

May 28, 2004

Ms. Nina Keller
28 Cold Brook Road
Millers Falls, MA 01349

Dear Ms. Keller:

I am responding on behalf of the U.S. Nuclear Regulatory Commission (NRC) to your letter dated April 26, 2004. In your letter, you expressed concerns 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, and requested that the NRC perform an independent safety assessment at Vermont Yankee. You also indicated that you would like information on what the NRC is planning on doing about the two potentially missing fuel rod pieces at Vermont Yankee.

A primary responsibility of the NRC is to ensure the public health and safety. We consider an extended power uprate to be a significant licensing action. 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 related to the proposed power uprate that could affect safe operation of the plant 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.

For your information, 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 that the NRC intends to conduct at Vermont Yankee. The NRC has concluded that the detailed technical review, coupled with our associated program of power uprate and engineering inspections, will provide the information necessary for the NRC staff to make a decision on the safety of operation of Vermont Yankee under uprated power conditions.

Regarding the NRC's actions in response to the potentially misplaced fuel rod segments, we have initiated a special inspection to oversee Entergy's efforts to locate the segments. On April 21, 2004, Vermont Yankee formally notified the NRC that two short spent fuel rod segments were not in the spent fuel pool in the location specified in documents. These segments had been placed in a special container at the bottom of the spent fuel pool in 1980.

This situation does not pose a threat to public health and safety as it is highly unlikely that the material is in the public domain. Given the extensive array of radiation detectors at the site, it is very probable that the potentially missing fuel segments are in a location designed to deal with radioactive waste. If they were removed from the site, this could only have occurred in heavily shielded, sealed containers directed to other controlled, safe locations.

N. Keller

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Entergy is actively responding to this situation. They have developed a detailed plan which includes a records review, a thorough inspection of the spent fuel pool, and a review of activities that may have resulted in the inadvertent movement of these fuel segments to another location. The plan may require several months to complete. The NRC initiated a special inspection to look into the potentially missing spent fuel rod segments and Entergy's subsequent actions to locate them. We also have our two normally assigned resident inspectors monitoring Entergy's actions.

Thank you for your interest in NRC activities. For current information on the NRC's review of the proposed power uprate and information concerning the location of the spent fuel rod segments, 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, Director
Project Directorate I
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Enclosure: Letter to the Vermont Public Service Board

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