

EDO Principal Correspondence Control

FROM: DUE: 04/12/04

EDO CONTROL: G20040231  
DOC DT: 03/31/04  
FINAL REPLY:

Senator Jim Jeffords  
Senator Patrick Leahy  
Representative Bernard Sanders

TO:

Chairman Diaz

FOR SIGNATURE OF :

\*\* PRI \*\*

CRC NO: 04-0192

Chairman Diaz

DESC:

NRC Response to Issues Raised by the Vermont  
Public Service Board

ROUTING:

Travers  
Norry  
Paperiello  
Kane  
Collins  
Dean  
Burns  
Miller, RI  
Cyr, OGC  
Rathbun, OCA

DATE: 04/01/04

ASSIGNED TO:

CONTACT:

NRR

Dyer

SPECIAL INSTRUCTIONS OR REMARKS:

Ref. G20040206, G20040138.

Template: SECY-017

E-RIDS: SECY-01

OFFICE OF THE SECRETARY  
CORRESPONDENCE CONTROL TICKET

*Date Printed: Apr 01, 2004 09:21*

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**PAPER NUMBER:** LTR-04-0192 **LOGGING DATE:** 04/01/2004  
**ACTION OFFICE:** EDO

**AUTHOR:** Jim Jeffords  
**AFFILIATION:** REP  
**ADDRESSEE:** Nils Diaz  
**SUBJECT:** Requests NRC response to issues raised by the Vermont Public Service Board in its March 15, 2004 letter

**ACTION:** Signature of Chairman  
**DISTRIBUTION:** Cy to Chairman, Cmrs. RF. OCA to Ack.

**LETTER DATE:** 03/31/2004  
**ACKNOWLEDGED:** No  
**SPECIAL HANDLING:**

**NOTES:**

**FILE LOCATION:** ADAMS

**DATE DUE:** 04/14/2004 **DATE SIGNED:**

EDO --G20040231

Congress of the United States  
Washington, DC 20515

March 31, 2004

The Honorable Nils J. Diaz  
Chairman  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

Dear Mr. Chairman:

We write in response to the U.S. Nuclear Regulatory Commission's (the NRC or the Commission) letter to Senators Jeffords and Leahy of March 29, 2004.

We thank the NRC for responding to the Senators' request and scheduling a public meeting in Vernon today to answer Vermonters' questions regarding the Vermont Yankee uprate. However, your March 29, 2004 letter addresses the issue of an independent engineering assessment at Vermont Yankee. The letter is widely perceived in our state as a formal denial of the Vermont Public Service Board's (PSB) March 15, 2004 request for an independent engineering assessment. As you know, the PSB has asked NRC to conduct such an assessment at Vermont Yankee as a condition of the state-issued Certificate of Public Good.

The PSB has not received a written response directly from the NRC on its independent engineering assessment request. Indirect communication has created the appearance that the NRC has dismissed the PSB's concerns without full review. As the state agency of jurisdiction, the PSB is entitled to a written response to its correspondence. We request that one be issued expeditiously.

We remind you that the NRC has discretionary authority to conduct audits on technical matters. This authority allows the Commission to perform audits using experts independent of any recent or significant regulatory oversight responsibility at Vermont Yankee. We believe the NRC's letter to us did not foreclose this option, and we strongly urge the NRC to exercise this authority to address the issues raised by the PSB in its March 15, 2004 letter.

We expect the NRC to address the issues raised by the PSB as swiftly as possible during your review of the uprate application.

We look forward to a prompt reply.

Sincerely,

*Jim Jeffords Patrick Leahy Paul H. ...*