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NRR Received Date: 01/30/2008

From:

David O'Brien

TACs:

MD7992

To:

Pao-Tsin Kuo

*** YELLOW ***

For Signature of:

Routing:

Dyer
Wiggins
Boger
Grobe
Mitchell
NRR Mailroom

Description:

Vermont Yankee Nuclear Power Station Final Safety Evaluation Report

Assigned To:

DLR

Contact:

KUO, PAO-TSIN, T

Special Instructions:

Called DLR (Quana) on 1/31 at 8:07 a.m. for pick up



State of Vermont
Department of Public Service
112 State Street
Drawer 20
Montpelier, VT 05620-2601
TEL: 802-828-2811

FAX: 802-828-2342
TTY VT: 800-734-8390
email: vtdps@state.vt.us
<http://publicservice.vermont.gov/>

December 17, 2007

U.S. Nuclear Regulatory Commission
Attn: Mr. Pao-Tsin Kuo
Director, Division of License Renewal
Mail Stop 011F1
11555 Rockville Pike
Rockville, MD 20852

SENT VIA FACSIMILIE: 301-415-2002

Re: Vermont Yankee Nuclear Power Station Final Safety Evaluation Report

Dear Mr. Pao-Tsin Kuo:

It is my understanding that the Final Safety Evaluation Report ("FSER") for the proposed license extension of the Vermont Yankee Nuclear Power Station will be issued this month. My staff and I have reviewed the Audit Report from the Office of the Inspector General issued on September 6, 2007 (OIG-07-A-15) regarding the NRC's License Renewal Program. The report raised a red flag for Vermont in terms of the quality of the upcoming FSER. I am contacting you before the FSER is issued to ask that you review the FSER prior to issuance to ensure that the problems discussed in the Audit Report are not inherent in the FSER for Vermont Yankee.

Specifically, I would like assurance that the NRC Staff in its review, independently verified licensee supplied operating experience and have not simply relied on Entergy's reporting. Vermont considers operating experience a critical factor in looking at license renewal. I would like to know that NRC Staff conducted independent searches of Entergy VY's corrective action databases and reviewed Vermont Yankee's corrective action program. Additionally, that Entergy's past inspection reports were thoroughly reviewed.

In terms of the report itself, Vermonters need to see the basis for the conclusions reached by NRC Staff. The Audit Report gave examples of the language in the FSER simply mirroring what the licensee put in its license renewal application which in turn was taken from the GALL Report. Vermont wants to rely on the NRC Staffs' work as an independent look at the issue of license renewal and not as a parroting of the application. In cases where the license application is being quoted, we would like that material to be clearly delineated so a Vermont reader can differentiate what is NRC's independent analysis and what comes from a licensee.



I very much appreciate your review of the FSER prior to release to deal with the troubling issues brought out by the Audit Report. Your agency is key to ensuring that license renewal is granted only to those plants that are safe and to providing the public a report that clearly shows the NRC analysis in reaching its conclusion.

Please feel free to call me if you have questions about this letter.

Very truly yours,



David O'Brien, Commissioner
Vermont Department of Public Service

cc: Jonathan Rowley, NRC Project Manager for License Renewal
Honorable Governor James Douglas
Honorable Senate Pro Tem Peter Shumlin
Honorable Speaker Gaye Symington