

FRANKLIN REGIONAL COUNCIL OF GOVERNMENTS

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Executive Director · Jay DiPucchio



OFFICE OF SECRETARY
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December 30, 1998

Office of the Secretary
ATTN: Mr. E. Julian, Esq./ Rulemaking and Adjudications Staff
United States Nuclear Regulatory Commission
Washington D.C. 20555

RE: In the Matter of Yankee Atomic Electric Company (Yankee Nuclear Power Station, Rowe, Massachusetts) License Termination Plan, Docket No. 50-029-LA, ASLB No. 99-754-01-LA-R

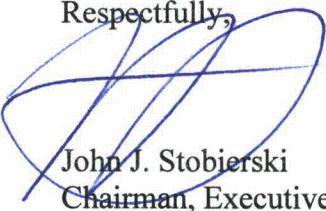
Dear Mr. Julian,

Please find enclosed the Franklin Regional Council of Governments' [FRCOG] Motion for Leave to Participate in the above entitled docket.

Please note the FRCOG shall utilize the Franklin Regional Planning Board [FRPB] hereafter as the contact for our regional government charged with carrying out its duties and responsibilities. The Chairman of the FRPB is Mr. Samuel H. Lovejoy; and all further communications should be addressed to him in care of the FRCOG at the address above. Thank you.

Please make service of this document upon the Secretary.

Respectfully,


John J. Stobierski
Chairman, Executive Committee
Franklin Regional Council of Governments

19864

Municipal and Financial Services · Planning and Development · Community Health and Education

SECY-041

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD

OFFICE OF SAFETY
RULINGS AND
ADJUDICATION STAFF

Before Administrative Judge:

Charles Bechhoefer, Chairman
Dr. Thomas S. Elleman
Thomas D. Murphy

In the Matter of

Docket No. 50-029-LA

YANKEE ATOMIC ELECTRIC COMPANY
(Yankee Nuclear Power Station)

ASLBP No. 99-754-01-LA-R

License Termination Plan

December 30, 1998

Motion for Leave to Participate

The Franklin Regional Council of Governments (FRCOG) is the regional government created by the Massachusetts legislature to replace the Franklin County Commission, the former county government. This filing is made under the provisions of 10 CFR 2.715 (c).

The Franklin Regional Planning Board (FRPB) is comprised of a representative from the Selectboard and Planning Board of each of the twenty-six (26) towns of Franklin

County and eighteen (18) at large members living within the County. Board members and staff of our Planning Department have been reviewing, within its own capabilities and limitations, the LTP since May of 1997. A dialogue has continued between the FRPB and YAEC, culminating with a series of questions being posed to YAEC in December of 1997 and YAEC providing answers in early January of 1998. Although YAEC had strived earlier to continue providing documentation and data relative to further questions developed from reviewing data provided, a free flow of information and other materials promised have not been delivered.

We are a relatively small county of approximately 70,000 residents with limited resources to be able to conduct a proper review of the LTP, a plan incorporating a highly complex and specialized technology. We do not have a battery of experts at our disposal nor can we afford the legal services of attorneys who can best represent us through this process. Our goal is simple. We have a number of concerns that we would like to have addressed. We would have YAEC address these concerns in a fashion that would leave us confident that the Yankee Nuclear Power Station in Rowe, Massachusetts would be closed, dismantled and all its components be disposed of or stored in a proper manner that assured that the County's populace be completely safe from radiation and hazardous materials used in the operation of the facility.

Therefore, the FRCOG maintains that these matters merit a formal review and respectfully requests that the NRC conduct a public hearing.

A number of issues have been raised by FRCOG inquiries and responses by YAEC which were outlined and submitted at the public meeting held at Mohawk Trail Regional High School in Buckland, Massachusetts on January 13, 1998. Other concerns have materialized since that meeting and others will follow by a careful examination of the data and practices of YAEC in following their proposed LTP. These issues are of grave concern and merit closer scrutiny than the NRC or YAEC has committed as they pose significant hazards to the present and future populace of Franklin County and environs. The FRCOG contends the following serious issues must be formally addressed:

- Decommissioning activities employ methodologies and techniques that are experimental, untested, and/or unproven. For example, the segmentation techniques that were used for cutting the high activity components were apparently untested and proved to be somewhat unsatisfactory, resulting in recommendations for modification of the technique. Similarly, decommissioning of the spent fuel pool and ion exchange pit will require the use of methods and techniques that have not previously been employed.

- Methods that have been used to survey and monitor the site for contamination do not incorporate appropriate random sampling and data collection methods, but rather rely on computer modeling and anecdotal evidence. This has resulted in a decision not to sample or monitor a large area that is owned and controlled by YAEC but lies outside a small “impact area.” This creates the risk that contamination may exist in areas which have not been predicted by computer, perhaps due to vagaries in weather patterns, local hydrology, animal transport, or even illegal activity.

Contamination from these unpredictable sources will never be discovered using the current sampling strategy; random sampling must also be used on the entire property to determine what if any mitigation is required, before any of the site is released.

- Contamination of groundwater and methodologies for sampling remain an issue. The selection of monitoring well locations appears to be based on the locations of known or suspected contamination sites and does not appear to factor in the possibility that local geology may include groundwater divides, impervious layers, or bedrock close to the surface. A thorough investigation into possible groundwater contamination cannot assume a uniform substrate through which water moves predictably, but must also include discussion and investigation of the possible influences of surficial geology and bedrock features.

- In particular, the migration of radionuclides from acknowledged sub-floor contamination has not been sufficiently studied and considered in the context of local hydrology and surficial geology.
- Despite several rounds of questions and requests for specific data, the impacts of radionuclide releases on fish due to effluent and accidental releases to the Deerfield River have not been addressed. Insufficient data has been provided relative to the species, age, general health, or whether the fish was native or stocked -- all factors that must be correlated together in order to determine true radionuclide levels in the sediment and food chain; nor has there been sufficient information about the specific testing techniques that were used. Were the proper indicator species caught and tested? Native and stocked trout are the main recreational species sought by anglers in the Deerfield River drainage, yet none of this species appear to have been collected and tested in the dated April-November 1989 survey. This is a critical issue, as contaminated fish may be consumed by humans and also may introduce significant contamination into the entire food chain when other animals feed on contaminated fish. Further, the bioaccumulation of radionuclides in fish is indicative of the presence of these materials throughout the river system tested, at a level which may be more significant than revealed by the tests. Based on the insufficient investigation of the matter, it is premature to conclude that there is no safety hazard resulting from fish contamination.

- Sediment in the Deerfield River, in the Sherman Pond Reservoir, and near the outfall pipes has been sampled and tested, but the adequacy of these tests is questioned. The sediment behind Number Five Dam in Monroe Bridge was removed when the dam was worked on the last two years. Questions remain as to the adequacy and thoroughness of core sampling of the sediment behind the dam. Were these sediments tested for radionuclides and other hazardous wastes before they were removed, and how and where were they disposed of? The next impoundment downstream, the Fife Brook Dam, is a bottom release operation. How far downstream were sediment tests conducted, as the nature of the Fife Brook operation would allow the discharge of radionuclides which could collect as far downstream as the Number Four Dam in Buckland. No specific information has been provided about the depth or frequency of the sampling, sampling methodology used, what random sampling methods were also employed, and how the material was handled and tested in the laboratory.
- Final site clean-up questions remain. Issues regarding formulations of effective yearly exposure dose equivalents need to be resolved. Specifically, the use of plot averages and assumptions about lifestyle and future land use introduce confusion about the actual levels of radiation proposed to remain on the site, which apparently may meet the required levels as an area-wide average but may in fact remain quite

high in certain spots. Methodology for calculating and proving the final exposure rate of 15 mr/year is very confusing , and the assumptions related to unit conversions of picocuries to millirems, the daily time of exposure (is it 24 hours or only 8?), and similar issues must be satisfactorily explained. The final site survey criteria and plan including the methodology and calculations must be reviewed and affirmed by a competent, truly independent third party. Finally, in addition to laboratory testing work provided by the licensee and the NRC, the final site survey testing work must also be independently verified by a third party.

There is a fundamental problem with a number of YAEC assertions, conclusions and data to substantiate the LTP - it is old. Much of the material is a product of earlier testing and documentation for previous filings and therefore was not a product specifically produced for decommissioning. Furthermore, the GEIS on decommissioning itself is dated, and many facets of the GEIS are now incorrect. The NRC and YAEC should rely on fresh data to establish proper levels and that protocol are being followed. More independent analysis should be conducted of the materials filed by YAEC, as the in-house produced data and conclusions by YAEC hired experts are self-serving and require third party review, minimally on a random basis.

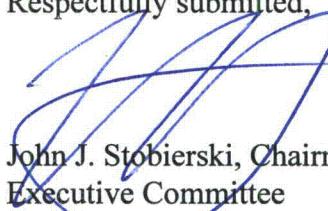
Therefore, the FRCOG and the citizens it represents, whose lives and property are at risk by approving the LTP as presently filed, requests the following relief:

- 1) Provide the FRCOG with a sum of one hundred thousand dollars (\$100,000.00) forthwith in order to a) hire experts to review YAEC's LTP, to make appropriate recommendations to improve the LTP and to approve its final content and implementation; b) hire an attorney or attorneys to review the LTP and to properly represent the citizenry of Franklin County and environs in assuring that the Yankee Nuclear Power Station operation and closure will be made in a fashion that will protect their health, safety and welfare; and c) hire expert witnesses if needed in any adjudicatory process relative to this process;

- 2) Grant a full, formal hearing under 10 CFR 2, Subpart G to be held in Franklin County. Further, the NRC should not approve the LTP as presently filed without said hearing process. YAEC should not conduct any activity in furthering the LTP until every aspect of the Plan is formally approved subsequent to the hearing; The FRCOG reserves the right to amend its filings in response to the LTP and/or its amendments, and reserves the right to address new issues uncovered in the independent review process contemplated within the adjudicatory hearing process;

3) From this point forward to overcome even the appearance of the lack of due process, all materials and documents relative to the LTP shall be available for a period of thirty days before any meeting or hearing; and that notice of any meeting or hearing shall be advertised for a minimum of thirty days in the Federal Register and local media outlets.

Respectfully submitted,


John J. Stobierski, Chairman
Executive Committee
Franklin Regional Council of Governments


Samuel H. Lovejoy, Chairman
Franklin Regional Planning Board

CERTIFICATE OF SERVICE

I certify under the pains and penalties of perjury that on this day, service of the above document was made by the United States Postal Service by First Class Mail to the Service List attached hereto.

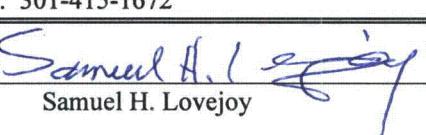

Samuel H. Lovejoy

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CERTIFICATE OF SERVICE

I hereby certify that copies of MOTION FOR LEAVE TO PARTICIPATE have been served on the following by deposit in the United States mail, first class, or by fax as indicated by asterisks, or both, on this day, January 4, 1999:

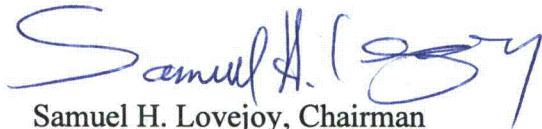
Charles Bechhoefer, Chairman Administrative Judge Atomic Safety and Licensing Board Mail Stop T 3-F-23 US Nuclear Regulatory Commission Washington, DC 20555	Thomas D. Murphy Atomic Safety and Licensing Board Mail Stop T 3-F-23 US Nuclear Regulatory Commission Washington, DC 20555
Adjudicatory File (2) Atomic Safety and Licensing Board Mail Stop T 3-F-23 US Nuclear Regulatory Commission Washington, DC 20555 FAX: 301-415-5599	Dr. Thomas Elleman Atomic Safety and Licensing Board Mail Stop T 3-F-23 US Nuclear Regulatory Commission Washington, DC 20555
Mr. R.K. Gad, III, Esquire Ropes & Gray One International Place Boston, MA 02110-2624 FAX: 617-951-7050	Jonathan M. Block, Esquire Main Street Post Office Box 566 Putney, VT 05346 FAX: 802-387-2667
Debra Katz, President Citizens' Awareness Network PO Box 3023 Charlemont, MA 01339-3023 FAX: 413-339- 8768	Mr. James L. Perkins President of the Board New England Coalition on Nuclear Pollution, Inc. Post Office Box 545 Brattleboro, VT 05302 FAX: 207-685-9604
Office of the Secretary ATTN: Rulemaking and Adjudications Staff Mail Stop O 16-C-1 US Nuclear Regulatory Commission Washington, DC 20555 FAX: 301-415-1672	Marian Zobler, Esquire Office of the General Counsel US Nuclear Regulatory Commission Washington, DC 20555 FAX: 301-415-3725


Samuel H. Lovejoy

January 4, 1999

If the FRCOG can be of any further assistance in this matter, please contact us directly through the home and office of Mr. Samuel H. Lovejoy at 413-367-0071, fax # is 413-367-0077.
Thank you kindly for your consideration of our enclosed filing.

Sincerely,



Samuel H. Lovejoy, Chairman
Franklin Regional Planning Board