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BEFORE THE UNITED STATES NUCLEAR  
REGULATORY COMMISSION

'87 FEB -2 P4:57

NO. 50-271

OFFICE OF THE  
SECRETARY

VERMONT YANKEE NUCLEAR POWER CORP;  
CONSIDERATION OF ISSUANCE OF AMENDMENT TO  
FACILITY OPERATING LICENSE AND PROPOSED  
NO SIGNIFICANT HAZARDS CONSIDERATION DETERMINATION AND  
OPPORTUNITY FOR HEARING

PETITION TO INTERVENE

NOW COMES the State of Vermont, by and through the undersigned counsel, and petitions for leave to intervene in the above-styled cause pursuant to 10 CFR 2.714 and the notice published at 51 FR 47324, and further requests that the Commission invoke the hybrid hearing procedure, as mandated by 10 CFR 2.1101 et seq.\* In support of said petition it is stated:

I. RIGHT OF PETITIONER TO BE A PARTY.

The proposed license amendment involves the Vermont Yankee Nuclear Power Station located in Vernon, Vermont.

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\*Petitioner does not intend by said request to waive any constitutional, statutory, or other legal objection to the hybrid hearing procedures; such objections, if any, will be made in timely fashion prior to any hearing on this matter.

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Under the circumstances of this case, where the proposed amendment has a potentially widespread effect on the health, welfare and safety of the people of Vermont, the State of Vermont has a clear right to participate in the proceedings.

II. EXTENT OF PETITIONER'S PROPERTY, FINANCIAL, OR OTHER INTEREST IN THE PROCEEDING.

The State of Vermont has a clear responsibility to ensure that the health, welfare and safety of the people of Vermont is not compromised or adversely affected by an improvident granting of the requested license amendment. Issuance of the license amendment under the circumstances proposed could, if State health, safety and environmental concerns are not adequately addressed result in a significant increase in risk to Vermont and its citizens from the Vermont Yankee plant.

III. POSSIBLE EFFECT OF ANY ORDER WHICH MAY BE ENTERED IN THE PROCEEDING ON THE PETITIONER'S INTEREST.

As noted, the requested amendment involves a plant which is physically located in Vermont. Any order permitting the requested amendment would have both direct and indirect effect on Vermont and its citizenry. An increase in the storage capacity of the spent fuel pool, and the subsequent filling of that increased capacity, could create increased risk to the public in the event of an accident involving the

pool, and may increase the likelihood of such an accident occurring. Nor should it be overlooked that, under 20 V.S.A. § 1 et seq., Vermont officials are charged with the responsibility of setting forth and effectuating plans to "prevent, minimize, and repair injury and damage" resulting from radiological incidents (see 20 V.S.A. §2); any proceeding involving the amount of nuclear waste and the provision for its storage clearly is of concern to the State in this regard. Moreover, allowance of the amendment would in all likelihood impose economic costs upon the State and its citizens by increasing the amount of low-level waste which Vermont may be forced to dispose of under the terms of the Low Level Radioactive Waste Policy Act. Finally, it should be pointed out that the effects and potential effects of these factors are not insignificant, given that the amendment requests an increase in storage capacity of 43.5%.

IV. SPECIFIC ASPECTS OF THE SUBJECT MATTER AS TO WHICH PETITIONER WISHES TO INTERVENE.

Petitioner wishes to intervene with respect to the following questions which the proposed amendment raises:

- a. Questions pertaining to the necessity of the preparation of an environmental impact statement by the Commission prior to issuance of the proposed amendment;
- b. Questions concerning whether the proposed license amendment is of the type which Congress intended to

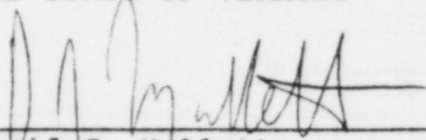
- include among those actions which could be declared by the Commission to pose no significant hazard prior to the time that hearings are held;
- c. Questions concerning whether a 1977 stipulation between the parties in Commission Docket No. 50-271 affects the proposed amendment;
  - d. Questions concerning adverse impacts of the proposed amendment on the State and its citizens in light of the terms of the Low-Level Radioactive Waste Act setting forth State responsibilities for the disposal of low-level waste;
  - e. Questions concerning the extent to which increased spent fuel storage would exacerbate the effect of a severe accident;
  - f. Questions concerning the increase in the probability of an accident and opportunity for deliberate acts of malfeasance brought about by increased spent fuel storage and movements in and around the pool of equipment and spent fuel;
  - g. Questions concerning whether storage expansion presents the possibility of a new accident which has not been evaluated due to the possible dropping of a spent fuel storage rack in or around the storage pool.
  - h. Questions concerning the possible adverse effects on the adequacy of the expanded spent fuel storage due to the inability of the Federal Department of

Energy to comply with the waste repository schedule set forth in the Nuclear Waste Policy Act of 1982, and the uncertainty on when and if disposal will be available that results from that inability.

WHEREFORE, having met the applicable tests for intervention, Petitioner prays that it be allowed to intervene in this matter.

THE STATE OF VERMONT

By: \_\_\_\_\_

  
David J. Mullett  
Special Counsel  
Department of Public Service  
Special Assistant Attorney General

All pleadings related to this matter shall be served on:

David J. Mullett  
Vermont Department of Public Service  
120 State Street  
Montpelier, VT 05602

BEFORE THE UNITED STATES NUCLEAR  
REGULATORY COMMISSION

DOCKETED  
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No. 50-271

Vermont Yankee Nuclear Power )  
Corp: Consideration of Issuance )  
of Amendment to Facility Operating )  
License and Proposed No Signifi- )  
cant Hazards Consideration )  
Determination and Opportunity for )  
Hearing )

CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the foregoing  
Petition to Intervene by causing a true copy hereof to be  
placed in the United States mail, postage prepaid, addressed  
as follows:

Secretary of the Commission  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Office of the General Counsel-Bethesda  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

John A. Ritcher, Esq.  
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Boston, MA 02110

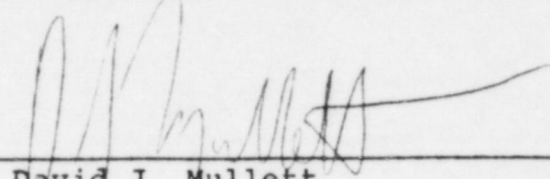
William Griffin, Esq.  
Attorney General's Office  
State of Vermont  
Montpelier, VT 05602

New England Coalition on Nuclear Pollution, Inc.  
P.O. Box 545  
Brattleboro, VT 05301

DATED at Montpelier, Vermont this 29th day of January,  
1987.

VERMONT DEPARTMENT OF PUBLIC SERVICE

BY: \_\_\_\_\_

  
David J. Mullett  
Special Counsel