

BEFORE THE UNITED STATES NUCLEAR REGULATORY COMMISSION

In the Matter of)

Vermont Yankee Nuclear)
Power Corporation)

Docket No. 50-271

(Vermont Yankee Nuclear)
Power Station))

NEW ENGLAND COALITION ON NUCLEAR POLLUTION'S
OBJECTION TO PROPOSED FINDING OF NO SIGNIFICANT
HAZARDS CONSIDERATION, REQUEST FOR COMPLIANCE WITH
NATIONAL ENVIRONMENTAL POLICY ACT, AND REQUEST
FOR OPPORTUNITY TO COMMENT ON APPLICATION
TO INCREASE SPENT FUEL STORAGE CAPACITY AT
VERMONT YANKEE NUCLEAR POWER STATION

On June 18, 1986, the Nuclear Regulatory Commission published in the Federal Register a proposed finding of "no significant hazards consideration" regarding Vermont Yankee Nuclear Power Corporation's application for a license amendment which would authorize the expansion of the Vermont Yankee spent fuel pool. 51 Fed. Reg. 22,245 (June 18, 1986).¹ The Commission also noticed the opportunity to request a hearing on the license amendment application.

The New England Coalition on Nuclear Pollution ("NECNP") has monitored the operation of the Vermont Yankee nuclear power plant for many years and was an intervenor in a prior license amendment proceeding for the expansion of the Vermont Yankee spent fuel

¹ The utility has requested authorization to expand the capacity of the spent fuel pool from 2,000 fuel assemblies to 2,870 fuel assemblies.

pools.² NECNP has approximately 100 members in the Brattleboro-Putney area, and over 50 members live within ten miles of the Vermont Yankee Nuclear Power Station.

NECNP opposes the Commission's proposed finding that this license amendment request poses no significant hazards consideration. NECNP also opposes the taking of any action on this license amendment application unless and until the Commission has complied with the requirements of the National Environmental Policy Act ("NEPA"). NECNP reserves the right to comment on any environmental assessment or impact statement that is prepared. Finally, NECNP requests the opportunity to file comments on the safety issues raised by the proposal.

1) It is clear from the legislative history of the Atomic Energy Act that Congress did not intend the Commission to apply the "no significant hazards consideration" exception for prior licensing hearings to spent fuel expansion or reracking proceedings. The Senate Report on the Sholly Amendment stated that: "The Committee anticipates ... that, consistent with prior practice, the Commission's standards would not permit a "no sig-

² NECNP is a nonprofit corporation of approximately 500 members and supporting groups. It is governed by a Board of Trustees and advised by science advisors from area colleges and universities. The organization has worked for many years to educate and inform the public about the hazards of nuclear power, the benefits of alternative energy options, and the inextricable link between nuclear power plants and nuclear weapons. NECNP also operates the "Great New England Energy Show," New England's only mobile unit on alternative energy options and nuclear waste. As part of its public education activities, NECNP has participated in rulemaking proceedings and licensing proceedings for several New England nuclear plants.

nificant hazards consideration" determination for license amendments to permit reracking of spent fuel pools." Sen. Rept. No. 97-113, 1983 U.S. Code Cong. & Ad. News 3599. It is also obvious from the debates and hearings on the Sholly Amendment that Congress approved the legislation with the express understanding that spent fuel reracking would not fall under the no significant hazards exemption. See, e.g., statement by Rep. Ottinger on November 5, 1981, that

the expansion of spent fuel pools and the reracking of the spent fuel pools are clearly matters which raise significant hazards considerations, and thus amendments for such purposes could not ... be issued prior to the conduct or completion of any requested hearing or without advance notice.

The Commission thus violates Congress' clearly expressed intent in proposing to treat this license amendment as involving no significant hazards considerations. Pursuant to Section 189a of the Atomic Energy Act [42 U.S.C. § 2239(a)], the Commission must offer a prior hearing opportunity before granting a license amendment authorizing the expansion of the Vermont Yankee spent fuel pool.

2) NECNP has been informed that the Commission has performed no environmental assessment or impact statement for this license amendment. It is premature for the Commission to make any licensing proposal or to notice the opportunity for a hearing before it has presented its evaluation of the risks and benefits and environmental impacts of the proposal. Without an environmental assessment or evaluation, the Commission lacks sufficient basis for evaluating the risks and benefits of going forward with the proposal. Moreover, the Commission must supply this critical

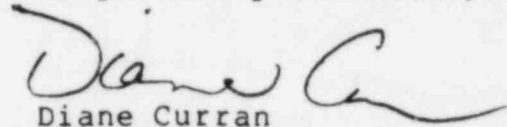
decisionmaking document to the public so that it can evaluate and respond to the basis for the decision.

NECNP wishes to place the Commission on notice that it will pursue its rights to enforce the requirements of the National Environmental Policy Act, including the injunction of any licensing action that does not comply with NEPA. NECNP also reserves the right to submit comments on any environmental statement or assessment that is issued.

3) NECNP has recently received information which leads it to believe that the expansion of the Vermont Yankee spent fuel pools could significantly increase the risk and consequences of an accident at that plant, due to the vulnerability of the pools to cracking or failure in the event of a containment failure. Section 189(a) of the Atomic Energy Act requires the Commission to offer the opportunity for a hearing on the issuance of license amendments. Generally, those hearings are adjudicatory in nature. In this instance, however, NECNP requests the opportunity to submit written comments on the safety risks presented by the proposed expansion of the Vermont Yankee spent fuel pools. Because the license amendment application raises complex technical

issues, NECNP seeks a period of 60 days for the preparation and submission of those comments.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Diane Curran".

Diane Curran
HARMON & WEISS
2001 S Street, N.W.
Suite 430
Washington, D.C. 20009
(202) 328-3500

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