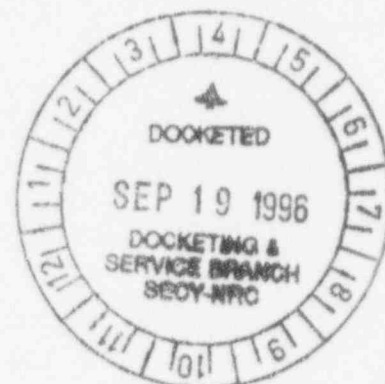


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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

before the

ATOMIC SAFETY AND LICENSING BOARD



In the Matter of )

YANKEE ATOMIC ELECTRIC COMPANY, )

(Yankee Nuclear Power Station) )

Docket No. 50-029 - DCOM

ANSWER OF YANKEE ATOMIC ELECTRIC COMPANY  
TO CITIZENS AWARENESS NETWORK'S AND NEW  
ENGLAND COALITION ON NUCLEAR POLLUTION'S  
MOTION FOR LEAVE TO REPLY TO YAEC'S REPLY  
MEMORANDUM (SUMMARY DISPOSITION)

Pursuant to 10 C.F.R. § 2.730(c), Yankee Atomic Electric Company (YAEC), the licensee herein, hereby replies to Citizens Awareness Network's and New England Coalition on Nuclear Pollution's Motion for Leave to Reply to YAEC's Reply memorandum (Summary Disposition) as follows:

YAEC leaves to the informed discretion of the Board the question of whether to allow the Motion and accept into the record the documents proffered thereunder. YAEC, however, wishes to draw the Board's attention to the following as it exercises its discretion.

The motion and its accompanying documents are filed in direct violation of the rules laid down by the Board in LBP-96-15. Therein the Board stated that:

"Replies (other than the summary disposition filing described in section III.B above) are not permitted without prior approval of the Board. Board preapproval regarding . . . leave to reply must

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be sought in writing at least twenty-four hours before filing the motion or pleading."<sup>1</sup>

The summary disposition filing referred to in the above-quoted language is the reply opportunity afforded the Staff and Licensee to any responsive motions or cross-filings -- it is not a general absolution for all replies in the summary disposition phase of the case. Thus the pleading is unauthorized.

The Board might also consider whether a further affidavit of Dr. Resnikoff is a useful addition to the record. Any doubt as to the fragility of his understanding of what is before the Board is removed by such things as his apparent belief that "carbon dioxide blasting," "hydro blasting," and "abrasive blasting" as well as "scabbling," "spalling," and "scarifying" involve the use of, or produce results similar to, explosives;<sup>2</sup> his claim that information that Mr. Mellor refers to as being found in Exhibit 6 to Mr. Mellor's September 3, 1996 affidavit is actually in Exhibit 5 when, in fact, it is in Exhibit 6;<sup>3</sup> and the fact that he does not "understand" paragraph 4 of the Mellor September 13, 1996 affidavit which clearly sets forth why a comparison Dr. Resnikoff had previously made was invalid.

In any event, the fundamental point that Yankee is making is that if the standard for acceptability for approving the Yankee decommissioning plan is the difference between DECON and SAFSTOR as found in the GEIS of 900 person-rem, then the factors that went into the DECON and SAFSTOR estimate should be the same when Yankee computes its difference. If one were to do that one would calculate a difference of 823 person rem; well below the threshold

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<sup>1</sup>LBP-96-15 (Slip Op.) at 62-63.

<sup>2</sup>*Second Reply Affidavit of Marvin Resnikoff, Ph.D* at ¶ 15.

<sup>3</sup>*Id.* at ¶ 12.

of 900 even using Dr. Resnikoff's own estimates of future exposure which we do not contest for this purpose. Even if O&M and inhalation were included, the number would rise to 864. This is, once again, below the threshold value of 900.

If one were to take Yankee's estimate of the total projected exposure even conceding some of the additions that Resnikoff suggests, Yankee's calculated difference between DECON and SAFSTOR is shown in the following table:

	CAN	Mellor	Accept
Direct Gamma			
TLD Correction	25		25
DECON 1992	94		94
	473	439	473 (Includes O&M)
	400	91	91(No basis for average)
Inhalation	7		7
Hot Particle	No guess		
Transportation	103	7	10 (GEIS excludes public)
Fuel Transfer	41	41	41
Contaminated Soil	No guess		.2 (from GEIS)
Totals	1184	579	741.2
Subtract SAFSTOR (CAN's No.)	186	186	186
Total (DECON-SAFSTOR)	998	393	555.2

Thus, under any realistic projection of "to go" dose comparing what is in the GEIS and including what CAN suggests in terms of what might be considered decommissioning, there is no credible scenario that will exceed 900 person rem. Even CAN's attempt to stretch the numbers barely

exceeds the threshold value.

### CONCLUSION

YAEC believes the ruling on the Motion at bar is a matter committed to the sound discretion of the Board.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'T. G. Dignan, Jr.', with a horizontal line underneath.

Thomas G. Dignan, Jr.

R. K. Gad III

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*Counsel for the Licensee*

Dated: September 16, 1996

**CERTIFICATE OF SERVICE**

I, Thomas G. Dignan, Jr., one of the attorneys for Yankee Atomic Electric Company, do hereby certify that on September 18, 1996, I served the within pleading in this matter by United States Mail (as well, where indicated, by facsimile transmission) as follows:



Shirley Ann Jackson, Chairman U.S. Nuclear Regulatory Commission Washington, D.C. 20555	Kenneth C. Rogers, Commissioner U.S. Nuclear Regulatory Commission Washington, D.C. 20555
Greta J. Dicus, Commissioner U.S. Nuclear Regulatory Commission Washington, D.C. 20555	Dr. Nils Diaz, Commissioner U.S. Nuclear Regulatory Commission Washington, D.C. 20555
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Thomas G. Dignan, Jr.