

New England Coalition
on *Nuclear Pollution*



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By U.S. Mail, FAX [301-415-2700] and by e-mail[lar1@nrc.gov]

August 27, 2007

Mr. Luis A. Reyes
Executive Director for Operations
Mail Stop 016E15
U.S. Nuclear Regulatory Commission
Washington, DC 20555

SUBJECT: REQUEST FOR EXPEDITED NRC ACTION UNDER 10 CFR PART 50 SECTION 2.206 TO ADDRESS UNREPORTED CONDITIONS LEADING TO A DEGRADATION OF PUBLIC SAFETY MARGIN AT VERMONT YANKEE NUCLEAR POWER STATION (DKT. 50-271)

Dear Mr. Reyes

On August 23, 2007, unions representing the employees of Entergy Nuclear Vermont Yankee (Docket 50-271) issued a press release in which it was stated that workers were concerned that degrading conditions at Vermont Yankee had led to a decrease in margins of public safety. The release stated further that workers were meeting to discuss what mitigating measures should be taken to restore adequate margin in assurance of public health and safety. A copy of the text of the union press release is attached to this 10 CFR PART 50, Section 2.206 Request.

I. NOTICE

- A. New England Coalition herein notifies NRC that union member employees have in concert publicly stated conditions at Entergy Nuclear's Vermont Yankee Power Station are degrading such that serious safety issues have arisen and that margins of public safety consequently been diminished.
- B. Coupled with the August 21, 2007 structural collapse of a cooling tower module, the employees' statements call into question the

competence and efficacy of ENVY Management, In-Service Inspection, Maintenance, Engineering, and Quality Assurance¹

- C. The employees failure to report these degrading safety conditions until pressed by a pending wage hike strike are plainly evidence of a degraded safety culture cornerstone as referenced in the reactor oversight process (ROP). It is further evident that the ROP did not catch either the departmental performance defects listed in B or the decline in safety culture listed here.
- D. Either the licensee and the employees have failed to report degrading safety conditions to NRC, or the NRC has thus far failed to effect remedial action - or both.
- E. The employees' statement (press release) is indicative of reporting requirements violations under one or more of the following sections of federal regulation (10 CFR): 50.21.21, 50.54, 50.59, 50.72
- F. Wholly inadequate performance of VY In-service Inspection, Maintenance, Engineering, and Quality Assurance leading to a cooling tower cell collapse coupled with the employees' assertion of degrading plant conditions inimical to public safety are ample evidence that Vermont Yankee is being operated in an analyzed condition and therefore that public health and safety cannot at present be assured. .

II. REQUEST FOR ACTION

New England Coalition, a non-profit membership organization incorporated in the State of Vermont, now requests under provisions set forth in the Code of Federal Regulations (10 CFR 50.2.206), that the U.S. Nuclear Regulatory Commission act immediately to restore reasonable assurance of adequate protection of public health and safety that is now degraded by the failure of the licensee and its employees to report adverse conditions leading to a reduction in plant safety margins.

Specifically, New England Coalition requests, for the above stated reasons and on the basis of information set forth below:

¹ Vermont Yankee, by NRC granted exception and like all other Entergy plants, does not have a stand alone QA program, as required under 10 CFR 50, Appendix B and referenced in 10 CFR 50.54.

- A. NRC completion of a Diagnostic Evaluation Team examination or Independent Safety Assessment of Vermont Yankee to determine the extent of condition of non-conformances, reportable items, hazards to safety, and the root causes thereof.
- B. NRC completion of a safety culture assessment to determine why worker safety concerns were not previously reported and the why assessments of safety culture under the ROP failed to capture the fact or reasons that safety concerns have gone unreported.
- C. Derate Vermont Yankee to 50% of licensed thermal power with a mandatory hold at 50% until a thorough and detailed structural and performance analysis of the cooling towers, including the alternate cooling system, has been completed by the licensee; reviewed and approved by NRC; and until the above steps A and B have been completed.
- D. NRC investigation and determination of whether or not similar non-conforming conditions and causes exist at other Entergy-run nuclear power plants.

III. CONCLUSION

Of primary interest, is that US NRC takes **immediate and decisive action**.

If in your opinion, prompt action cannot be taken through the 10 CFR 2.206 process, then New England Coalition urges that the NRC exercise its statutory discretion to **halt power operation** until it can be determined to what extent Vermont Yankee is being operated in an unanalyzed condition and until it can be determined that reduction in margins of public health and safety have been restored and to do so prior to screening New England Coalition's letter for acceptance into the 2.206 process.

New England Coalition now eagerly awaits a response. Please address all correspondence on this matter to my address below.

Thank you for your prompt attention,

Raymond Shadis

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Cc: Chairman Dale Klein , US NRC
US Senator Patrick Leahy
US Senator Bernie Sanders
US Representative Peter Welch
Governor James Douglas

FOR IMMEDIATE RELEASE

CONTACT: Jim Farrell, PR First, 781-681-6616, jfarrell@prfirst.com

Union contacts: George Clain at 802-864-5864, Randy Albin at 225-721-0222, David Leonardi at 508-801-1540 or Gary Sullivan at 617-594-5762.

Vermont Yankee strike possible Saturday; IBEW Local 300 & Local 2286, UWUA 369 and other unions nationally meet in Vermont Saturday in effort to ensure safety

Entergy Nuclear Unions meet as Vermont Yankee strike appears imminent; representatives of 1800 workers call situation critical

BRAINTREE, MA AND BRATTLEBORO, VT, ISSUED AUGUST 23, 2007

Representatives of Utility Workers Union of America (UWUA) Local 369 from Braintree will join utility union workers from across the nation at an emergency meeting Saturday, August 25, to discuss the pending strike at the Vermont Yankee Nuclear Power Plant in Brattleboro, VT.

Vermont Yankee is owned and operated by Entergy Corporation, which also owns the Pilgrim Nuclear Power Plant in Plymouth, MA. The unionized workers of IBEW Local 300 of Brattleboro, representing the 170 unionized employees who may strike, have notified Entergy of the possible job action which could take place as early as 3 p.m. on Saturday.

The situation in this dispute is critical enough that IBEW Local 300 Business Manager George Clain has requested an emergency meeting of the Alliance of Entergy Nuclear Unions from across the country. This meeting will convene at 12:30 p.m. Saturday, Aug. 25 at the Holiday Inn Express in Brattleboro, 100 Chickering Drive. A press conference will follow at 2:30 p.m.

Gary Sullivan, President of UWUA Local 369 who will be present at this meeting, said, "This nuclear industry relies heavily on having each plant do the right thing and not cut corners. There are serious issues of public safety surrounding the Vermont Yankee dispute. We cannot allow one bad corporate apple and corporate greed to create a global risk."

His comments were echoed by Randy Albin, Business Manager of International Brotherhood of Electrical Workers (IBEW) Local 2286 of Beaumont, TX, who said, "George Clain is a level headed leader. When he calls me across the country and says that he is concerned about the steps that Entergy has taken, I am on a jet across the country."

Those who will attend the meeting include representatives from the International Brotherhood of Electrical Workers, AFL-CIO (IBEW) and Utility Workers Union of

America, AFL-CIO (UWUA) representing approximately 1800 unionized nuclear workers from 6 Northern and 5 Southern nuclear units. The group will discuss the adequacy of steps taken by Entergy to ensure the health and safety of the public at Vermont Yankee and what steps they need take as a result of Entergy's actions.

Additionally, the group will discuss actions required to mitigate the degrading conditions at Entergy's Vermont Yankee, and steps to shorten the labor dispute and restore the margin of safety to the surrounding area.

Local 300 represents 170 operators and maintenance workers at the Vermont Yankee facility. Entergy owns and/or operates 12 Nuclear power plants in New York (Indian Point Energy Center and FitzPatrick), Massachusetts (Pilgrim), Vermont (Vermont Yankee), Michigan (Palisades Nuclear Station), Arkansas (Arkansas Nuclear One Unit's 1 & 2), Louisiana (River Bend and Waterford), and Mississippi (Grand Gulf). Entergy Nuclear also provides support services for the Cooper Nuclear Station, in Nebraska. Entergy is the second largest nuclear power generator in the United States after Exelon Corporation.

For additional information, contact George Clain at 802-864-5864, or Randy Albin at 225-721-0222 or David Leonardi at 508-801-1540 or Gary Sullivan at 617-594-5762.

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