



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555

January 4, 1994

OFFICE OF THE
SECRETARY

Mr. Fred Katz
Citizens Awareness Network
RR1 Box 83
Shelburne Falls, Massachusetts 01370

Dear Sir:

I am responding to your letter of November 26, 1993, in which you again request that the NRC hold an adjudicatory hearing regarding the Component Removal Project ("CRP") being conducted at the Yankee Rowe facility. However, neither your letter of September 8th nor your letter of November 26th addresses the criteria established by the Commission to justify holding a discretionary hearing. Furthermore, you have failed to cite any regulatory action to be taken by the Commission which would require the offer of such a hearing. Therefore, the Commission finds no reason to order that an adjudicatory hearing be held.¹

Although no adjudicatory hearing has been held for the reasons explained in my letter of November 18, I understand that the NRC staff invited your organization to submit any concerns regarding the decommissioning process and the CRP and that accordingly, on August 4, 1993, you and other members of your organization participated in a transcribed telephone conference call with members of the Staff in which you raised numerous concerns. On October 27, 1993, the Staff addressed one of those concerns and intends to address the remainder of those concerns by early January, 1994. In addition, the Staff has responded to concerns you raised at the June meeting regarding the availability of documents in the Yankee Rowe Public Document Room.

¹As a further matter, I wish to correct some errors which appeared in my letter of November 18, 1993 to you. That letter stated that "during the past eight months, the NRC Staff has issued seven (7) amendments to the Yankee Rowe license[;]" that "the NRC Staff has issued six exemptions to the licensee within the past eight months[;]" and that "prior to issuing one of these exemptions, the NRC Staff published an Environmental Assessment in the Federal Register" (emphasis added). The letter should have indicated that during the past eighteen months the NRC Staff had issued eight amendments and that during the past eighteen months the Staff had issued six exemptions of which five had been preceded by publication of an Environmental Assessment. However, as previously indicated, none of these amendments or exemptions were in any way connected to the CRP. I regret any inconvenience these errors may have caused you.

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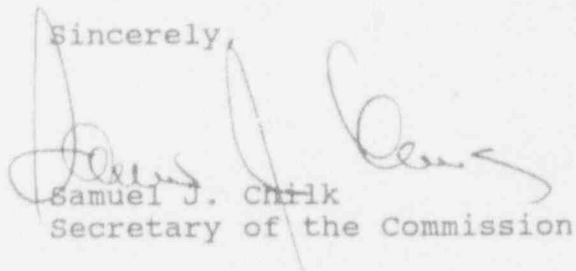
Mr. Fred Katz

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In your November 28th letter, you state that the agency did not respond to a letter you sent to Chairman Selin in December of 1992. However, our records show that Dr. Thomas E. Murley, Director of the Office of Nuclear Reactor Regulation, responded to your letter on January 14, 1993 on behalf of Chairman Selin. A copy of that letter is enclosed. The Chairman is unaware of any correspondence from your organization that has not received a response. The Commission has received your letter of December 13, 1993 and will prepare a separate response to that letter.

Final: I want to reiterate that if you have any evidence of any specific threat to the public health and safety posed by any particular action to be taken during the CRP or any other action at Yankee Rowe, please provide us with that specific information immediately.

Sincerely,



Samuel J. Chilk
Secretary of the Commission

Enclosure:
Letter from Dr. Murley
dated 1/14/93

cc: Hon. John W. Olver



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

January 14, 1993

Ms. Gail D. Steinbring
President
Citizens Awareness Network
P.O. Box 83
Shelburne Falls, Massachusetts 01370

Dear Ms. Steinbring:

I am responding to your letter of December 21, 1992, addressed to Chairman Selin, in which you expressed concern about issues regarding the Yankee Nuclear Power Station (Yankee), some of which you raised in your previous letter of November 2, 1992. On December 29, 1992, the U.S. Nuclear Regulatory Commission (NRC) issued its response to your November 2 letter after carefully reviewing the issues you discussed.

The week before we received your December 21, 1992 letter, a representative of the Citizens Awareness Network (CAN) contacted the NRC by telephone and requested that CAN be added to the NRC Service List; you also mentioned in your letter that you wanted to receive documents in a timely fashion. On December 15, 1992, the NRC added CAN to the NRC Service List for Yankee.

In your letter you expressed concern about notification of the public on proposed exemptions. For most exemptions that were issued to Yankee to date, the NRC, in accordance with 10 CFR Part 51 of the NRC regulations, published an Environmental Assessment (EA), prior to issuance of the exemptions. However, exemptions related to insurance, indemnity or safeguards do not require an EA. You will receive EAs in the future through the inclusion of CAN on the NRC Service List.

Documents issued by the licensee may be obtained from the local public document room (LPDR) in Greenfield, Massachusetts. The manager of our LPDR Program has informed my staff that microfiche and microfiche address summaries will be available at the LPDR within 2 to 3 weeks after the NRC headquarters staff receives a submittal. If you have access problems, you may call the LPDR Programs at NRC headquarters at 1-800-638-8081, a toll free number.

In your December 21, 1992 letter, you expressed a concern about exemptions issued by the NRC to Yankee for certain programs at the plant. In our response to the November 2, 1992 letter, we discussed our bases for issuing the emergency preparedness exemptions. We have also issued exemptions for containment leak testing, updates to the final safety analysis report, and the safeguards program. You requested that we rescind all recently approved exemptions and halt reactor dismantling until a decommissioning plan is approved. Before issuing these exemptions, the NRC performed extensive safety and environmental reviews to ensure that the reliefs maintained adequate levels of public health and safety and environmental protection. We considered the permanently shutdown and defueled status of the plant. The NRC has issued similar exemptions to the licensees for the Fort St. Vrain, Rancho Seco, and Shoreham plants when these plants were in the same phase of

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Ms. Gail D. Steinbring

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January 14, 1993

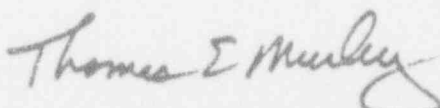
the decommissioning process as Yankee is now. Your two letters do not contain any new information that would prompt us to reopen those reviews.

You also raised a concern about the NRC signaling Yankee that it may begin dismantling the reactor and shipping highly radioactive components offsite. While one of the components, the reactor internals, that Yankee wants to ship to a low-level waste disposal facility is "highly radioactive" it still qualifies as low-level waste. Similar components have been shipped by Yankee and other licensees in the past, as have been steam generators. With respect to licensee plans for removal of such components, the NRC staff has requested in its letter of December 15, 1992, and in the meeting summary of December 23, 1992, more detailed information about the proposed licensee activities in this area. Both documents are enclosed. The information requested from the licensee includes an analysis of pre-decommissioning activities to demonstrate that they are within the bounds of the NRC Final Generic Environmental Statement and an evaluation of how the proposed component removal process would not preclude decommissioning alternatives nor future unrestricted site access.

In your second letter you reemphasized your desire for a public hearing on decommissioning issues at Yankee. We plan to have a public meeting in the local area when we have received the requested information. The NRC project manager will keep you apprised of our plans for this meeting.

My staff is available to discuss these or other concerns that you may have. You may contact Morton B. Fairtile, the NRC Project Manager for this facility, at (301) 504-1442.

Sincerely,



Thomas E. Murley, Director
Office of Nuclear Reactor Regulation

Enclosures:

1. NRC Letter of December 15, 1992
2. Meeting Summary of December 23, 1992