

May 20, 2004

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

Dear Mr. Shadis:

I am responding on behalf of the U.S. Nuclear Regulatory Commission (NRC) to your letter of March 24, 2004, regarding the NRC communications with Vermont Senators Jeffords and Leahy and with the Vermont press. You expressed concerns that the Senators were misinformed about the nature and the evolution of the NRC's newly adopted Review Standard for extended power uprates (EPUs). You also expressed concerns about communications between the NRC Office of Public Affairs and the Vermont press on the scope of the EPU review process.

In a letter to the NRC on February 27, 2004, Senators Jeffords and Leahy accurately stated that the NRC Review Standard for EPUs incorporates lessons learned from an independent assessment conducted at Maine Yankee and that Vermont Yankee's proposed uprate will be reviewed by the Advisory Committee on Reactor Safeguards (ACRS). This letter was written following a conversation between the NRC staff and the Senators' staff on January 15, 2004, in which the review process was discussed.

On March 29, 2004, I responded to the Senators' letter and further reiterated that the Maine Yankee lessons learned was one input, along with others, into the development of the Review Standard. My letter of March 29, 2004, provides a broader discussion of the NRC's review process and inspections related to the proposed power uprate. I believe I made a clear distinction in this letter between the scope and depth of the independent assessment at Maine Yankee and the type of review prescribed by the EPU Review Standard.

Regarding the conduct of the NRC review, the NRC is an independent Federal agency, and our inspection and oversight processes are, by mandate, independent of any other government entity and the licensees that operate the plants we regulate. As the Commission indicated in the NRC letter to the Vermont Public Safety Board dated May 4, 2004, the NRC will be conducting a detailed engineering inspection at Vermont Yankee prior to the completion of our review of the power uprate application. This inspection will verify that the design bases have been correctly implemented for a sampling of components across multiple systems and will check for latent design issues. The engineering inspection will be performed by a team of approximately six inspectors, including some NRC inspectors who do not have recent oversight experience with Vermont Yankee and at least two contractors with design experience. The team will conduct three weeks of on-site inspection.

The ACRS is a statutory committee that reports directly to the Commission and is structured to provide a forum where experts representing many technical perspectives can

provide advice that is factored into the NRC's decision-making process. The ACRS is independent of the NRC staff who perform the technical review and inspections. The NRC staff and the ACRS will discuss the NRC staff's draft safety evaluation of the power uprate application in a meeting that, except for discussions of proprietary information, is open to the public. After the ACRS completes its review, it will make an independent recommendation regarding whether the proposed power uprate amendment should be approved.

We believe that NRC communications with the Vermont press and with Senators Jeffords and Leahy have been open and forthright concerning our review of the proposed power uprate and our inspection process. Nonetheless, we have forwarded your letter to the Office of the Inspector General for any action they deem appropriate. The NRC has also received your letter of May 14, 2004, and will respond separately.

Sincerely,

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William D. Travers  
Executive Director  
for Operations