

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)	
)	
Proposed Rulemaking:)	Re: Federal Register Notice,
Storage and Disposal of)	44 Fed. Reg. 61372,
Waste)	October 25, 1979
)	

Notice of Intent to Participate

The New England Coalition on Nuclear Pollution (NECNP or the Coalition) hereby gives notice that it intends to participate in the NRC's "waste confidence" generic rule-making proceedings announced in 44 Fed. Reg. 61372, October 25, 1979.

NECNP is a non-profit, educational association with more than 700 individual members, as well as supporting organizations and trustees in the states of Vermont, New Hampshire, Connecticut, Massachusetts, New York, Maine and Rhode Island. Its purpose is to inform and educate the public concerning the hazards of nuclear power and the availability and benefits of more efficient alternative energy sources.

The Coalition was founded in 1971 by citizens and scientists in southern Vermont and western Massachusetts concerned with the licensing of the Vermont Yankee nuclear power plant in Vernon, Vermont. NECNP intervened in the operating licensing proceedings for that facility in 1971

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and has participated in every licensing action related to the plant since then. NECNP has also intervened in the licensing proceedings for the Seabrook, Montague and Charlestown nuclear plants.

As a party before the NRC, NECNP has earned a substantial reputation for the contribution it has made to the licensing process. It has helped to protect important aspects of the public interest by assuring full consideration by the NRC of all the relevant health, safety and environmental issues involved in licensing a nuclear facility.

NECNP was the motivating force behind the Commission's determination to conduct the "waste confidence" rulemaking, and thus has both the interest and qualifications to participate. Because a number of its members live within 15 miles of the Vermont Yankee nuclear plant, the Coalition was an intervenor in proceedings to license the expansion of the spent fuel pool at the Vermont Yankee plant. The Coalition contended that, in the absence of available offsite storage or disposal methods for spent fuel, the consequences of indefinite post-license storage had to be assessed before a license amendment increasing the amount of spent fuel stored on-site could be granted. The NRC took the position that no such assessment was required because of "assurances," set forth in a denial of a rulemaking petition filed by the Natural Resources Defense Council, that offsite facilities for storage or disposal of spent fuel would be available before the expiration of Vermont Yankee's license.

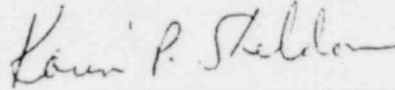
NECNP petitioned the Court of Appeals for the District of Columbia Circuit for review of the Commission's decision. The Court rejected the Commission's argument that it had sufficient assurance of post-license offsite storage or disposal methods. It agreed with Petitioner NECNP that a proceeding was required to develop a basis for the Commission's conclusions and it directed that such a proceeding be held. The "waste confidence" rulemaking is the NRC's response to this directive.

Positions on the Issues

NECNP is concerned with the potential health, safety and environmental problems associated with the on-site storage of radioactive wastes in spent fuel storage pools for the time period which may be required before an offsite storage or disposal method is available. At present no such storage or disposal facilities are available or even under construction. Basic decisions as to which methods should be pursued have yet to be made. For these reasons NECNP does not believe that the NRC presently has assurance that radioactive wastes generated by nuclear plants can be safely disposed of, or that it can determine when disposal or offsite storage will be available. Nor does NECNP believe there is any assurance that wastes can be safely stored on-site past the expiration of existing facility licenses until offsite disposal or storage is available.

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Respectfully submitted,



Karin P. Sheldon

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Counsel for NECNP

Dated: November 26, 1979

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Re: Federal Register Notice,
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NOTICE OF APPEARANCE

Notice is hereby given that the undersigned will appear
in this matter for the New England Coalition on Nuclear Pollu-
tion (NECNP):

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Admissions:

Supreme Court of the State of
Washington
District of Columbia Court of Appeals
U.S. District Court, District of
Columbia

Karin P. Sheldon

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DATED: November 26, 1979

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