

May 28, 2004

Mr. Robert Hecker and Ms. Linda Hecker
2450 Packer Corners Road
Guilford, VT 05301

Dear Mr. Hecker and Ms. Hecker:

I am responding on behalf of the U.S. Nuclear Regulatory Commission (NRC) to your letter to NRC Chairman, Dr. Nils Diaz, dated March 3, 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.

Regarding your concern that the plant's design criteria might not meet the current safety standards, 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. In our response to the Public Service Board, 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, and equipment problems experienced by other plants operating at high 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.

Regarding your concern about the plant's structural integrity in the case of an attack, the NRC has sought to ensure continued adequate protection of the Nation's nuclear power plants since the unprecedented events of September 11, 2001. The NRC has worked in close coordination with other Federal agencies (including the Federal Emergency Management Agency, the Department of Defense, the Department of Homeland Security, the Department of Energy, the

Federal Bureau of Investigation, and the Federal Aviation Administration), as well as with State governments, and the nuclear industry. We believe the enhancements to nuclear power plant security after the events of September 11, 2001 and the NRC's continuing oversight provide assurance for the continued safe operation of commercial nuclear facilities, including Vermont Yankee, in the current threat environment. In addition, even before the terrorist attacks on September 11, 2001, nuclear power plants were considered among the best defended and most hardened facilities of the Nation's critical infrastructure.

You expressed concern that Vermont Yankee is training its security teams a quarter of a mile from your home, and that this represents an unacceptable level of risk to you and your neighbors. The security forces at nuclear power plants, including Vermont Yankee, undergo significant training and qualification in areas including weapons safety and weapons proficiency. Entergy has informed NRC that security staff use a local practice range also used by local law enforcement for weapons practice. The security team's training is intended to better prepare them to respond to security threats against 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.

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 by JClifford for/

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

Mr. and Ms. Hecker

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/RA by JClifford for/

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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