



COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
WESTERN REGIONAL OFFICE

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December 21, 2005

US Nuclear Regulatory Commission (NRC)
Decommissioning Directorate
Office of Nuclear Material Safety and Safeguards
Washington, D.C. 20555-0001

Attention: John B. Hickman, Project Manager – Yankee Nuclear Power Station

Dear Mr. Hickman,

Thank you for your letter of December 1, 2005 that seeks Massachusetts Department of Environmental Protection (MADEP) comments on the "Draft Environmental Assessment Related to an Approval of Proposed Disposal Procedures in Accordance with 10 CFR 20.2002" at the Yankee Nuclear Power Station (YNPS) in Rowe, Massachusetts. The purpose of the Environmental Assessment (EA) is to determine the environmental impacts of Yankee Atomic Electric Company's (YAEC) proposal to dispose of radioactive material from YNPS at a private residence in Readsboro, Vermont.

The MADEP has reviewed the EA and understands that shield blocks from within the reactor support structure at the YNPS will be disposed at a Readsboro location. The EA indicates that the shield blocks were removed from the site under a MADEP Beneficial Use Determination (BUD) and used to construct a retaining wall.

Please be advised that the MADEP issued the March 24, 1999 BUD based on information from YAEC that the shield blocks were "clean" and did not contain any radioactive materials. Upon discovering that the shield blocks contained radioactive materials the MADEP issued an Administrative Order (AO) to YAEC on June 21, 2005 seeking certain information. A copy of this AO was mailed to the NRC and later faxed to a Ms. Claudia Craig of your staff on June 21, 2005.

After a review of more recent pertinent data on the shield blocks the MADEP has determined that the March 24, 1999 BUD was not the appropriate permit to remove shield blocks from the YNPS. Regulation 310 CMR 19.000 provides no jurisdiction over the removal, transport or disposal of low-level radioactive wastes. Therefore the March 24, 1999 BUD approval should be viewed as providing inadequate legal authority for the removal of the shield blocks from

This information is available in alternate format. Call Donald M. Gomes, ADA Coordinator at 617-556-1057. TDD Service - 1-800-298-2207.

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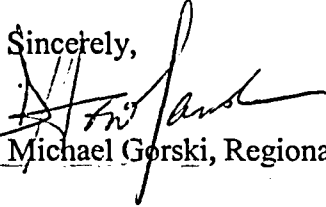
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YNPS because the original application for the BUD did not provide important information about the radiological condition of the shield blocks.

MADEP requests that Docket No. 50-029 incorporate the above information. Since the EA is about a disposal site in Vermont, the MADEP has no official comments at this time regarding the draft EA or any related NRC determination. However, MADEP expects that YAEC shall conform to all applicable Massachusetts Law and Regulations if granted approval by the NRC.

Thank you for the opportunity to comment on this matter. If you have any further questions please contact Mr. David Howland of my staff at 413-755-2280.

Sincerely,



Michael Gorski, Regional Director

Cc Mr. Michael Whalen, MADPH
Mr. Marvin Rosenstein, USEPA – Region I
Mr. Joseph Lynch, YAEC