

50-213



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

May 4, 1998

Mr. Michael J. Daley
Trustee and Legislative Representative
New England Coalition on Nuclear Pollution, Inc.
Box 545
Brattleboro, VT 05301

Dear Mr. Daley:

In your letter dated March 10, 1998, on behalf of the New England Coalition on Nuclear Pollution, Inc., you request that the Nuclear Regulatory Commission (NRC) take action pursuant to 10 CFR 2.206 with regard to the Vermont Yankee Nuclear Power Station (Vermont Yankee). You request that the NRC undertake an inspector-conducted search of Vermont Yankee's disposal records similar in scope to that conducted at Connecticut Yankee and Maine Yankee. You also request that the NRC undertake an independent assay of local landfills that could have received shipments of trash from Vermont Yankee since operations began at the plant. You assert as grounds for your request that radioactive materials have been released off-site by Connecticut Yankee Atomic Power Station and Maine Yankee Atomic Power Station.

We have reviewed your request and have determined that it does not meet the criteria for consideration under 10 CFR 2.206. In order to be considered under the requirements of 10 CFR 2.206, the request must seek enforcement type action. Examples include: a request that the NRC impose requirements by order; or issue an order modifying, suspending, or revoking a license; or issue a notice of violation. In addition, the request for enforcement action must specify the facts that constitute the bases for the requested action. Your request does not meet these criteria primarily because you did not provide any specific facts relating to Vermont Yankee that support a request for enforcement action. The existence of deficiencies at other facilities does not constitute adequate bases for the actions you request at Vermont Yankee.

NRC's special review of Connecticut Yankee Atomic Power Company's Haddam Neck Plant was initiated as a result of several NRC-identified radiological control performance issues, as well as information indicating that potentially radioactive materials may have been disposed of in various unrestricted and uncontrolled locations. The NRC's Historical Review Team Report was published on March 26, 1998, and is publicly available. While some lapse in the control of radioactive material was identified by the NRC, the staff concluded that the conduct of licensed activities at Haddam Neck did not result in any apparent radiation exposure to the public or the environment in excess of the limits specified in 10 CFR Part 20, based on currently available information.

With respect to Vermont Yankee, our programmatic inspections of the licensee have not revealed weaknesses in radioactive material control that would affect public health and safety, or adversely affect the environment. In your March 10 letter you did not provide information indicating that radioactive material was actually inappropriately or inadvertently released, or disposed of improperly. Nor did you provide any basis to suspect that the control

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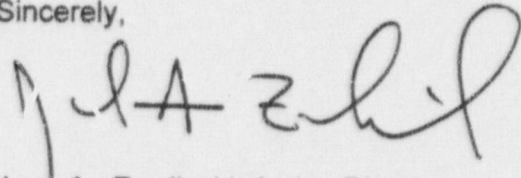
NRC FILE CENTER COPY

of radioactive material at Vermont Yankee has not been in accordance with Commission regulations. Therefore, based on the information provided, the NRC has no basis to expend the resources to conduct a comprehensive review of Vermont Yankee of the type accomplished at Haddam Neck, or to perform an independent assay of local landfills that may have received trash or debris from the plant. We will, however, continue to conduct inspections of Vermont Yankee's radiological control programs, including review and assessment of the control and disposition of radioactive materials. These reviews are conducted routinely by the resident inspectors and region-based inspectors.

Please inform us if you have any specific information with respect to a failure at Vermont Yankee to conduct licensed activities in accordance with NRC rules and regulations, or a failure to control and monitor licensed radioactive materials and effluents in accordance with regulatory requirements. In the case of such a failure, in accordance with NRC policy, we would conduct an inspection as necessary to review the matter and would take appropriate regulatory action.

You also requested that you be placed on the service list for Vermont Yankee. We grant this request and will place you on the service list until we fully respond to your letter dated April 9, 1998.

Sincerely,

A handwritten signature in black ink, appearing to read "J. A. Zwolinski", written in a cursive style.

Joseph A. Zwolinski, Acting Director
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation

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Sincerely,

John A. Zwolinski, Acting Director
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation

Distribution: See next page

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*PREVIOUS CONCURRENCE

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DATE	04/14/98	04/20/98	04/16/98	04/23/98	04/17/98
OFFICE	PDI-3/D *	PDI-3/(A)D *	OGC *	ADP/A *	NRR/D
NAME	CThomas	JZwolinski <i>JZ</i>	HMcGurren	JAZ for BBoger	SCollins <i>SC</i>
DATE	04/21/98	04/24/98	04/24/98	04/27/98	04/29/98

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Distribution:

Docket File w/inc.

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EDO #G980195

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B. Gleaves

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NRR Mail Room (EDO #G980195 w/inc.)

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Mr. Donald A. Reid
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ACTION

EDO Principal Correspondence Control

FROM:

DUE: 05/04/98

EDO CONTROL: G980195

DOC DT: 03/10/98

FINAL REPLY:

Michael J. Daley
New England Coalition
on Nuclear Pollution, Inc.

TO:

NRC

FOR SIGNATURE OF :

** GRN **

CRC NO:

Collins, NRR

DESC:

2.206 VIOLATIONS OF LOW-LEVEL NUCLEAR WASTE
DISPOSAL CONTROLS AT NEW ENGLAND NUCLEAR POWER
FACILITIES

ROUTING:

Callan
Thadani
Thompson
Norry
Blaha
Burns
Miller, RI
Superiello, NMSS
Cyr, OGC
JGoldberg, OGC
BGleaves, NRR

DATE: 04/02/98

ASSIGNED TO:

CONTACT:

NRR

Collins

SPECIAL INSTRUCTIONS OR REMARKS:

NRR Action: DRPE: Zvolinski
NRR Received: 4/3/98

ACTION

DUE TO NRR DIRECTOR'S OFFICE

BY

4/29/98

AP 4/3

New England Coalition on Nuclear Pollution, Inc.

Box 545, Brattleboro, Vermont 05301

Phone (802) 257-0336

March 10, 1998

United States Nuclear Regulatory Commission
Washington, D.C. 20555

ATTN: Document Control Desk

The New England Coalition on Nuclear Pollution asks that NRC consider the following public health concern and request for remedial action under the provisions of 10CFR2.206:

We are deeply concerned by recent revelations that radioactive wastes have been disposed of in ordinary landfills instead of in regulated, licensed radioactive waste disposal facilities designed to protect the public and the environment from contamination.

There appears to be a pattern of violations of low-level nuclear waste disposal controls at New England nuclear power facilities. Revelations that radioactive materials, including fill and building materials, were released by Connecticut Yankee Nuclear Power Station for off-site use, have been followed by the equally disturbing discovery that Maine Yankee Atomic Power Station had over a number of years sent radioactive rubbish of undetermined concentration and isotopic makeup to the Wiscasset, Maine, municipal landfill. The Wiscasset landfill has since been closed and capped presenting the possibility that radioactive materials there may not be retrievable even at such time as they may be found leached into local aquifers.

We note that the Maine discovery came instant upon the denial by Maine Yankee Atomic Power Company of even the possibility of sending radioactive materials off-site, such denials being made at a March 5, 1998 public meeting of the community advisory board. The denial was immediately contradicted by Mr. Pat Dostie, a state nuclear safety inspector who was aware of the illegal dumping in 1986. Despite being made aware of the matter at the time, Maine Yankee failed to notify the NRC, or take remedial actions.

These previously unidentified concerns were uncovered during site characterization work preparatory to the decommissioning of these facilities. These discoveries call into question the adequacy of the programs designed to safe guard the public from the unique hazards associated with the generation of electricity by nuclear fission.

In the interest of restoring public confidence and securing the maximum protection of the public from the harmful effects of radiation, the New England Coalition believes the conservative response to the evidence available would be to assume that other licensee radioactive materials control programs, and of NRC oversight of these programs, have been subject to similar breakdowns in quality control.

Specifically, we are concerned with the potential for any similar lapses at the Vermont Yankee Nuclear Power Station.

The following steps, at minimum, should be taken immediately to provide the necessary public assurance that unregulated dumping has not occurred:

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H PDR



EDO -- G980195

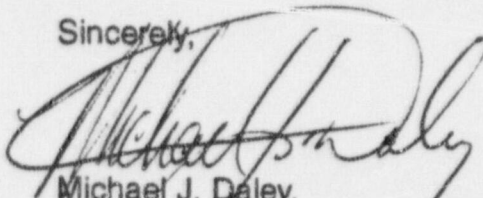
1. NRC should undertake an NRC inspector-conducted search of Vermont Yankee Nuclear Power Corporation's disposal records similar in scope to those that led to the discovery of the problems at Connecticut Yankee and Maine Yankee.

2. NRC should undertake an independent assay of local landfills that could have received shipments of trash from Vermont Yankee since operations began at the plant.

It should be understood that the New England Coalition believes that an enumeration of past NRC performance reports about the licensee's radioactive materials handling programs will not serve, in this case, to provide the necessary assurances.

A concerned and potentially endangered public should not have to wait until decommissioning begins to learn if unregulated dumping of radioactive materials to the local environment has occurred. Additionally, the prompt identification of contamination, should any exist, gives the maximum hope that any necessary remediation efforts will occur before significant migration into the soil and groundwater has taken place.

Sincerely,

A handwritten signature in dark ink, appearing to read "Michael J. Daley", is written over a horizontal line.

Michael J. Daley,
Trustee and Legislative Representative, NECNP

p.s. To assist us in our ongoing efforts to monitor the health and safety implications of the operations of Vermont Yankee, we request that NRC place the New England Coalition on the service list for this reactor.