

DOCKET NUMBER
PROD. & UTIL. FAC. 50-271 (2.206)

MA: Box 83 Shelburne Falls, MA 01370/ 80 Davenport Rd Rowe, MA
P/F 413-339-5781/8768
CT: 54 Old Turnpike Road, Haddam, CT 06438 P/F: 860-345-8431
VT: C/O Box 566 Putney, VT 05346 P/F: 802-387-2646/2667
NH: 7 Meadow Lane, Exeter, NH 03833 P/F 603-772-3439
NY: 1-3 Charles St. NYC 10014 T: 212-675-3974

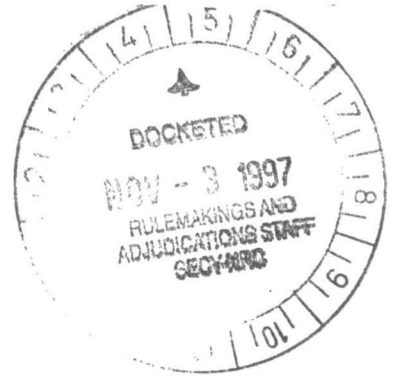
CITIZENS AWARENESS NETWORK

November 3, 1997

Samuel Collins, Director
Office of Nuclear Reactor Regulation
Nuclear Regulatory Commission
Washington, DC 20555

Docket No. 50-271

Dear Mr. Collins,



We have received NRC's partial response to CAN's December 6, 1996 2.206 petition for enforcement concerning Vermont Yankee. The Partial Director's Decision does not address many of the concerns raised in our petition. In this petition under conclusions, we requested:

1. Since the number of long standing VY deficiencies acknowledged in its LERs—10-18 years!— raise serious questions about the adequacy of VT's safety analyses, VY and the NRC should immediately review all of safety analyses conducted since startup of VY with particular attention to their role in providing a complete and up to date FSAR.

Subsequent LERs have uncovered long standing unreviewed or incompletely reviewed design basis problems and lack of compliance with the FSAR. Since the submission of the December 6, 1996 petition, CAN and Union of Concerned Scientists submitted allegations to the NRC on subsequent VY LERs and inspection reports with questionable adequacy and availability of design basis information, for their lack of thoroughness in addressing adverse conditions, lack of "defense in depth", and below industry standard analysis. VY routinely minimizes the problems with their design basis problems, FSAR deficiencies, and analyses as having little importance because the probability of an accident is small and other safety backup systems will compensate for the shortcomings of the safety related system under review, notwithstanding there are no certifications that the other safety related backup systems are operable. (CT Yankee operated without adequate backup systems for 28 years). Similar justifications and inadequate root cause analyses were experienced at Millstone Units and CT Yankee where the licensee tried to characterize the deficient FSAR as "merely paperwork". VY called its lack of compliance at the last Vermont State Nuclear Panel meeting in September, 1997 as "paper work". Yet Region I NRC staff have referred to the FSAR as a "living document" without which the health and safety of the workers and the public can not be guaranteed.

THE EXPERIMENT IS OVER

Web site: www.nukebusters.org E-Mail: can@shaysnet.com

18613

At that exit meeting, concerns were raised by NRC staff as a result of the NRC design inspection conducted at VY (Inspection Report 97-201 dated August 27, 1997). NRC staff stated that they "did not want any more smoke and mirrors from VT Yankee." In addition the team "concluded that it was unlikely (VY personnel) would have uncovered some of the issues identified in this report." The inspection found serious design errors, some of which had never been adequately addressed by the licensee or the NRC staff! The licensee could continue operation of VY only by reducing power. CAN believes that Inspection Report 97-201 confirms and aggravates these concerns. Therefore we continue to request that NRC require:

2. VY correct serious deficiencies in its design change control process. It should immediately commence a review of its design control process (including a historical review of its design control documentation to verify the accuracy of this document when compared with the actual, physical configuration of VY).
3. VY perform a global "extent of condition" evaluation to determine how many modifications have been inadequately tested since startup. In addition any and all untested systems or systems that have not been tested for 10 years at VY should be tested immediately.
4. VY initiate a training program to review and emphasize the underlying safety purposes of the Technical Specifications, the FSAR, design bases, and NRC regulations in relation to routine operation, emergency preparedness, and implementation of NRC's "defense in depth" philosophy.
5. VY staff train workers on the proper use of "single failure" criterion.

In addition, CAN is concerned with systemic mismanagement at VY. We request that:

1. an NRC team in conjunction with an outside contractor conduct a review of a second system, the ventilation system.
2. NRC with an outside contractor and VY conduct a review of all back up safety systems to assure the adequacy of these systems in order to protect worker and public health and safety.
3. Given the lack of thoroughness by the licensee and significant flaws in the FSAR and design basis evaluation, Can questions Region I staff's competence to effectively oversee reactors under its authority . We therefore request that the archive of NRC's oversight failures at VY be added to the Inspector General's investigation of complicity and systematic failure to enforce NRC regulations by NRC staff in Region I and Project Directorates..

The Director's partial Decision addresses none of these concerns, rather the decision limits concerns primarily to the specific LERs submitted with the petition. Our concerns go beyond the specific LERs submitted and include VY's FSAR, the Technical Specification, design control, and retraining. We therefore again request that the Director respond to our 2.206 Petition for Enforcement in the particulars stated above.

Sincerely,

Deborah Katz
President/Citizens Awareness Network