

December 30, 2005

Ms. Karen Fogliatti
P.O. Box 892
Wendell, MA 01379

Dear Ms. Fogliatti:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your letter to Senator Kerry, in which you expressed concerns regarding the proposed power uprate at the Vermont Yankee Nuclear Power Station (Vermont Yankee). Specifically, you stated that the term reasonable assurance of public health and safety is not comforting. Your letter also urged Senator Kerry to request that the NRC conduct a comprehensive independent safety assessment of Vermont Yankee.

NRC's safety regulations are based on the Atomic Energy Act of 1954, as amended, which establishes adequate protection as the standard of safety. In the context of NRC regulation, safety means avoiding undue risk or, stated another way, providing reasonable assurance of adequate protection for the public in connection with the use of source, byproduct, and special nuclear material. However, adequate protection does not mean zero risk must be achieved for a licensing action to be granted.

I am enclosing a copy of a letter the Chairman sent to the Vermont Public Service Board (PSB), dated May 4, 2004, explaining the NRC's approach in response to the PSB's request for an independent engineering assessment of Vermont Yankee. As noted in my letter, the NRC staff concluded that the detailed technical review of the proposed amendment, combined with the inspections prescribed by the reactor oversight process, as enhanced by an improved engineering inspection was determined to be the most effective method of informing the staff decision on whether Vermont Yankee could operate safely under uprated power conditions. In addition, the letter described the independent review that will be performed by the NRC's Advisory Committee on Reactor Safeguards (ACRS), a group of technical experts who report directly to the Commission.

During a meeting of the ACRS Subcommittee on Power Uprates, held in Brattleboro, Vermont on November 15 and 16, 2005, the NRC staff described the results of several technical areas included in the draft safety evaluation and the results of the engineering inspection. As discussed during this meeting, the NRC staff has spent over 9,000 hours on the technical review of the proposed power uprate. In addition, over 900 hours were spent on the engineering inspection effort. The staff noted during that meeting that it considered the Vermont Yankee engineering inspection to have been responsive to the PSB's request to conduct an independent assessment and provide the results to the ACRS for their review.

The ACRS Subcommittee on Power Upgrades met again on November 29 and 30, 2005, to discuss the areas of the Vermont Yankee power upgrade review not covered during the first meeting. The ACRS full committee met to discuss the proposed upgrade in a meeting on December 7, 2005. On December 10, 2005, the ACRS voted to recommend tentative approval of the application for a power upgrade at Vermont Yankee and anticipates issuing the ACRS final report which provides an independent recommendation to the Commission before December 31, 2005. The NRC staff is in the process of incorporating ACRS comments and preparing a final safety evaluation. The final safety evaluation is currently scheduled to be issued by the end of February 2006.

The NRC's primary mission is to ensure adequate protection of public health and safety. The NRC will not approve the Vermont Yankee power upgrade, or any proposed change to any plant license, unless our technical staff can conclude that adequate protection of public health and safety will be ensured. We have taken great care in conducting the technical reviews and inspections regarding the Vermont Yankee power increase in order to ensure that these reviews and inspections will identify and address any potential safety concerns for operating the plant at upgraded power conditions. Our detailed technical review, coupled with the associated program of inspections and the independent ACRS review, will provide us with the information we need to make a decision on the safety of operation of Vermont Yankee at the proposed power level. I trust that this letter satisfactorily addresses your concerns.

Sincerely,

/RA William F. Kane Acting For/

Luis A. Reyes
Executive Director
for Operations

cc: The Honorable John Kerry

Enclosure:

Ltr. To M. Dworkin from N.J. Diaz dated May 4, 2004

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