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DEPARTMENT OF PUBLIC SERVICE  
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August 22, 1990

License DPR-28  
(Docket No. 50-271)

Morton Fairtile, Project Manager  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Subject: State Comments in Accordance with 10 C.F.R. § 50.91

Reference: (1) NRC Letter dated September 7, 1989, "Issuance of Amendment 115 to Facility Operating License No. DPR-28 - Vermont Yankee Nuclear Power Station

(2) Vermont Letter dated February 9, 1989, "Comments on Proposed Modification to Appendix A of the Operating License -- Valve Testing

Dear Mort:

We have completed our review of Amendment 115 as described in Reference (1). We are concerned that our comments, provided in Reference (2) appear not to have been addressed. The cover letter of Reference (1) includes the following statement:

"By letter dated February 9, 1989, the State of Vermont made comments on the proposed license amendment. The NRC staff considered these comments in their review. Our enclosed Safety Evaluation reflects this consideration of the State's comments."

However, a review of the "enclosed Safety Evaluation" does not yield, even by the most generous interpretation, any inkling that the State's comments have been addressed.

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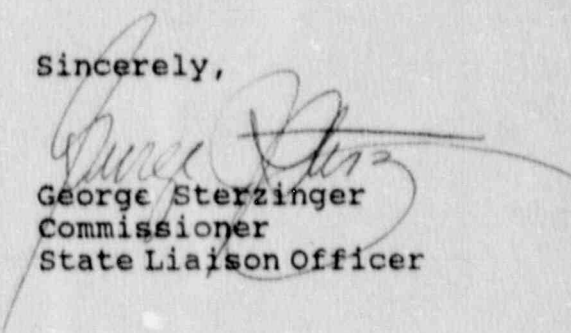
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As you know, the State Consultation provisions of 10 C.F.R. § 50.91 are an important component of the State/Federal interface in the area of radiological health and safety. We are keenly aware that the State consultation procedures do not give the State the right to veto the Commission's proposed or final determination (10 C.F.R. § 50.91(c)). Yet without thoroughly and clearly resolving comments when provided, a State is left with litigation as the only alternative for resolution of its concerns.

We feel our comments in Reference (2) are well-founded, serious concerns regarding the proposed amendment and the NRC staff's control of primary containment isolation valve testing on the subject pages of the amendment, and we have yet to be informed regarding the resolution of these comments. Consequently, we request an explanation of the statement from Reference (1): How did "[t]he NRC staff consider[] these comments in their review"? Further, what is the resolution of each of Vermont's comments in Reference (2)?

We appreciate your attention regarding this important matter. Should you have questions please call Mr. William Sherman of our staff.

Sincerely,



George Sterzinger  
Commissioner  
State Liaison Officer