

New England Coalition on Nuclear Pollution

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US-NRC

February 24, 1998

Secretary of the Commission
Attention: Rulemakings and Adjudications Staff
U.S. NRC
Washington DC 20555-0001

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OFFICE OF THE SECRETARY

Re: NRC Notice, 63 Fed. Reg. 4308-4330 (January 28, 1998) Objection to use of No Significant Hazards Consideration to approve Yankee Atomic Electric Company's License Termination Plan for the Yankee Nuclear Power Station, Rowe, Massachusetts, and request for a 10 C.F.R. 2, subpart G hearing on the plan.

Hello:

We write to object to the process and substance of your planned approval of Yankee Atomic Electric Company's License Termination Plan and to request that you reconsider the process you have formulated and substitute a hearing under 10 C.F.R. 2, subpart G.

In preview let me note that even though the New England Coalition on Nuclear Pollution was not in existence at the time of the licensing of Yankee Rowe, we have participated in licensing hearings, both CP and OL, of several plants. In addition, several of our Trustees have assisted in or been full parties to these licensing hearings for nuclear plants in other parts of the country. In all those proceedings, any consideration of financial, environmental, and health and safety issues of the decommissioning process was routinely denied as outside the scope of the proceeding. They were never ruled "insignificant." The overarching actions of the NRC and its Staff in their general approach to decommissioning and in this particular matter fly directly in the face of good faith regulation.

- A) The following are particular concerns NECNP has with the process of NRC's treatment of the matter of Yankee Atomic's license termination plan.
- i. Notice was given in the Federal Register on January 5th for a meeting January 13th. This is not adequate notice.
 - ii. By NRC's own announcement at the beginning of the public meeting, the final plan, including NRC's questions to the licensee and the answers by the licensee, was not made available to the public prior to the meeting.
 - iii. Despite a request from the public that the NRC hold another meeting to discuss the plan after the relevant material was made available to the public and after 30 day notice had been provided, NRC noticed its intention to amend the license to approve the plan without a hearing by making a finding of No Significant Hazards Consideration. This action put the amendment on a "fast track" and may allow only for a "post amendment" hearing. This should not be done as there is no "emergency." There are environmental considerations of site cleanup involved, and such considerations deserve (under both minimum due process and the National Environmental Policy Act) a "hard look" at the proposed plan.
 - iv. During the meeting, over public objections, the moderator (who happens to be a close associate of Yankee Atomic's public relations person) cut off questions under the claim that there would not be sufficient time if questioning were permitted to continue. This was done despite prior announcement that the building would need to be cleared by 11:00 p.m. By eliminating additional questions to NRC and YAEC and deciding not to answer those asked, the facilitator managed to conclude the meeting at 10:00 and leave many questions unanswered. The NRC staff failed to object to this unnecessary change in the format of the meeting. The NRC staff also failed to take this into account and schedule additional meeting with proper notice. Finally, the NRC staff also failed to answer questions posed by the audience and filed in writing to NRC.

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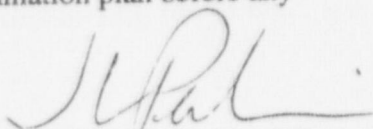
B) The following are serious concerns NECNP has with the substance of the decisions and actions proposed by the Staff of the NRC.

- i. YAEC has relied upon old environmental reports as the basis for certifying that activities are bounded by environmental studies and within the GEIS on decommissioning. These studies were not specifically geared to evaluate the issues involved in decommissioning. Moreover, the GEIS is out of date - it is nearly a decade old - and many of its predictions are incorrect. The standard method for calculating transportation doses has changed. The financial projections for costs of decommissioning are off by more than an order of magnitude. The NRC should be conducting appropriate review of the materials YAEC relied upon in stating that its plan falls within existing environmental limits, rather than allowing YAEC to do the environmental decision-making.
- ii. YAEC proposes to eliminate the fuel pool and go to cask storage. The casks to be used have not yet been certified. Eliminating the fuel pool is an unreviewed safety issue in case of cask leaking or cask explosion. YAEC's proposal to "over-pack" casks in case of leaking raises another unreviewed safety question as the proposed correction has never been attempted. Moreover, all of these proposals are not permitted under a part 50 license and 10 CFR 50.59. They should require that the licensee use a part 72 license process. This is particularly evident when one considers that other sites utilizing cask storage continue to have operating reactors with fuel pools available and regular staff. YAEC will be eliminating all of the back-up safety systems which would provide the possibility of transferring the fuel into a pool if necessary. Given the unreviewed safety questions, there should be a full adjudicatory hearing on the licensee's proposals instead of the short shrift of No Significant Hazards Consideration.
- iii. Insufficient attention has been given to final site clean-up issues. For example, no serious consideration has been given to the levels and types of pollution which will occur when dammed sediments are allowed to drain into the Deerfield River. Moreover, the current license termination plan gives grossly incorrect estimates of the amount of radiation to be left at the site. Specifically, the licensee claims that there will be <15 mr/yr. This is not based upon a 24 hour per day resident at the site. Using the licensee's own estimates for level of radioactivity above background on site, such an individual would be exposed to more than 87 mr/year. This is totally unacceptable. Massachusetts Department of Public Health Radiation Protection Standards do not permit more than 10 mr/yr above background. EPA standards do not permit more than 15 mr/year. Even NRC standards do not permit more than 25 mr/yr. It is unconscionable for the NRC to suggest that No Significant Hazards Consideration approval is appropriate for Yankee Rowe given the licensee's proposal to leave the site with a level of contamination resulting in exposures over three times higher than its own limit.

C) NECNP requests the following actions be taken to resolve the difficulties identified above.

- i. To remedy the lack of due process, the NRC should be sure that all material relevant to decision-making on the License Termination Plan is available in the Local Public Document Room for 30 days prior to another public meeting. This meeting should follow a full 30 days notice following publication in the Federal Register.
- ii. The NRC should not use a No Significant Hazards Consideration to amend YAEC's license to permit the License Termination Plan.
- iii. There should be a formal, adjudicatory process, such as a Title 10, Part 2, Subpart G license amendment hearing, prior to NRC Staff approval and before activities under the plan are permitted to take place. The hearing should be held in a location convenient to interested local people, perhaps Greenfield or Shelburne Falls, Massachusetts.
- iv. By this letter and on behalf of members living in the vicinity of the Yankee Nuclear Power Station, NECNP requests that the relief requested above be granted and that a formal license amendment hearing be completed on the Yankee Nuclear Power Station license termination plan before any activities proposed under the plan are permitted to take place.

For NECNP,


James L. Perkins, President of the Board