

Meeting Minutes

Yankee Rowe Fuel Storage and Removal Community Advisory Board April 29, 2010

The Yankee Rowe Fuel Storage and Removal Community Advisory Board held the Spring 2010 meeting at the Golden Eagle Restaurant in Clarksburg, MA on Thursday, April 29, 2010.

Attendees: David Nash, Robert Gallagher, Thomas Wilson, Art Schwenger, Dawn Peters, Gail Cariddi, Anne Skinner and Lenny Laffond.

The meeting was called to order at 7:05 p.m. by Lenny Laffond. The minutes of the October 22, 2009 were accepted as written although mention was made that the location was incorrectly stated in the minutes. No changes were made to the minutes because when the minutes were taken during the meeting, the next meeting was scheduled to take place on site. It was after that time that it was determined that the location needed to be changed.

An update of the Project Status was presented by Robert Mitchell, ISFSI Manager. His presentation is attached.

The Regional and Federal Nuclear Waste Issue was presented by Robert Capstick. His presentation is attached.

Property Disposition was included in the Project Status presentation by Bob Mitchell. Bob stated that no decisions had been made by Yankee Atomic regarding the sale of the property.

CAB New Business: Discussion was held regarding tritium issues and the map of the tritium plume. Robert Gallagher, MADPH, stated that through a public request to the DPH, this information could be made available.

A motion was made and unanimously approved for a letter to be drafted by the YAEC CAB Members to the Blue Ribbon Commission in support of a visit to Maine Yankee.

The next CAB meeting is scheduled for Thursday November 4th, 2010 at the Golden Eagle Restaurant in Clarksburg, MA.

The Meeting was adjourned @ 8:10 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, April 29th, 2010

ISFSI Status

Overall

ISFSI operations are normal with an emphasis on continued site security and the safe storage of the used fuel, including the implementation of the long term post closure ground and surface water sampling program and property disposition.

Industrial Safety

There was no Lost Time Accidents, OSHA recordable injuries or first aid cases, since the last meeting.

Physical Work

- Site work since the last meeting consisted of normal equipment and facility maintenance.
- We will be permanently closing 51 wells that are no longer part of the Post Closure Monitoring Program. Closure will be in accordance with Massachusetts DEP requirements and the plan has been sent to MADEP.

Regulatory

- The NRC is currently re-assessing the security requirements for ISFSIs and for MRS. Although early in the process, it is anticipated that the changes being contemplated by the NRC will result in some physical as well as procedural changes at the site.
- Yankee is currently scheduled for a routine inspection by the NRC later this year. The inspection will focus on all aspects of the ISFSI maintenance, operations, radiation protection and security.

Post Closure Monitoring Program

MA DEP

Yankee received from the MA-DEP the "Phase II-Comprehensive Site Assessment Report – Final Report" Phase II-Comprehensive Site Assessment Report – Final Report date April 8, 2009. Yankee has implemented its long post closure monitoring

program of the site as set forth in this report. The Post Closure Monitoring will continue at the site for up to 30 Years.

The results of the groundwater sampling completed in March 2010 continues show a stable or decreasing trend for tritium across the site, with the highest concentration reported at well MW-107C at an activity of 20,100 pCi/L, down from last years sample results of 21,300 pCi/L. Excerpts from the 2010 ground and surface water sampling report is included in you handout.

Yankee is required to continue with the Post Closure Monitoring including final closeout of a portion of the old industrial area just down gradient from the spent fuel pool location. Completion can not occur until the tritium concentration drops below the EPA drinking water Minimum Concentration Level (MCL) in one well, MW-107C and the Arsenic concentration decreases below the MCL for two consecutive samples in well MW-101A. Tritium remains slightly above the MCL in MW-107C, but is continuing to trend downward based on the 2010 sample results (the limit is 20,000pCi/L and the well is currently at 21,100pCi/L). In 2010 the Arsenic concentration in MW-101A was below the MCL of 0.01pCi/L for the second consecutive sample and well has been removed from the sampling program.

Yankee Property Disposition

- Vita Nuova, LLC with offices in Sandy Hook, CT have been retained to assist YAEC with disposition of its property in the Towns of Rowe and Monroe.
- Discussions continue with those parties who have expressed continued interest in acquiring the Yankee property.

YAEC SPENT FUEL STORAGE ADVISORY COMMITTEE MEETING – April 29, 2010
NUCLEAR WASTE ISSUE UPDATE

Federal Nuclear Waste Management Program Update

Blue Ribbon Commission:

On January 29th, the President announced that a Blue Ribbon Commission on America's Nuclear Future had been formed to provide recommendations for developing a safe, long-term solution to managing the Nation's used nuclear fuel and nuclear waste. The Commission has 15 members and is co-chaired by former Congressman Lee Hamilton and former National Security Advisor Brent Scowcroft. The Commission has been directed to produce an interim report within 18 months and a final report within 24 months. On March 25 and 26 BRC held its first meeting in Washington, DC. The current website for the Blue Ribbon Commission is: <http://nuclear.gov/BRC/events.html>.

DOE Waste Management Program:

In February, the President's FY-2011 Budget request was released and it stated that the Administration had determined that Yucca Mountain was not a workable option for a nuclear waste repository and proposed to eliminate all funding for the OCRWM and the development of the Yucca Mountain facility – and that the Blue Ribbon Commission would develop a new strategy for nuclear waste management and disposal. The administration also took steps last month to dismantle the DOE waste program this fiscal year, despite the FY-2010 waste program funding previously appropriated by Congress.

Yucca Mountain License Application:

In March, the DOE formally filed to withdraw the YM License application from consideration and did so “with prejudice”. The motion has been formally opposed by NEI and a number of states – primarily with respect to prejudice as neither the industry nor the states want the repository program shutdown to occur in a manner that prevents the licensing process from being restarted in the future if that becomes warranted. There have also been filings in the US Court of Appeals – including one by SC to get an injunction preventing DOE from dismantling the project before the formal withdrawal motion is heard and decided. The Appeals Court has consolidated two of the filings and deferred consideration of the SC AG injunction request filing pending a further order of the court.

Congressional Appropriations and Legislation Update

Congressional Hearings:

The Senate Energy & Water Development Committee held a hearing in January with Secretary Chu to receive his testimony on the DOE's FY-2011 Budget request. There were a number of questions regarding the nuclear waste program and termination of the repository program – Secretary Chu consistently referred to the intent of the Blue Ribbon Commission in his answers.

Secretary Chu also testified last month before the House E&WD Subcommittee on his proposed FY-11 budget – the Committee's focus was virtually all Yucca Mountain-related and Chu was pressed hard by members from both parties about it. He was questioned about DOE's legal authority to terminate the Yucca Mountain program as well as why DOE had chosen to withdraw the license application with prejudice. Chu was also questioned on why DOE would continue to collect NWF fees if there was no program for used fuel and asked if he had directed the BRC to not consider Yucca Mountain in its deliberations. He was reminded by the Committee Vice Chairman that there was an extensive legislative record of support for Yucca Mountain and that the many billions of ratepayer dollars collected say that he should consider it.

Yankee Testimony:

As Chair of the Decommissioning Plant Coalition, Wayne Norton submitted testimony (copy attached) for the record to the House Appropriations Subcommittee associated with their hearing on the FY 2011 Energy and Water Development Appropriations bill. Wayne's testimony addressed the public policy reasons for removing spent nuclear fuel on a priority basis from decommissioned reactor sites and noted the growing consensus for shutdown reactor priority treatment.

Other Related Efforts Update

Yankee continues to work with the Decommissioning Plant Coalition, as well as the New England Governors' Conference and the New England Council to communicate to the administration and BRC the shutdown reactor spent fuel storage issues and the basis for priority attention to the needs of the shutdown reactor sites. Yankee will also continue its efforts to expedite the removal of the fuel from the site through organizations such as the Nuclear Waste Strategy Coalition; the Nuclear Energy Institute; and the National Association of Regulatory and Utility Commissioners. The following reflect several of the recent efforts.

- **NEGC Letter:** In December, the New England Governors signed a joint letter requesting Secretary Chu address the spent fuel storage issue at the New England the shutdown plant sites and that the administration consider shutdown plant representation on the BRC (copy attached).
- **NARUC Resolution:** At the National Association of Regulatory Utility Commissioners February winter meeting, a resolution was passed regarding the National Policy for Management and Disposal of Spent Fuel from Commercial Nuclear Power Plants. One of the specific resolves addressed the shutdown plants and read, be it resolved " That NARUC pro-actively inform the Commission, DOE and the Congress that there are benefits in taking an initial near-term action to provide government or industry-run central interim storage of used nuclear fuel from the nine shutdown reactor sites, since it seems that whatever new disposal or reprocessing strategy is pursued, it will be unlikely to be in operation for another twenty or more years."
- **Joint Congressional Letter:** A joint letter from House Congressional members with shutdown nuclear plant sites was sent this month (copy attached). It was directed to the Blue Ribbon Commission and requested they include a focus on the shutdown plant issues -- Congressman Olver supported and signed on to the letter.
- **MY CAP Letter:** In March, Chair Marge KilKelly of the Maine Yankee Community Advisory Panel on Spent Nuclear Fuel Storage and Removal sent a letter to Co-Chairmen Lee Hamilton and Brent Scowcroft of the Blue Ribbon Commission on America's Nuclear Future inviting the Commission to hold a meeting in Wiscasset, Maine to learn firsthand about the circumstances of single-unit decommissioned reactor sites like Maine Yankee. (copy attached)

DOE Spent Fuel Lawsuit Status Update

Yankee Phase I Cases

Background: Yankee was awarded \$32.9 million in damages through 2001 in the 2006 U.S. Court of Federal Claims decision in the Yankee Companies' litigation with the federal government over its failure to remove the spent nuclear fuel. The decision was appealed by DOE. In 2008 a U.S. Federal Court of Appeals panel vacated the Court of Federal Claims decision and remanded the case back to the Claims court. A key finding of the appeals panel was that they agreed that the damages awarded had not been calculated properly by the Claims court. On the basis of the Appellate court's decision associated with the DOE's spent fuel acceptance rate, Yankee sought \$53.9 million in damages in the remand case.

Status: The trial on the remand cases was held in Washington, DC last summer and final oral arguments were heard in December. Judge Merow has not yet issued his decision. On a call with the parties in January, the Judge indicated that he was working on his Phase I decision in the remanded cases, but did not provide a date or schedule for issuing the decision.

Yankee Phase II Cases

In December 13, 2007 the Yankee Companies filed a second round of damages claims in the U.S. Court of Federal Claims. Yankee's claim seeks \$86 million in damages for this time period. The Judge has not issued any rulings in the case to date. There have been no substantive developments in this case since the last Community Advisory Board meeting; however, the government has recently completed its on-site audit of Yankee's records related to the case.

Pacific Gas and Electric Court of Federal Claims decision

On March 30 a U.S. Court of Federal Claims judge issued a favorable ruling in the remanded Pacific Gas and Electric spent nuclear fuel litigation case with the DOE. While this is a separate case from the Yankee cases, many of the issues are similar. PG&E was awarded \$89 million in damages – it's not known at this point whether DOE will also appeal this decision.