

October 12, 2004

The Honorable James M. Jeffords
United States Senate
Washington, D.C. 20610

Dear Senator Jeffords:

I am responding to your letter to Chairman Nils J. Diaz, dated September 13, 2004, in which you urged the Commission promptly to grant a formal hearing with full discovery on contentions submitted from Vermont challenging the Vermont Yankee nuclear power plant's proposed operating license amendment. The amendment, if granted, would permit an approximately twenty percent increase over the maximum power level now authorized at Vermont Yankee. You also stated that you were monitoring an independent engineering assessment underway at Vermont Yankee and asked that any amended contentions based on its results be given full and fair consideration.

An Atomic Safety and Licensing Board, comprised of three administrative judges, has been established to preside over the adjudication of the Vermont Department of Public Service and New England Coalition of Brattleboro challenges to the license amendment. Under Nuclear Regulatory Commission procedural rules for adjudications, the Commission has an appellate role in proceedings commenced before its Atomic Safety and Licensing Boards. Because of that role, I trust that you will understand that all members of the Commission must remain impartial during the pendency of a case, whether it is before a Licensing Board or on appeal to the Commission, and that it would be inappropriate for any of them to discuss or comment on issues involved in this matter.

A copy of your letter and this response will be placed on the Vermont Yankee hearing docket and served on the parties to the proceeding.

Sincerely,

/RA/

Annette L. Vietti-Cook
Secretary of the Commission

cc: Service List

Identical letter sent to:

The Honorable James M. Jeffords
United States Senate
Washington, D.C. 20510

The Honorable Bernard Sanders
United States House of Representatives
Washington, D.C. 20515

The Honorable Patrick Leahy
United States Senate
Washington, D.C. 20510