

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

In the Matter of  
Proposed Rulemaking on Storage  
and Disposal of Nuclear Waste,  
10 CFR Parts 50 and 51

NOTICE OF INTENT TO PARTICIPATE  
IN PROPOSED RULEMAKING PROCEEDING ON STORAGE  
AND DISPOSAL OF NUCLEAR WASTE

Pursuant to 10 CFR §2.805 and "Notice of Proposed Rulemaking", 44 FR 61372 (October 25, 1979), the Commonwealth of Massachusetts, by its attorney Francis X. Bellotti, Attorney General, hereby gives notice of its intent to join in the above-captioned proceedings as a full participant.

I. Identity and Interest

There are currently two nuclear plants operating in the commonwealth, Yankee-Rowe and Pilgrim I. In addition, Boston Edison Company is seeking a construction permit for Pilgrim II, and two units have been proposed for Montague. Finally, an operating plant in Vernon, Vermont (Vermont Yankee) and a nuclear facility under construction at Seabrook, New Hampshire (Seabrook, Units 1 and 2) are in such close proximity to the commonwealth that decisions and requirements with respect to the storage and disposal of nuclear waste at those facilities will affect the people of the commonwealth as well.

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Pursuant to Mass. General Laws c.12, §11D, the Attorney General is authorized to commence or intervene in any proceeding to prevent or remedy damage to the environment. The commonwealth has actively participated in licensing proceedings relating to Pilgrim, Seabrook, Vermont Yankee and Montague, and in the GESMO generic proceeding as well. Because of the high population densities surrounding many of the reactors in or near the commonwealth, the office of the Attorney General has given all public safety issues relating to the construction and operation of these reactors its closest attention, and views the NRC's decision to commence rulemaking on the critical issue of nuclear waste disposal as welcome but long overdue.

## II. Preliminary Statement of Position

At present, it cannot be said with any degree of assurance that adequate off-site storage facilities for nuclear wastes will be available by the year 2007, that the technology exists or will exist in the near future to guarantee that such wastes can be effectively isolated from the environment long enough to neutralize their toxicity, or that such wastes can be safely stored on-site until such time as permanent and reliable storage facilities do become available. Furthermore, the question is even more pressing than that posed by the Court of Appeals remand order in Minnesota v. NRC, Nos. 78-1269 and 78-2032 (May 23, 1979); a number of plants, including Yankee-Rowe, are scheduled for decommissioning well before the year 2007, and the likelihood increases with each passing year

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that these plants will be serving as de facto permanent storage facilities long after their decommissioning, a purpose for which they were clearly not designed. Indeed, because these reactors have all been sited near major bodies of water and groundwater systems, they are even more inappropriate as storage facilities, even on an interim basis.

In addition, if in the course of these proceedings it is established that off-site storage and disposal facilities will not be available in the near future, then consideration must be given to the impact of this fact on the licensing of new nuclear power plants. Licensing of these plants should be suspended until such time as it can be demonstrated that off-site storage and disposal is both economically and technologically feasible, and that appropriate disposal sites have been identified and the necessary assurances obtained that such facilities can be constructed and operated in the chosen localities.

The parties have also been asked to comment on the nature of the discovery that should be allowed in these proceedings. Given the highly complex and technical nature of the nuclear waste issue, as well as its critical impact on future nuclear policy, full discovery will be indispensable to the development of a complete record. In the event that a party deems itself unduly harrassed or dissuaded from participating by the burden of full discovery, a suitable protective order can be sought at that time.

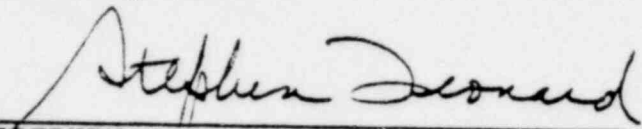
Respectfully submitted,

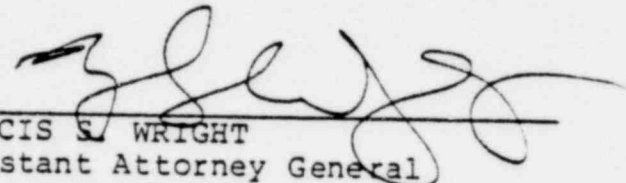
COMMONWEALTH OF MASSACHUSETTS

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DATED: December 12, 1979

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