

**From:** "Dave Lochbaum" <dlochbaum@ucsusa.org>  
**To:** <JED2@nrc.gov>  
**Date:** 8/30/04 3:12PM  
**Subject:** UCS letter on VY's GDC compliance

*NRR*

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Hello Jim:

Attached is an electronic copy of a letter placed in the mail to you today. It regards your recent rejection of the 2.206 petition submitted by Paul Blanch and Arnie Gundersen.

Thanks,

Dave Lochbaum  
Nuclear Safety Engineer  
Union of Concerned Scientists  
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**CC:** <arniegundersen@adelphia.net>, <pmb Blanch@comcast.net>, <DPS@nrc.gov>, <NAS@nrc.gov>, <SRB3@nrc.gov>

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# Union of Concerned Scientists

Citizens and Scientists for Environmental Solutions

August 30, 2004

James E. Dyer, Director  
Office of Nuclear Reactor Regulation  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

**SUBJECT: COMMUNICATIONS – COMMON UNDERSTANDING OF THE  
MESSAGE: VERMONT YANKEE PETITION**

Dear Mr. Dyer:

At the session on Communications you chaired during the Regulatory Information Conference earlier this year, I made a presentation titled, "Communicating the Proper Safety Perspective." I made the point that the goal of NRC's communications should not be agreement by all audience members with the message but rather common understanding of the message. While agreement should be encouraged whenever possible, achieving common understanding would at least focus the dialogue on legitimate areas of dispute.

I read your recent letter to Messengers Paul Blanch and Arnold Gundersen rejecting their petition submitted pursuant to 10 CFR 2.206. I probably do not understand the message you attempted to convey. In your letter, you wrote:

*You requested that the NRC issue a Demand for Information requiring Entergy Nuclear Vermont Yankee, LLC, and Entergy Nuclear Operations, Inc. (Entergy or the licensee) to provide information that clearly and unambiguously describes how Vermont Yankee Nuclear Power Station (Vermont Yankee) complies with the General Design Criteria (GDC) specified in 10 CFR 50 Appendix A, or the draft GDC published by the Atomic Energy Commission (AEC) in 1967.*

Having also read the petition submitted by Blanch and Gundersen, I share your understanding that they sought information regarding Vermont Yankee's compliance with the General Design Criteria (GDC). Since there seems to be consensus on the information being sought via the petition, I did not understand your response:

*Based on information available in the Updated Final Safety Analysis Report (UFSAR), and letters submitted to the NRC by the licensee, the NRC staff asserts that the design bases of Vermont Yankee are clear and unambiguous. Correspondence between the licensee and the NRC clearly indicate that Vermont Yankee is licensed to the draft GDC published in 1967.*

As you stated in the letter, Blanch and Gundersen were not petitioning the NRC to issue Entergy a Demand For Information to answer the question of whether Vermont Yankee was licensed to the draft GDC or the final GDC. They sought information relative to how Vermont Yankee complied with the applicable GDC including how deviations were addressed.

Thus, while it is "clear and unambiguous" that Vermont Yankee is licensed to the draft GDC published in 1967, that fact is irrelevant. It does not answer the compliance question raised by Blanch and Gundersen that was the key point of their petition.

To hopefully attain that elusive goal of common understanding on this topic, I respectfully seek your answers to the following questions:

1. Is the NRC aware of any publicly available docketed material, other than Appendix F to the Vermont Yankee Updated Final Safety Analysis Report, where exceptions to and/or deviations from the draft GDC are detailed?
2. If so, what are the publicly available docketed materials?
3. If not, is it the NRC's regulatory position that, absent docketed exceptions and/or deviations, Vermont Yankee must conform to every single aspect and nuance of the draft GDC?

I would appreciate your response to these questions as promptly as convenient.

Sincerely,

A handwritten signature in black ink, reading "David A. Lochbaum". The signature is written in a cursive, flowing style.

David Lochbaum  
Nuclear Safety Engineer  
Washington Office