

July 21, 2004

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

Dear Mr. Shadis:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your letter dated May 14, 2004, regarding your communications with the NRC and information provided by the NRC at a public meeting. You asserted that NRC representatives had misled the public regarding NRC review of extended power uprates (EPUs) and inspections of the spent fuel pool at Vermont Yankee Nuclear Power Station (Vermont Yankee). This letter provides additional information on the NRC's response to both of these issues. I hope that it clarifies any misunderstandings.

Your first assertion concerned a series of e-mails between yourself and Mindy Landau, the NRC's Assistant for Communications. The subject of these e-mails was the amount of time spent by the Advisory Committee on Reactor Safeguards (ACRS) in reviewing a typical EPU submittal. Ms. Landau's first response to your request estimated that the number of hours spent by the ACRS to review a typical EPU ranged "from 300-450 hours." She noted that it would be "hard to predict the amount of time needed to review Vermont Yankee. The review will be contingent upon specific issues associated with the design of Vermont Yankee and any open issues the staff may have with their application." You then inquired specifically about the Dresden 2 EPU review. Ms. Landau responded that "the ACRS and its staff spent approximately 300-400 hours on the combined Dresden 2/3 and Quad Cities 1/2 EPU review." These two responses are not inconsistent. The original estimate considered the EPU applications for Duane Arnold, Brunswick, Clinton, and Dresden/Quad Cities. The Clinton and Duane Arnold reviews each considered one single-unit reactor site. The Brunswick review considered a two-unit site. The Dresden/Quad Cities review considered all four units simultaneously, as one application, because of the similarities among the four units, and because of the bounding nature of the supporting documentation for the application. Reviews that consider multiple units on one site in one process are a common staff (and ACRS) review practice. In your letter, you also referred to a statement made by Ms. Landau to the effect that Vermont Yankee has extensive design margins due to the fact that it is an older plant. This comment was provided to Ms. Landau by an ACRS staff member and represents his personal opinion. Ms. Landau passed the statement along with the resource estimate she received from the ACRS staff, but unfortunately did not qualify the statement as a personal opinion. We have not compiled firm data to support the assertion that older plants would have more extensive design margins.

Your second assertion concerned a public meeting held in Vernon, Vermont, on March 31, 2004. The meeting was intended to present information to the public about the NRC's review of the Vermont Yankee EPU application. In response to a comment made during the meeting about the two missing fuel rods at Millstone, the NRC staff provided the best

available factual information we had at that time from our ongoing inspection at Vermont Yankee. Following the discovery on April 20, 2004, that the two fuel rod segments were not in the container they were reported to be in, the NRC recognized that Vermont Yankee's fuel pool accountability was not as accurate as we had stated on March 31, 2004. We strive at all levels of our organization to provide the public with timely and accurate information and will continue to do so. We have referred your allegation regarding this issue to our Inspector General for further investigation.

We believe that our communications with you have been open and forthright concerning our review of the proposed EPU and our inspection process.

Sincerely,

*/RA/*

Luis A. Reyes  
Executive Director  
for Operations

DISTRIBUTION: G20040342/LTR-04-0314

PUBLIC

PDI-2 R/F	H. Miller, RI	C. Raynor	NRR Mailroom
L. Reyes	J. Dyer	K. Johnson	OGC
C. Paperiello	B. Sheron	L. Cox	OPA
S. Collins	T. Marsh	C. Anderson, RI	OCA
W. Kane	A. Howe	A. McMurtray	
P. Norry	C. Holden	E. Brenner, OPA	
W. Dean	D. Skay	SECY	
S. Burns	R. Ennis		
K. Cyr	H. Bell, OIG		

Package Number: ML041550125

Incoming Number: ML041390212

Response Number: ML041540325

\*Concurrence via e-mail

\*see previous concurrence

OFFICE	PDI-1/PM	PDI-2/LA	TechEd	Region I*	SC/VY
NAME	DSkay*	CRaynor* (SLittle for)	PKleene*	CAnderson*	AHowe*
DATE	6/18/04	6/17/04	6/17/04	6/17/04	6/17/04
OFFICE	DLPM/D	ADPT/NRR	NRR/D	EDO	
NAME	TMarsh* (CHolden for)	BSheron*	JDyer*	LReyes	
DATE	6/18/04	06/25/04	06/26/04	07/06/04	

**OFFICIAL RECORD COPY**