

November 2, 2004

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

Dear Senator Leahy:

I am responding on behalf of the U.S. Nuclear Regulatory Commission (NRC) to your letter dated October 20, 2004, regarding the engineering team inspection that was recently conducted at the Vermont Yankee nuclear power plant. In your letter, you requested that the NRC provide an opportunity for the State of Vermont and members of the public to review the draft report for the engineering inspection before it is made final. You also asked the NRC to ensure that the exit meeting to discuss the results of the inspection be a participatory public meeting that will allow your constituents to ask questions and make statements about the engineering inspection.

The NRC staff will hold two public meetings near the Vermont Yankee site on November 9, 2004. The first public exit meeting is for the special inspection that evaluated the licensee's response to the misplaced fuel segments. The second public exit meeting is for the engineering team inspection. Both of these meetings will be business meetings between the NRC staff and the licensee. The staff is conducting these meetings, in part, to allow the public an opportunity to observe how NRC regulates and communicates inspection results with licensees. Immediately following the business portion of each meeting with the licensee, the public will be provided an opportunity to ask questions or make statements to the NRC staff regarding the inspections.

The NRC strives to conduct our work in an environment where we balance the openness of our regulatory processes, through the flow of information to interested stakeholders, within the orderly conduct of government business. NRC inspection results are a product of a deliberative process that includes an exit meeting with the licensee. This meeting is a normal part of our inspection process, and it provides an opportunity for the licensee to provide additional information that may be relevant to the inspection results. We appreciate that external stakeholders are interested in the results of the engineering inspection. Although the inspection report itself will not be finalized until after the exit meeting, the staff plans to publicly release a summary of the preliminary findings of the engineering inspection before the exit meeting. The staff plans to brief representatives from the State of Vermont, as well as your staff and Senator Jeffords' and Representative Sanders' staffs, on the preliminary results of the inspection prior to issuing the preliminary results to the public. The staff expects to issue the final inspection report within 30 days of the exit meeting with the licensee.

You also asked for assurance that stakeholders who have requested a hearing on the proposed power uprate for the Vermont Yankee plant would be able to amend or add to their contentions based on information from the NRC engineering inspection. As discussed in the Secretary of the Commission's letter to you, dated October 12, 2004, the Commission has an appellate role in proceedings currently before the Atomic Safety and Licensing Board and therefore, it would be inappropriate for the Commission to discuss or comment on issues involved in this matter. I would note, however, that in accordance with the agency's Rules of Practice which govern the hearing process, the requesters may seek leave to present a new or amended contention subject to meeting certain standards.

In your letter, you noted that the NRC had committed to provide other opportunities for the public to offer comments to the NRC on the proposed power uprate for Vermont Yankee. At the engineering inspection exit meeting, NRC staff will be able to discuss the review process for the power uprate proposal and how the results of the engineering inspection will be considered in that process. However, because the staff has not yet completed its review of the Vermont Yankee application, it would be premature to engage in discussion of the power uprate proposal at this time. The staff expects to hold a separate meeting in the future to discuss the proposed power uprate.

I want to assure you that NRC is making every effort to be open in dealing with our stakeholders regarding our activities at Vermont Yankee. If you have any further questions, please feel free to contact me.

Sincerely,

*/RA/*

Nils J. Diaz