

September 30, 1988

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

'88 OCT -4 P5:18

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

OFFICE OF REGULATORY
DOCKETING & SERVICE
BRANCH

In the Matter of

VERMONT YANKEE NUCLEAR
POWER CORPORATION

(Vermont Yankee Nuclear Power
Station)

}
}
} Docket No. 50-271-01A
(Spent Fuel Pool Amendment)
}

NRC STAFF RESPONSE TO "JOINT REPLY OF NEW ENGLAND
COALITION ON NUCLEAR POLLUTION AND COMMONWEALTH
OF MASSACHUSETTS... "

I. INTRODUCTION

On September 14, 1988, New England Coalition on Nuclear Pollution (NECNP) and the Commonwealth of Massachusetts (Commonwealth) filed a "Joint Reply of New England Coalition on Nuclear Pollution and Commonwealth of Massachusetts to the Staff and Licensee's Objections to Late - Filed Contentions." The filing was made pursuant to a Licensing Board order of September 13, 1988, granting NECNP and the Commonwealth's joint motion for leave to file a reply. In the same order, the Licensing Board authorized the licensee and the NRC staff to file responses. The licensee filed its response on September 21, 1988. This constitutes the Staff's response.

II. DISCUSSION

A. Environmental Contention 1

In their reply, NECNP and the Commonwealth correct their reference to NUREG-1150, Reactor Risk Reference Document, to include page 4-33. They

offer this reference in support of their proposed Environmental Contention 1, which they now characterize as alleging that "the risk associated with a self-sustaining fire in the spent fuel pool, without hypothesizing a beyond-design-basis event, constitutes sufficient potential effect on the environment to require preparation of an environmental impact statement." (Emphasis added). Reply at 1-2. NECNP/Commonwealth state that the reference, NUREG-1150, supports a conclusion that "when the plant is deinerted, hydrogen detonation and deflagration in the reactor building is a significant risk." Reply at 2-3. NECNP/Commonwealth ignore the first sentence of the paragraph to which they cite. That sentence reads, "Nitrogen is added to the containment atmosphere in all Mark 1 plants during normal operation to prevent hydrogen combustion in an accident." (Emphasis added). Further, the very first sentence of NUREG-1150 states, "This report provides the Nuclear Regulatory Commission's draft assessment of severe accident risks for a set of commercial nuclear power plants." (Emphasis added). NUREG-1150 at xix. NUREG-1150 concerns severe accidents; the paragraph to which NECNP and the Commonwealth cite concerns severe accidents.

NECNP/Commonwealth now state that their proffered contention does not concern severe accidents; however, they stop short of specifying what the contention does concern. NECNP/Commonwealth cite to the Vermont Yankee Containment Safety Study (August 1986) as authority for their statement that containment is deinerted 1.1 per cent of the time the plant is operating. The discussion of deinerting appears in the Containment Safety Study at page 114 in "5.2.4.1. Time When Containment is Deinerted." However, in "Section 5.2.4.2, Control of Oxygen Post-Accident," it is

stated that "there are no potential sources of oxygen in the containment sufficient to result in a combustible gas mixture post-accident. In other words, regardless of how large a concentration of hydrogen gas results due to zirconium/water reaction of a degraded core, the oxygen will remain below 5% which precludes combustion." Id. at 115.

NECNP/Commonwealth have attempted to construct a post-accident scenario while ignoring, indeed disclaiming, the accident that resulted in the scenario. Simply put, post-accident conditions require an accident to produce them. NECNP/Commonwealth would have the effects without the accident. The contention is without basis; it should not be admitted.

B. Environmental Contention 2

In their reply, NECNP/Commonwealth offer a recent IE Information Notice, "IN No. 88-65: Inadvertent Drainages of Spent Fuel Pools August 18, 1988)," as support for their proposed Environmental Contention 2. That contention alleges that the Staff's discussion of occupational dose in its Environmental Assessment is inadequate and that the risk associated with worker exposure is sufficient to trigger the requirement for an EIS. The Joint Proponents argue that the Information Notice's discussion of three events in the past year involving pool drainage is evidence that such events are not remote and speculative but commonplace and that they have the potential for causing high radiation doses. Reply at 4.

The IN to which NECNP/Commonwealth cite concerns incorrect and insufficiently detailed operating procedures. It does not appear that any of the events discussed in the IN resulted in any dose at all, much less the significant dose that NECNP/Commonwealth regard as so likely to result

from the licensee's proposed amendment as to require an environmental impact statement.

NECNP/Commonwealth's proposed Environmental Contention 2 concerns occupational dose to workers and the possibility that the goal stated in the EA might be exceeded. IN No. 88-65 does not supply the basis and specificity lacking in Environmental Contention 2 as originally proposed. Environmental Contention 2 continues to lack basis and specificity; it should be rejected.

C. Environmental Contention 3

In their reply, NECNP/Commonwealth take the licensee and the Staff to task for arguing that the proposal to expand the capacity of the spent fuel pool at Vermont Yankee does not involve the requirement of Section 102(2)E of the National Environmental Policy Act (NEPA) that the government "study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources." 42 U.S.C. 4332(E). (Emphasis added). NECNP/Commonwealth have not offered to enlighten the Staff regarding their view of what "unresolved conflicts" and "available resources" are involved or how their preference for dry cask storage relates to any requirement of this section. NECNP/Commonwealth purport to regard the Staff's position that the proposal does not involve resources not already considered in the FES on plant operation as baffling. However, NECNP/Commonwealth ignore the fact that the proposal concerns an amendment to permit a Technical Specification change in an operating license for a facility whose operation has already been

considered in an FES. NECNP/Commonwealth have failed to identify any scarce or otherwise environmentally significant resources that they believe to be involved in this proposal. It is not enough for NECNP/Commonwealth to state as a basis for their proposed contention that they read certain decisions construing NEPA as supporting their view that the Staff did less than it should have done. NECNP/Commonwealth should state what they believe the Staff has omitted in its Environmental Assessment and how the omission relates to NEPA requirements. The proposed contention is nonspecific with regard to both NEPA requirements and what the Staff failed to consider. It should not be admitted.

III. CONCLUSION

For the reasons set forth above with regard to NECNP/Commonwealth's reply and for the reasons stated previously in the NRC Staff's response to the Joint Motion, the late-filed environmental contentions of NECNP and the Commonwealth should be rejected.

Respectfully submitted,

Ann P. Hodgdon
Ann P. Hodgdon
Counsel for NRC Staff

Dated at Rockville, Maryland
this 30th day of September, 1988

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BRANCH

CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF RESPONSE TO "JOINT REPLY OF NEW ENGLAND COALITION ON NUCLEAR POLLUTION AND COMMONWEALTH OF MASSACHUSETTS..." " in the above-captioned proceeding have been served on the following by deposit in the United States mail, first class, or as indicated by an asterisk through deposit in the Nuclear Regulatory Commission's internal mail system, this 30th day of September, 1988:

Charles Bechhoefer, Esq.*
Administrative Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Mr. Glenn O. Bright*
Administrative Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dr. James H. Carpenter*
Administrative Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

George Dana Bisbee, Esq.
Senior Assistant Attorney General
Environmental Protection Bureau
25 Capitol Street
Concord, NH 03301-6397

Atomic Safety and Licensing Board
Panel (1)*
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555*

Ellyn R. Weiss, Esq.
Andrea C. Ferster, Esq.
Harmon & Weiss
2001 S Street, N.W.
Washington, D.C. 20009

Samuel H. Press, Esq.
c/o Vermont Dept. of Public Service
120 State Street
Montpelier, VT 05602

Carol S. Sneider, Esq.
Assistant Attorney General
Office of the Attorney General
One Ashburton Place, 19th Floor
Boston, MA 02108

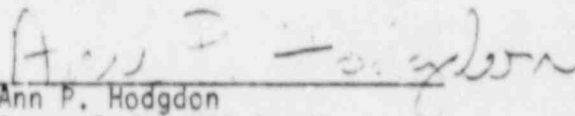
R. K. Gad, III, Esq.
Ropes and Gray
225 Franklin Street
Boston, MA 02110

Jay Gutierrez, Esq.*
Regional Counsel
USNRC, Region I
475 Allendale Road
King of Prussia, PA 19406

Atomic Safety and Licensing Appeal
Panel (5)*
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Adjudicatory File*
Atomic Safety and Licensing Board
Panel Docket
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Docketing and Service Section*
Office of the Secretary
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555


Ann P. Hodgdon
Counsel for NRC Staff