns referenced in your letter and will reply directly to you.

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Annette L. Vietti-Cook

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UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

April 6, 2006

SECRETARY

The Honorable Christopher J. Donelan
State Representative
The Commonwealth of Massachusetts
House of Representatives
State House, Room 146
Boston, MA 02133-1054

Dear Mr. Donelan:

This is in response to your letter to Chairman Nils J. Diaz dated March 22, 2006, in which you urge the Commission to conduct an Independent Safety Assessment of the Vermont Yankee Nuclear Power Station. The Nuclear Regulatory Commission staff will address the specific concerns referenced in your letter and will reply directly to you.

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Annette L. Vietti-Cook

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UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

April 6, 2006

SECRETARY

The Honorable Stephen Kulik
State Representative
The Commonwealth of Massachusetts
House of Representatives
State House, Room 473F
Boston, MA 02133

Dear Mr. Kulik:

This is in response to your letter to Chairman Nils J. Diaz dated March 22, 2006, in which you urge the Commission to conduct an Independent Safety Assessment of the Vermont Yankee Nuclear Power Station. The Nuclear Regulatory Commission staff will address the specific concerns referenced in your letter and will reply directly to you.

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Annette L. Vietti-Cook

cc: Vermont Yankee Service List



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

April 6, 2006

SECRETARY

The Honorable Daniel E. Bosley
State Representative
The Commonwealth of Massachusetts
House of Representatives
State House, Room 42
Boston, MA 02133

Dear Mr. Bosley:

This is in response to your letter to Chairman Nils J. Diaz dated March 22, 2006, in which you urge the Commission to conduct an Independent Safety Assessment of the Vermont Yankee Nuclear Power Station. The Nuclear Regulatory Commission staff will address the specific concerns referenced in your letter and will reply directly to you.

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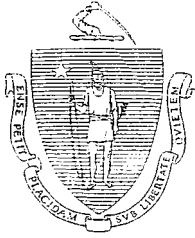
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Annette L. Vietti-Cook

cc: Vermont Yankee Service List



The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES
STATE HOUSE, BOSTON 02133-1054

CHRISTOPHER J. DONELAN
REPRESENTATIVE
2ND FRANKLIN DISTRICT
STATE HOUSE, ROOM 146
TEL: (617) 722-2230

Rep.ChristopherDonelan@hou.state.ma.us

03/22/06

Committees
Public Safety & Homeland Security
Higher Education
Substance Abuse & Mental Health

DISTRICT OFFICE:
186 WALNUT HILL ROAD
ORANGE, MA 01364
(978) 544-2180

Dr. Nils J. Diaz, Chairman
Nuclear Regulatory Commission
One White Flint North
11555 Rockville Pike
Rockville, Maryland 20852-2738

Dear Dr. Diaz,

As the elected State Legislators for the Massachusetts communities that lie within the 10 mile radius of the Vermont Yankee Nuclear Power Plant and well within the area that could be impacted based on wind and weather patterns, we write to you today to express our continued concern regarding the uprate of the Vermont Yankee Plant.

For two years, we have been on the record asking for an independent safety assessment of this plant. We have asked that this be completed prior to any life extension of the Vernon Plant, and certainly prior to needed approval for the plant to increase power.

Our concerns were highlighted this past summer when the plant went into shutdown because of the failure of a transformer. The failure of this piece of equipment was due to its age. Age is the overriding concern for the entire plant.

This month, the NRC approved the uprate. The Plant increased power by 5% and had to stop because of an unexpected vibration in the steam line. Again, questions as to whether this aged plant can withstand extended life and increased power.

Our concerns are renewed this week because one of the members of the Nuclear Regulatory Commission has called for a re-examination of the uprate approval. Concern was expressed over the fact that the uprate has been approved and the process to increase power has already begun, even though appeals are pending and there are issues regarding the inspection that have yet to be resolved.

We have serious concerns about the integrity of this plant and the process that has lead to the approval of the uprate license. When approval is granted while issues are still unresolved, we are given cause to question how truly independent the NRC's engineering assessment was.

Our overriding concern is the public safety of the people of Massachusetts and Southern Vermont. With the plant on hold at 105% due to vibration, and a Commissioner of the NRC calling the process into question, we feel the future of this plant and of the residents of Western Massachusetts are placed in needless jeopardy.

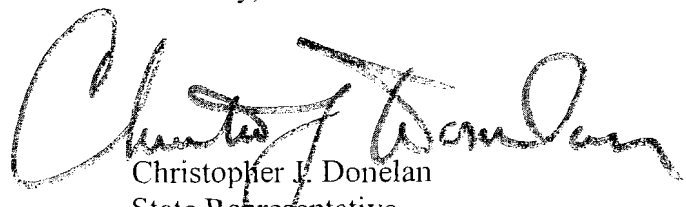
We ask again, for an independent safety assessment of The Vermont Yankee Nuclear Power Plant. An assessment independent of Entergy Corp. and independent of The Nuclear Regulatory Commission. The public has the right to the assurance that this plant is safe, and the right to demand this process stop if the plant is deemed unsafe for increased power.

We look forward to your response.


Sincerely,



Stan Rosenberg
State Senator



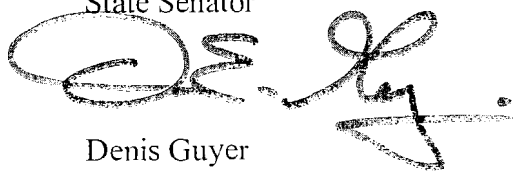
Christopher J. Donelan
State Representative



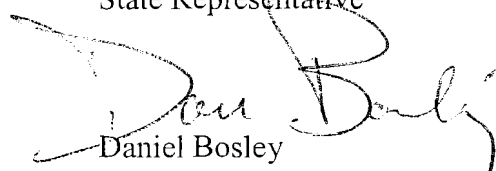
Andrea Nuciforo
State Senator



Stephen Kulik
State Representative



Denis Guyer
State Representative



Daniel Bosley
State Representative

Cc: Congressman Olver
Congressman Neal
Senator Kennedy
Senator Kerry

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)
)
ENTERGY NUCLEAR VERMONT YANKEE L.L.C.) Docket No. 50-271-OLA
and ENTERGY NUCLEAR OPERATIONS, INC.)
)
)
)
(Vermont Yankee Nuclear Power Station))

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LETTERS FROM ANNETTE L. VIETTI-COOK, DATED 04/06/06, TO SIX MASSACHUSETTS STATE SENATORS AND REPRESENTATIVES RESPONDING TO THEIR 03/22/06 LETTER (ENCLOSED) URGING THE COMMISSION TO CONDUCT AN INDEPENDENT SAFETY ASSESSMENT OF VERMONT YANKEE NUCLEAR POWER STATION have been served upon the following persons by deposit in the U.S. mail, first class, or through NRC internal distribution.

Office of Commission Appellate
Adjudication
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Administrative Judge
Alex S. Karlin, Chair
Atomic Safety and Licensing Board Panel
Mail Stop - T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Administrative Judge
Anthony J. Baratta
Atomic Safety and Licensing Board Panel
Mail Stop - T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Administrative Judge
Lester S. Rubenstein
4270 E Country Villa Drive
Tucson, AZ 85718

Sherwin E. Turk, Esq.
Steven C. Hamrick, Esq.
Office of the General Counsel
Mail Stop - O-15 D21
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Raymond Shadis
New England Coalition
P.O. Box 98
Edgecomb, ME 04556

Docket No. 50-271-OLA

LETTERS FROM ANNETTE L. VIETTI-COOK, DATED 04/06/06, TO SIX MASSACHUSETTS STATE SENATORS AND REPRESENTATIVES RESPONDING TO THEIR 03/22/06 LETTER (ENCLOSED) URGING THE COMMISSION TO CONDUCT AN INDEPENDENT SAFETY ASSESSMENT OF VERMONT YANKEE NUCLEAR POWER STATION

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

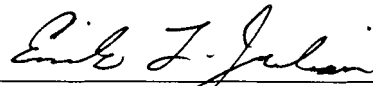
Sarah Hofmann, Esq.
Special Counsel
Department of Public Service
112 State Street - Drawer 20
Montpelier, VT 05620-2601

Anthony Z. Roisman, Esq.
National Legal Scholars Law Firm
84 East Thetford Rd.
Lyme, NH 03768

Jay E. Silberg, Esq.
Matias F. Travieso-Diaz, Esq.
Scott A. Vance, Esq.
Pillsbury Winthrop Shaw Pittman LLP
2300 N Street, NW
Washington, DC 20037-1128

Jonathan M. Rund, Esq.
Law Clerk
Atomic Safety and Licensing Board Panel
Mail Stop - T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Terence A. Burke, Esq.
Associate General Counsel
Entergy Services, Inc.
1340 Echelon Parkway
Jackson, MS 39213



Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this 3rd day of August 2006