



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

April 23, 2005

To the Editor, Brattleboro Reformer:

I am writing in response to your April 13th editorial headlined "The 'R' in NRC."

It's unfortunate the Reformer chose to resort, quite literally, to name-calling when dealing with an important subject: the control and protection of spent nuclear fuel. By suggesting the "R" in NRC stands for "rubber stamp," your newspaper does a major disservice to the more than 3,000 highly trained professionals who work for the agency and who handle their responsibilities with the utmost seriousness.

Whereas Senator Jeffords raised his concerns about spent fuel storage in a respectful manner, the Reformer chose instead to go for unfounded assertions. What's more regrettable is just how badly, in the space of a mere nine paragraphs, your newspaper managed to distort the facts.

Your assertion that there is little oversight of spent nuclear fuel stored at nuclear power plants is quite simply wrong. The NRC has a separate office, the Spent Fuel Project Office, that is responsible for the development and implementation of the agency's regulatory, licensing and inspection program for the storage of spent fuel. In addition, the agency uses its Resident Inspectors at each plant, as well as specialized inspectors, to check on the status of spent fuel pools and dry cask storage facilities at U.S. nuclear power plants. The image conjured up by the Reformer – that somehow spent fuel pools are about as carefully guarded as a local swimming club pool – is far removed from reality.

Can more be done to ensure the safe storage of this material? Yes, it can, but first a little perspective. After two spent fuel rods were determined to be missing from the Millstone 1 nuclear power plant several years ago, the NRC issued a Temporary Instruction to its Resident Inspectors to check on spent fuel inventory programs at nuclear power plants. Indeed, it was as a direct result of that Temporary Instruction that it was learned that two small pieces of spent fuel could not be located at Vermont Yankee and that some material was unaccounted for at the Humboldt Bay plant in California. (The Vermont Yankee pieces were, of course, later found in a container in that facility's spent fuel pool.)

Looking ahead, the NRC plans to conduct additional, more detailed inspections at plants where questions regarding potential weaknesses exist in nuclear materials control and accounting programs. In other words, we are not close to being done with our reviews of how spent fuel is stored and inventoried.

In an attempt to further make the case that the NRC is somehow negligent in its duties, the Reformer goes on to assert the agency gave Vermont Yankee a "passing grade" for 2004 even though it experienced a transformer fire, cracks in "critical parts of the reactor" and more recently had elevated radiation levels on the plant's perimeter.

If we weren't clear enough about this at our recent annual assessment meeting for Vermont Yankee, let us reiterate: We do not issue "grades" to nuclear power plants. What we do is, through a combination of

inspection findings and performance indicators, assess whether a plant is operating at an acceptable level of safety. If it is, it will receive routine inspections during the following assessment period. If it fails to do so, we will ratchet up our level of oversight accordingly.

With regard to Vermont Yankee, none of the issues involved rose to a level of safety significance that require additional oversight at this time.

The cracks mentioned in your editorial were found in the steam dryer inside the reactor vessel and were repaired. We continue to evaluate whether steam dryer integrity will be an issue if the plant receives a power uprate, but it is not a concern for plant operation at current power levels.

As for elevated radiation levels on the plant's perimeter, that is an issue that exists between the State of Vermont and Entergy, the plant's operator. The federal government requires that a member of the public standing at the plant's fence line for an entire year can receive no more than 25 millirems of exposure to radiation as a result of the facility's operations. (To put that into context, the average American is exposed to about 360 millirems of radiation annually from both manmade and natural sources.) The state sets a threshold that is lower than the federal government's and believes Vermont Yankee may have exceeded that limit last year. The two parties are continuing to discuss the issue and we are closely following those talks.

Lastly, the Reformer expresses doubt that the NRC will "get tough" on Vermont Yankee or that the agency will deny the plant's request for a 20-percent power uprate. If conducting thorough inspections, asking probing questions and vigorously pursuing the issues constitutes being "tough" on nuclear power plant operator, we believe we're already there.

On the question of the power uprate application, the Reformer must have a crystal ball that no one else possesses. Here's the reality: Entergy submitted an application that we deemed acceptable for review as of Jan. 31, 2004. Since then, we have asked many, many questions of the company about the proposal. We will continue to do so until we are satisfied with the responses, if that in fact does occur. The review process has been quite transparent; anyone who would like to review the application, our questions and other related documents can do so via the electronic document system found on our web site at www.nrc.gov. It is not clear at this point whether the application will be approved, but that didn't prevent your newspaper from making this assertion.

In closing, the NRC takes its mission of overseeing U.S. commercial nuclear power plants and protecting public health and safety very seriously. Anytime the editorial staff of the Reformer would like to engage in a discussion based on the facts – rather than speculation and hyperbole – we would be ready and willing to take part.

Neil A. Sheehan
Office of Public Affairs