

Official Transcript of Proceedings

NUCLEAR REGULATORY COMMISSION

Title: Vermont Yankee Nuclear Power Station
Limited Appearance: Evening Session

Docket Number: 50-271-LR

Location: Brattleboro, Vermont

Date: Thursday, October 11, 2007

DOCKETED
USNRC

October 26, 2007 (9:45am)

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

Work Order No.: NRC-1816

Pages 1-86

NEAL R. GROSS AND CO., INC.
Court Reporters and Transcribers
1323 Rhode Island Avenue, N.W.
Washington, D.C. 20005
(202) 234-4433

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD

+ + + + +

----- x

IN THE MATTER OF: :
ENTERGY NUCLEAR VERMONT YANKEE L.L.C. : Docket No.
and ENTERGY NUCLEAR OPERATIONS, INC. : 50-271-LR
(VERMONT YANKEE NUCLEAR POWER STATION) :

----- x

Thursday
October 11, 2007
Latchis Theater
50 Main Street
Brattleboro, Vermont

The above-entitled matter was convened,
pursuant to Notice, at 1:02 p.m.

BEFORE: ALEX S. KARLIN, Administrative Judge
THOMAS ELLEMAN, Administrative Judge
RICHARD WARDWELL, Administrative Judge
MARCIA CARPENTIER, Law Clerk
LAUREN BREGMAN, Law Clark

NEAL R. GROSS
COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

I N D E X

| | | |
|----|------------------|----|
| 1 | | |
| 2 | Alex Karlin | 3 |
| 3 | Gary Sachs | 18 |
| 4 | Mrs. Will O'Bay | 21 |
| 5 | Merrie Newcomb | 23 |
| 6 | Derek Jordan | 25 |
| 7 | Paul Bousquet | 28 |
| 8 | Sherry Zabriskie | 30 |
| 9 | Emily Payton | 33 |
| 10 | Terry Carter | 35 |
| 11 | John Shadis | 37 |
| 12 | John Ward | 38 |
| 13 | Louis Erlanger | 42 |
| 14 | Diana Sidebotham | 45 |
| 15 | Loren Kramer | 47 |
| 16 | Deb Katz | 49 |
| 17 | Harvey Schaktman | 51 |
| 18 | Clay Turnbull | 53 |
| 19 | Ellen Tenney | 56 |
| 20 | Sally Shaw | 59 |
| 21 | Audrey Garfield | 65 |
| 22 | Peter Vanderdoes | 69 |
| 23 | Claire Chang | 72 |
| 24 | Chris Williams | 76 |
| 25 | Sarah Kotcove | 81 |

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

E V E N I N G S E S S I O N

(6:36 p.m.)

ADMINISTRATIVE JUDGE KARLIN: Good evening. I would like to call this meeting to order, this is a session of the Atomic Safety and Licensing Board in the matter of Entergy Vermont Yankee's application for a license renewal, and this is what's called a limited appearance statements session. Welcome to everyone. I think, as I understand it, there is an activity up the street and there may or may not be additional people arriving a bit later, but we need to proceed, and I appreciate people waiting a few moments, we started a bit late.

For the record, I need to reflect that this is our Docket number 50-271-LR and ASLBP, Atomic Safety and Licensing Board, Number 0684903-LR, the LR standing for license renewal. Today's date is October 11, 2007, it's 6:40 or so and we are meeting in the Latchis Theater in Brattleboro, Vermont.

I'm going to go through the introduction, as I did this afternoon. For anyone who wasn't here, we try to explain a little bit about what these proceedings are about and what they

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 are not about, first introducing the board itself.

2 To my left is Dr. Richard Wardwell, he
3 has a Ph.D. in Civil Engineering, he was formerly
4 the Chair of the Board of Environmental Protection
5 in the State of Maine and he is joining us and one
6 of the judges. To my right is Dr. Thomas Elleman,
7 he has a Ph.D. in Nuclear Engineering, formerly a
8 certified health physicist and formerly the head of
9 the Nuclear Engineering Department of North Carolina
10 State University. I'm Alex Karlin, my training is
11 that of a lawyer and I spent about 30 years doing
12 environmental law before coming here and being one
13 of the judges on this board.

14 In addition, we like to introduce the
15 other members of the Atomic Safety and Licensing
16 Board. We have two lawyers who assist us and one of
17 them is Lauren Bregman who is sitting here to our
18 right, she will help with time keeping and other
19 activities. We also have Marcia Carpentier, she is
20 a lawyer who is working out at the front desk and
21 will help us shuttle information in. She is back
22 there, if she can raise her hand, Ms. Carpentier.
23 And also working with us is Karen Valloch, she is
24 our administrative assistant. She is manning the
25 table or the desk out in the lobby and it is the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 place where people would sign up if they would like
2 to speak, and she has some literature and other
3 material that you can get, as well as a copy of the
4 notice of this proceeding, this meeting, and it
5 gives you some of the details of what we are here to
6 cover and the contentions that we are here to deal
7 with.

8 Well also have Diane Screnci who is
9 here, she is with the Office of Public Affairs of
10 the NRC. I'm not sure, Diane, are you in the room?
11 Anyway, she is out in the lobby, I suspect.

12 Introductions, I would also like to
13 thank the Latchis Theater for having us here, for
14 their hospitality, particularly Gail Nunziata, she
15 is the Director of the Latchis Theater complex and
16 all the rest of the Latchis operation, and she has
17 been very helpful to us. Also, Darren Goldsmith,
18 who is the theater manager, has helped us set this
19 up and we also would mention thanks to Captain Gene
20 Rinn, who is with the Brattleboro Police Department,
21 who is helping us here tonight.

22 What we would like to do or what I would
23 like to do is cover five topics, just five sort of
24 introductory things to let you know what's going on
25 and what this limited appearance statement session

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 is about. First: Housekeeping matters. Second:
2 What is an Atomic Safety and Licensing Board? We
3 are different from some of the things that have
4 happened here before, so what is the board? Third:
5 What's the history of this proceeding? That is
6 history relevant to this board and this proceeding.
7 Fourth: What is the purpose of a limited appearance
8 statement session. And fifth: The procedures we
9 would like to follow this evening for having the
10 statements, receiving the statements.

11 So the first item is housekeeping,
12 housekeeping, simply, please, if you could, turn off
13 your cell phones. If you have cell phone
14 conversations or anything like that, take them out
15 in the hall, if you would. Second, media. We
16 welcome the media to be here, this is a good way to
17 getting the word out to the public. We would
18 appreciate it if the media and everyone else, if
19 they are going to take photographs, do so with
20 ambient light, rather than flash because that
21 distracts things and makes it a little more
22 difficult to proceed.

23 Also, the third item on housekeeping is
24 the transcript. We are going to make a transcript
25 of this proceeding, we have a court reporter who

NEAL R. GROSS
COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 will transcribe this and we'll make it available on
2 the NRC Web site in about two weeks. Anyone who
3 wants to can get a full transcript of this
4 proceeding and also the one that occurred earlier
5 this afternoon at 1:00 today. And if there is any
6 signs, our policy is that 18x18 inch signs, but no
7 larger, are permissible, and they not be waived
8 around and not be held on a stick or something like
9 that. Just if you want to hold it, that's fine.

10 The second item is the role and nature
11 of the Atomic Safety and Licensing Board, what we
12 are, what we do. Federal law, the Atomic Energy
13 Act, really establishes the Nuclear Regulatory
14 Commission and charges it with regulating nuclear
15 facilities to assure their safety and to protect the
16 public. The NRC is headed by commissioners, there
17 is supposed to be five of them but right now there
18 are only three. They are appointed by the
19 President, they are confirmed by the Senate, they
20 are kind of the, they are the executive branch of
21 the Nuclear Regulatory Commission and the ultimate
22 deciders of all that matters.

23 The second part of the NRC is what we
24 will call the NRC staff, they are a large group of
25 professionals who work with developing regulations,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 work with and receive applications and evaluate
2 applications for changes to licenses for nuclear
3 materials, for nuclear power plants and they are
4 currently working obviously on the application of
5 Entergy for renewal of their license. And the third
6 branch of the NRC really is the Atomic Safety and
7 Licensing Board Panel, it's a panel of judges, we
8 are just three of those members of the panel.

9 And it's established by statute also,
10 this panel, this board, and we have a different sort
11 of independent judicial role to play. The way the
12 rules are set up, the regulations, the law, we are
13 not able nor do we really want to communicate with
14 the staff or the commissioners about this
15 proceeding. We are independent of both of them and
16 during the pendency of this proceeding, there can be
17 no communications by them to us or us to them about
18 what should happen with the license renewal and the
19 proceeding. We have decisions we have to make in
20 our case. Those would be called ex parte
21 communications and they are prohibited.

22 Also, we are prohibited from talking
23 with Entergy itself, the Application, no discussions
24 like that and the same holds true for the
25 interveners, the parties, the people who have come

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 forward to litigate and challenge this matter. That
2 would be the State of Vermont and the New England
3 Coalition, they are the interveners, the parties.
4 Also, the State of New Hampshire is involved in this
5 matter as an interested state, so we don't
6 communicate with them except through formal filings
7 and pleadings that they make and through formal oral
8 arguments and through formal trial.

9
10 There will be a trial or an evidentiary
11 hearing which will occur later on, and I'll get to
12 that in a minute, and when that happens of course it
13 will be in open court, and everyone can sit, and
14 listen and hear what's going on.

15 We have some independence, this board,
16 we are appointed for life. We have no, the
17 commissioners can't give us raises, they can't fire
18 us, they can't give us performance reviews, they
19 don't give us bonuses, we don't get any of those
20 sort of pros or cons. We do our job, we rule as we
21 see fit and if the commissioners don't like it or if
22 some party doesn't like it, they can overrule us,
23 but we aren't subject to the normal performance
24 reviews and salary changes that might otherwise
25 affect our ability to call them the way we see them,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 so hopefully these rules and requirements help us in
2 our impartiality and to be independent.

3 Third, a history, a brief history of
4 this proceeding as it is relevant to our
5 jurisdiction and what we are doing. As many and
6 most of you may know, in January of '06 Entergy
7 submitted an application to the NRC staff for a
8 renewal, to renew their license for the Vermont
9 Yankee Power Plant. They are asking for an
10 extension of 20 years to make it from 2012 to 2032
11 and they applied to the staff for that. In March of
12 '06 the staff issued a notice in the *Federal*
13 *Register* saying, okay, if anyone has an objection,
14 or complaint or challenge to this renewal, they
15 should speak now, and they should file a request for
16 a hearing and they should file contentions that
17 would explain what their problems were, what their
18 challenges were, what they thought was wrong and why
19 the renewal might not be issued or shouldn't be
20 issued, that was in March of '06.

21 Right after that, four entities came in
22 and did file a request for a hearing and filed
23 intentions, what we call them, specific statements
24 as to why they thought there was a problem. The
25 State of Vermont, the New England Coalition, the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 Attorney General for the State of Massachusetts and
2 the Town of Marlboro, Vermont came in with requests
3 for hearing. In August of '06 we had what we call
4 oral argument up here in the Brattleboro Middle
5 School where we listened to the lawyers for the four
6 parties or four people who were wanting to be
7 parties, four entities, and tried to think through
8 and ask questions relevant to their contentions and
9 whether they had met the rules for filing of proper
10 contentions. Also, of course lawyers for the staff
11 and the lawyers for Entergy were there as well.

12 We heard that in August of '06 and in
13 September of '06 we issued a ruling granting the
14 request for a hearing by two of the entities, the
15 State of Vermont and the New England Coalition.
16 However, we found that the State of Massachusetts,
17 the Attorney General for the State of Massachusetts
18 and the Town of Marlboro had not filed what was
19 required in order to be admitted or get a contention
20 in and so we denied that. So, we did grant the
21 request for a hearing in September of '06.
22 Subsequently, the State of New Hampshire filed an
23 appearance as an interested state and so they are
24 also formally part of the proceeding that we are
25 trying to conduct in this matter.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 Then what happened, September of '06, we
2 granted the hearing and we haven't had the hearing
3 yet. Why not? It's been a long time, it's been
4 over a year. The answer is we, in the rules, the
5 regulations, the law that we have to follow says
6 that we've got to wait for the staff and the
7 Applicant, to some extent, but the staff to finish
8 its work on a safety evaluation and an EIS. They
9 have already finished the EIS but the staff is still
10 working on the safety evaluation, the final safety
11 evaluation, and so until that is issued we can't
12 trigger the cascade of events that bring us to
13 what's known as the hearing, the evidentiary
14 hearing, so we are waiting for that, we don't know
15 when that will come out.

16 The staff filed a report in October,
17 October 4th, saying they weren't able to give us an
18 estimate, a concrete estimate, at that point, but we
19 are hoping it will be in the next few months. Once
20 that happens, once the final safety evaluation
21 report is issued, then we will have a number of
22 things happen in this proceeding. The parties will
23 have to file written testimony, file exhibits, file
24 certain motions and then we will have the
25 evidentiary hearing, a trial, and that will likely

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 be about six months after the final SER is issued.
2 So, if you want to calculate it, that's kind of the
3 time frame we are talking about, next spring, I
4 guess, at the earliest. It's likely it could March,
5 April, May, I don't know, it depends on when the
6 FSER, the final safety evaluation report, comes out.

7 We will issue notices in the proceeding
8 setting the dates and hopefully the media and others
9 will follow, if they want to follow that, and we
10 would have a hearing probably in a court room
11 somewhere around here, if we could borrow it. I
12 mean we used the Newfane Courtroom in the past, NRC
13 has used that in the past.

14 Right now, this proceeding boils down to
15 three contentions, three specific complaints that
16 have been raised by the litigants, by the parties
17 who are intervening in this and who are challenging
18 the license renewal. Specifically, New England
19 Coalition has brought these forward and that's
20 really the focus of what we want to, what we are
21 going to cover in the hearing. That's our
22 jurisdiction at this point and it's in the *Federal*
23 *Register* notice out on the table, out in the lobby
24 there is a *Federal Register*, three columns, very
25 small type of material and that lists the three

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 contentions that have been admitted. I'm not going
2 to read them, but they deal with aging managements,
3 questions about whether or not over the 20 year
4 renewal period the company has adequately shown that
5 they will manage the aging of the structures.

6 These are challenges, one deals with the
7 aging due to metal fatigue. There is an allegation
8 that the metal fatigue aging is not being properly
9 managed, we are going to have a hearing about that
10 and try to understand and see whether that's true or
11 not. Aging of the steam dryer is another contention
12 and management of the aging dealing with plant
13 piping due to flow accelerated corrosion is the
14 third contention that has been admitted and that
15 we'll be covering, so that's kind of the three
16 contentions we are going to be dealing with.

17 A final note on history, just to let the
18 public know, yesterday, on the 10th, this board went
19 to the Vermont Yankee plant site to do an
20 inspection, to do a site visit and we were
21 accompanied at that visit of course by Entergy
22 themselves, they were showing us the facility, and
23 lawyers and representatives of all the litigants
24 were there to make sure everything, they heard and
25 saw everything that happened, so New England

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Coalition, the State of Vermont, State of New
2 Hampshire, they were all there. And we inspected,
3 and we saw the facility, and we saw the cooling
4 towers, and we saw the place where the cooling tower
5 had collapsed and we've heard about that.

6 We've read the newspaper, we are like
7 Will Rogers, all we know is what we read in the
8 newspaper, and nobody has filed anything in this
9 proceeding about the collapse of the cooling
10 structures, but we did want to look at that and we
11 looked at the outfall as well. So, we were out
12 there, and we saw it and we understand. I think
13 that was informative for all of us.

14 The fourth point, and then two more
15 points and then we'll wrap this up, the purpose of a
16 limited appearance statement session. The purpose
17 is, and I'm going to read this because it's
18 important, the purpose of the limited appearance
19 statement is to allow members of the public to alert
20 the board and the parties to areas relating to the
21 license renewal and the admitted contentions in
22 which evidence may need to be adduced and to assist
23 the board in its consideration of these issues.
24 Limited appearance statement sessions are optional,
25 some boards have them, some boards don't. We

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 thought it would be a good idea, given the community
2 concern and interest, to get up here and have one
3 and sit down and listen to what you all have to say.

4 This is not for the parties to speak,
5 this is not for NRC staff to speak. NRC staff, to
6 us, is a party, they are one of the partisans here.
7 They are here to present a side, a perspective, and
8 that's their perspective, so they are here, some of
9 them are here tonight but they are not going to
10 speak. The public, the non-parties really are the
11 ones who will have the opportunity to speak. And
12 this is not a time for argument or debate, we are
13 not here to answer a lot of questions, we are here
14 to listen to the public on hopefully the three
15 contentions and the issues in this matter.

16 A final point, the fifth point I wanted
17 to cover, and that was procedures for the limited
18 appearance statement session. We laid this out a
19 bit in the notice that's in the *Federal Register*,
20 again it's on the back table, but we ask people to
21 register, just to sign in, their name, if they want
22 to speak, and when they do that, we are going to
23 call people in order, first come, first serve, to
24 speak and to register their concerns and their
25 comments. If you want to speak tonight, please, you

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 are welcome to do that, please go back and register
2 with Karen Valloch, our administrative assistant.
3 Marcia Carpentier will bring it forward and we will
4 call everybody in order.

5 We are going to try to limit people to
6 five minutes so that we can try to get a maximum
7 number of speakers on as possible. If at the end of
8 the, we've gone through everybody and we still have
9 some time left and some speaker wants to come back
10 and add some more, supplement their remarks, I think
11 we are willing to do that, if we get through the
12 first shot. We are going to try to cover as much as
13 we can and that way we can maximize our chances to
14 hear from everybody.

15 If you don't want to speak but you want
16 to submit comments you can do that in writing,
17 written limited appearance statements can be filed,
18 the information of who to file^ 17
19 ^Tth is in this notice that is in the back, on the
20 table out in the lobby, so please do that. I
21 appreciate your patience for listening to this, I
22 think we have covered all of the points. When you
23 come up and speak, I would appreciate it if you
24 would identify yourself, your name, any other
25 affiliation or whatever you want to say and then

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 we'll try to keep time on it for five minutes.
2 We'll give you a one minute warning and then at five
3 minutes we'll give you a note to tell you that five
4 minutes is up and hopefully we can move to the next
5 person.

6 Do either of my colleagues want to say
7 anything at this point? Okay, great. We have a
8 sign in sheet. Okay, and here is some additional
9 ones, that's great. So, I'm going to call people in
10 order and just, if you would, come up to the mic,
11 there is one on each side, and we'll go ahead.

12 The first one who signed up is Mr. John
13 Ward. Mr. Ward, are you here? I believe Mr. Ward
14 signed up by mail or electronically a couple of
15 weeks ago. All right, if he is not here, we'll just
16 bypass him and go to the next speaker, and maybe
17 I'll call back later and see if he has shown up a
18 little bit later.

19 Mr. Sachs? Mr. Gary Sachs? Is Mr.
20 Sachs here?

21 MR. SACHS: I'm here.

22 ADMINISTRATIVE JUDGE KARLIN: Okay. I
23 didn't recognize you with your hat on, sorry.

24 MR. SACHS: Gary Sachs, Brattleboro,
25 Vermont.

1 This is far less organized than what I
2 presented to you this afternoon, but I like to keep
3 you guys on your toes so I have something new for
4 you.

5 ADMINISTRATIVE JUDGE KARLIN: All right,
6 fine. May I ask if this gentleman could move? Try
7 to stay behind the speaker, thank you.

8 MR. SACHS: The regulations specify that
9 each renewal application must contain an evaluation
10 of time limited aging analysis, TLAS, wherein the
11 applicant shall demonstrate that, one, the analyses
12 remain valid for the period of extended operation,
13 two, the analyses have been projected to the end of
14 the period of extended operation or, three, the
15 specs of aging on the intended functions will be
16 adequately managed for the period of extended
17 operation.

18 Increased inflow to uprate means
19 increased vibration and other flow effects. NV did
20 not manage aging management and maintaining the
21 simple construction and loading conditions of the
22 cooling towers, even after the precursor Prairie
23 Island mishap in 1997. To me, that suggests that NV
24 would do well to be dealt with better and given
25 perhaps a more effective NRC oversight. NV has said

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 that the cooling tower collapse is not safety
2 related, except for of course the cell one which did
3 not collapse.

4 Anything that shows evidence of poor
5 work and poor work place safety culture to me is and
6 should be taken as safety related. Further,
7 anything that causes a sudden shift in power
8 parameters I consider safety related as it effects
9 operators and reactor controls. When the cooling
10 tower cell collapsed, VY lost half its cooling
11 capacity and was forced to power down accordingly,
12 that is safety related, in my opinion.

13 Additionally, screws, and bolts and such
14 were said to have been tightened too tightly, which
15 is some of what led to the collapse of the cooling
16 tower. This is one of the issue that was determined
17 in the process of the root cause analysis. How can
18 the public be confident that this does not occur
19 within the reactor itself? The NRC could mandate
20 that NV do visual hands-on inspections of the steam
21 dryer but instead you rely on theoretical
22 calculations of computer models.

23 NV has seen the growth the steam dryer
24 cracks in each of the last three refueling outage
25 examinations. In each case, the additional cracks

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 were unpredicted by whatever analyses they had
2 previously applied. NV must be required to bench
3 mark any predictive program that they have through
4 detailed examination and analysis. There are
5 several instances where plants that relied on the
6 Check Works program have experienced unanticipated
7 flow accelerated corrosion related failures, let's
8 hope that does not happen here. Thank you.

9 ADMINISTRATIVE JUDGE KARLIN: Thank you,
10 Mr. Sachs.

11 The next person who signed up is Sally
12 Shaw, but that's after 8:00 p.m., I just thought I
13 would call her. Is Ms. Shaw here at the moment?
14 Okay, then we'll move on.

15 Next is Mrs. Will O'Bay. Ms. O'Bay?
16 Oh, Mrs. O'Bay, I'm sorry. Welcome.

17 MRS. O'BAY: I'm hopeless with
18 technology, I'm sorry. First of all, I have to say
19 I have no idea what that speaker before me was
20 talking about, but I'm trying. Please allow me to
21 introduce myself, if it's not too presumptions, my
22 name is Mrs. Will O'Bay and I am delighted, although
23 a little nervous, to be here this evening.

24 First of all, I would like to apologize
25 for some of our citizens. I hope you didn't see it

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 but there was a very unseemly demonstration outside
2 before hand and, well, we won't really talk much
3 about that. I am frankly embarrassed and I'm sorry
4 that you gentlemen have to put up with it, and I
5 don't know where their manners are.

6 There is a subject that I would like to
7 address. I really actually wouldn't like to address
8 it but it's very important. It's difficult for me
9 to address the subject in question here in public,
10 many rude people have done that before here but I
11 want to speak to that. Due to its distasteful
12 nature, it's difficult to speak about, but I'll have
13 to say what it is, I'm afraid, to make my meaning
14 clear. I am talking about the subject of waste.
15 Now, I have been told that at these lovely events
16 that you host so kindly some local people have
17 attempted to discuss that issue, waste, with you
18 and, honestly, to bring it up out loud in public,
19 it's in exceedingly poor taste, so we don't want you
20 to get the wrong impression of our community.

21 In my household, as I'm sure in yours,
22 we do not ever discuss what happens when we push
23 down that little lever in the powder room, it's
24 enough for us to know that it just goes away. Out
25 of sight, out of mind, we don't need to think about

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 it at all. It's just like the garbage, it gets
2 picked up each week and we never see it again, so I
3 am sure that you have an equally tidy solution for
4 your refuse down at the power plant. And I want to
5 commend you gentlemen and thank you for your
6 obviously good upbringing and manners for
7 steadfastly refraining from discussing this issue
8 and not letting it distract you from helping that
9 nice company bring us electricity.

10 Discussions of waste are in very poor
11 taste and I thank you for keeping these events as
12 refined as they can be, under the circumstances.
13 Thank you for listening to all the testimony that
14 you are forced to hear, it must be very boring, and
15 I certainly hope that you won't let all of this
16 affect your final decision.

17 Thank you.

18 ADMINISTRATIVE JUDGE KARLIN: Thank you,
19 thank you, Mrs. O'Bay, very good.

20 Next we have Merrie Newcomb. Merrie
21 Newcomb? Welcome, Ms. Newcomb.

22 MS. NEWCOMB: Oh, thank you so much. We
23 didn't know we were going to be right next to each
24 other in the order here, it's kind of a surprise.
25 My name is Merrie Newcomb and unfortunately my

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 husband, Will Newcomb, had another engagement this
2 evening and was unable to attend, he has asked me to
3 speak tonight on behalf of both of us. Thank you so
4 much, gentlemen, for taking the time out from your
5 important business to hear thoughts from the people
6 here in this little town, it is certainly big of you
7 to allow us to tell you what we think about our
8 power partner down the road from here.

9 I know that you have been hearing some
10 whining lately from those who seem to think that the
11 plant should be inspected by people outside your
12 agency. Well, first of all, my husband and I
13 suggest that you simply should not tolerate this
14 sort of whining at all. In our household, we allow
15 no whining, complaining or raising of voices by
16 myself or the children and, as a result, things run
17 very smoothly. Secondly, we just want to let you
18 know that we feel confident that the gentlemen in
19 your inspection group are quite capable and will be
20 sure to keep the safety of us and our children as
21 the highest priority, anyone can overlook a tower,
22 after all.

23 I did see pictures in the paper of what
24 looked like a rather large hole in that tower and I
25 just want you to know that my nephew is quite a good

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 carpenter and is a very handy young man, so if you
2 need some help with that, I would be happy to pass
3 along his number. Do I give that to the person that
4 I signed up with out in the hallway?

5 ADMINISTRATIVE JUDGE KARLIN: Yes, that
6 would be great.

7 MS. NEWCOMB: I'll do that. I can say
8 with confidence that I really don't know anything
9 about these technical sorts of things and I suspect
10 that probably very few people beyond the people on
11 your committee know much about them either.
12 Frankly, I find it quite befuddling to have to think
13 at all, so it is comforting to know that you will be
14 doing the thinking for us. Thank you again for
15 allowing us to speak and I will rest assured know
16 that regardless of what you hear from us tonight,
17 you already know what will be the best decision for
18 all of us.

19 Thank you very much.

20 (Applause)

21 ADMINISTRATIVE JUDGE KARLIN: Thank you,
22 thank you, Mrs. Newcomb.

23 Next we have Derek Jordan. Mr. Jordan?

24 MR. JORDAN: Thank you for coming
25 tonight and listening to the people here. Some of

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 us are having a little bit of fun at your expense
2 and you are taking that quite well, I appreciate
3 that. But I hope that you are listening, really
4 here to listen and really hear to really try to
5 understand what the people in this community are
6 feeling. What I would like to share with you
7 tonight is some personal information that I received
8 from a worker, an ex-worker at Vermont Yankee who I
9 was speaking with a couple of weeks ago.

10 This person would like to remain
11 anonymous but this person was telling me, and he was
12 in a position to know this from the place where he
13 worked at Vermont Yankee, that the cooling towers
14 and that whole part of the operation, in his
15 opinion, have been undermaintained for years, and he
16 shared that with me and he said that he tried for
17 years to get management to focus on this issue to no
18 avail, and he tried many, many times. He also said
19 that there was a problem with the discharge gate for
20 the release of the water to Connecticut Yankee, that
21 was not working properly for a very long time and
22 that also was not being addressed, but had been
23 fixed since then.

24 This person said that the management and
25 the prevailing people who are in charge of Yankee

NEAL R. GROSS
COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 were treating the cooling towers and that part of
2 the operation as if it was a leach field and just
3 not that important, not sexy, not important, not as
4 important as the containment, as the central part of
5 the plant. And this was a huge concern for him and
6 the fact that Vermont Yankee management did not
7 address this, did not seem that interested in this
8 and hence, we have this problem with one of the
9 cooling towers basically falling apart, rupturing
10 and falling apart.

11 The real issue I think is of course for
12 all of us here it raises the question of what else
13 is being undermaintained? If, in his opinion, and
14 this is a person who should know, that this area was
15 being undermaintained and not being looked at with
16 the kind of scrutiny that one would expect to be
17 given to a nuclear reactor, a nuclear power plant,
18 which there is a lot of risk involved in such an
19 operation, if any part of that is not being given
20 the utmost screening, I think that does a real
21 disservice to the community and it says, it shows a
22 lack of integrity on the part of the company that
23 runs it. And thank you for listening and that's all
24 I have to offer tonight.

25 (Applause)

NEAL R. GROSS
COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 ADMINISTRATIVE JUDGE KARLIN: Thank you,
2 Mr. Jordan.

3 Next signed up is Paul Bousquet. Mr.
4 Bousquet? I hope I got that close.

5 MR. BOUSQUET: You took my by surprise
6 here. My name is Paul Bousquet, I have 55 years
7 experience out standing in the field and I need to
8 speak to someone who can rationally understand
9 what's going on in the U.S. with their high level
10 repository for nuclear waste. I don't think there
11 is a nuclear engineer in this room or anywhere who
12 would disagree with the fact that if Yucca Mountain
13 started taking this waste today, the temporarily
14 stored waste we have in the Connecticut River, that
15 it would be full already.

16 There is no new repository, this one is
17 in question and you want to make 20 more years, 20
18 more years worth of waste. We have already created
19 more than we know what to do with. It's also a fact
20 that what is contained in this waste is atomic bomb
21 making material. That puts Vernon, Vermont on the
22 map, on Iran's map, on Korea's map, on any terrorist
23 group seeking to take us off the map, it's on their
24 map. I cannot believe that we are here today even
25 talking about pipes and steam dryers before this

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 very, very important waste issue is solved.

2 I know that you all have your
3 specialties and your mission here today is to gather
4 facts on monitoring systems for this ancient
5 machine, but my God, in your heart, don't you wonder
6 what will happen to the generations to come having
7 to deal with such a problem? Don't you wonder, as
8 you talk to your grandchildren, that you might be
9 sacrificing their future for your career? For an
10 illusion of cheap energy? Here in Vermont we have a
11 governor who doesn't know the difference between new
12 fuel and spent fuel. We have a Nuclear Advisory
13 Board being hijacked by the governor's hand picked
14 man.

15 We need your help. This panel is on the
16 record for deciding whether internal monitoring,
17 piping and metals, are properly monitored. You are
18 about to decide this area's future. Please dig deep
19 in your hearts and make the right decisions or it
20 will come back to haunt you.

21 Thank you.

22 (Applause)

23 ADMINISTRATIVE JUDGE KARLIN: Thank you,
24 Mr. Bousquet.

25 Our next signed up person is Sherry

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Zabriskie.

2 MS. ZABRISKIE: I visited the NRC's
3 website the other day, I wanted to read the mission
4 statement of the NRC, I was curious. I learned
5 that, in theory, the NRC is here to regulate the
6 nation's civilian use of nuclear materials. You get
7 paid to protect our health and safety, to protect
8 our defense and security, to protect the
9 environment. If is in fact the NRC's job to assess
10 and evaluate with critical minds and technology the
11 safety issues at nuclear stations.

12 I'm glad the NRC wants to listen to the
13 concerns of the public but most of us are not
14 nuclear specialists. It feels like the NRC sits in
15 defense of Vermont Yankee, which is presumed
16 innocent of any safety violations, innocent even of
17 aging, and we the public are supposed present a case
18 proving Vermont Yankee is a safety threat. I don't
19 have the proof but I do believe the proof resides
20 within the walls of Vermont Yankee. I would sleep
21 better at night if there was an independent safety
22 inspection.

23 Is the NRC here to do its job and
24 protect us or is it here to simply support the
25 industry on which its own existence is dependent, no

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 matter what the consequences? I ask you this, how
2 can you possibly monitor and manage the effects of
3 aging on key reactor components, including piping
4 and the steam dryer, as well as all other safety
5 related parts of the plant? Aging leads to atrophy,
6 it leads to breaks and death. How is it possible to
7 keep your eyes on all parts of this aging reactor?

8 The NRC spokesperson, Neil Sheehan, was
9 quoted as saying they did not know what caused the
10 collapse of the cooling tower. What makes you think
11 anyone will foresee the next problem which very well
12 could be a safety issue? That's the thing about
13 accidents, you don't see them coming. We all get
14 our cars inspected every year and they still break
15 down, we still have accidents. We go to the doctor
16 for routine check ups but we still suffer broken
17 legs and heart attacks.

18 The collapse of the cooling tower at VY
19 is the most recent scary event in a long line of
20 scary events including, among other things, the
21 transformer fires, the faulty welds, the lost spent
22 fuel rods, cracks in the reactor's steam dryer, but
23 this isn't my job to keep a tally or to even
24 understand the workings and dangers of this plant,
25 but I am concerned. Everyone I know is concerned.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 This is your job, you get paid to do this. Many,
2 many lives depend on your decisions.

3 Gary Sullivan, the President of the
4 Utility Workers Union of America, works at Entergy's
5 Pilgrim Plant, he was quoted as saying there are
6 serious issues of public safety surrounding the VY
7 dispute, serious issues of public safety. Clearly,
8 more and more concern is being expressed from within
9 the industry and these concerns are rarely made
10 public, but the public is paying attention.
11 Machines should not be expected to keep on running
12 and running, especially beyond 35 or 40 years,
13 especially when these machines are creating highly
14 radioactive, deadly waste.

15 Please, take your jobs, your
16 responsibility to the public serious, take our lives
17 and our homes serious. We demand an independent
18 safety inspection and we oppose the very dark
19 prospect of a license extension.

20 Thank you.

21 (Applause)

22 ADMINISTRATIVE JUDGE KARLIN: Thank you,
23 thank you.

24 Now, our next speaker is Emily Payton.
25 Ms. Payton, please?

1 MS. PAYTON: Hey, Alex, how are you?
2 How are you?

3 ADMINISTRATIVE JUDGE KARLIN: Hi.

4 MS. PAYTON: May I ask you to answer
5 some questions? Will you answer questions or is
6 this just us talking to you? May I ask you some
7 specific questions?

8 ADMINISTRATIVE JUDGE KARLIN: This is
9 not a time for us to answer questions but to hear
10 from the public and have comments.

11 MS. PAYTON: Okay, well, what I would
12 like to have answered is about your advertising
13 slogan of safe, clean and cheap and, from what I
14 understand, as a stand alone industry, when you
15 factor in all of the plutonium that has to be mined,
16 all the amount of energy that goes into producing
17 electricity, and the fact that we don't insure it
18 and that we farm out the duty of evacuating people
19 and so on and so forth, that as an industry it could
20 not support itself without all this support from
21 government and other subsidies.

22 So, my concern is about your slogan that
23 you really disseminate far and wide up to the
24 northern part of the state in particular that this
25 is a solution to global warming when it actually

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 isn't, as far as I understand it. Can you speak to
2 that? Not now?

3 ADMINISTRATIVE JUDGE KARLIN: No. We
4 don't have a slogan, I'm not sure what slogan you
5 are referring to.

6 MS. PAYTON: I guess the Entergy slogan
7 that this is safe.

8 ADMINISTRATIVE JUDGE KARLIN: That may
9 be their slogan but it's not ours.

10 MS. PAYTON: So, would you say that it
11 is a safe industry?

12 ADMINISTRATIVE JUDGE KARLIN: Well,
13 again, we are not here to answer questions, we are
14 here to listen to public comment.

15 MS. PAYTON: But it isn't really safe in
16 actuality, isn't it one of the most toxic substances
17 that really isn't safe at all? And what I would
18 like you to think about, just sort of a scenario, if
19 you had the most precious thing in your life, like a
20 child, would you choose for that child to be warmed
21 and cooled by power coming from a windmill and a
22 solar panel or would you choose them to be in an
23 environment next to this kind of toxic waste? And I
24 know that I'm asking too much to ask you to answer
25 questions, which would be helpful, so please think

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 about that.

2 And think about the right, the sovereign
3 right of people here who have shown that,
4 overwhelmingly, we would like to be a state that is
5 known for its purity of nature. And I know that the
6 Federal Government is big, and so on and so forth,
7 but Vermont would like to be that way, it would like
8 to have pure Cabot cheese, all this stuff, and we
9 would like to show that we can do it without these
10 plants and we would like to see that you turn down
11 one application.

12 So, thank you, that's all I wanted to
13 say.

14 ADMINISTRATIVE JUDGE KARLIN: Thank you.

15 (Applause)

16 ADMINISTRATIVE JUDGE KARLIN: Terry
17 Carter is the next person signed up.

18 MS. CARTER: Hi. Terry Carter, I'm from
19 Brattleboro.

20 ADMINISTRATIVE JUDGE KARLIN: Welcome.

21 MS. CARTER: Thank you. I believe it
22 was last year the NRC came here and it was a whole,
23 very representational board from NRC and we were
24 allowed to ask questions and state our opinions,
25 which was greatly appreciated, and I asked some

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 questions hoping I would go back feeling a little
2 better but I only found it more of a concern. I
3 asked to speak with the health specialist of NRC and
4 I asked if they had ever done any statistics in
5 relation to health issues in areas where there are
6 nuclear power plants, specifically this area and in
7 Massachusetts in the circumference of the plant, and
8 they never have.

9 And I also was concerned that there may
10 have been a conflict of interest because when I
11 asked what type of a physician she was, she said she
12 was not a physician, she was a consultant and an
13 executive for the pharmaceutical industry. So I do
14 implore you to take this into account and look into
15 this and I appreciate this independent study but in
16 light of that and in light of the obvious
17 incompetence that has taken place in the last few
18 months around the plant, and simply the public
19 outcry, people don't really want this, it defies a
20 lot of our hearts, it defies common sense.

21 And thank you, I appreciate you coming.

22 (Applause)

23 ADMINISTRATIVE JUDGE KARLIN: Thank you.

24 Mr. John Shadis is the next person
25 signed up. Mr. John Shadis?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 MR. SHADIS: Good evening, gentlemen. I
2 don't have a prepared statement but I needed to say
3 something to you fellows because it is readily
4 apparent to anyone with a grade school education
5 that this machine is falling to pieces. And no
6 matter how you go about looking at it, and the
7 technical aspects, or what percentages you can look
8 at or this or that, you are not going to be able to
9 inspect it all and, short of something else falling
10 apart and maybe something more safety related than
11 what already has happened, I think that the general
12 community around here is expecting you to be
13 rational human beings and not relicense it, at the
14 very least.

15 A lot of people would like to see it
16 shut immediately, I don't think that's really
17 feasible or possible, the way things are set up.
18 However, I was sitting here listening and I was
19 thinking that I don't know that many people know
20 what SCRAM is an acronym for, but, in the first
21 reactors, they had someone that would run in and cut
22 ropes that would drop the control rods, and so SCRAM
23 stands for safety control rod axe man. And I do
24 believe that this community is expecting you to
25 stand up to your responsibilities, be that axe man.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Short of that, our legislature will do
2 that. Entergy may be a big tree but we are a sharp
3 axe.

4 Thank you.

5 (Applause)

6 ADMINISTRATIVE JUDGE KARLIN: Thank you.
7 I'm going to go back to the first person who signed
8 up, John Ward. Is Mr. Ward, has he arrived yet?
9 Great, okay, we called your name earlier. So,
10 okay, I want to get you in at this point.

11 MR. WARD: All right, thank you.

12 Vermont Yankee went on line in 1972, it
13 is now one of the oldest reactors in the country.
14 Standards for aging management were set in 1982 at
15 NRC's aging management workshop, the reactors were
16 about ten years old at this point. To me, this is
17 like predicting the reliability of a car over its
18 lifetime based on the experiences during its first
19 one or two years. What major parts of the car are
20 worn out at 35 years that are not worn out in the
21 first one or two years or the first ten? And how
22 can you predict the effects of aging at 35 years if
23 your experiences are with a fleet of ten year old
24 cars or a fleet of ten year old reactors?

25 We do not have the luxury of assessing

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 reactors older than VY and using that experience to
2 manage aging at VY because most other reactors have
3 been closed down at 32-35 years old, the age that VY
4 is now. Vermont Yankee is now at an age where
5 unanticipated problems are starting to show up. The
6 owners of VY and the NRC have both been surprised
7 lately with problems at VY and if those problems are
8 outside the scope of the NRC and are not adequately
9 addressed by Entergy, then who is doing aging
10 management?

11 In regards to the cooling tower
12 collapse, Mr. John Dreyfus of Entergy said last week
13 before the Vermont State Nuclear Advisory Panel "we
14 learned a lot from this event and we have to
15 overhaul our inspection procedures". Mr. David
16 McElway, also of Entergy, said at that same meeting
17 that the use of a remote camera to inspect the
18 structure of the cooling tower for rot and decay was
19 "not as good as putting your hands on the member".
20 More concerning to me was the SCRAM a few days
21 later, Mr. Dreyfus reported the root cause to be
22 poor maintenance.

23 A bearing that served as the fulcrum
24 point for a bell crank at the oil control solenoid
25 for turbine stop valve number two, and turbine stop

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealgross.com

1 valve number two was said to be a unique design by
2 Mr. Dreyfus, that bearing failed to move and as
3 such, the bell crank did not move the solenoid. He
4 reported that there was a rough spot in the bearing,
5 it had to be manually agitated and then it was
6 lubricated. A bell crank is not a particularly
7 unique design, bell cranks have been used before the
8 Industrial Revolution and have been replaced by more
9 modern systems like hydraulic clutches, brake
10 cylinders, rack and pinion steering, drive by wire
11 throttle systems.

12 Manually agitated means they are hit
13 with a hammer or, in the vernacular of the nuclear
14 industry, a mallet. A bearing that will not travel
15 through its range of motion because of a rough spot
16 is a bearing that needs to be replaced, not
17 lubricated. If it was just a particle caught
18 between the bearing and the race, it still stopped
19 the bearing and had to be manually agitated. That
20 would damage the bearing surface and it would need
21 to be replaced, not lubricated.

22 As Mr. Dreyfus said again that night "we
23 learned something from this one and have changed our
24 preventative maintenance strategies accordingly". I
25 don't know yet if he has learned he should replace

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 the bearing. Whether we are talking about cracks in
2 the steam dryer or about metal fatigue and
3 embrittlement in the reactor vessel, no computer
4 modeling, remote cameras or guesses about aging are
5 as good indicators of condition and margin of safety
6 as putting your hand on the member.

7 I will probably take less than one
8 minute, but that certainly is a lot less time than
9 the ramifications of what could go on at that plant.
10 What happens at that plant could affect the rest of
11 us for our lifetimes, it could affect this area for
12 many thousands of years. I will take less than one
13 minute. I know about stress risers and I know about
14 crack propagation, and I will go toe to toe with
15 anyone who says the safety of this plant has not
16 been compromised.

17 The cooling tower at VY, ten years after
18 a virtually identical collapse at Prairie Island,
19 shows a complete lack of concern regarding
20 maintenance, or an unwillingness to learn or both.
21 The near miss at Davis-Bessey is an example that the
22 NRC's aging management process does not work in the
23 real world and the NRC's handling of the situation
24 at Davis-Bessey actually shows that the NRC is
25 complicit with the industry in allowing profits to

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 drive the decision making process at the expense of
2 safety.

3 The continuing fight over the reactor
4 vessel thickness at Oyster Creek shows that the NRC
5 is complicit with the industry in allowing profits
6 to drive the decision making process at the expense
7 of safety. It sounds like a pattern to me. There
8 is too much at stake here. We cannot allow a major
9 accident here only to hear Entergy say we learned a
10 lot at this one and now it is time to put safety
11 ahead of profits.

12 Thank you.

13 (Applause)

14 ADMINISTRATIVE JUDGE KARLIN: Thank you,
15 Mr. Ward.

16 Next is Louis Erlanger. Mr. Louis
17 Erlanger?

18 MR. ERLANGER: I'm a resident of
19 Brattleboro, I've been here two years and I came up
20 here a number of years after experiencing 9/11 down
21 the street from the Trade Center. So I have a first
22 hand knowledge of what disaster is all about and the
23 unpredictability of what follows disaster, I don't
24 want to encounter it again.

25 Neil Sheehan, who is the spokesman for

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 the NRC, when talking about the sticking valve that
2 was at the reactor, he said though sticking valves,
3 though not a usual occurrence, are not unknown in
4 the industry, which I thought was kind of strange
5 syntax and made me suspicious. So I looked up
6 nuclear accidents and I found on the NRC website the
7 fact that the United States' worst nuclear accident
8 at Three Mile Island was caused by a sticking valve,
9 and I'm going to quote from the accident report
10 summary on your website, "first the turbine, then
11 the reactor automatically shut down. Immediately
12 the pressure in the primary system, the nuclear
13 portion of the plant, began to increase in order to
14 prevent that pressure from becoming excessive. The
15 pilot operated relief valve or valve located at the
16 top of the pressurizer opened. The valve should
17 have closed when the pressure decreased by a certain
18 amount but it did not. Signals available to the
19 operator failed to show that the valve was still
20 open. As a result, cooling water poured out of the
21 stuck open valve and caused the core of the reactor
22 to overheat."

23 So I have no, I went to the meeting last
24 week, it was my first meeting that concerned this
25 reactor, and listened to all the various

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 explanations, and saw the charts, etcetera, and was
2 very concerned because, as other people have said
3 here, it's almost like rather than take this as
4 seriously as it needs to be taken because it's a
5 nuclear plant, it's like you are running any kind of
6 manufacturing plant, and you are not, you are
7 running something that is extremely dangerous and
8 you have a plant that's already had two accidents in
9 one summer and yet you want to extend it 20 years.

10 And as somebody said here, there are no
11 plants that are that old, so you really have nothing
12 to look back on to say, okay, from our experience,
13 this is what we know. You are going to have to
14 learn from experience moving forward and one of
15 those things might be an accident. And I wanted to
16 just show you because it's find that people come up
17 here and they put on plays and things like that but
18 having lived through 9/11, close to it, my
19 neighborhood was covered with smoke and debris. For
20 months after that, the police wouldn't even let me
21 into the neighborhood without showing ID.

22 These are the kind of things that we are
23 looking at going forward and they are not something
24 that doesn't happen to us, these are things that
25 happen when you are not careful. And I just want to

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 give each of you a picture, these are pictures of
2 kids who survived Chernobyl. I really think you
3 should keep these with you.

4 ADMINISTRATIVE JUDGE KARLIN: If you
5 want to give them to our law clerk, she'll get them
6 in the record.

7 (Applause)

8 ADMINISTRATIVE JUDGE KARLIN: Thank you,
9 thank you.

10 The next person is Diana Sidebotham.
11 I'm not sure I got that right. Ms. Sidebotham?

12 MS. SIDEBOTHAM: Good evening, Judge
13 Karlin, gentlemen.

14 ADMINISTRATIVE JUDGE KARLIN: Good
15 evening.

16 MS. SIDEBOTHAM: I'm President of the
17 New England Coalition on Nuclear Pollution but I'm
18 speaking as a private citizen. I was a founder
19 also, so I've known Vermont Yankee since it was a
20 hole in the ground, perhaps not as intimately as
21 some but, still, I've known it. You are perfectly
22 well aware of what our contentions are and the
23 nugget, of course, of the contention is the adequate
24 plan to monitor and manage aging of the various
25 components and systems. Unfortunately, the Nuclear

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Regulatory Commission's credibility is somewhat
2 compromised. However, that needn't be so.

3 You do have the regulations, you do have
4 the ability to make Entergy prove, in the most
5 minute detail, all of what they need to tell you and
6 tell us about the management of the serious aging
7 which is occurring. According to our expert
8 witnesses, they have not provided adequate
9 information and in fact they have provided very
10 shaky information. We would hope that you would
11 hold them to the very highest standard, not the
12 lowest standard. Unfortunately, we have seen them
13 operate that way.

14 The cooling tower collapse, which has
15 been widely referred to, is merely a visible
16 manifestation of what we believe, what I believe is
17 a complete break down in inspection, maintenance,
18 safety culture, all of the things which go into
19 their ability to determine what will happen now and
20 in the future to the very serious safety systems on
21 which our lives depend. So I hope that you will,
22 you have heard a great deal from people here, we are
23 deeply concerned. We assume that you too are deeply
24 concerned, but what Entergy needs to be held to is
25 the very highest, most stringent standard.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 They must not be allowed to make casual
2 statements and some of what they have done is that
3 or, oh, well, we will do this in the future. That
4 isn't adequate, they need to prove, prove, if it is
5 possible, that their aging management plans are
6 secure. Frankly, we don't think they can, but it's
7 up to you, please, to make sure that the most
8 stringent recommend, most stringent rules are
9 applied.

10 Thank you.

11 ADMINISTRATIVE JUDGE KARLIN: Thank you.

12 (Applause)

13 ADMINISTRATIVE JUDGE KARLIN: Loren
14 Kramer? Ms. Kramer? Mr. Kramer, I'm sorry.

15 MR. KRAMER: Greetings. I'm from
16 Greenfield, Massachusetts, my house is about 15
17 miles from the plant and I know that the emergency
18 designation is just 10 miles but, as we all know,
19 the radiation doesn't pay any attention to that, in
20 case there is such an accident.

21 First of all, I would like to say that
22 it is not fair for a plant that is so close to other
23 states and other states not have a chance to have
24 input into the future of such a plant, Massachusetts
25 and New Hampshire especially I believe should be

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 part of the decision, but that perhaps is not in
2 your purview.

3 Second of all, we all know the litany of
4 little problems that have come up over the last few
5 years, especially the last few months. It does not
6 give any of us confidence, especially when both
7 Entergy and NRC says, really, all is well, we've got
8 it under control. We don't feel things are quite
9 under control and there is so much at stake. We
10 feel, at the very least, we, as citizens of this
11 region, deserve an independent safety inspection, a
12 truly independent safety inspection. Without that,
13 I think you can be assured that many, many, many
14 people, Vermont, New Hampshire, Massachusetts, New
15 York, in the area, will not have confidence in
16 what's happening.

17 Thank you.

18 (Applause)

19 ADMINISTRATIVE JUDGE KARLIN: Thank you.

20 Deb Katz? Deb Katz? Ms. Katz?

21 I might mention if there is anyone else
22 who wants to sign up or speak, I said this earlier,
23 some people may have come in a little bit late,
24 please let Karen Valloch out at the front desk know,
25 sign up and we will be glad to have you speak.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 So, Ms. Katz, sorry.

2 MS. KATZ: That's okay. I hate to have
3 my back to the audience, it feels a little
4 uncomfortable. I want to talk a little about
5 confidence and accountability because we have in
6 fact sued you on a number of occasions and sometimes
7 we have even won, and I'm here tonight not as a
8 participant in a lawsuit but as a kind of spectator
9 to an awful process. The truth is that the people
10 have no confidence in your process.

11 (Applause)

12 MS. KATZ: That's the truth. And I'm
13 sorry because I think you try to do a good job and I
14 think you need to understand that people feel that
15 you are irrelevant and that you are willing to
16 sacrifice their lives on the basis of your legal
17 maneuvers. See, what if you deal in a situation,
18 and I'm going to get to accountability, where an
19 agency, you are the judges but the agency is
20 unaccountable for its actions, with a job of what
21 regulators are supposed to do, they do not do, and
22 it has been seen at Davis-Bessey, it has been seen
23 at reactors throughout the country.

24 And so, in a certain way, we turn to you
25 as judges but you don't have the power to deal with

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 the unaccountability of your own agency, and yet
2 then who do we turn to to get accountability and
3 responsibility? There is no one for us to turn to
4 in terms of the federal government at this point and
5 that is unconscionable. And what it raises, because
6 I'm going to raise how you eviscerated the State of
7 Massachusetts who is now taking you to court in the
8 1st Circuit over the issue of Vermont Yankee being
9 vulnerable to terrorism and the unwillingness of the
10 NRC to deal with this issue in the 9th Circuit as
11 well as the 1st Circuit, and you are going to get
12 sued in the 2nd Circuit in New York over the same
13 issue.

14 I want you to think of the Nuremberg
15 Trials because at Nuremberg good Germans were found
16 guilty, even though they followed the law. And they
17 said all we did is follow the law and all you are
18 doing is following the law, and what you are doing
19 in the process of that is abandoning this community
20 and you need to know that you will be held
21 responsible for that.

22 Thank you.

23 (Applause)

24 ADMINISTRATIVE JUDGE KARLIN: Thank you.

25 The next speaker is Harvey Schaktman.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Mr. Schaktman?

2 MR. SCHAKTMAN: Growing up on suburban
3 Long Island in the 1950s, I had no idea what to do
4 with nature, no one ever told me and I guess I never
5 asked. Kids only know what they are taught, so I
6 did things that were kind of weird, you know? They
7 weren't weird then, they were just the stuff of
8 boyhood. I and sometimes we, the boys I hung out
9 with every day, we would shoot at squirrels using
10 marbles with a Whammo slingshot, we also would pull
11 the feet from the bodies of frogs and salamanders.

12 I suppose you could call our behavior
13 scientific experiments of boys, to be kind and
14 forgiving, but what was really going on then was
15 complete ignorance. We didn't have a clue and no
16 one ever told us what was right and what was wrong,
17 the rules, so to speak, about how we should act in
18 the natural world. Well, today we have the clues,
19 we have the knowledge and we know what is right and
20 wrong. In the '50s and '60s another scientific
21 experiment was taking place in America, nuclear
22 power, the splitting of the uranium atom to boil
23 water, make steam and produce electricity was sold
24 to us, as I'm sure you remember, as atoms for peace.
25 Remember?

1 And in our ignorance, we were told that
2 it would provide us with electricity that was too
3 cheap to meter, nuclear power was the key to the
4 world of tomorrow. But we were never told that our
5 air, our land, our rivers and our bodies would be
6 contaminated by the radioactive waste released
7 relentlessly from these reactors. We were never
8 told that we would have to deal with 77,000 plus
9 tons of high level radioactive waste that is so
10 toxic it must be isolated from all life forms for
11 100,000 years or more.

12 We were never told that there would be a
13 plague of cancers as a result of exposure to
14 radiation. We were never told that we would be
15 living next to a terrorist target. We were never
16 told that if a nuclear accident occurred there would
17 be no one to sue, we would have to abandon our homes
18 and there would be no insurance coverage, just read
19 the nuclear exclusion clause in your home owners
20 policy. Well, right now the Bush/Cheney power block
21 owned by the nuclear industry is pushing for
22 expansion of nuclear power, Vermont Yankee's desire
23 to extend their license is a part of that product.

24 But this time we are not the ignorant
25 children we were when nuclear power was first sold

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 to us, this time we know the scientific experiment
2 failed with a devastating legacy of cancer, toxic
3 waste and the taking of our land, our air and our
4 water. This time we can speak up and be heard, this
5 time we can choose safe, clean, renewable energy.
6 This time we can act as if there is a tomorrow, no
7 expansion of nuclear power, no 20 year license
8 extension, shut it down. No multibillion dollars
9 subsidies for a failed cancerous technology, shut it
10 down. This time we know what is right and what is
11 wrong and I hope you act in that fashion.

12 Thank you.

13 (Applause)

14 ADMINISTRATIVE JUDGE KARLIN: Thank you,
15 thank you.

16 Clay Turnbull is the next speaker.

17 Mr. Turnbull?

18 MR. TURNBULL: Good evening, welcome to
19 Brattleboro. It's probably a feistier crowd than
20 you are accustomed to meeting.

21 You came tonight for specific comments
22 related to the contentions raised by the New England
23 Coalition, most generally referred to, Entergy's
24 lack of managing the aging related issues. Most of
25 the public comments are not very specific in

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 addressing those concerns and I recognize that
2 probably much of what the public says at these
3 meetings is irrelevant, it actually is irrelevant in
4 your process. It doesn't meet the definition of
5 where in the code, 10CFR, it's not fitting into one
6 of the boxes that you are here to address tonight.

7 I can't blame them with their
8 impassioned please and heartfelt orations because
9 that's all they know, they don't know the code inside
10 and out. I'm somewhere in between because I follow
11 enough of it to know that I'm supposed to be
12 speaking to you specifically about 10CFR54.21A3 and
13 I want you to follow up on that because I don't
14 think Entergy is doing their due diligence. I don't
15 have the documentation, I don't have Entergy's
16 application in front of me where I can point my
17 finger to it for you.

18 But I do know that in the few years that
19 Entergy has owned the reactor maintenance issues or
20 deferred maintenance issues seem to be coming up
21 more and more frequently. They should have known
22 that that tower, that those towers had issues. I
23 think this fits into the criteria of the issues that
24 the coalition raised, if I address it, just looking
25 at their safety culture around the collapsed cooling

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 tower. Entergy had scheduled personnel to be on
2 that tower the following day to perform maintenance,
3 they weren't able to send their men onto the tower
4 because it collapsed before they could get their
5 personnel there.

6 I want you to look into the Entergy
7 files and you will see that, that's how it was
8 reported and that is what Entergy representatives
9 said at the VSNAP meeting last week. That's an
10 example where the decision makers or the policy
11 makers are not putting safety culture, they are
12 lacking in their attention in their safety culture.
13 When union representatives at a sister reactor in
14 Plymouth say that the safety culture at Vermont
15 Yankee has issues too great that they don't want to
16 be associated with Vermont Yankee, they are afraid
17 that their own safety culture will be contaminated,
18 that should raise a flag. I don't know how that
19 relates to 10CFR54.3 but I'm sure it does.

20 (Applause)

21 MR. TURNBULL: So, as Deb Katz said, we
22 will not forget. When something happens there, I
23 guarantee there will be someone putting a lawsuit,
24 following up on the folks that, I think that you
25 operate under the same criteria that as a teacher or

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 a mentor of children, if I know a child is being
2 abused at home, I'm a mandatory reporter. Thank
3 you. I think you are mandated reporters also. If
4 we present a safety concern to you, you have to
5 follow it up. I encourage you to follow these
6 concerns up as diligently, as thoroughly as
7 possible. They are demonstrating that they need
8 your oversight.

9 Thank you.

10 (Applause)

11 ADMINISTRATIVE JUDGE KARLIN: Thank you.

12 The next speaker signed up is Ellen
13 Tenney. Ms. Tenney?

14 MS. TENNEY: Hi, thanks for coming. A
15 lot of you have heard this before, but I don't know
16 if it was the last time or the time before that you
17 were here, I mentioned that I met a number of
18 workers that came to the area for refueling and a
19 lot of them, all of them that I met, half a dozen or
20 so, mentioned that it was frustrating for the
21 workers that Entergy expected them to do the
22 necessary work with a budget that would require them
23 to cut corners. One worker in particular stated
24 that, first of all, he said he felt sorry for the
25 people that lived in this area, which was --.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Anyway, he said that he had worked at
2 nuclear plants all over the world and had never seen
3 one that cut so many corners, including areas of
4 concerns of the safety of the workers and the safety
5 of the people in the area. After I talked to him, I
6 asked him to please be a whistleblower, and he said
7 he couldn't, his family requires his income, his
8 kids will be going off to college and he knows, I
9 said, well, they'll protect you and he laughed, he
10 said they find you and you are blacklisted, you will
11 never work in the industry again.

12 I called and wrote to the NRC about the
13 conversations I had and I received phone calls and
14 letters stating that unless I could come with names
15 and specifics, there was nothing they could do.
16 Then recently, during the contract negotiations with
17 the IBEW, a number of them threatened to go public
18 with their knowledge of issues inside the plant
19 unless their demands were met. Well, their demands
20 were met. I don't know if they ever got to air
21 their concerns to anybody that would listen or do
22 anything about it.

23 They had a tower collapse ten years ago
24 at Prairie Island, NRC didn't learn from that. I
25 mean Entergy didn't learn from that, and neither did

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 the NRC but, anyway.

2 (Applause)

3 MS. TENNEY: Then they have a SCRAM and
4 the plant reactor shuts down. What are their
5 concerns? Has anyone --. Oh, never mind. So you
6 don't have names, you don't have specifics, but you
7 have people on the inside that know what's wrong
8 with the plant. They have done a recent survey
9 about the relations between how safe workers feel or
10 how, I don't know, communication between management.
11 Anyway, what are you going to do about it? Are you
12 going to wait until something serious happens?

13 If the plant is so safe, if Entergy
14 believes and the NRC believes that this plant is so
15 safe, then prove it to us, do an independent safety
16 assessment and then we'll all be happy, you know?
17 Prove it, prove that there aren't problems within
18 the plant, which I --. Anyway, just, please, the
19 only way to give us safety. I also have concerns
20 about FEMA. When I contacted FEMA about what was I
21 to do if I lose my home and my business because of
22 an accident at the nuclear power plant, and the guy
23 at FEMA just sort of laughed and said did you ever
24 hear of business insurance?

25 I asked him how long he had worked

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 there, and he said eight years, and I told him he
2 had to go back and do some homework because there is
3 no insurance for our homes, our lives, our health,
4 our businesses. So, please, it's a beautiful area,
5 we would hate to see it abandoned because of this
6 plant and the profits that --.

7 The other thing I want to say is that
8 the ISA will prove to us that you really do care
9 about our safety and not corporate profits, so
10 please put us first.

11 ADMINISTRATIVE JUDGE KARLIN: Thank you.

12 (Applause)

13 ADMINISTRATIVE JUDGE KARLIN: Thank you.

14 I'm going to call a name that was put on
15 the schedule earlier and that was indicated, Ms.
16 Shaw, Sally Shaw. Has she arrived yet? Oh, okay,
17 we have you signed up, it's 8:00 so I thought you
18 might be here, great.

19 MS. SHAW: I was just annotating my
20 photograph which I'm going to submit to you. These
21 comments, it looks like the night is young and there
22 are not that many people here, so I don't know if
23 you are doing time limits but I have a fair amount
24 to say, I hope you'll bear with me.

25 ADMINISTRATIVE JUDGE KARLIN: Yes, we

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 are doing five minute time limits and at the end if
2 you want to, we'll go five minutes and then after
3 everyone is done you can come and speak again.

4 MS. SHAW: Okay, I don't know if I can
5 read four pages in five minutes.

6 I would like to preface my remarks by
7 saying that I am not a nuclear engineer but I find
8 it rather frustrating that the members of the public
9 have to address the Atomic Safety and Licensing
10 Board only on the matter of accepted contentions in
11 the relicensing hearing. There has been no social
12 impact statement done about this license renewal, I
13 think you have heard every time you come to town
14 that people in the area and throughout Vermont are
15 very concerned about continued operation of Vermont
16 Yankee and it seems that there ought to be an
17 appropriate way to make those comments officially on
18 the record.

19 But I will proceed with my comments that
20 relate to the NEC contentions, and could you start
21 the clock now? First, NEC contention number two,
22 aging management, metal fatigue, failure
23 probabilities of reactor vessel welds for boiling
24 water reactors were analyzed in an EPRI and
25 structural integrity associates paper. The

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 effective adjusted temperature, reference
2 temperature on the probability of failure in boiling
3 water reactor vessel welds by Tang, Ricardella,
4 Herrera, Colbalt, et. al. were calculated on the
5 basis of a design life of 40 years or 32 effective
6 full power years for the reactors that they looked
7 at, not 60 or 80 years and not at 120 percent power.

8 In their study, they found that the
9 probability of failure increases as the adjusted
10 reference temperature or ART increases. I am
11 concerned that Entergy employed shoddy assumptions
12 in their aging management program for predicting and
13 preventing embrittlement failures. I contend that
14 Entergy inappropriately relied on calculations such
15 as those in the above referenced paper in their
16 applications for license renewal, when such
17 calculations are only germane to boiling water
18 reactors approaching the end of their design life,
19 not exceeding it by 20 to 40 years.

20 They are based on normal operating
21 loads, not on uprated loads with a higher
22 temperature pressure, highly enriched uranium fuel
23 and therefore higher neutron fluence levels, and
24 they are based on normal pressure temperature
25 conditions, not conditions such as containment

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 overpressure which the NRC in its infinite wisdom
2 allowed Entergy to employ to enable it to uprate.
3 That's number one. I was going to quote from the
4 paper but I'm sure I don't have time.

5 Pressure temperature curve limitations
6 can occur in aging reactors, pressure temperature
7 curves are modified to account for irradiation
8 embrittlement effects based on the methods of
9 regulatory guide 1.99, revision two, that's a quote
10 from this paper that I was looking at. Pressure
11 temperature curve violations typically occur during
12 inadvertent transient events. We just had one on
13 August 30th of '07 where they encountered in the
14 recent SCRAM and transient. Has the reactor vessel
15 fracture toughness been reevaluated since then?
16 Does Entergy's aging management include an algorithm
17 to periodically modify the pressure temperature
18 curves, thereby narrowing the operating window as
19 the reactor exceeds its design life of 40 years?

20 I ask the ASLB to review Entergy's
21 license renewal application to make sure they have
22 not failed to demonstrate an evaluation of time
23 limited aging analyses that will remain valid for
24 the period of extended operation and the other parts
25 of 10CFR54.21, etcetera, etcetera, which pertain to

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 that. I am concerned that Entergy is not using
2 appropriate calculations to estimate reactor vessel
3 integrity and weld integrity over the next 20 to 40
4 years. Okay, I'm going on to contention three,
5 aging management of the steam dryer.

6 I was astounded to read in the safety
7 evaluation for the uprate that these models had an
8 uncertainty, the AC model and the CFD model on which
9 Entergy's proposed monitoring technique is based, of
10 over 130 percent. If I had reported such an
11 uncertainty range on my masters thesis I never would
12 have graduated, and I am astounded that there is no
13 actual inspection of steam dryer integrity but just
14 these models which are so inappropriate and poor.
15 Don't count the time while I'm trying to turn the
16 page, please, it's sticky, probably because Gary
17 just gave me a piece of chocolate and it's all over
18 my fingers.

19 I'm going to jump to the need for sua
20 sponte investigation by the Atomic Safety and
21 Licensing Board. You three have nice jobs, you
22 probably have nice homes, nice cars, I'm sure you
23 have nice families. The job market in Southern New
24 England is not so lucrative as yours, however we
25 have nice lives here too and we ask to be able to

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 keep them. My comment related to recent evidence of
2 utterly inadequate maintenance and aging management
3 monitoring of Vermont Yankee as evidenced by the
4 cooling tower failure and evidence in the local
5 papers of upwards of 20,000 carbon steel bolts which
6 are the suspected member in the cooling tower. Of
7 those 20,000, only something like 200 have been
8 looked at or replaced and there is no plan to
9 replace the rest of them while the reactor runs at
10 120 percent power.

11 I attach as evidence of the need for sua
12 sponte investigation photographs of the June 18,
13 2004 transformer fire, the August 30 cooling tower
14 collapse and a 24 hour plume path of a hypothetical
15 accident at Vermont Yankee from the NOA's high split
16 software showing the radioactive contamination of
17 virtually all of Vermont within 24 hours should an
18 accident occur there. And I hope you'll look at
19 these pictures as you make your decision about
20 whether to investigate further, beyond the
21 contentions that have been admitted so far.

22 Thank you.

23 ADMINISTRATIVE JUDGE KARLIN: All right,
24 thank you, Ms. Shaw.

25 (Applause)

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 ADMINISTRATIVE JUDGE KARLIN: Is there
2 something you wanted to submit? I might note that
3 we encourage any of you to submit your remarks in
4 writing as well or supplement your remarks in
5 writing, you can do that. I mean some of the
6 details and specifics would be good to have in a
7 written submission either by e-mail or whatever, so
8 that's a possibility.

9 (inaudible comments from the floor)

10 ADMINISTRATIVE JUDGE KARLIN: I beg your
11 pardon? Oh, yes, it is, what we just heard is being
12 taped. We will have that in writing, but if you
13 want to supplement your five minute remarks with
14 additional stuff in writing, you can do that also.
15 Thank you.

16 Okay, we've got I believe Audrey
17 Garfield, Audrey Garfield is the next speaker I
18 think we've got.

19 MS. GARFIELD: Good evening. My name is
20 Audrey Garfield, I'm the Chair of the Brattleboro
21 Select Board. My remarks are my own, I speak for
22 just myself as Chair of the Select Board.

23 I want to thank you for coming this
24 evening, I want to thank everyone in the audience
25 for being here. What I've heard people say about

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 aging reactors, nuclear waste, accountability and
2 competence really resonates with me. It occurs to
3 me that the NRC holds hearings and invites people to
4 speak and although people are speaking very
5 passionately and from the heart, and have for years
6 in the different meetings that I've attended, it
7 seems to have no effect on your decision making
8 process.

9 And I wonder if it may be in part that
10 they or we are not speaking within a framework
11 created by the NRC and therefore we are ineffective.
12 So, I would like to know how our comments are in
13 fact incorporated into your decision making process
14 and I would like to know, and I think probably many
15 other people would like to know as well, what are
16 the rules of the game? Please educate us of how to
17 work within that framework, we want to be effective.
18 I would like to invite you to a meeting of the
19 Brattleboro Select Board.

20 I think that the way this process is set
21 up with your unwillingness or inability to answer
22 questions is an impediment and that a dialogue and
23 answering these questions could help, could be a
24 better use both of your time and of our time. Would
25 you be willing to come to a meeting of the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 Brattleboro Select Board and answer our questions?

2 ADMINISTRATIVE JUDGE KARLIN: We will
3 take that under consideration of my colleagues. It
4 would be something highly unusual because we sit as
5 judges to decide cases that are presented to us by
6 parties who litigate matters and bring them forward,
7 that is our jurisdiction, that's our responsibility
8 and we try to discharge it. Usually you don't have
9 judges who are hearing a case come into a
10 Brattleboro Select Board or other legislative body
11 and speak or testify, so I think that would be
12 highly unusual but we'll take it under
13 consideration.

14 MS. GARFIELD: So, you can see how I'm
15 already off track and not being as effective as I
16 would hope. Can you tell me how our comments are
17 incorporated into your decision making process?

18 ADMINISTRATIVE JUDGE KARLIN: Well, as
19 we said at the beginning, we are not trying to get
20 into a dialogue and answer questions, but I did try
21 to answer that question at the outset. We have
22 three contentions that have been presented by the
23 parties, they are listed in the *Federal Register*
24 notice that hopefully you have had a chance to look
25 at. Those will come before us in a trial, in a

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 hearing where witnesses are sworn in and testify.
2 What we are looking for tonight here is comments
3 from the public with regard to those three
4 contentions, which is the jurisdiction that we
5 currently have, as to things we ought to look at
6 related to those contentions, ideas, problems,
7 issues related to those things, those contentions
8 that maybe the parties didn't bring up or maybe we
9 didn't think about and that we should consider.

10 These comments are all transcribed, they
11 are part of the record. They aren't evidence
12 because the speakers aren't sworn under oath, and
13 they don't come in and speak like that and we don't
14 have, this is not formal evidence but it is part of
15 the record and we will consider it when we go to
16 attend and look at the three contentions.

17 MS. GARFIELD: And so if you hear
18 something that you think hasn't been considered by
19 Entergy or the NRC, how does the comment hold weight
20 with you? I mean how many, is it a number of
21 comments that need to be made? The same comments
22 that need to be made before the NRC will say, oh,
23 that's something we haven't thought of?

24 ADMINISTRATIVE JUDGE KARLIN: Again, let
25 me try to just say we are here to hear comments. It

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 isn't a vote, we don't go by poll. We are trying to
2 decide these according to the law and according to
3 the application and decide whether the Applicant has
4 shown to the Board that it meets the standards that
5 are required regarding the three contentions. If
6 there is something suggested here, we'll look into
7 it, but only with regard to those three contentions.

8 MS. GARFIELD: All right, thank you.

9 ADMINISTRATIVE JUDGE KARLIN: Thank you.

10 (Applause)

11 ADMINISTRATIVE JUDGE KARLIN: Thank you,
12 thank you, Ms. Garfield.

13 We have one final speaker registered to
14 speak. If anyone else wants to speak, please go
15 back and sign your name up with Karen Valloch. I
16 believe the last one I have here is Mr. Peter
17 Vanderdoes. Mr. Vanderdoes? I hope I got that
18 somewhat close.

19 MR. VANDERDOES: I want to thank you
20 gentlemen for coming here tonight, I realize it must
21 be very difficult to sit through this, basically
22 because it's a sort of an us against them kind of
23 situation. I'm not very good at speaking in public
24 but I do have a couple of words to say.

25 I'm sure you are all aware of the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 dangers that a nuclear accident presents and I am
2 going to show you, I'll give it to that lady over
3 there, a couple more photographs of mutant children
4 that were born after Chernobyl. I'm sure you are
5 aware or you should be aware of the photographs by
6 Paul Fusco in the book *Chernobyl Legacy*.

7 Some of these kids really look they were
8 drawn by Picasso, so you get an idea of what you
9 look like, I think you should keep that in memory.
10 Okay, I won't bore you any longer. I'm sure you
11 also, we don't actually need the electricity that
12 Vermont Yankee provides, there are 33,000 megawatts
13 on the New England grid, and I believe it's only 650
14 megawatts that Vermont Yankee provides, correct me
15 if I'm wrong. And what has become evident to me is
16 that every time it closes down either for automatic
17 shut off, or for repairs or periodic nuclear
18 refueling, I think it's called, which happens every
19 18 months, they close down something between 17 and
20 28 days, we still get our electricity.

21 It's therefore evident to anybody with
22 brains, I'm sorry, it's therefore evident that we do
23 not need this nuclear power plant. You may also, I
24 don't think people talk about this very often but in
25 the event of a serious nuclear accident there would

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealgross.com

1 also be, besides the cancers and mutations, there
2 would also be what is known as an economic
3 implosion. You would have all these people that
4 would have to evacuate, all these people out of
5 homes and all these people out of businesses, and
6 anyone who has any kind of investment in the area,
7 they can just forget about that.

8 So, that's all I have to say, I'm going
9 to leave you with these photographs and I would
10 appreciate it if you would think that over.

11 AThanks.

12 ADMINISTRATIVE JUDGE KARLIN: All right,
13 thank you.

14 (Applause)

15 MR. VANDERDOES: I just had one little
16 thing to add, I hope I have that in my five minutes.
17 I'm just going to read you the title of this study
18 which was published in the Royal Society of
19 Biological Sciences, London, and the date on that is
20 March 2, 2001. The study is by Weinberg, Kohl,
21 Kirschner, Avivi, Fahima, Nivo, Shapiro, Renardt,
22 Piatak, Stepanova and Scars, I can't pronounce his
23 name, I'm sorry, from the Academy of Medical
24 Sciences, Ukraine. The Academy of Medical Sciences
25 in Kiev, in Ukraine.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 The title of the study is "Very High
2 Mutation Rate in Offspring of Chernobyl Accident
3 Liquidators". Okay, mutation is a fact, it's not
4 what you read about in comic books like *Fantastic*
5 *Four of Spiderman*, if you remember when you were a
6 kid. It is a fact. What happens is that, anybody
7 who is familiar with CSI, when they have a DNA, when
8 they check to see if DNA matches, they look at
9 bands. There are these little alternating black,
10 and white and grey little stripes and the mutations
11 are caused by additional bands mutating in the
12 strands of DNA.

13 And I'm sorry I didn't include that in
14 this little thing, I just wanted you to see the
15 title so that you could persuade yourself that these
16 photographs are not, they are not faked, they are
17 not done on the computer, they are the real thing.
18 Okay, thank you.

19 ADMINISTRATIVE JUDGE KARLIN: Thank you,
20 sir.

21 We have another speaker, Claire Chang.
22 Ms. Chang?

23 MS. CHANG: Hi. My name is Claire
24 Chang, I live in Gill, Massachusetts, 11 miles from
25 Vermont Yankee which puts me just outside the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 evacuation zone, which means that I don't count.
2 There is an article in today's, this is the
3 *Advocate*, the *Valley Advocate*, "Vermont Yankee and
4 the American Duct Tape Council". Patching a pipe in
5 a nuclear power plant with duct tape, we thought it
6 could only happen on "Prairie Home Companion", but
7 this is an actual photo of the part of Vermont
8 Yankee Nuclear Power Plant that houses the stop
9 valve, at center, that malfunctioned on August 30th
10 causing the plant to surprise its operators by going
11 into a SCRAM.

12 Notice the pipe at the right with its
13 duct tape patch, note too the places where the paint
14 is missing and the rust is taking hold. The plant's
15 owner, Entergy, of Mississippi, has applied to
16 extend the aging plant's license from its current
17 expiration date of 2012 to 2032. For comment on
18 this picture, we contacted David Lockbaum, the
19 former nuclear technician who is now a nuclear
20 safety expert for the Union of Concerned Scientists
21 in Washington. Lockbaum said the pipe probably only
22 carries non-radioactive drain water so a friendly
23 patch on it isn't extremely dangerous.

24 However, Lockbaum added, if you take
25 into account the patched pipe, the scraped paint,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealgross.com

1 the rust and the dust, the housekeeping here is not
2 what the industry norm is. If you go to most
3 plants, you could eat off the floor. If this is the
4 way they take care of the equipment they need to
5 make money, what kind of care are they giving the
6 equipment that protects the public? On September
7 6th and 13th the *Advocate* published this photo,
8 lower right, of the cooling tower that collapsed at
9 the plant August 21st, a photo evidently taken by
10 the same unknown photographer to the one at the top
11 right, which actually shows the stop valve.

12 Taking these problems together, the
13 crumbling cooling tower, the SCRAM nine days later
14 and the run down look of the plant components shown
15 in the photo of the valve, Lockbaum said, unless
16 these two pictures are totally unlike the rest of
17 the plant, it's not going to make it to 2012, much
18 less 2032. This reactor needs a lot of upgrade,
19 that, he added, would be expensive. Perhaps too
20 expensive, maybe that's why *Financial Week* just
21 reported that Chicago based Excelon may buy the five
22 nuclear power plants now owned by Entergy, they are
23 Vermont Yankee, the Pilgrim Plant in Plymouth, the
24 Indian Point Plant near New York City, the
25 Fitzpatrick Plant in Oswego, New York and Palisades

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 in South Haven, Michigan.

2 Meanwhile, U.S. Senator Bernie Sanders
3 of Vermont last week confronted Nuclear Regulatory
4 Commission Chairman Dale Klein with a photo of the
5 cooling tower collapse and demanding an independent
6 safety assessment of the plant before the license
7 extension is approved. I would hope local residents
8 trust the NRC, Klein replied. Retorted Sanders,
9 they don't. However, the widely circulated picture
10 by the anonymous photographer bought an admission
11 from Klein, that's rare for an NRC official.

12 When you see that visible collapse,
13 Klein said, it is a concern and you would question
14 the maintenance, and security and so forth.

15 Thank you.

16 (Applause)

17 ADMINISTRATIVE JUDGE KARLIN: Thank you.
18 Thanks to all the speakers and we will have a
19 transcript of this available on the NRC website in
20 about two weeks. We'll get a transcript in about
21 three or four days, I think, and we will have that
22 as part of the record and read that. We have now
23 finished with all the people who have signed up.

24 Has anyone else signed up? Oh, okay,
25 I'm sorry.

NEAL R. GROSS
COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 MR. WILLIAMS: I'm like a last minute
2 entry here. My name is Chris Williams, I'm from
3 Hancock in Addison County and I just want to get
4 into the record before--

5 ADMINISTRATIVE JUDGE KARLIN: Please,
6 proceed.

7 MR. WILLIAMS: --bench that I've been
8 told that there is only one NRC safety inspector on
9 site at Vermont Yankee and we are supposed to have
10 two. I think that's relevant to your proceedings
11 and I would like you to look into it. Thank you.

12 ADMINISTRATIVE JUDGE KARLIN: Thank you.
13 Were you Mr. Williams? Chris Williams?

14 MR. WILLIAMS: I am.

15 ADMINISTRATIVE JUDGE KARLIN: Okay,
16 thank you. All right, so that's all we have who
17 have registered. Is there a question here?

18 MR. SHADIS: Well, I would like to make
19 one further comment, if I may, I'll be very brief.

20 ADMINISTRATIVE JUDGE KARLIN: Sure. You
21 are Mr. Shadis, right?

22 MR. SHADIS: Correct, John Shadis,
23 Westminster. I was at the Vermont nuclear safety
24 meeting last week down there in Vernon and a friend
25 of mine who has a degree in geology was pointing

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 out, as far as the cooling tower collapsing,
2 everyone is focusing in on the rotting timbers and
3 the inadequate bolts or however it is, but he was
4 looking at the lines of the foundation and his
5 thoughts were that the whole substrata that's
6 supporting the, I don't know what the foundation is,
7 whether it's sonar tubes down to the bedrock or what
8 have you, that the entire, all the towers had just
9 the slightest degree of tilt to them.

10 So, I was thinking just now that this is
11 relevant to the aging process and whether or not
12 there is any regulations in place or is this
13 something new that's coming up with the aging of
14 this reactor and the cooling tower specifically,
15 wherein the saturation from all the water that is
16 distilling from those cooling towers into the
17 ground, if that saturation, if the soil compaction
18 is being effected. So that's just something I
19 wanted to throw in there for the record that you
20 might want to take a look at. I don't know if there
21 is any regulations covering it or not, but I would
22 think that it has a very definite physical aspect to
23 the phenomenon going on there with the cooling
24 towers.

25 Thank you much.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 ADMINISTRATIVE JUDGE KARLIN: All right,
2 thank you. With that, we are going to terminate
3 this proceeding. Was there something else, sir?

4 MR. TURNBULL: Yes. It's Clay Turnbull
5 and I had an additional comment I would like to
6 make.

7 ADMINISTRATIVE JUDGE KARLIN: All right,
8 please.

9 MR. TURNBULL: Thank you.

10 It will appear initially that it doesn't
11 relate but I'll bring it in. The Governor of
12 Vermont, Governor Douglas, in debates for the
13 gubernatorial position two election cycles back was
14 competing for the governorship with the gentleman,
15 Mr. Clevel, who was very much in favor of an
16 independent safety assessment. During a debate in
17 Ludlow, Vermont our governor said, well, I've asked
18 for an independent safety assessment, I support
19 that. And then later when the press clarified that
20 with him he said, well, I didn't mean independent
21 safety assessment, I meant an inspection.

22 He wasn't referring to an independent
23 safety assessment specifically, as it was performed
24 at Maine Yankee, so he is back down from that. And
25 our Representative in Congress, Sanders, has said he

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 believes that any reactor applying for license
2 extension or renewal should be subjected to an
3 independent safety assessment. Our governor said
4 that that was presumptuous of Senator Sanders and
5 that he doesn't, that Sanders might be misspeaking,
6 that Vermonters are concerned about or about Vermont
7 Yankee or we would want an independent safety
8 assessment.

9 We want an independent safety assessment
10 similar in scope as performed at Maine Yankee and
11 that will let me know that the concerns raised as
12 part of the proceeding for license renewal have been
13 addressed. We would like an independent safety
14 assessment and nothing less.

15 Thank you.

16 (Applause)

17 ADMINISTRATIVE JUDGE KARLIN: All right.
18 You'll have the last word. The first word and the
19 last word.

20 MR. SACHS: Well, I'm not real good
21 without a written speech, so to speak, or something
22 I've written in front of me. My intention is to
23 bring to your attention that I don't really, I don't
24 know where to go, we don't know where to go. The
25 NRC has the mandate to take care of nuclear safety.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 When the reactor or when you refer to the cooling
2 towers as non-safety related, it wasn't you, it was
3 the NRC, so, excuse me. No one has ever mentioned
4 to us who we go to who is the responsible party, who
5 is the accountable party in regard to non-safety
6 related parts of this nuclear reactor which could
7 fail, which could lead to a catastrophe, which could
8 upset our lives for the foreseeable future.

9 And I think that leaves every reactor
10 community with this vast grey zone between the state
11 regulatory board, the state regulatory board that
12 deals with economics only, the Department of Public
13 Service which is said to be the rate payer advocate
14 yet, however, in Vermont and in other states can
15 frequently be called to be considered the governor's
16 right hand agency and therefore has more political
17 meaning than advocacy power, so to speak, and the
18 Nuclear Regulatory Commission which is mandated to
19 protect the safety of the civilian nuclear reactors.
20 Where do we go? Do you have any response?

21 Not that I'm asking for a dialogue but,
22 really, we don't know where to go with that. We
23 don't know where to go when the cooling tower
24 collapses when NRC says it's out of our hands, it's
25 non-safety related, and any time the reactor fails

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealgross.com

1 and it's considered non-safety related, there is no
2 one saying, oh, yeah, we are the ones accountable.
3 That doesn't occur and I just thought I would bring
4 that to your attention.

5 Thank you.

6 ADMINISTRATIVE JUDGE KARLIN: Thank you,
7 Mr. Sachs.

8 (Applause)

9 ADMINISTRATIVE JUDGE KARLIN: We are now
10 going to terminate and adjourn this proceeding.

11 MS. KOTKOV: I think you missed my name.

12 ADMINISTRATIVE JUDGE KARLIN: Oh, okay.
13 Could you identify yourself?

14 MS. KOTKOV: Yes. I'm Sarah Kotkov, I'm
15 on the Board of New England Coalition but this is, I
16 only have about one comment but this is certainly
17 just my own, I'm not speaking for the Coalition. A
18 number of people have referred to the automatic
19 shutdown that occurred after the sticky valve and it
20 was reported in the press, perhaps only once, by
21 David Graham that actually the automatic pressure
22 control did not work. It started to work and then
23 halfway through the shut down the pressure had to be
24 controlled by the operator, who fortunately did
25 control the pressure.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 However, this is of course one certainly
2 very important thing that part of an aging reactor,
3 and it's not part of our contentions, but that
4 certainly seems something that is very important.
5 And secondly, many years ago, it was about 20 years
6 ago, there was a very excellent "NOVA" program on
7 public television regarding the Three Mile Island
8 accident and one thing that really stuck in my mind
9 was that a nuclear reactor is a, these commercial
10 reactors that we have are a scaled up version of a
11 nuclear submarine but, unfortunately, in the scaling
12 up process we end up with 40,000 valves.

13 Now, TMI is a pressurized water reactor
14 of course and this is a boiling water reactor, so
15 even if we say that there are fewer valves, for that
16 reason, because there are fewer pipes, that's a lot
17 of valves and that's, just imagining plumbing in my
18 house, that's, it's quite a thought, 40,000 valves,
19 so I hope you think about that. And many speakers
20 have expressed their gratitude for you coming here
21 but I would like to say that I'm not really quite
22 sure why you do it.

23 These contentions, which is really what
24 you are focusing on and what is your purview, are
25 highly technical and the NRC has made the process of

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 intervention extremely difficult and extremely
2 costly. I'm actually the Treasurer of New England
3 Coalition and it is an enormous undertaking for us
4 to do this, particularly coming after the other
5 fights, the uprate, and the dry cask was more of a
6 local issue but these have been enormously expensive
7 and this is, I mean we do get some contributions
8 from far away for various reasons, some of these
9 people perhaps lived in Vermont, perhaps had
10 relatives who lived here or perhaps have a more
11 general concern with nuclear power and an awareness.

12 But we are not an organization that has
13 a national mailing list, this is not like
14 contributing to the American Cancer Society where
15 you are one of millions, so we have to raise this
16 money and local people have been very, very
17 generous, but it is an enormous burden. And of
18 course these contentions will be discussed, will be
19 judged on technical grounds and we have wonderful
20 technical experts who will do this. They also have
21 to be presented by attorneys, which is an enormous
22 expense, so--

23 MS. BREGMAN: One minute remaining.

24 MS. KOTKOV: So I find, I mean while it
25 is heartening to hear the citizens express their

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 views and I hope that, and we do this so that you
2 will remember what you are doing here, remember the
3 gravity. I also find it in a way quite disturbing
4 and quite angering that you come here and listen to
5 us, and I know this afternoon there were only three
6 people who showed up and a lot of people have felt
7 that they really have to take their concerns
8 elsewhere because we don't think the NRC will
9 listen.

10 Thank you.

11 (Applause)

12 ADMINISTRATIVE JUDGE KARLIN: Thank you,
13 thank you.

14 Okay, where do we go from here? We will
15 adjourn this meeting, we will take this transcript,
16 it will be available to the public, it will become
17 part of the record. We are waiting, the judicial,
18 the administrative adjudicatory process that we have
19 to conduct a trial on the three contentions that
20 have been brought before us by NEC and by the state,
21 we are waiting for the staff to issue its final
22 safety evaluation report, as I said in my
23 introduction. We don't know when that will be,
24 certain supplementary material is apparently being
25 submitted or discussed, we really don't know.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 But, once that final safety evaluation
2 report is issued by the staff, the people who are
3 reviewing it, then a process of events will occur.
4 We have laid it out in order in this case which
5 calls for the parties to submit written testimony,
6 exhibits, motions of certain kinds and that will
7 take about six months before we have the actual
8 trial, evidentiary hearing here and we are going to
9 try to have it here in this area. We are going to
10 try to find a venue where we could have a courtroom,
11 beg, borrow or steal a courtroom that would be
12 available.

13 The last time a board was up here and I
14 was on it we used the Newfane Courthouse and so, if
15 you watch for this event of the staff issuing the
16 final safety evaluation report, as soon as that
17 happens, we are going to sit down with the parties
18 and nail down a specific date, approximately six
19 months from that, to have the trial or hearing up
20 here on the three contentions and the public is
21 welcome to attend that. That will be a different
22 type of session where lawyers and expert witnesses
23 speak, and testify and argue, so the public will not
24 be able to speak but you can sit in, just like you
25 could in any other courtroom.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealgross.com

1 So, with that, again, thank you all for
2 coming out. We will take these into consideration
3 and we'll now stand adjourned.

4 Thank you.

5 (Whereupon, at 8:40 p.m., the
6 hearing was adjourned.)

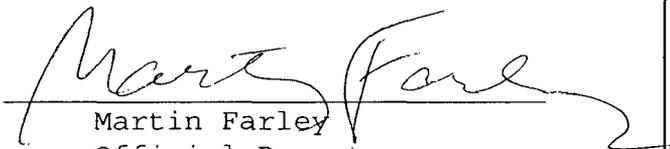
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CERTIFICATE

This is to certify that the attached proceedings before the United States Nuclear Regulatory Commission in the matter of:

Name of Proceeding: Vermont Yankee Nuclear Power
Station Limited Appearance
Docket Number: 50-271-LR
Location: Brattleboro, Vermont

were held as herein appears, and that this is the original transcript thereof for the file of the United States Nuclear Regulatory Commission taken by me and, thereafter reduced to typewriting by me or under the direction of the court reporting company, and that the transcript is a true and accurate record of the foregoing proceedings.


Martin Farley
Official Reporter
Neal R. Gross & Co., Inc.

NEAL R. GROSS
COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701