

OFFICE OF THE SECRETARY
CORRESPONDENCE CONTROL TICKET

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ACTION OFFICE: OGC

AUTHOR: SEN James Jeffords
AFFILIATION: SEN
ADDRESSEE: CHRMs Nils Diaz
SUBJECT: Concerns a request for NRC to grant a formal hearing and full discovery to review contentions from Vermont

ACTION: Signature of Secretary
DISTRIBUTION: RF, OCA to Ack.

LETTER DATE: 09/13/2004
ACKNOWLEDGED No
SPECIAL HANDLING:

NOTES: Ex parte Communication
FILE LOCATION: ADAMS
DATE DUE: 10/13/2004 DATE SIGNED:

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United States Congress

September 13, 2004

The Honorable Nils J. Diaz
Chairman
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

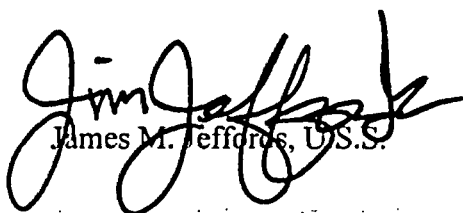
Dear Chairman Diaz:

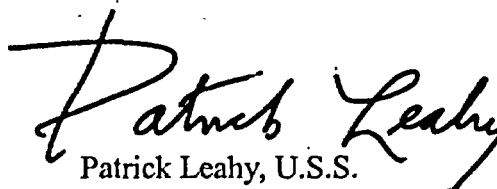
On July 1, 2004, the Nuclear Regulatory Commission (NRC) published in the Federal Register a notice of opportunity to request a hearing on the Vermont Yankee nuclear power plant's pending extended power uprate application. The notice set a deadline of August 30, 2004 for any hearing requests on this matter. We understand that you have received several contentions from Vermont in compliance with the deadline. We write to urge that you promptly grant a formal hearing and full discovery to review these contentions.

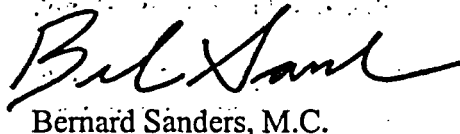
You have also assured us that requesters may amend or add to their contentions based upon information obtained through the independent engineering assessment now being undertaken at Vermont Yankee. We are monitoring the independent engineering assessment, and urge that any amended contentions based upon its results are given full and fair consideration.

We believe that the NRC has the discretion to accommodate these requests. The issues raised by Vermont are important concerns that should be addressed in a public hearing. Vermonters need to know that the NRC has fully addressed these concerns and that these questions have been answered.

Sincerely,


James M. Jeffords, U.S.S.


Patrick Leahy, U.S.S.


Bernard Sanders, M.C.

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