

January 9, 2006

The Honorable Peter Welch
Vermont Senate Pro Tempore
115 State Street
Drawer 33
Montpelier, VT 05633-5201

Dear Mr. Welch:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am writing in response to your letter of December 9, 2005, in which you expressed concerns regarding the proposed power uprate at the Vermont Yankee Nuclear Power Station (Vermont Yankee). Specifically, your letter asked the NRC to make the successful completion of an independent engineering assessment as a condition of the NRC's approval of the Vermont Yankee uprate. Your letter referenced the Vermont Public Service Board's (PSB's) request to the NRC for an independent engineering assessment of Vermont Yankee, as well as Vermont Senate Resolution 21 which supported the PSB's request.

In a letter to the PSB dated May 4, 2004 (copy enclosed), Chairman Nils J. Diaz described the NRC's approach in response to the PSB's request for an independent engineering assessment. As noted in the 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.

Vermont Senate Resolution 21 was transmitted to the NRC by a letter dated March 17, 2004, from Mr. David A. Gibson, Secretary of the Senate. The resolution identified five specific actions that the Senate requested be included in the independent engineering assessment. My letter to Mr. Gibson dated May 24, 2004 (copy enclosed), addressed each of the requested actions. The letter concluded that the NRC's program of review and oversight is comprehensive, effective, and responsive to the needs of the Vermont Senate.

On November 2, 2005, the NRC staff issued its draft safety evaluation documenting the results of the technical review for the proposed power uprate. A copy of this 330 page report is available on the NRC's Web site at <http://adamswebsearch.nrc.gov/dologin.htm> by searching for accession number ML053010167. Section 1.6 of the safety evaluation discusses the engineering inspection that was completed in September 2004. 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. We believe that the Vermont Yankee engineering inspection responded appropriately to the PSB request to conduct an independent assessment of Vermont Yankee.

As requested by the PSB, the NRC Advisory Committee on Reactor Safeguards (ACRS) reviewed the engineering inspection results in the context of their evaluation of the Vermont Yankee power uprate request. The ACRS is a statutory committee that reports directly to the Commission and is structured to provide a forum where experts representing many technical perspectives can provide advice that is factored into the NRC's decision-making process. The ACRS Subcommittee on Power Uprates held a meeting on November 15 and 16, 2005, in Brattleboro, Vermont to receive input from the public, Entergy, and the NRC staff regarding the proposed power uprate. During this meeting the NRC staff provided the results of the engineering inspection, including discussion of all relevant inspection findings. Many members of the public asked for a more extensive inspection, similar to that performed at the Maine Yankee plant. In a letter to NRC Chairman Diaz dated January 4, 2006, the ACRS recommended approval of the Vermont Yankee power uprate. As noted in the letter, the ACRS concluded that based on the results of the inspection that was performed and the performance of Vermont Yankee as determined by the NRC's reactor oversight process, an additional more extensive inspection is not warranted.

The NRC's primary mission is to ensure adequate protection of public health and safety. 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. 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 adequate protection of public health and safety will be ensured. I hope that this letter satisfactorily addresses your concerns.

Sincerely,

/RA/

J. E. Dyer, Director
Office of Nuclear Reactor Regulation

Enclosures: As stated

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