

May 27, 2004

Janet and Walter Schwarz
850 Meadowbrook Road
Brattleboro, VT 05303

Dear Mr. and Mrs. Schwarz:

I am responding on behalf of the U.S. Nuclear Regulatory Commission (NRC) to your letter to NRC Chairman, Mr. Nils Diaz, dated March 2, 2004, regarding the request by Entergy Nuclear Vermont Yankee, LLC, and Entergy Nuclear Operations, Inc. (Entergy) to amend the Vermont Yankee Nuclear Power Station (Vermont Yankee) license to increase the power level of the facility by 20%. In that letter, you expressed concern with Entergy's request for the Vermont Yankee power uprate. Based on those concerns, you requested that the NRC conduct an independent safety assessment 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 1972, 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).

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 that would provide the State of Vermont a level of assurance about plant reliability. This letter addresses the safety concerns you have raised. In response to the Public Service Board's concerns and many other requests that we have received, the NRC has taken a closer look at our proposed inspections and technical reviews to assure ourselves that they will identify any potential concerns for older plants, such as Vermont Yankee, operating at uprated power conditions. We have concluded that the detailed technical review combined with the inspections prescribed by the reactor oversight process, as

enhanced by a pilot engineering inspection, is the most effective method of informing our decision on whether Vermont Yankee could safely operate under uprated power conditions.

The NRC considers Vermont Yankee to be operated safely. The NRC continues to actively monitor Vermont Yankee, and all of our nation's nuclear power plants, and is prepared to take adequate measures to ensure the continued safety of the nuclear facilities.

Thank you for your interest in NRC activities. For current information on the NRC's review of the proposed power uprate, please see the Vermont Yankee webpage on the NRC's website at <http://www.nrc.gov/reactors/plant-specific-items/vermont-yankee-issues.html>.

Sincerely,

/RA/

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

Enclosure: Letter to the Vermont Public Service Board

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/RA/

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Enclosure: Letter to the Vermont Public Service Board

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**ADAMS Accession Numbers: Package: ML041460540; Incoming: ML040720186
Response: ML041460536; Enclosure: ML041170438**

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