

Reg. 61,373 (Oct. 25, 1979). The purpose of this proceeding is

"to assess generically the degree of assurance now available that radioactive waste can be safely disposed of, to determine when such disposal or off-site storage will be available, and to determine whether radioactive wastes can be safely stored on-site past the expiration of existing facility licenses until off-site disposal or storage is available."
Id. at 61,373.

Suspension or revocation of the Vermont Yankee license pending the outcome of the proceeding on waste disposal is not mandated by law. Cf. State of Minnesota v. NRC, 602 F.2d 412, 418 (D.C. Cir. 1979), in which the court did not vacate or stay the Vermont Yankee spent fuel pool expansion amendments pending the Commission's consideration on remand of the waste disposal issue. The Commission stated its policy that during the waste disposal proceeding "the issues being considered in the rulemaking should not be addressed in individual licensing proceedings" and affirmed that

"the court in the State of Minnesota case by remanding... to the Commission but not vacating or revoking the facility licenses involved, has supported the Commission's conclusion that licensing practices need not be altered during this [waste disposal] proceeding." 44 Fed. Reg. at 61373.

In view of the Commission's determination not to alter licensing practices, or indeed operation of reactor facilities, during the conduct of the generic proceeding on the waste disposal issue, I do not find it appropriate to institute proceedings to consider suspension or revocation of the Vermont Yankee license on the basis of the waste disposal issue. No other health or safety issue is raised in Ms. Thomas' letter which would provide a basis for taking such action. Accordingly, Ms. Thomas' request to revoke the Vermont Yankee license is denied.

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UNITED STATES OF AMERICA
 NUCLEAR REGULATORY COMMISSION

OFFICE OF NUCLEAR REACTOR REGULATION
 HAROLD R. DENTON, DIRECTOR

In the Matter of

VERMONT YANKEE NUCLEAR POWER
 CORPORATION
 (Vermont Yankee Nuclear Power
 Station)

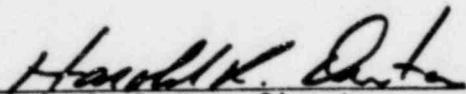
Docket No. 50-271

DIRECTOR'S DECISION UNDER
10 CFR 2.206

In a letter dated April 29, 1980, Sandra Freed Thomas of Greenfield, Massachusetts, requested the Director of Nuclear Reactor Regulation to revoke the operating license for the Vermont Yankee Nuclear Power Station and to hold public hearings on the decommissioning of the facility. Ms. Thomas believes that the nation "can decrease, over a period of years, our dependence on nuclear power, in favor of safe, renewable energy...." Ms. Thomas cites the "failure to have safe disposal of waste" as a particular basis for her requested action. The staff has treated Ms. Thomas' letter pursuant to 10 CFR 2.206 of the Commission's regulations.

Although the Commission does not have responsibility for the selection of energy alternatives as part of the nation's energy strategy, the Commission is responsible for assuring that there is reasonable protection of public health and safety in the use of nuclear energy and materials. Accordingly, the Commission has responsibilities with regard to storage and disposal of nuclear waste. The Commission is currently conducting a generic proceeding on the waste disposal issue. See Notice of Proposed Rulemaking, "Storage and Disposal of Nuclear Waste", 44 Fed.

A copy of this decision will be filed with the Secretary for the Commission's review in accordance with 10 CFR 2.206(c). Copies will also be filed in the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C. 20555, and the local public document room at the Brooks Memorial Library, 224 Main Street, Brattleboro, Vermont 05301. This decision will constitute the final action of the Commission 20 days after the date of issuance, unless the Commission on its own motion institutes review of this decision within that time.


Harold R. Denton, Director
Office of Nuclear Reactor Regulation

Dated at Bethesda, Maryland
this 11 day of June, 1980.