



SECRETARY

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

March 24, 2006

DOCKETED  
USNRC

April 4, 2006 (10:26am)

OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

**Docket No. 50-271-OLA**

**SERVED April 4, 2006**

The Honorable James M. Jeffords  
United States Senate  
Washington, D.C. 20510

Dear Senator Jeffords:

I am responding to your letter addressed to Chairman Nils J. Diaz, dated March 8, 2006. Your letter has been referred to the NRC staff for a direct reply on the concerns you raise regarding the power uprate activity at the Vermont Yankee Nuclear Power Station. You have also indicated that the Atomic Safety and Licensing Board (ASLB) for the Vermont Yankee power uprate proceeding should set an immediate hearing schedule. On March 14, 2006, the ASLB issued a supplemental scheduling order, which established an evidentiary hearing time frame for September and October of this year.

Under Nuclear Regulatory Commission procedural rules for adjudications, the Commission has an appellate role in proceedings commenced before its Atomic Safety and Licensing Boards. Because of that role, I trust that you will understand that the Commissioners must remain impartial during the pendency of a case, whether it is before a Licensing Board or on appeal to the Commission, and that it would be inappropriate for any of them to discuss or comment on issues involved in the proceeding.

A copy of your letter and this response, as well as the response of the NRC staff when issued, will be served on the participants in the Vermont Yankee proceeding.

Sincerely,

A handwritten signature in cursive script, appearing to read "Annette L. Vietti-Cook".

Annette L. Vietti-Cook

cc: Vermont Yankee Service List



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

March 24, 2006

SECRETARY

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

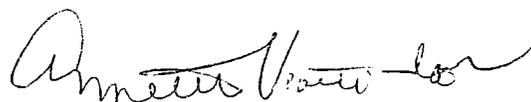
Dear Senator Leahy:

I am responding to your letter addressed to Chairman Nils J. Diaz, dated March 8, 2006. Your letter has been referred to the NRC staff for a direct reply on the concerns you raise regarding the power uprate activity at the Vermont Yankee Nuclear Power Station. You have also indicated that the Atomic Safety and Licensing Board (ASLB) for the Vermont Yankee power uprate proceeding should set an immediate hearing schedule. On March 14, 2006, the ASLB issued a supplemental scheduling order, which established an evidentiary hearing time frame for September and October of this year.

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Sincerely,

  
Annette L. Vietti-Cook

cc: Vermont Yankee Service List



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

March 24, 2006

SECRETARY

The Honorable Bernard Sanders  
United States House of Representatives  
Washington, D.C. 20515

Dear Congressman Sanders:

I am responding to your letter addressed to Chairman Nils J. Diaz, dated March 8, 2006. Your letter has been referred to the NRC staff for a direct reply on the concerns you raise regarding the power uprate activity at the Vermont Yankee Nuclear Power Station. You have also indicated that the Atomic Safety and Licensing Board (ASLB) for the Vermont Yankee power uprate proceeding should set an immediate hearing schedule. On March 14, 2006, the ASLB issued a supplemental scheduling order, which established an evidentiary hearing time frame for September and October of this year.

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Sincerely,

A handwritten signature in cursive script, appearing to read "Annette L. Vietti-Cook".

Annette L. Vietti-Cook

cc: Vermont Yankee Service List

# Congress of the United States

Washington, D.C. 20515

March 8, 2006

The Honorable Nils J. Diaz  
Chairman  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555-0001

Dear Chairman Diaz

News reports recently indicated the Nuclear Regulatory Commission (NRC) staff took action to halt power ascension at Vermont Yankee at 105 percent power to evaluate vibrations detected in the plant's main steam line. We remain concerned that we continue to learn of events at the facility from breaking news accounts, rather than from the Commission directly. We request that we be given regular updates regarding the implementation of the uprate, and that we be informed when information regarding the uprate is publicly released.

Further, we write to seek clarification about whether the Commission staff took an action in this case that is outside the scope of the approved uprate monitoring plan. It is our understanding that the recent uprate approval included a monitoring plan that established that each 5 percent increment, from 5 to 20 percent, would be achieved, held and monitored for 96 hours before proceeding to the next power level. Further, the plan also addressed how vibrations of this type, should they be detected, are to be monitored. It appears Vermont Yankee will not proceed with the next scheduled 5 percent increment increase for at least several more days, raising questions about whether this detected vibration exceeded the scope of Entergy's approved uprate plan, and the matter should be fully and clearly explained.

Third, we write to request that the NRC publicly clarify whether the detected vibration has a potential impact on the safe and reliable operation of the plant. The press accounts describe steam dryer issues at other uprated plants, and Vermonters should know from the regulator whether the detected vibrations have safety significance. We further want to know how the NRC will respond in the event of a safety or reliability related finding as the uprate proceeds. We believe it is imperative that the plant's increased power generation does not result in safety or reliability problems.

In addition, as the public and the State of Vermont have requested, the NRC has agreed to hold formal hearings on the Yankee Power uprate. The NRC's Atomic Safety and Licensing Board (ASLB) granted those requests in November 2004. We have asked the ASLB to set a hearing schedule immediately. The outcome of the hearings has the potential to affect the terms and conditions of the uprate, and Vermonters have a right to the due process they deserve. We continue to urge the Commission to maintain its ability to review and implement any ALSB decision, and to do so without delay.

The Honorable Nils J. Diaz  
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We look forward to a prompt reply.

Sincerely,

*Patrick Leahy*

*Jim Jeffords*

*Bob Ash*

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) )

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LETTER FROM ANNETTE L. VIETTI-COOK TO SENATOR JEFFORDS, SENATOR LEAHY, AND CONGRESSMAN SANDERS RESPONDING TO THEIR 03/08/06 LETTER REGARDING THE POWER UPRATE ACTIVITY AT VERMONT YANKEE have been served upon the following persons by U.S. mail, first class, or through NRC internal distribution.

Office of Commission Appellate  
Adjudication  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

Administrative Judge  
Alex S. Karlin, Chair  
Atomic Safety and Licensing Board Panel  
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U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

Administrative Judge  
Anthony J. Baratta  
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Washington, DC 20555-0001

Raymond Shadis  
New England Coalition  
P.O. Box 98  
Edgecomb, ME 04556

Docket No. 50-271-OLA  
LETTER FROM ANNETTE L. VIETTI-COOK TO SENATOR JEFFORDS,  
SENATOR LEAHY, AND CONGRESSMAN SANDERS RESPONDING  
TO THEIR 03/08/06 LETTER REGARDING THE POWER UPRATE  
ACTIVITY AT VERMONT YANKEE

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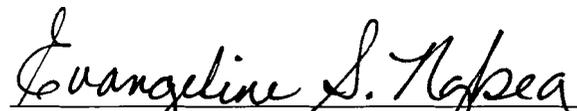
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Entergy Services, Inc.  
1340 Echelon Parkway  
Jackson, MS 39213

  
Office of the Secretary of the Commission

Dated at Rockville, Maryland,  
this 4<sup>th</sup> day of April 2006