

May 17, 2004

James R. Clarke  
1009 Hinesburg Road  
Brattleboro, VT 05301

Dear Mr. Clarke:

I am responding on behalf of the U.S. Nuclear Regulatory Commission (NRC) to your letter dated March 5, 2004. Your letter expressed concerns about a request by Entergy Nuclear Vermont Yankee, LLC, and Entergy Nuclear Operations, Inc., to amend the Vermont Yankee Nuclear Power Station (Vermont Yankee) license to increase the power level of the facility. Also, your letter requested that the NRC perform an independent safety inspection of Vermont Yankee, as proposed by the Vermont Public Service Board. Lastly, your letter expressed concerns over the fact that Vermont Yankee's design criteria might not meet the current safety standards.

I have enclosed a copy of the letter that we sent to the Vermont Public Service Board regarding its request for an independent engineering assessment. It contains a detailed account of the new engineering inspection program that the NRC intends to conduct at Vermont Yankee.

Currently, the NRC staff is in the early stages of the review of the Vermont Yankee power uprate request. As such, we have not reached any conclusions concerning the acceptability of the proposed change. We believe that the extensive technical review performed by the NRC staff along with the ongoing NRC inspection program, provide assurance that any issues that could affect safe operation of the plant, related to the proposed power uprate, will be identified. The NRC will not approve the Vermont Yankee uprate, or any proposed change to a plant license, unless the NRC staff can conclude that the proposed change will be executed in a manner that assures the public's health and safety.

Regarding your concern that the plant's design criteria might not meet the current safety standards, we recognize that Vermont Yankee was licensed in 1973, and many changes to the regulations have occurred subsequent to the initial licensing. The NRC frequently updates its regulations as a result of improvements to technology and based on operating experience. When requirements are changed, the NRC applies a rigorous evaluation standard to determine if the safety benefit of the new requirements justifies imposing the changes on existing licensees. For example, Vermont Yankee was designed and constructed based on the proposed General Design Criteria (GDC) published by the Atomic Energy Commission (AEC) in 1967. The final GDC were made a part of the AEC's regulations in 1971. Each plant licensed before the final GDC were formally adopted, including Vermont Yankee, was evaluated by the AEC on a plant-specific basis, and was determined to be safe. The NRC determined that imposing the final GDC on plants with construction permits issued prior to 1971, would provide little or no safety benefit while requiring an extensive commitment of resources. In other cases, the NRC has imposed new regulations on nuclear facilities based on the substantial increase in safety that would be provided (e.g., environmental qualification of electrical equipment).

J. Clarke

- 2 -

I hope the enclosed information is useful in addressing your concerns. If you have any questions or need further information, please do not hesitate to contact the lead project manager, Richard B. Ennis at 301-415-1420.

Sincerely,

*/RA/*

Cornelius F. Holden, Director  
Project Directorate I  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

Enclosure: Letter to the Vermont Public Service Board

J. Clarke

- 2 -

May 17, 2004

I hope the enclosed information is useful in addressing your concerns. If you have any questions or need further information, please do not hesitate to contact the lead project manager, Richard B. Ennis at 301-415-1420.

Sincerely,

*/RA/*

Cornelius F. Holden, Director  
Project Directorate I  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

Enclosure: Letter to the Vermont Public Service Board

DISTRIBUTION:

See next page

ADAMS Accession Numbers:

Incoming: ML041130149

Response: ML041340507

Package: ML041340555

Enclosure: ML041170438

OFFICE	PDI-2:PM	PDI-2:LA	VY:SC	PDI:D
NAME	DSkay	CRaynor	AHowe	CHolden
DATE	5/17/04	5/17/04	5/17/04	5/17/04

OFFICIAL RECORD COPY

DISTRIBUTION FOR Y020040084 RESPONSE TO JAMES CLARKE

DATED: May 17, 2004

DISTRIBUTION:

PUBLIC

WTravers

SCollins

WKane

CPaperiello

PNorry

LReyes

WDean

JDyer

BSheron

OGC

OPA

OCA

SECY (LTR-04-0240)

KJohnson

TMarsh/ELeeds

Cholden

DSkay

LCox

AHowe

REnnis

CRaynor

PDI-2 Reading

CBixler, Rgn-1

CAnderson, Rgn-I

BHolian, Rgn-I

DPelton, Rgn-I

HMiller, Rgn-I

SBurns/KCyr, OGC

DRathbun, OCA

JLarkins, ACRS

TMcMurtray

RidsNrrWpcMailCenter (Y020040084/LTR-04-0240)