

DOCKETED
APR 27, 1999

'99 APR 29 11:32

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

OFFICE OF THE CHIEF OF STAFF
PUBLIC AFFAIRS STAFF
ADVISOR

In the Matter of)
)
YANKEE ATOMIC ELECTRIC COMPANY) Docket No. 50-029-LA
)
(Yankee Nuclear Power Station))
)

NRC STAFF'S RESPONSE TO LETTER FROM NECNP

INTRODUCTION

Pursuant to 10 C.F.R. § 2.730, the staff of the Nuclear Regulatory Commission (Staff) hereby responds to a letter from Jonathon M. Block, Attorney for New England Coalition on Nuclear Pollution (NECNP), dated April 24, 1999 (Letter).¹ In the Letter Mr. Block requests that the Board take certain actions with respect to the Environmental Assessment (EA) prepared in connection with the Staff's review of the License Termination Plan (LTP) filed by Yankee Atomic Electric Company (YAEC) for the Yankee Nuclear Power Station (YNPS). For the reasons set forth below, all of Mr. Block's requests should be denied.

BACKGROUND

On April 1, 1999, the Staff issued its EA in connection with its review of the LTP. Letter to Mr. Don K. Davis, Chairman, President, and CEO of Yankee Atomic Electric Company from Morton B. Fairtile, Senior Project Manager, Decommissioning Section, Office of Nuclear Reactor

¹ Although he makes his requests in the form of a letter, inasmuch as Mr. Block requests relief, the Staff responds as if it were a motion.

SECY-036

D503

20316

Regulation, U.S. Nuclear Regulatory Commission. A copy of this letter, without enclosure, is attached hereto. The EA was subsequently published in the *Federal Register* on April 12, 1999. *Yankee Atomic Electric Company; Yankee Nuclear Power Station; Environmental Assessment and Finding of No Significant Impact*, 64 Fed. Reg. 17690 (1999). On April 24, 1999, Mr. Block sent his Letter.

DISCUSSION

In his Letter, Mr. Block asserts that he was not served with a copy of the EA by the Staff, but rather “recently acquired an internet posting of a Federal Register Notice of the EA.” Letter at 2. As a result, Mr. Block requests that the Board direct the Staff to provide the parties to the proceeding with a copy of the EA. *Id.* Mr. Block further requests that in evaluating the admissibility of any late-filed contentions filed as a result of the EA, the Board should consider the date of receipt of the EA rather than publication date in the *Federal Register*. *Id.* Mr. Block makes this same request on behalf of other organizations, including a Federal agency, who are not parties to this proceeding. *See id.*

Mr. Block’s requests should be denied. As the April 1, 1991 letter clearly indicates, Mr. Block was sent a copy of the EA. *See* April 1, 1991 Letter, Distribution List at 1. Moreover, the distribution list for the letter indicates that, among others, James L. Perkins, President of NECNP, was sent a copy of the EA. The distribution list also indicates that the other party to this proceeding, Citizens Awareness Network, Inc. was provided a copy of the EA as was the Franklin Regional Council of Governments. Mr. Block should have received a copy of the EA soon after

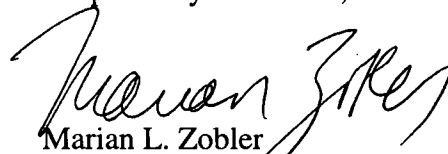
April 1, 1999. The timeliness of any late-filed contention based on the EA should, therefore, be judged on this fact.²

Mr. Block's request for additional time to file late intervention petitions on behalf of other organizations should be denied since it does not appear from his letter that he is authorized to represent these organizations. These organizations, as well as any other member of the public, had notice of the EA through the *Federal Register*. Any late petitions to intervene based on the EA filed by these organizations should be evaluated in light of the April 12, 1999 publication date.

CONCLUSION

For the reasons set forth above, Mr. Block's requests regarding the EA published on April 12, 1999 should be denied.

Respectfully submitted,



Marian L. Zabler
Counsel for NRC Staff

Dated at Rockville, Maryland
this 27th day of April, 1999.

² Even if Mr. Block did not receive the copy of the EA, he should have been aware of the EA no later than April 12, 1999, the date the EA was published in the *Federal Register*. However, Mr. Block did not send the Letter until April 24, 1999.



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

April 1, 1999

Mr. Don K. Davis, Chairman
President and CEO
Yankee Atomic Electric Company
580 Main Street
Bolton, MA 01740-1398

Dear Mr. Davis:

SUBJECT: ENVIRONMENTAL ASSESSMENT AND FINDING OF NO SIGNIFICANT
IMPACT FOR THE LICENSE TERMINATION PLAN AT THE YANKEE
NUCLEAR POWER STATION AT ROWE (TAC NO. M98878)

Enclosed please find the Environmental Assessment and Finding of No Significant Impact related to the Yankee Atomic Electric Company request for approval of the License Termination Plan for the Yankee Nuclear Power Station, submitted in your letters of May 15, 1997, two letters of December 18, 1997, and of January 23, 1998.

This Environmental Assessment and Finding of No Significant Impact is being forwarded to the Office of the Federal Register for publication.

Sincerely,

Morton B. Fairtile

Morton B. Fairtile, Senior Project Manager
Decommissioning Section
Project Directorate IV & Decommissioning
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket No. 50-029

Enclosure: Environmental Assessment

cc w/enclosure:
See next page

Mr. Don K. Davis

Yankee Rowe
Docket No. 50-029

cc:

Thomas Dignan, Esq.
Ropes and Gray
One International Place
Boston, MA 02110-2624

Mr. David Rodham, Director
ATTN: Mr. James B. Muckerheide
Massachusetts Civil Defense Agency
400 Worcester Road
P.O. Box 1496
Framingham, MA 01701-03173

Mr. Donald A. Reid
Site Manager and Manager of Operations
Yankee Atomic Electric Company
580 Main Street
Bolton, MA 01740-1398

Chairman, Franklin County Council of
Governments. Attn. A. Laipson
425 Main Street
Greenfield, MA 03101

Regional Administrator, Region I
U.S. Nuclear Regulatory Commission
475 Allendale Road
King of Prussia, PA 19406

Diane Screnci, Region I
U.S. Nuclear Regulatory Commission
475 Allendale Road
King of Prussia, PA 19406

Robert M. Hallisey, Director
Radiation Control Program
Massachusetts Department of Public
Health
305 South Street
Boston, MA 02130

Ms. Leslie Greer
Assistant Attorney General
Commonwealth of Massachusetts
200 Portland Street
Boston, MA 02114

Commissioner Richard P. Sedano
Vermont Department of Public Service
120 State Street, 3rd Floor
Montpelier, VT 05602

Mr. John M. Oddo, P.E.
Manager, Regulatory Affairs
Duke Engineering and Services, Inc.
580 Main Street
Bolton, MA 01740-1398

James L. Perkins, President
New England Coalition on
Nuclear Pollution, Inc.
P.O. Box 545
Brattleboro, VT 05302

Jonathan M. Block, Esq.
Main Street
P.O. Box 566
Putney, VT 05346

Sanuel H. Lovejoy, Chairman, FRPB
Franklin Regional Council
of Governments
425 Main Street
Greenfield, MA 01301

Office of Commission Appellate
Adjudication
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Mr. Don K. Davis

Yankee Rowe
Docket No. 50-029
Page No. 2

cc:

Administrative Judge
Thomas D. Murphy
Atomic Safety and Licensing Board Panel
Mail Stop - T-3 F23
U.S. Nuclear Regulatory Commission
Washington, D. C. 20555

Deborah B. Katz, President
Citizens Awareness Network, Inc.
P.O. Box 3023
Charlemont, MA 01339

Administrative Judge
Charles Bechhoefer, Chairman
Atomic Safety and Licensing Board Panel
Mail Stop - T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Administrative Judge
Thomas S. Elleman
704 Davidson Street
Raleigh, NC 27609

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

'99 APR 29 11:32

OFFICE OF THE
RULE
ADJUDICATORY STAFF

In the Matter of)
)
YANKEE ATOMIC ELECTRIC COMPANY) Docket No. 50-029-LA
)
(Yankee Nuclear Power Station))

CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF RESPONSE TO LETTER FROM NECNP" in the above-captioned proceeding have been served on the following via facsimile transmission with a conforming copy deposited in the Nuclear Regulatory Commission's internal mail system, or as indicated by an asterisk, via facsimile transmission with a conforming copy deposited in first-class mail, or as indicated by a double asterisk, by deposit in the NRC's internal mail system, this 27th day of April, 1999:

Charles Bechhoefer, Chairman
Administrative Judge
Atomic Safety and Licensing Board
Mail Stop T 3-F-23
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Dr. Thomas S. Elleman*
Administrative Judge
Atomic Safety and Licensing Board
704 Davidson Street
Raleigh, NC 27609
FAX: (919) 782-7975

Thomas D. Murphy
Administrative Judge
Atomic Safety and Licensing Board
Mail Stop T 3-F-23
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Thomas G. Dignan, Jr.*
R. K. Gad, III
Counsel for Licensee
Ropes & Gray
One International Plaza
Boston, MA 02110
FAX: (617) 951-7050

Samuel H. Lovejoy*
Franklin Regional Council of Governments
425 Main Street
Greenfield, MA 01301
FAX: (413) 774-3169

Jonathan M. Block, Esq.*
New England Coalition on Nuclear
Pollution, Inc.
Main Street
P.O. Box 566
Putney, Vermont 05346-0566
FAX: (802) 387-2646

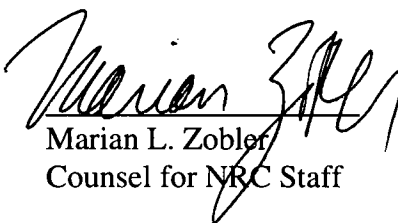
Atomic Safety and Licensing Board
Panel**
Mail Stop T 3-F-23
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Deborah B. Katz, President*
Citizens Awareness Network, Inc.
P.O. Box 3023
Charlemont, MA 01339-3023
FAX (413) 339-8768

Adjudicatory File (2)**
Atomic Safety and Licensing Board
Mail Stop T 3-F-23
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Office of the Commission Appellate
Adjudication**
Mail Stop 0 16-C-1
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Office of the Secretary**
ATTN: Rulemaking and
Adjudications Staff
Mail Stop 0 16-C-1
U.S. Nuclear Regulatory Commission
Washington, DC 20555


Marian L. Zobler
Counsel for NRC Staff