Congress of the United States
Washington, DC 20515

April 22, 2004

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

Dear Mr. Chairman:

We are very troubled by reports today that an inspection this week determined that two pieces of nuclear fuel rods are missing at Vermont Yankee. We understand that you spoke with Governor Douglas late yesterday, and we share both his deep concern and sense of urgency in this situation. The Nuclear Regulatory Commission (NRC or Commission) must commit all necessary resources and make every effort to ensure this material is accounted for immediately. We expect the NRC to ensure that Entergy conducts additional inspections of the spent-fuel pool and the plant and reviews facility records to determine whether these materials continue to be located on site. We cannot underscore enough our personal, our state officials', and the public's concern that these materials are found and secured. We stand ready to assist the Commission and our state in any way necessary, and we expect prompt and regular briefings with regard to the investigation's progress.

The public also needs additional information regarding a number of issues with respect to these materials that we request you clarify:

- When was the most recent NRC inspection concluding that the missing pieces were in the spent-fuel pool?

- We understand that these pieces came from damaged fuel rods and are highly radioactive. Such materials should have set off radiation detectors if moved outside the plant. When was the most recent NRC inspection concluding the detectors were working? Are their circumstances in which could this material have moved off site without alerting the detectors?

- If these materials remain in the bottom of the spent fuel pool, do they pose any operational risks at the facility?

The report of these missing rod pieces at Vermont Yankee follows reports last week that plant workers identified minor hairline cracking in the plant's steam dryer, which as the Commission knows, is a component used to remove moisture from steam produced in the plant's reactor. The public needs to know NRC's assessment as to the impact of these cracks on continued safety of

plant operations. We understand that NRC inspectors have visited the plant with respect to this issue and performed a review of the inspection results. These results need to be released expeditiously.

Finally, we still await the Commission's response to our letter of March 31, 2004, and most importantly to the Vermont Public Service Board's (PSB) letter of March 15, 2004, requesting an independent review at Vermont Yankee. We continue to believe that the NRC has the discretion to examine the issues raised by the PSB, and should assist the PSB by collecting this information.

Sincerely,

James M. Jeffords
U.S.S.

Patrick Leahy
U.S.S.

Bernard Sanders
M.C.