

NPA - SO - LR

From: Neil Sheehan
To: David Pelton; Louise Lund; Marjorie McLaughlin; Pao-Tsin Kuo; Rani Franovich;
Raymond Powell; Richard Emch
Date: 02/23/2007 11:08:25 AM
Subject: Top 10 Questions/Comments for VY meeting on 2/27

As promised, here are my Top 10 Questions/Comments for the VY meeting next Tuesday. I've also included the Chairman's recent letter regarding the request for an ISA at Indian Point (and other plants). If you need clarification/amplification on any of this, please let me know.

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CC: Samuel Collins

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Top 10 Topics/Questions for 2/27 Legislative Meeting Regarding Vermont Yankee License Renewal Review

1.) Independent Safety Assessment

Congressional reps from the Indian Point area have introduced legislation requiring an Independent Safety Assessment (ISA) of that plant before a license renewal can be granted there. Why shouldn't Vermont Yankee also receive an ISA before a license extension decision is rendered? Why wasn't an ISA mandated by the NRC before the Vermont Yankee power uprate was implemented? Did you know the Vermont Supreme Court is currently considering that last question? What if the state Legislature votes to require an ISA or, for that matter, to reject a license extension for Vermont Yankee? What would happen then?

2.) Second license renewals

Is it true that nuclear power plants can apply for a second 20-year license extension not long after they have received approval for an initial extension? Have any plant owners indicated an interest in seeking a second 20-year extension? Also, has the NRC ever turned down a license renewal application? If not, how do you respond to critics who say the process is merely a rubber stamp for what the industry wants?

3.) EIS input

Can you provide any examples where public comments/input provided during your environmental reviews for license renewal applications has actually changed the outcome of your environmental assessment? Can you offer any concrete examples in the case of the Vermont Yankee review?

4.) Emergency planning

Why isn't emergency planning covered as part of your license renewal review? Does your review recognize the fact that the population around Vermont Yankee continues to grow? What makes you think the emergency plan for the plant could possibly work?

5.) Spent fuel pool vulnerability

The Mass. Attorney General's Office has filed a contention on the Vermont Yankee license renewal application that raises questions about the safety of spent fuel pools at plants like Vermont Yankee, particularly with regard to possible terrorist attacks. Why aren't spent fuel pools included in your review? What steps has the NRC taken to ensure that these pools will be adequately protected?

6.) Dry cask storage

Why shouldn't the storage of spent fuel in dry cask units also be part of the license renewal review? Isn't this turning Vermont Yankee into a de facto spent fuel repository? How much longer can residents expect this material to be stored there? When might Yucca Mountain finally open? Doesn't the "white" finding Vermont Yankee recently received for a contaminated shipment to a plant in Pennsylvania demonstrate the inherent hazards with allowing this kind of plant to operate in our community?

7.) Radiological impacts

Isn't it true that the state limit of 20 millirems at the plant's fence line has been exceeded? What is the NRC doing to ensure that the radiation emissions from the plant are within both

federal and state limits? Should the public be concerned about being exposed to radiation from the plant for another 20 years if a license extension is approved? What might the cumulative impacts of exposure to radiation from the plant be? Didn't they recently find radioactive material in fish near Indian Point? How do we know the same problem isn't going to surface in fish in the Connecticut River near Vermont Yankee? What kind of testing are you doing to ensure the fish there aren't contaminated? Are there any groundwater contamination issues at Vermont Yankee similar to what they have seen at Indian Point and other plants?

8.) Cancer rates/BEIR Report

We've heard from constituents that cancer rates in the vicinity of Vermont Yankee are rising. What has the federal government done to look at this issue? Why shouldn't cancer rates be studied as part of the license renewal review? Didn't the latest BEIR Report state that there is no safe level of exposure to radiation? If that's the case, why should residents near the plant be exposed to any radiation, let alone amounts that exceed state limits?

9.) 9th Circuit Ruling

Isn't it true that the U.S. Supreme Court recently handed those who are opposed to the Diablo Canyon nuclear plant in California a victory by upholding a 9th Circuit Court of Appeals' ruling that requires the NRC to consider the potential impacts of a terrorist attack when conducting National Environmental Policy Act (NEPA) reviews? If so, why shouldn't the NRC halt its review of Vermont Yankee's license renewal application until the NEPA review associated with it can be revised to study the same area?

10.) Hearing process

Can you explain where the hearing process stands at this point? Why were some of the contentions submitted rejected? What is the likelihood that the license renewal application could be turned down as a result of this hearing process? What is the status of the rulemaking petition submitted by the Mass. Attorney General's Office that seeks to expand the items reviewed during NRC license renewal reviews?

February 15, 2007

The Honorable Maurice Hinchey
United States House of Representatives
Washington, D.C. 20515

Dear Congressman Hinchey:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your letter of October 25, 2006, regarding the development of an independent assessment of the NRC's Reactor Oversight Process (ROP) at the Indian Point nuclear power plant. Specifically, you expressed concern that the NRC has not conducted an Independent Safety Assessment (ISA) at Indian Point similar to the ISA conducted at the Maine Yankee facility in 1996 and that the development and completion of an independent assessment of the ROP does not replace the performance of an ISA.

As you note in your letter, I directed the NRC staff to develop, for Commission consideration, a charter for conducting an independent assessment of the implementation of the ROP at the Indian Point facility and facilities in other regions to the extent the staff deemed appropriate. That direction was based in part on the concerns of some that the current ROP does not adequately address the areas evaluated during the Maine Yankee ISA.

In response to this direction to develop a charter, the NRC staff performed a very thorough and detailed comparison of the inspections performed today pursuant to the ROP to those areas inspected during the Maine Yankee ISA to determine where gaps, if any, in the ROP may exist. The comparison confirmed that the current ROP inspection procedures, coupled with NRC review standards, effectively examine all key aspects of the Maine Yankee ISA. This means that the NRC staff is essentially performing the inspection elements of an ISA at each operating nuclear power plant in the country on a routine basis. A copy of the NRC staff's comparison of the ROP and the Maine Yankee ISA is enclosed.

Further, in 2006, the NRC staff, at the direction of the Commission, significantly enhanced an existing design review inspection procedure. The new Component Design Basis Inspection procedure is a comprehensive team inspection to verify that design bases have been correctly implemented for selected risk significant components and that operating procedures and operator actions are consistent with design and licensing bases. This new inspection procedure ensures that selected components are capable of performing their intended safety functions. This inspection is currently being performed at Indian Point Unit 2 and is scheduled to be performed at Indian Point Unit 3 in the fourth quarter of 2007.

After review of the results of the staff's efforts, the Commission remains convinced that the ROP, as currently implemented, effectively embodies the inspection elements of the Maine Yankee ISA and that it provides better oversight than an ISA since an ISA is a one time, "snapshot" inspection whereas the ROP provides continual evaluation. The Commission also remains convinced that Indian Point is undergoing the appropriate level of inspection scrutiny pursuant to the ROP.

Your letter also references findings contained in a recently published Government Accountability Office report on the ROP. The NRC has implemented changes to our oversight process to address the issues raised in that report. These changes enhance our assessment of licensee safety culture and were put in place in July 2006. The Commission will closely monitor these changes during the initial implementation period. The Commission would also point out that the ROP has undergone an independent assessment by the NRC Office of the Inspector General (Audit Report OIG-05-A-06, "Audit of NRC's Baseline Inspection Program," dated December 22, 2004). The results of the assessment were positive, identifying only minor opportunities for enhancement.

I want to assure you that the Commission is committed to independent, thorough, and objective inspections at all NRC-regulated facilities, including Indian Point. The Commission believes that the current level of oversight at Indian Point is appropriate and commensurate with the facility's performance. Should the performance of the Indian Point facility decline, the ROP will require increased NRC oversight consistent with the level of decline.

If you have additional questions, the NRC staff would be happy to meet with you or your staff to discuss NRC's inspection and oversight process.

Sincerely,

/RA/

Dale E. Klein

Enclosure:
As stated

Identical letter sent to:

The Honorable Maurice Hinchey
United States House of Representatives
Washington, D.C. 20515

The Honorable Nita Lowey
United States House of Representatives
Washington, D.C. 20515

The Honorable Eliot Engel
United States House of Representatives
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