

Meeting Minutes

Yankee Rowe Community Advisory Board April 24, 2008

The Yankee Rowe Fuel Storage and Removal Community Advisory Board held their Spring 2008 meeting at the Mohawk Park Restaurant in Charlemont, Massachusetts, on April 24, 2008.

Attendees: Bob Gallagher, Dawn Peters, Bill LeQuier, Ken Plumley, Lenny Laffond, Anita Barker, Anne Skinner, Susan Wood, Art Schwenger.

Chairman Lenny Laffond called the meeting to order at 6:50 p.m. The October 2007 Meeting Minutes were reviewed and approved with two corrections as noted:

- Discussion held regarding the assistance of Bob Capstick in drafting a letter to the Secretary of Energy on behalf of the CAB regarding expediting removal of the spent fuel and GTCC at decommissioned reactor sites.
- To change the day of the scheduled CAB Meeting from Wednesday to Thursday to better accommodate CAB members schedules.

Site Closure Update and Fuel Storage Facility Status was presented by Bob Mitchell

- See attached for information relating to this presentation.

Nuclear Waste Issue Update was presented by Robert Capstick

- See attached for information relating to this presentation.

CAB New Business:

- Lenny Laffond issued copies of the letter that was drafted to Massachusetts Congressional Delegation and asked all CAB members to review and contact him with any additional comments or concerns. His plan was to send the mailing out in May. A copy of the letter as mailed is attached.

The next CAB meeting is scheduled for Thursday October 23rd, 2008.

The Meeting was adjourned at 7:46 p.m.

For more information, contact Bob Mitchell at 413-424-5261 X-303 or via email at rmitchell@3yankees.com.

**Yankee Rowe Spent Fuel Storage & Removal
Community Advisory Board Meeting**

Thursday, 4/24/08

Project Status

Overall

Emphasis continues on Project closeout with DEP.

The Sherman Dam extension tie-in still needs to be completed.

Site cleanup from Winter Operation is underway.

Industrial Safety

The project has worked more than 2 years since the last lost time accident as of April 23, 2008

Two OSHA Recordable Injuries since the last meeting

Site Activities

- Only site activities since the last meeting were related to improvements with Stormwater Management and were effective at supporting overall site stabilization
- Vegetative growth evaluations by biologists which are required by Water Quality Certification and Order of Conditions indicated that the site restoration is progressing well
- Water Quality Certification should be done this year and Order of Conditions next year
- Completed 2008 groundwater and surface water sampling program, preliminary results received and show Tritium levels continue a slow trend downwards and only one well continues to remain slightly above EPA drinking water standards.

Physical Work

No major activities and the Dam Extension Tie-In should be worked in 2008

Site Closure

- Finalized DPH closure activities in 2007 and obtained approval in March 2008
- Working with the DEP to complete the final 2 remaining activities (Wetlands related and Environmental Closure)

Wetland Closure will be this fall or possibly next year based on the timing of the dam extension work to allow 1 full growing season of monitoring after final site stabilization work

to obtain a final Certificate of Compliance to allow completion of the related activities. The Water Quality Certification should be closed by the DEP this fall.

Environmental Closure is nearing completion with the final draft paperwork being prepared by the DEP. With the exception of Post Closure GW Monitoring for up to 30 Years, all activities should be completed in 2008.

Deed Notices and Property Restrictions on Yankee Property have been filed:

- Residential Deed Restriction.
- SCFA Deed Notice.
- BUD Deed Notice and TSCA Deed Restriction.

Yankee Property Disposition

- No activities planned until Yankee reaches final closure with the MA-DEP and Tran-Canada.
- All major stake holders (Local, County and State) will be briefed on the Expression of Interest Process (EOI) in the near future.

NUCLEAR WASTE ISSUE UPDATE

DOE Program Update

- The next DOE waste management program milestone is the Yucca Mountain license application filing which is expected to be submitted to the NRC this June. If the application is accepted and docketed by the NRC, it will initiate a multi-year review process. A great deal of intervention is expected.
- As a result of congressional budget cuts to the program, the DOE estimate for repository operation has now been extended beyond the 2017 timeframe.
- DOE is expected to issue a report required under the Nuclear Waste Policy Act regarding the need for a second repository report in June - there is a 70,000 metric ton uranium cap on Yucca Mountain.

Congressional Appropriations and Legislation Update

- Congress passed a FY 2008 appropriations bill at the end of last year that cut the DOE waste management program significantly. As a result of Senate Majority Leader Reid's efforts, the bill funded the spent nuclear fuel disposal program at \$390 million, rather than the \$495 requested by the Administration or the House \$445.5 million number.
- As a result of the efforts of the Decommissioning Plant Coalition, language was included in the consolidated FY-08 appropriations bill report directing the Department of Energy to develop a plan to take custody of spent fuel currently stored at decommissioned reactor sites and demonstrate that DOE can move forward in the near-term with at least some element of nuclear waste policy. The Department was requested to consider consolidation of the spent fuel from decommissioned reactors either at an existing DOE site, at one or more existing operating reactor sites, or at a competitively-selected interim storage site associated with Global Nuclear Energy Partnership facilities. (handout).
- Congressman Olver (a member of the House Energy & Water Development Appropriations Subcommittee) asked the DOE about the report at a recent Committee hearing - DOE said it expects to issue it in the June timeframe.
- There are several nuclear waste related bills that have been filed in both House and Senate. Senator Domenici is also expected to introduce a bill. As reported at the last meeting - its unlikely that any of these bills will move this session - largely because of the Senate leadership and because Congress is focused on other issues and the upcoming elections.

- There have been a number of organizations that have weighed in on the need for the federal government to address the decommissioned plant spent fuel storage issue (handout). In light of the repository schedule delays, consensus is beginning to form around the need for centralized interim storage, as well as consideration to move decommissioned SNF first. CY will be following up on this support – and the DOE report expected shortly – to press for priority consideration with the next administration and congress. CY will continue its efforts with the Nuclear Waste Strategy Coalition; the Decommissioning Plant Coalition; the Nuclear Energy Institute; NARUC; the New England Council; and other organizations as well.

DOE Lawsuit Status

- A three judge panel of the US Federal Circuit Court of Appeals held oral argument on Feb 4th on the Yankee companies' spent fuel storage lawsuits. Two other cases were argued before the same panel that day - PG&E and SMUD. The appeal panel decision schedule is unknown, but it is possible that there could be a decision before the end of the year.
- The government requested an extension for their filing in the Yankee companies' second round of damages claims cases. The Yankee companies agreed to the extension as long as the Government filed no new defenses. The case is before Judge Merow and the Yankee companies and the government are discussing staying the proceedings in the second round cases pending a decision in the initial case.
- The DOE Director of the Office of Civilian Radioactive Waste Management recently stated that the government's liability for not moving the spent nuclear fuel as required is steadily escalating. DOE estimates that a delay until 2020 for the opening of Yucca Mountain could cost the government upwards of \$11 billion in damages.

**REPORTS EMPHASIZING THE NEED TO ADDRESS THE SPENT FUEL STORAGE ISSUE AT
DECOMMISSIONED NUCLEAR POWER REACTORS**

American Physical Society, Panel on Public Affairs, "Consolidated Interim Storage of Commercial Spent Nuclear Fuel: A Technical and Programmatic Assessment" – (February 2007)

"We focus on the issues associated with proposals to establish one or more sites for the consolidated storage of spent nuclear power reactor fuel as an interim measure before final disposition." ... Consolidated storage could facilitate the decommissioning of sites with reactors that have been shut down." (Executive Summary)

"If consolidated interim storage becomes available and should repackaging of existing dry casks become necessary then existing casks could, in principle, be repackaged at the consolidated sites instead of at the reactor sites. There are advantages to repackaging away from the reactor sites. First there are no facilities at decommissioned sites for opening and transferring spent fuel from existing casks. A consolidated site can offer consolidated, efficient fuel handling, eliminating the need for a facility at each closed site." (Page 14)

National Commission on Energy Policy, "Energy Policy recommendations to the President and the 110th Congress" Section 6. Nuclear Energy (April 2007)

"Take action to address the current impasse on nuclear waste disposal, while reaffirming the ultimate objective of siting and developing one or more secure geologic disposal facilities, by amending the Nuclear Waste Policy act (NWPA) to: ... Require the Secretary of Energy to take possession of and/or remove fuel from reactor sites that have been, or are in the process of being fully decommissioned." (Page 7)

The Keystone Center, "Nuclear Power Joint Fact-Finding Report" (June 2007)

"Centralized interim storage is a reasonable alternative for managing waste from decommissioned plant sites." (Report Press Release)

"A centralized facility that took all the spent fuel from decommissioned reactors would reduce the number of spent fuel installations, provide for consolidated and more efficient oversight of the waste, and allow the decommissioned sites to be reclaimed for other purposes. Furthermore, centralizing the management of the waste would relieve plant owners of the ongoing liability for facilities that no longer generate revenue and would provide a framework for DOE's assumption of direct responsibility for management of spent fuel." ... For example, if waste must be repackaged before it can be placed in Yucca Mountain, a centralized facility could provide consolidated fuel handling, eliminating the need at each shut-down reactor. Further, if the final Yucca Mountain design requires a buffer storage area so that a mix of wastes can be used to meet heat load requirements, this could also be done at a centralized facility". (Page 79).

House Appropriations Committee Report 110-185: Energy & Water Development Bill H.R. 2641 – Nuclear Waste Disposal Section (June 2007)

"The Committee directs the DOE to develop a plan to take custody of spent fuel currently stored at decommissioned reactor sites to both reduce costs that are ultimately borne by the taxpayer and demonstrate that DOE can move forward in the near-term with at least some element of nuclear waste policy. The Department should consider consolidation of the spent fuel from decommissioned reactors either at an existing DOE site, at one or more existing operating reactor sites, or at a competitively-selected interim storage site. The Department should engage the 11 sites that volunteered to host GNEP facilities as part of this competitive process."

The New England Council: Washington Report (June 26, 2007)

"The House Appropriations Committee approved the Subcommittee on Energy and Water's FY 2008 funding level recommendation, which contained a provision that would provide \$494.5 million for the Department of Energy's (DOE) waste management program. The Committee report directs the DOE to "... develop a plan to take custody of spent fuel currently stored at decommissioned reactor sites," including those in New England. The Committee went on to instruct the DOE to consolidate the spent fuel. The Council has consistently supported such consolidation, and we will work to ensure that this provision remains in the final appropriations bill."

The FY-08 Consolidated Omnibus Bill Report (HR 2764 –PL 110-161)

NUCLEAR WASTE DISPOSAL

"The Department is directed to develop a plan to take custody of spent fuel currently stored at decommissioned reactor sites to both reduce costs that are ultimately borne by the taxpayer and demonstrate that DOE can move forward in the near-term with at least some element of nuclear waste policy. The Department should consider consolidation of the spent fuel from decommissioned reactors either at an existing federal site, at one or more existing operating reactor sites, or at a competitively-selected interim storage site.

The Department should engage the sites that volunteered to host Global Nuclear Energy Partnership facilities as part of this competitive process."

NARUC "Resolution Regarding Guiding Principles for Disposal of High Level Waste" (February 2008)

Continued storage of spent nuclear fuel at permanently shut down plants is unacceptable because it imposes additional costs on ratepayers responsible for paying the costs associated with such on-site storage without offsetting benefits and prevents economic reuse of the site, while transfer of spent nuclear fuel from such sites to appropriate, centralized interim storage would likely reduce the government's liability for failure to begin waste acceptance in a timely manner and improve public safety."

Nuclear Waste Strategy Coalition – Nuclear Waste Disposal Program - Next Steps (February 2008)

Centralized Interim Facilities. The NWSC generally supports the recommendation in the FY 2008 Consolidated Omnibus Appropriations Act directing the DOE to develop a plan to take custody of spent fuel currently stored at decommissioned reactor sites for consolidation at an existing federal site, operating reactor site(s), or sites that volunteered to host GNEP facilities. In addition, DOE should also address the need for interim storage and disposal of greater-than-class-C waste.

Nuclear Waste Strategy Coalition – Mission and Goals (February 2008)

The Federal government must initiate removal of spent nuclear fuel and high-level radioactive waste currently stranded at more than 72 commercial and decommissioned nuclear electric power plants across the nation. Timely waste removal encompasses:

INTERIM STORAGE. Centralized interim storage facilities are a safe and cost-effective option for managing spent nuclear fuel and high-level radioactive waste from decommissioned power plants and other facilities and should be authorized and funded for the near-term while a permanent facility is being licensed and constructed.

May 5, 2008

U.S. Senator John Kerry
JFK Federal Building
2400-A
Boston, MA 02203

U.S. Senator Ted Kennedy
One Bowdoin Square
10th Floor
Boston, MA 02114

Congressman John Olver
57 Suffolk Street
Suite 310
Holyoke, MA 01040

Dear Sirs:

The Yankee Rowe Fuel Storage and Removal Community Advisory Board is increasingly concerned about the escalating and extraordinarily costly delays in the U.S. government's nuclear waste management and permanent repository program schedule. Accordingly, we respectfully request that you contact the Secretary of Energy and urge him to establish the expedited removal of spent nuclear fuel and high level GTCC (Greater Than Class C) waste from decommissioned reactor sites as a national priority and that the Department issue a meaningful plan as directed by Congress that will address the immediate needs of decommissioned reactor sites in a timely fashion.

Department of Energy Secretary Bodman recently testified that underfunding of the federal nuclear waste management program has delayed the projected operational date for the Yucca Mountain repository to beyond 2017. This means that the date for the opening of a national repository has now been extended to well more than 20 years beyond the date when the federal government was required by law to begin removal of spent nuclear fuel and high-level waste (SNF/HLW) from reactor sites such as Yankee Rowe.

Decades long storage of SNF/HLW at decommissioned reactor sites is unacceptable – it was never intended as a matter of federal policy and prevents the full reuse of former reactor sites. In light of the current, and likely future, delays in the licensing and construction of a national permanent repository facility, the federal government needs to address, as a priority matter, the need to immediately begin the process of transferring the SNF/HLW stored at Yankee Rowe and other decommissioned sites (material that is now packaged in canisters licensed by the NRC for storage and transportation) to a centralized interim storage facility.

The removal of SNF/HLW material from decommissioned reactor sites to centralized interim storage, pending the operation of the repository, is a policy supported by many organizations including the American Physical Society, the National Commission on Energy Policy, the New England Council, the National Association of Regulatory Utility Commissioners, the Nuclear Energy Institute, and others.

Such a policy would also serve to reduce the federal government's liability for failure to begin waste acceptance in a timely manner. We would note that Yankee Atomic won its spent fuel lawsuit against the DOE in the U.S. Court of Federal Claims last year and although the financial damages award is now pending an appeal by the federal government, a second lawsuit for additional damages as a result of continued storage at the site was recently filed by Yankee. According to the DOE, the national commercial

spent fuel liability continues to grow and could cost taxpayers as much as \$11 billion if the federal repository is delayed until 2020.

We would highlight the language contained in the FY 2008 federal consolidated omnibus appropriations act that directs the Department of Energy to develop a plan to take custody of spent fuel currently stored at decommissioned reactor sites for consolidated storage at an existing federal site, operating reactor site(s), or sites that volunteered to host Global Nuclear Energy Partnership facilities.

We urge you to give your critical attention to this request.

Sincerely,



Leonard J. Laffond, Chair
Rowe Fuel Storage and Removal Community Advisory Board
205 Hazleton Road
Rowe, MA 01367

Copy:

Governor Deval Patrick
Office of the Governor
Room 360 – State House
Boston, MA 02133

State Senator Benjamin Downing
Room 413F - State House
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State Representative Daniel Bosley
Room 42 – State House
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