

Meeting Minutes

(Amended 11/13/2011)

Yankee Rowe Fuel Storage and Removal Community Advisory Board November 4, 2010

The Yankee Rowe Fuel Storage and Removal Community Advisory Board held their Fall 2010 meeting at the Golden Eagle Restaurant in Clarksburg, MA on November 4, 2010.

Attendees: Gail Cariddi (North Adams), David Nash (Monroe), Alan Twitchell (Whitingham), Anne Skinner (Williamstown), Charles Bellows (Charlemont), Lenny Laffond (Rowe), Art Schwenger (Franklin County Chamber of Commerce & Heath) and William LeQuier, (Readsboro).

The meeting was called to order at 7:00 p.m. by Lenny Laffond. Minutes of the April 29, 2010 meeting were approved as written.

ISFSI Status Report was presented by David Yorke, Acting ISFSI Manager. (Presentation attached).

In addition to the presentation attached, further discussion was held regarding groundwater well sampling data frequency requirements. Currently at every 2 years, April 2010 being the last Annual Sampling with the next scheduled sampling in April 2012. MADEP has been notified of YAECs plan regarding 30 more wells to be closed next year. Approximately 10 surface wells will continue to be on the 2 year frequency.

Regional and Federal Nuclear Waste Issue report was presented by Robert Capstick (presentation attached).

CAB New Business:

A motion was made, seconded and voted unanimously to change the schedule of meetings from Semi-Annual to Annual based on the minimal activity at the site.

Meetings to be conducted in the Fall and reports will be sent out to CAB members in the Spring (April). Additional meeting may be held as needed for significant issues associated with the site.

A motion was made, seconded and approved to amend the bylaws to reflect the changes in the schedule of meetings.

YA will attempt to contact members of CAB who are not presently being represented at the meetings to see if a replacement member can be selected. Lenny Laffond offered assistance to Yankee in this endeavor.

The next CAB meeting is scheduled for Thursday November 3, 2011 at the Golden Eagle Restaurant.

The Meeting was adjourned @ 8.05 p.m.

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

PRESENTATION OF
ISFSI STATUS REPORT

Yankee Rowe Spent Fuel Storage & Removal Community Advisory Board Meeting

Thursday, November 4, 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 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 closed 21 of the 51 wells that are no longer part of the Post Closure Monitoring Program. It is our intention to close the remaining 30 wells next year. Closure will be in accordance with Massachusetts DEP requirements and the plan has been sent to MADEP.

Regulatory

- The NRC has determined that the recently issued revision to 10CFR73.55 "*Requirements for Physical Protection of Licensed Activities in Nuclear Power Reactors Against Radiological Sabotage*" is also applicable to ISFSIs. Yankee is currently evaluating the changes to determine any impact and will be responding to the NRC by the end of November.
- Yankee is currently scheduled for a routine inspection by the NRC during the week of November 29th. 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" date April 8, 2009. Yankee has implemented its 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 the 2009 sample results of 21,300 pCi/L.

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.

During the April meeting there were two questions asked in which Yankee could not respond to without further research. The first question was relative to some data in the groundwater report, specifically Table 3 and the tritium reading for well MW-107C for March 2004. The readings for November 2003 were significantly higher than the March 2004 readings and site review questioned the validity of the sample method used and re-sampled MW-107C and those results were reported in May of 2004. Future reports will include a note clarifying the discrepancy's in the results. The second question asked about the groundwater flow and the mapping of this flow by Yankee. A three-dimensional flow and transport groundwater model was developed and has been described in Yankee's letter to the Nuclear Regulator Commission dated February 15, 2007 titled " Final Ground Water Report". A copy of the letter is attached along with a listing of those whom received the entire report which is to large to include.

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.

PRESENTATION OF
REGIONAL AND FEDERAL NUCLEAR WASTE ISSUE

YAEC SPENT FUEL STORAGE AND REMOVAL ADVISORY
BOARD MEETING – Nov 4, 2010
NUCLEAR WASTE ISSUE UPDATE

Federal Nuclear Waste Management Program Update

Blue Ribbon Commission:

The BRC and the three Subcommittees have held numerous meetings since the spring meeting update.

In response to the invitation of the Maine Yankee CAP and others, the August BRC Transportation and Storage Subcommittee meeting was held near the MY ISFSI site. There was a great deal of support at that meeting for moving shutdown plant fuel on a priority basis to centralized interim storage from local officials and the invited panelists, which included representatives from NCSL, NARUC, and the New England Governors' Conference. Three members of the CSG High-Level Radioactive Waste Transportation Task Force from New England were also on the panel. There were also letters submitted for the record by the New England Council and the Nuclear Waste Strategy Coalition supportive of the shutdown plant cause and the Chairs of the MY, CY and Rowe Spent Fuel Community Advisory Boards participated at the meeting as well.

The Commission's draft report is due next summer and the final report by January 2012; however the Commission is working to accelerate those reporting dates – latest rumor is a draft report will be issued in the February 2011 timeframe.

DOE Waste Management Program:

The DOE faithfully followed the President's direction and effectively dismantled the DOE nuclear waste management and Yucca Mountain programs. All DOE is currently doing at this point is responding to NRC staff questions associated with their safety evaluation reviews of the YM License Application.

Although the DOE Yucca Mountain efforts have ceased, the NRC staff continued to work on the License Application using last fiscal year funds. In late August, the NRC staff released the first volume of the five-volume Safety Evaluation Report of the license application (it focused on site descriptions, proposed construction schedules, and summaries of the geology and hydrology research conducted over 20 years). The next SER volume to be released will provide NRC's evaluation of whether the proposed DOE waste canisters plus the mountain's geology can keep radioactivity from escaping into groundwater over periods of thousands of years. It was expected to be released this fall; however, NRC Chairman Jaczko has recently ordered his staff to begin a "close-down" of the review.

Yucca Mountain License Application:

The US Appeals Court said it would wait until the NRC Commissioners rule on the Yucca Mountain appeal before it hears oral arguments in the lawsuit over the termination of the nuclear waste repository project. The decision by the Court of Appeals granted a motion that the DOJ filed asking the court to vacate the briefing and oral argument schedules and to put consideration of the case on hold. The order directs the parties to file "status reports" with the court every 30 days and file motions related to future proceedings on the case within 10 days after the commission rules. There is no schedule for the Commissioners issuing a decision on the ASLB ruling.

NRC Waste Confidence Rule

All five NRC commissioners issued written votes in September supporting revisions to the NRC's waste confidence findings and rule. The votes indicate the commissioners' confidence that used nuclear fuel can be safely and securely stored on-site or at an off-site installation for at least 60 years beyond a reactor's operating lifetime. Each commissioner also concluded that disposal capacity will be available when needed. In addition, the commissioners proposed that the NRC staff examine the possibility of storing used fuel on-site or off-site for up to 300 years. The next step will be the issuance of a final rule which will be subject to likely challenge and litigation. The following sentence which was included in the NRC's Press Release, "The Commission made clear in its SRM that the revisions of the waste confidence findings are not intended to signal an endorsement of indefinite storage of spent fuel at reactor sites.", provides some measure of reassurance as it reinforces the NRC's long-standing position that the rule should not be interpreted as supporting de facto indefinite storage at plant sites.

Congressional Update

Both the House and Senate Energy & Water Development Appropriations Subcommittees passed bills that did not include restoration of the funding for Yucca Mountain or the DOE Office of Civilian Radioactive Waste Management. In late September Congress passed a continuing resolution extending the FY-2010 appropriations (with no waste management or Yucca Mountain program funding) until December 3rd - and it may well get extended into next year.

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 and others 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 support of NARUC, NCSL and the NEGC at the BRC meeting in Maine was previously noted, the following reflect several of the additional recent efforts.

- The DPC focus continues to be directed at the BRC Subcommittee on Storage and Transportation – and that at this point the Commissioners and staff have clearly gotten the message regarding the needs of the shutdown plants and for priority treatment. The DPC emphasis going forward will be on ensuring the Commission’s policy and legislative recommendations next year address the shutdown plant needs. The DPC is also expected to comment on the NRC Waste Confidence rule when issued.
- In addition to participating on a panel at the August BRC subcommittee meeting in Maine, the NCSL sent a letter to the BRC in July that included a strong statement in support of centralized interim storage that also stated, “Decommissioned plant fuel should be moved first to this facility.”
- The New England Council submitted a lengthy formal letter for the record at the August BRC Subcommittee meeting in Maine which urged consideration of priority treatment of shutdown plant fuel, as well as emphasized the importance of moving forward with Yucca Mountain as the national repository site. The NEC also issued a related press release, conducted interviews with the Hartford Business Journal, and issued an Op-ed on nuclear waste that appeared in the Boston Herald.
- The NWSC sent a letter to the BRC Transportation & Storage Subcommittee for their September 23rd meeting as well as to the full BRC associated with their Sept 21/22 meeting. Commissioner David Wright of SC, as Chair of the NWSC, also participated in the August 19 BRC Transportation & Storage Subcommittee meeting – his testimony included specific mention of the need for removal of GTCC waste and the SNF from decommissioned plants.
- The MIT “Future of the Nuclear Fuel Cycle” report was released September 16th and included several supportive statements and recommendations regarding priority removal for shutdown plant fuel, “The possibility of storage for a century, which is longer than the anticipated operating lifetimes of nuclear reactors, suggests that the U.S. should move toward centralized SNF storage sites—starting with SNF from decommissioned reactor sites and in support of a long-term SNF management strategy.”; “Spent nuclear fuel should be removed as soon as possible from decommissioned reactor sites to centralized storage facilities or operating reactor facilities.”; and “We recommend that the U.S. move toward centralized SNF storage sites—starting initially with SNF from decommissioned sites and in support of a long-term SNF management strategy. The Federal government should take ownership of the SNF under centralized storage.”

DOE Spent Fuel Lawsuit Status Update

Yankee Phase I Cases

On September 7, 2010 the U.S. Court of Federal Claims issued another favorable decision in the Yankee Companies' ongoing litigation over the U.S. Department of Energy's failure to remove Spent Nuclear Fuel and Greater than Class C Waste from the three New England Yankee nuclear reactor sites as required by contract and law. The approximate damages awarded to the three Yankee companies were: Yankee Atomic Electric Company, \$21 million; Connecticut Yankee Atomic Power Company, \$40 million; and Maine Yankee Atomic Power Company, \$82 million. The three Yankee Companies' individual damage claims are specific to each company and include costs incurred to construct Independent Spent Fuel Storage Installations and store the nuclear material at the sites through 2002 for MYAPCO and 2001 for YAEC and CYAPCO. The timing of the damages payouts are subject to any potential appeals.

While the damage award is good news for the Yankee Companies' ratepayers, the decision will not solve the problem of SNF and GTCC Waste remaining at the former plant sites; however, the Yankee Companies are encouraged by the increasing number of voices calling on the federal government to remove SNF and GTCC waste from single-unit decommissioned reactor sites on a priority basis.

Background: To protect their rate payers, the three Yankee Companies first filed litigation in federal court in 1998 alleging that the federal government breached contracts entered into with each company in 1983 under the Nuclear Waste Policy Act. In October 2006 the US Court of Federal Claims awarded the Yankee Companies approximately \$143 million in damages. The federal government appealed this ruling. In August 2008, a U.S. Court of Appeals panel vacated the Court of Federal Claims decision sending the case back to the Claims Court. A key finding of the Court of Appeals decision was that the awards in the 2006 decision needed to be recalculated based upon a court-approved fuel pick up rate. The timing of the actual damages awards are subject to any potential appeals (the appeals clock runs out in early December).

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. There have been no substantive developments in this case since the last Community Advisory Board meeting and the Judge has not issued any rulings in the case to date.