

April 11, 2008

The Honorable James H. Douglas
Governor of Vermont
Montpelier, Vermont 05609

Dear Governor Douglas:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your letter of March 12, 2008, regarding your concerns related to the safety and reliability of the Vermont Yankee Nuclear Power Station operation. Your letter noted that the partial collapse of a cooling tower cell and the unplanned reactor scram events from last summer have raised doubts and questions about the safety and reliability of the nuclear station and its operations. Your concerns are similar to those raised by the Vermont Congressional delegation. As such, the NRC staff has also engaged the Vermont Congressional delegation on how it intends to address these concerns, as discussed below. The NRC will continue to inform both you and the Vermont Congressional delegation of NRC activities relevant to these issues.

In your letter, you requested a reliability and safety assessment of the Vermont Yankee Nuclear Power Station. Your letter also requested that the NRC consult with the Vermont Department of Public Service in formulating the inspection program.

As you know, nuclear plant inspections and assessments are performed under the NRC's Reactor Oversight Process (ROP). The ROP is based on observable performance and is designed to be predictable (i.e., based on observed and documented performance, licensees will receive an appropriate level of regulatory oversight). The ROP requires that all nuclear plants receive at least the baseline inspection program. These baseline inspections are routinely performed by NRC resident inspectors and regional specialists to evaluate areas such as plant design, modifications, maintenance, and operations. The ROP is also flexible with respect to the timing and scope of some inspections. In that regard, NRC will work with you, the Congressional delegation, and other government officials within the ROP framework to respond to the areas of interest. The Vermont State Nuclear Engineer and a mutually acceptable consultant are welcome to observe any NRC inspection at Vermont Yankee in accordance with the existing Memorandum of Understanding between the NRC and the State of Vermont.

Regarding your concerns with plant reliability, NRC regulations and its oversight process focus on nuclear safety and security, whether the facility is operating at power or shutdown. Thus the NRC's statutory authority does not extend to regulating the reliability of electrical generation from a nuclear power plant. The NRC recognizes, however, that there is some overlap between licensee performance attributes that result in safe operation and those that contribute to overall plant reliability. Therefore, the NRC safety inspections of Vermont Yankee may aid the State of Vermont in assessing the reliability of the facility in generating electricity.

As you may be aware, the NRC will conduct a public meeting in the Brattleboro area in May 2008 to discuss NRC staff's recently completed annual evaluation of Vermont Yankee's operational performance for the calendar year 2007. The associated annual assessment letter, issued on March 3, 2008, documents the staff's day-to-day ROP activities and states the staff's conclusion that Vermont Yankee is being operated in a manner that protects public health and safety. This meeting may provide an opportunity for the public to comment on the results of this annual assessment, as well as any matters pertinent to this letter.

If you have additional comments or questions, the NRC staff would be pleased to meet with you or your staff to discuss them.

Sincerely,

/RA/

Dale E. Klein

cc: The Honorable Patrick Leahy, U.S. Senator
The Honorable Bernie Sanders, U.S. Senator
The Honorable Peter Welch, U.S. Representative
The Honorable Gaye Symington, Speaker of the House
The Honorable Peter Shumlin, President Pro Tempore, Vermont Senate
The Honorable Anne Cummings, Chair, Senate Finance Committee
The Honorable Robert Dostis, Chair, House Natural Resources and Energy Committee
Mr. David O'Brien, Commissioner, Vermont Department of Public Service
Mr. James Volz, Chairman, Vermont Public Service Board