

December 10, 2004

Paul M. Blanch
135 Hyde Road
West Hartford, CT 06117

Arnold Gundersen
139 Killarney Drive
Burlington, VT 05401

Dear Messrs. Blanch and Gundersen:

I am responding on behalf of the Nuclear Regulatory Commission (NRC) to your email of September 9, 2004, to Mr. Rick Ennis. In your email, you made requests regarding communications related to the Vermont Yankee Nuclear Power Station (Vermont Yankee) proposed extended power uprate review. In particular, you requested that the NRC provide documentation of all past and ongoing communication between the NRC and the licensee and/or vendors related to the subject areas of your Title 10 of the *Code of Federal Regulations* (10 CFR) Section 2.206 petition and allegations; and telephone access to all meetings and/or access to all telephone discussions between the NRC and the licensee and/or vendors related to the subject areas of your 10 CFR 2.206 petition and allegations.

The 10 CFR 2.206 process was designed to be an open process so that the public can fully participate. Any significant information exchanged between the NRC and the affected licensee related to a 2.206 petition, such as transcripts of Petition Review Board meetings, requests for information from the licensee, or responses to petitions from licensees, are made publicly available via the ADAMS system. In addition, once a petition is accepted for review under 2.206, our process calls for the petitioners to be added to the distribution list for the facility involved, and to be placed on distribution for other NRC correspondence relating to the issues raised in the petition. In the case of the petition submitted by you on July 29, 2004, the NRC Petition Review Board held a teleconference with you on August 30, 2004. In accordance with our normal procedure, the licensee was invited to participate in this teleconference. Also, in accordance with our process, the meeting was transcribed. The transcript of this meeting, along with a discussion of the status of the staff's review of your petition, will be provided to you by a separate letter.

The allegation process is not designed to be fully open to public observation, both to protect the allegor and to ensure that charges, particularly if they involve personal wrongdoing, have a valid basis before the concerns are made public. The NRC staff will often communicate with the affected licensee in the course of obtaining additional information regarding an allegation. The NRC will generally make this information available to the allegor if the allegation has been closed and there is no proprietary information involved. In order to receive information of this type, we request that you use our Freedom of Information Act (FOIA) process. The FOIA process ensures that all relevant documents and information are captured and that they are appropriately reviewed for releasability. The FOIA process includes specific, stringent criteria for withholding of information from the public, and will ensure that no information is inappropriately withheld.

No information conveyed solely by telephone may be used to contribute to a regulatory or licensing action (e.g., a staff document or safety evaluation may not reference a telephone call as the sole source information leading to a staff finding). Information needed for decision making must be documented in formal communications to the staff, which are made available to the public via the ADAMS system.

As you may be aware, public access to ADAMS was temporarily suspended so that security reviews of publicly available documents could be performed and potentially sensitive information removed. The NRC has now returned a large number of reactor-related documents to ADAMS. Specifically, documents contained in the Vermont Yankee docket are now available through the CITRIX-based version of the ADAMS Publicly Available Records System. The staff is moving to complete its review expeditiously so as to restore access to all other documents at the earliest possible time.

In summary, I believe that our current processes will provide you with relevant information that you would need to fully participate in the licensing process. Nevertheless, I have forwarded your concern regarding the openness of our communications to the Office of the Inspector General.

Sincerely,

/RA/

Cornelius F. Holden, Director
Project Directorate I
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket No. 50-271

cc: See next page

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NAME	DSkay	CRaynor	AHowe	REnnis	BPoole	GCwalina	CHolden
DATE	12/09/04	10/06/04	10/25/04	11/01/04	11/09/04	10/27/04	12/09/04

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Vermont Yankee Nuclear Power Station

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Vermont Yankee Nuclear Power Station

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