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USNRC

'87 FEB -2 P4:57

STATE OF VERMONT
DEPARTMENT OF PUBLIC SERVICE
120 STATE STREET
STATE OFFICE BUILDING
MONTPELIER 05602
TEL. 802 828-2811

January 29, 1987

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

ATTN: Docketing and Service Branch

RE: No. 50-271
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

Dear Secretary:

Enclosed please find for filing the State of Vermont's
Petition to Intervene in the above-styled matter, pursuant to
the notice contained in Volume 51, page 47324 of the Federal
Register.

Thank you for your cooperation in this matter. We will
await the ruling on our petition.

Very truly yours,

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

DJM/sj

cc: Office of the General Counsel-Bethesda
John A. Ritcher, Esq.
William Griffin, Esq.
New England Coalition on
Nuclear Pollution, Inc.

Enclosure

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PDR ADOCK 05000271
G PDR

BEFORE THE UNITED STATES NUCLEAR
REGULATORY COMMISSION

DOCKETED
NRC
'87 FEB -2 P4:57

NO. 50-271

OFF.
E.C.

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.

*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

'87 FEB -2 P4:58

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

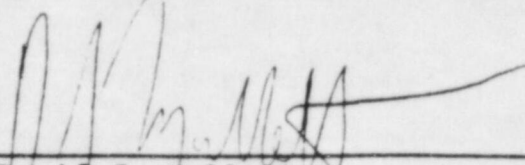
John A. Ritcher, Esq.
Roper and Gray
225 Franklin Street
Boston, MA 02110

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

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED

'87 FEB -5 All:18

In the Matter of)

Vermont Yankee Nuclear)
Power Corporation)

(Vermont Yankee Nuclear)
Power Station))

OFF)
300)
Docket No. 50-271

ATTORNEY GENERAL JAMES M. SHANNON'S REQUEST FOR A HEARING
AND PETITION TO INTERVENE WITH RESPECT TO
VERMONT YANKEE'S SPENT FUEL POOL EXPANSION REQUEST

Attorney General James M. Shannon hereby requests a hearing with respect to Vermont Yankee's request to expand spent fuel storage capacity, noticed at 51 Fed. Reg. 22,245 (June 18, 1986), in accordance with the "Notice of Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing," noticed at 51 Fed. Reg. 47324 (December 31, 1986), and in accordance with the hybrid hearing procedures set forth therein, and the Attorney General further petitions pursuant to 10 C.F.R. § 2.714 and § 2.715(c) for leave to intervene in that proceeding.

Attorney General Shannon seeks to intervene in this proceeding on behalf of the citizens of the Commonwealth of Massachusetts. Several Massachusetts communities are located within ten miles of the Vermont Yankee site (the plume exposure emergency planning zone), and a large portion of the Commonwealth lies within fifty miles of the site (the ingestion exposure emergency planning zone). The health and safety of Massachusetts citizens could therefore be affected by the

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outcome of this proceeding. Attorney General Shannon also has a right to participate in this proceeding as a representative of an interested State pursuant to 10 C.F.R. § 2.715(c).

The Attorney General asserts that Vermont Yankee's request to expand its spent fuel pool storage capacity presents a significant hazards consideration. Boiling water reactor probabilistic risk assessment studies indicate that the frequency of severe accidents for these reactors is non-negligible. A significant quantity of hydrogen gas could be generated in the event of a severe accident, even if the accident is terminated. Through containment leakage or containment failure, this hydrogen gas would be released to the reactor building. It is likely that this hydrogen gas will burn or detonate, generating pressure that will threaten the structural integrity of the reactor building. Given the location of the spent fuel pool, it is possible that either: (a) spent fuel cooling systems will be damaged and rendered inoperable and that limited access to the building will prevent repair; or (b) the structural integrity of the spent fuel pool will be breached. Inadequate cooling of the fuel in the spent fuel pool can then lead to a radiological release. The greater the number of fuel assemblies in the spent fuel pool, the larger the release is likely to be.

There are alternatives to increasing the spent fuel pool that the licensee has not proposed, and that should be

considered, including at least the following: (a) constructing a dry spent fuel storage facility, or (b) constructing an in-ground spent fuel pool.

Attorney General Shannon wishes to participate in this proceeding with respect to the issues set forth above.

Respectfully submitted,

JAMES M. SHANNON,
ATTORNEY GENERAL of the
COMMONWEALTH OF MASSACHUSETTS

By: Carol S. Snieder
CAROL S. SNEIDER
Assistant Attorney General
Environmental Protection Division
Department of the Attorney General
One Ashburton Place
Boston, MA 02108

Dated: January 30, 1987

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKET
'87 FEB -5 A11 :

In the Matter of)
)
Vermont Yankee Nuclear)
Power Corporation)
)
(Vermont Yankee Nuclear)
Power Station))
_____)

OFF
DOCKETING
BRANCH
Docket No. 50-271

CERTIFICATE OF SERVICE

I, Carol S. Sneider, hereby certify that on January 30, 1987, I made service of the within document by mailing copies thereof, postage prepaid, by first class mail, to:

Secretary of the Commission
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555
Attention: Docketing and Service Branch

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

John A. Ritcher, Esquire
Ropes and Gray
225 Franklin Street
Boston, Massachusetts 02110

Carol S. Sneider
Carol S. Sneider
Assistant Attorney General
Environmental Protection Division

Dated: January 30, 1987