

February 3, 2006

The Honorable Edward Kennedy
United States Senator
2400 JFK Federal Building
Government Center
Boston, MA 02203

Dear Senator Kennedy:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your letter dated December 2, 2005. In that letter, you provided correspondence from residents of Massachusetts that were sent to you which expressed concerns regarding the proposed power uprate at the Vermont Yankee Nuclear Power Station (Vermont Yankee). Specifically, the letters stated that the term reasonable assurance of public health and safety is not comforting. The letters also urged you 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 (AEA), 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. When the NRC uses the term "reasonable assurance" it is intended to convey that the agency has found the action meets the safety standard in the AEA.

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 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.

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 10,000 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 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 trust that this letter satisfactorily addresses the concerns expressed by your constituents.

Sincerely,

/RA/

Luis A. Reyes
Executive Director
for Operations

Enclosure:

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

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