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December 23, 2005

John B. Hickman, Project Manager - Yankee Rowe  
US Nuclear Regulatory Commission (NRC)  
Decommissioning Directorate  
Office of Nuclear Material Safety and Safeguards  
Washington, D.C. 20555-0001

**RE: Draft Environmental Assessment -  
Cement Blocks in Readsboro, VT**

Dear Mr. Hickman:

This letter is in response to the your request for comments regarding the "Draft Environmental Assessment Related to an Approval of Proposed Disposal Procedures in Accordance with 10 CFR 20.2002" from the Yankee Nuclear Power Station (YNPS) in Rowe, Massachusetts to Readsboro, VT. The Massachusetts Radiation Control Program (RCP) understands that the shield blocks came from within the reactor support structure at the YNPS and were disposed at a private residence in Readsboro, VT under a Massachusetts Department of Environmental Protection (MADEP) Beneficial Use Determination (BUD) and used to construct a retaining wall. This approval should have been done under 105 CMR 120.252 and any applicable state and local regulations in Vermont. The MRCP agrees with the NRC's draft Environmental Assessment (EA) finding that the proposed disposal will not result in an undue hazard to public health and safety or property provided that all applicable Vermont state and local regulations are adhered to.

The BUD regulations found in 310 CMR 19.000 provide no jurisdiction over the removal, transport or disposal of low - level radioactive wastes. This is because the pertinent regulations for this radioactive waste disposal are found under the RCP regulations in 105 CMR 120.252, which are identical to 10 CFR 20.2002 (and similar to 310 CMR 19.000.) Therefore, since the NRC conservatively estimates the total dose to be less than 1.0 mrem per year, the MRCP agrees

with the EA, that allowing the blocks to remain in place as a retaining wall will “not significantly increase the probability or consequences of accidents and there is no significant increase in occupational or public radiation exposures.”

Note, that since the EA is about a disposal in another state, YNPS will have to conform to all applicable Vermont state and local regulations as well as Massachusetts’.

Thank you with providing me an opportunity to comment on the above EA. If you have any questions regarding this letter, please call me at 617.427.2944 x2020.

Sincerely,

A handwritten signature in black ink, appearing to read "MP Whalen Jr.", written over a horizontal line.

Michael P. Whalen Jr., CHP  
Radiation Control Officer

Cc Mr. David Howland, MADEP  
Mr. Marvin Rosenstein, USEPA – Region I  
Mr. Joseph Lynch, YNPS  
Mr. Bob Walker, RCP