

January 17, 2005

Mr. David Lochbaum  
Union of Concerned Scientists  
1707 H Street, NW  
Suite 600  
Washington, DC 20006-3919

Dear Mr. Lochbaum:

I am responding to your letter dated August 30, 2004. In your letter, you referred to a petition filed by Mr. Paul Blanch and Mr. Arnold Gundersen related to the compliance of Vermont Yankee Nuclear Power Station (Vermont Yankee) with the General Design Criteria (GDC). You noted that the NRC's response to the petition dated August 20, 2004, did not answer the compliance question raised by the petitioners. The purpose of our letter on August 20, 2004, was to provide the staff's assessment of whether the petition met the criteria of Section 2.206 of Title 10 of the *Code of Federal Regulations* (10 CFR) for evaluation under that process, rather than to discuss the specific merits of that request. However, I did address whether Vermont Yankee is licensed to the draft or final GDC to clear up confusion on that issue. I noted in this letter that the NRC would not review the request under 10 CFR 2.206 at that time because the period to request a hearing on Entergy's application for a power uprate was currently open and because that forum provided an opportunity to raise the issue. On November 22, 2004, the Atomic Safety and Licensing Board granted a hearing and admitted certain contentions. However, the Licensing Board declined to admit a proffered contention substantially similar to the Section 2.206 petition. Accordingly, following this decision, the Petition Review Board re-convened to evaluate Mr. Blanch's and Mr. Gundersen's petition against the criteria of 10 CFR 2.206.

The Petition Review Board determined that the petitioners' concern regarding the maintenance of the design basis information in Appendix F of the Vermont Yankee Updated Final Safety Analysis Report warranted further evaluation. Therefore, the NRC has accepted this petition for review under 10 CFR 2.206. Concerns that the petitioners have expressed regarding the design basis of Vermont Yankee will be addressed as part of our review of the petition. The NRC staff will consider the questions that you raised in your August 30, 2004, letter in conjunction with its review of the petition and will follow up with you at that time.

Sincerely,

*/RA/*

J. E. Dyer, Director  
Office of Nuclear Reactor Regulation

Docket No. 50-271

Mr. David Lochbaum  
Union of Concerned Scientists  
1707 H Street, NW  
Suite 600  
Washington, DC 20006-3919

Dear Mr. Lochbaum:

I am responding to your letter dated August 30, 2004. In your letter, you referred to a petition filed by Mr. Paul Blanch and Mr. Arnold Gundersen related to the compliance of Vermont Yankee Nuclear Power Station (Vermont Yankee) with the General Design Criteria (GDC). You noted that the NRC's response to the petition dated August 20, 2004, did not answer the compliance question raised by the petitioners. The purpose of our letter on August 20, 2004, was to provide the staff's assessment of whether the petition met the criteria of Section 2.206 of Title 10 of the *Code of Federal Regulations* (10 CFR) for evaluation under that process, rather than to discuss the specific merits of that request. However, I did address whether Vermont Yankee is licensed to the draft or final GDC to clear up confusion on that issue. I noted in this letter that the NRC would not review the request under 10 CFR 2.206 at that time because the period to request a hearing on Entergy's application for a power uprate was currently open and because that forum provided an opportunity to raise the issue. On November 22, 2004, the Atomic Safety and Licensing Board granted a hearing and admitted certain contentions. However, the Licensing Board declined to admit a proffered contention substantially similar to the Section 2.206 petition. Accordingly, following this decision, the Petition Review Board re-convened to evaluate Mr. Blanch's and Mr. Gundersen's petition against the criteria of 10 CFR 2.206.

The Petition Review Board determined that the petitioners' concern regarding the maintenance of the design basis information in Appendix F of the Vermont Yankee Updated Final Safety Analysis Report warranted further evaluation. Therefore, the NRC has accepted this petition for review under 10 CFR 2.206. Concerns that the petitioners have expressed regarding the design basis of Vermont Yankee will be addressed as part of our review of the petition. The NRC staff will consider the questions that you raised in your August 30, 2004, letter in conjunction with its review of the petition and will follow up with you at that time.

Sincerely,

*/RA/*

J. E. Dyer, Director  
Office of Nuclear Reactor Regulation

Docket No. 50-271

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