



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

DOCKETED
USNRC

December 16, 2005

December 20, 2005 (9:50am)

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

The Honorable John W. Olver
United States House of Representatives
Washington, D.C. 20515

Docket No. 50-271-OLA

SERVED December 20, 2005

Dear Congressman Olver:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your letter dated November 9, 2005, in which you expressed concerns regarding the proposed power uprate at the Vermont Yankee Nuclear Power Station (Vermont Yankee). Specifically, you stated that it was your understanding that the proposed uprate would subject plant components, such as the steam dryer, to increased stresses. Your letter urged the NRC to conduct a comprehensive independent safety assessment of Vermont Yankee using the same methodology and scope that was applied at Maine Yankee.

In a letter signed by Chairman Nils J. Diaz to you dated May 4, 2004, enclosed a copy of a letter he sent to the Vermont Public Service Board (PSB) explaining the NRC's approach in response to the PSB's request for an independent engineering assessment of Vermont Yankee. As noted in the May 4, 2004, 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.

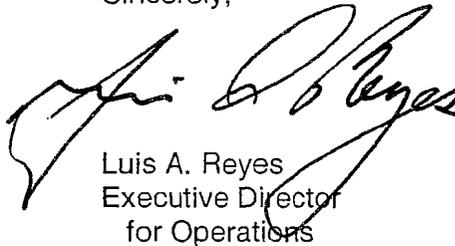
On November 2, 2005, the NRC staff issued its draft safety evaluation documenting the results of the technical review for the proposed power uprate. As discussed in the safety evaluation, in response to damage experienced to steam dryers at other nuclear power plants, Entergy has modified the steam dryer at Vermont Yankee to improve its capability to withstand potential adverse flow effects that could result from operation at power uprate conditions. In addition, Entergy has recently completed its evaluation of the indications of small cracks observed during the fall 2005 refueling outage. None of the identified indications required repairs and Entergy concluded that all existing indications will not affect the steam dryer structural integrity at the current power conditions or at the proposed power uprate conditions. As noted in the safety evaluation, Entergy has committed to monitor the indications during future inspections to ensure there is no further change to the individual indications.

During a meeting of the NRC's Advisory Committee on Reactor Safeguards (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

The ACRS Subcommittee on Power Upgrades met again on November 29 and 30, 2005, to discuss the areas of the Vermont Yankee power uprate review not covered during the first meeting. The ACRS full committee met to discuss the proposed uprate in a meeting on December 7, 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 uprate, or any proposed change to any plant license, unless our technical staff can conclude that it has reasonable assurance 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 uprated power conditions. Our detailed technical review, coupled with the associated program of inspections, 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,



Luis A. Reyes
Executive Director
for Operations

JOHN W. OLVER
1ST DISTRICT, MASSACHUSETTS

COMMITTEE:
APPROPRIATIONS

SUBCOMMITTEES:
TRANSPORTATION, TREASURY, AND HOUSING AND
URBAN DEVELOPMENT, THE JUDICIARY,
DISTRICT OF COLUMBIA
RANKING MEMBER

INTERIOR, ENVIRONMENT, AND RELATED AGENCIES

ASSISTANT WHIP

Nils Diaz, Chairman
Nuclear Regulatory Commission
11555 Rockville Pike
Rockville, MD 20852

Congress of the United States
House of Representatives
Washington, DC 20515-2101

November 9, 2005

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(413) 443-2792 FAX

463 MAIN STREET
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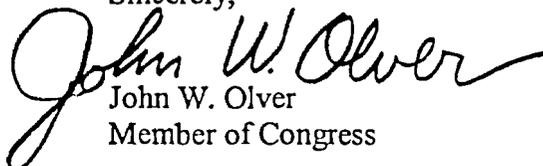
Dear Chairman Diaz:

I am writing to urge you to conduct a comprehensive Independent Safety Assessment of the Vermont Yankee Nuclear Power Plant using the same methodology and scope that was applied to the Maine Yankee Reactor.

I represent the 1st Congressional District of Massachusetts and many of my constituents live within the fallout area of Vermont Yankee. It is my understanding that a 20% power increase subjects all components of the reactor to greatly increased stresses, which can lead to major malfunctions in the rest of the power station. It is known that the Vermont Yankee Nuclear Power Plant has existing cracks in its steam dryers, an issue that has caused major failures in other uprated facilities across the country. Conducting a stress test of components while the reactor's power level is being ramped up is both irresponsible and creates an unacceptable risk to the lives of all living in the vicinity of the reactor.

Thank you for your consideration of my request. I look forward to your response.

Sincerely,


John W. Olver
Member of Congress

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)
)
ENTERGY NUCLEAR VERMONT YANKEE L.L.C.) Docket No. 50-271-OLA
and ENERGENCY NUCLEAR OPERATIONS, INC.)
)
Vermont Yankee Nuclear Power Station))
)
(Operating License Amendment))

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LETTER FROM LUIS A. REYES ADDRESSED TO CONGRESSMAN JOHN W. OLVER, AS WELL AS THE LETTER FROM CONGRESSMAN DATED NOVEMBER 9, 2005 have been served upon the following persons by U.S. mail, first class, or through NRC internal distribution.

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Washington, DC 20555-0001

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Washington, DC 20555-0001

Administrative Judge
Anthony J. Baratta
Atomic Safety and Licensing Board Panel
Mail Stop - T-3 F23
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Washington, DC 20555-0001

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Tucson, AZ 85718

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Washington, DC 20555-0001

Raymond Shadis
New England Coalition
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Docket No. 50-271-OLA
LETTER FROM LUIS A. REYES ADDRESSED TO
CONGRESSMAN JOHN W. OLVER, AS WELL AS THE
LETTER FROM CONGRESSMAN JOHN W. OLVER
DATED NOVEMBER 9, 2005

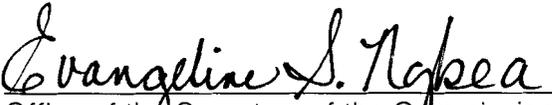
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Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this 20th day of December 2005