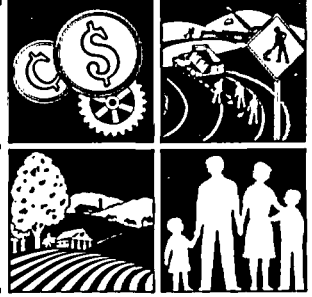


FRANKLIN REGIONAL COUNCIL OF GOVERNMENTS

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Executive Director • Linda Dunlavy



Comments on the Yankee Rowe License Termination Plan

John Hickman, Project Manager
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Re: Federal Register
June 22, 2004
Page 34696

Dear John,

The Franklin Regional Council of Governments is requesting an extension to the comment and hearing request periods for the Yankee Rowe License Termination Plan ("LTP"). We request that the comment and hearing periods be kept open until Yankee can attest that it has completed the preliminary stage of its investigation of the tritium spill and has identified the extent of the resultant plume. While this request may seem unusual, I think that you will find the reasons compelling.

As I am sure you could tell from the tenor of many of the comments at the public meeting, emotions are running high and a level of trust and sharing of a common goal have not been achieved. The circumstance of timing adds to the tension. The full investigation and analysis of the tritium contamination will not be known by the end of the comment and hearing request periods. One well has shown levels of Tritium that exceed some of the acceptable standards for drinking water. In addition, while the source of the tritium is suspected, this can not be finally determined until the foundations of the spent fuel pool and ion exchange buildings have been exposed and removed.

Yankee's original testing model and analysis did not define and describe the full extent of the contamination. Under order from the Massachusetts Department of Environmental Protection, Yankee is increasing the number of wells and increasing the number of different depths to which the wells are dug. Well installation and data analysis is ongoing.

Some of the stakeholders feel that the ability to comment on these data is critical prior to the end of the comment and hearing request periods and to the acceptance of the LTP. In addition, some stakeholders are concerned that relying on the State of

Massachusetts' enforcement procedures or Yankee's commitment to leave the site in a fully unrestricted fashion will not result in a "clean site" in a reasonable period of time.



Some stakeholders have asked Yankee to negotiate a binding contract with them, outlining the final condition of the site at the end of Yankee's efforts to remove the presence of hazardous materials and radionuclides and turn it over to the own of Rowe. The FRCOG supports this request and hopes that Yankee is willing to enter into such a negotiation and contract. However, stakeholders do not want to be under the threat of having to come to a resolution either without data or before the public comment period officially closes.

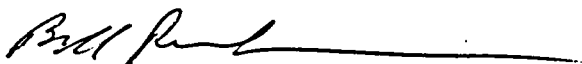
The FRCOG is suggesting that a possible method to be used would be the Alternative Dispute Resolution program which the NRC itself is developing and promoting. (ref. 57 FR 36678)

In an effort to preserve their ability to comment on the findings, analysis, and possible plans for remediation of the tritium, some stakeholders are demanding that Yankee withdraw the LTP and re-file it after the data is known and analyzed. The FRCOG does not support this demand because we believe a better alternative exists. Indications are that barring the withdrawal, some stakeholders will request a hearing from the NRC and if denied, will appeal the ruling, entering into what could be long and expensive litigation, all to ensure their ability to comment on the LTP after the tritium data is known. Our understanding is that if the stakeholders can successfully negotiate a binding contract under extended comment periods then expensive and time consuming litigation may be avoided.

While we understand that extensions of comment and hearing request periods are not the norm, the precedent for extending comment periods is well established. One most appropriate example is the extension of the comment period for the Alternative Dispute Resolution from December 14, 2001, notice to March 29, 2002, as noted in Federal Register: February 25, 2002 (FR Volume 67, Number 37). Also we understand that while not all of the issues that will be under discussion are directly related to NRC requirements, it is the NRC regulations and procedures that can be used to try to compel Yankee to withdraw its LTP. As such, we believe that NRC becomes an active and concerned participant in the entire negotiation and should be willing to assist in its resolution.

It is with this situation in mind that the FRCOG respectfully asks the NRC to extend the comment and hearing request periods until the initial data from the test wells has been gathered, analyzed and released. Any legal action specifically intended to disrupt and delay the process can cause all of the participants, including the NRC, great amounts of time and untold amounts of money, to say nothing of the increased dissension in the community. However, should the NRC honor our request, the work of decommissioning the plant, negotiating the contract and finalizing the LTP can go on in parallel with little or no delay in the process as a whole. We believe that it would present a model of how an understanding of, and sensitivity to, the needs of all of the participants whether they are commercial, governmental or private can lead to an amicable solution to a complex problem.

Sincerely,



Bill Perlman, Chair – FRCOG Executive Committee

Cc: Greg Maret, Kelley Smith Yankee Atomic
Dave Howland – Mass DEP