RAS 8495

September 14, 2004

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of:	)	
	)	
YANKEE ATOMIC ELECTRIC COMPANY	)	
	)	Docket No. 50-29
(Yankee Nuclear Power Station)	)	
	)	
License Termination Plan	)	

ANSWER OF YANKEE ATOMIC ELECTRIC COMPANY TO CITIZENS AWARENESS NETWORK'S REQUEST FOR HEARING AND PETITION TO INTERVENE

I. INTRODUCTION

In accordance with 10 C.F.R. § 2.309(h)(1), Yankee Atomic Electric Company ("Yankee") hereby answers the Request for Hearing and Petition to Intervene filed on August 20, 2004 by Citizens Awareness Network, Inc. ("CAN").[1] Yankee is the licensee for Yankee Nuclear Power Station ("YNPS") and is the applicant for the Nuclear Regulatory Commission ("NRC") approval of the proposed License Termination Plan ("LTP") that is here at issue. As is discussed further below, Yankee does not contest CAN's standing to seek a hearing on this matter. However, Yankee opposes admission of all of the proposed contentions because they raise matters related to completion of the LTP process rather than to approval of the LTP, and because they otherwise fail to meet NRC admissibility requirements. Accordingly, CAN's Request for Hearing and Petition to Intervene should be rejected.

[1] "Citizen Awareness Network's Request for Hearing, Demonstration of Standing, Discussion of Scope of Proceeding and Contentions," dated August 20, 2004.

Template=SECY-037

SECY-02

II. BACKGROUND: LTP APPROVAL

At issue in this matter is the NRC's approval of the LTP for YNPS. Yankee filed its LTP in accordance with 10 C.F.R. § 50.82(a)(9) on November 24, 2003.[2] Section 50.82(a)(9)(ii) specifically provides that an LTP include:

(a) A site characterization;[3]

(b) Identification of remaining dismantlement activities;

(c) Plans for site remediation;

(d) Detailed plans for the final radiation survey;

(e) A description of the end use of the site, if restricted;

(f) An updated site-specific estimate of remaining decommissioning costs; and

(g) A supplement to the environmental report, pursuant to § 51.53, describing any new information or significant environmental change associated with the licensee's proposed termination activities.

(h) Identification of parts, if any, of the facility or site that were released for use before approval of the license termination plan.

---

2 Yankee has provided information and supplemented its application several times. In particular, and as discussed further below, Yankee submitted reports and other information on the YNPS groundwater monitoring program and sampling results on May 19, 2003, January 20, 2004, March 16, 2004, and April 27, 2004. Yankee also submitted responses to NRC Requests for Additional Information ("RAIs") on the LTP, related to groundwater issues, on August 3, 2004. On September 2, 2004, Yankee also submitted to the NRC draft Revision 1 of the LTP (BYR 2004-092), incorporating into the LTP text the responses to the NRC Staff RAIs, as well as other changes. Yankee sent copies of this correspondence directly to CAN when it was filed with the NRC. These documents are also available on the Yankee public web site.

3 In addition, Yankee prepared and submitted to the NRC, on January 21, 2004, a detailed Historical Site Assessment ("HSA"), which is the basis for the site classification described in the LTP.

In addition, consistent with 10 C.F.R. § 50.82(a)(10), Yankee's November 24, 2003 LTP filing included a proposed license amendment to incorporate new license conditions documenting the NRC's approval of the LTP and governing future changes to the LTP.

Inherently, the Commission's regulations contemplate that an LTP establish a *process* leading, eventually, to license termination. NRC approval of the LTP is not equivalent to license termination. With respect to approval of the LTP, Section 50.82(a)(10) specifically provides (emphasis added):

> *If the license termination plan demonstrates that the remainder of decommissioning activities will be performed in accordance with the regulations in this chapter, will not be inimical to the common defense and security or to the health and safety of the public, and will not have a significant effect on the quality of the environment* and after notice to interest persons, the Commission shall approve the plan, by license amendment, subject to such conditions and limitations as it deems appropriate and necessary and authorize implementation of the license termination plan.

Only after completion of the activities described in the LTP will the NRC authorize license termination. *See* 10 C.F.R. § 50.82(a)(11). Final radiation surveys and associated documentation (described in the LTP) must demonstrate that the facility and site have met the criteria for decommissioning in 10 C.F.R. Part 20, Subpart E. *See* 10 C.F.R. §§ 20.1401, *et seq.*

An understanding of this process is essential to assessing CAN's proposed contentions (which are discussed further below). Those contentions suffer from a recurring, fundamental flaw. They generally fault the YNPS LTP because the processes described therein (and in the LTP supplements) have not been completed. CAN's premise seems to be that no LTP could be approved until all of the site decommissioning work is done. However, a

completed process is not required at this stage. The issue is whether decommissioning programs and processes *will be* performed in accordance with NRC regulations.[4]

In adopting the current regulatory scheme governing the decommissioning and license termination process, the Commission made clear that the LTP was a mechanism whereby the licensee would describe only the proposed activities remaining to permit license termination. Indeed, the opportunity for hearing was limited to "NRC's decision regarding the licensee's *proposed* termination activities..." and the content of the LTP "provides documentation on the *remaining* activities necessary to terminate the license...." 61 Fed. Reg. 39278, 39289 (July 29, 1996)(emphasis added).[5] The process is by design forward-looking based on licensee planning. In fact, as explained in the NRC's Standard Review Plan, the level of detail in the LTP varies depending on the nature of activities *remaining* to be performed:

> Because the LTP must be submitted two years or more prior to license termination, the level of detail required to be submitted in the LTP will vary depending on when the licensee submits the LTP. The information submitted in the LTP should reflect the current status of the decommissioning at the facility.[6]

In the rulemaking for the LTP regulation the Commission also specifically found that:

> A licensee wishing to terminate its license would submit a license termination plan for approval similar to the approach that is currently required for a decommissioning plan. However, the plan would be less detailed than the decommissioning plan required by the current rule,

---

4 In fact, it would be difficult to imagine a case in which an LTP application is submitted *later* than Yankee has submitted this LTP. YNPS last produced electricity in 1991 and site characterization and decommissioning work has taken place since that time. The YNPS LTP therefore already reflects a relatively advanced process.

5 *See also* 61 Fed. Reg. at 39292 ("...the license termination plan is less complex than a decommissioning plan and covers the remainder of activities requiring completion to terminate the license, other than dismantlement activities.)."

6 Standard Review Plan for Evaluating Nuclear Power Reactor License Termination Plans," NUREG-1700, Rev. 1 (March 2003), at page 4.

> because it would not need to provide a dismantlement plan, and could be as simple as a final site survey plan.

61 Fed. Reg. at 39280. Thus, to the extent decommissioning activities necessary to terminate the license remain to be performed, the LTP will describe those remaining activities consistent with the terms of 10 C.F.R. §50.82(a)(9). At bottom, the Commission expects that such activities will not be complete at the time of LTP submittal or approval because NRC approval is based on the determination that the "remainder of decommissioning activities *will be* performed in accordance with the regulations...." 10 C.F.R. § 50.82(a)(10)(emphasis added).

As described in the NRC's June 22, 2004 *Federal Register* notice of the proposed no significant hazards consideration determination and opportunity for hearing in connection with the YNPS LTP/license amendment (emphasis added):

> *The LTP [License Termination Plan] is a plan for demonstrating compliance with the radiological criteria for license termination as provided in 10 CFR 20.1402.* The margin of safety defined in the statements of consideration for the final rule on the Radiological Criteria for License Termination is described as the margin between the 100 mrem/yr public dose limit established in 10 CFR 20.1301 for licensed operation and the 25 mrem/yr dose limit to the average member of the critical group at a site considered acceptable for unrestricted use (one of the criteria of 10 CFR 20.1402). This margin of safety accounts for the potential effect of multiple sources of radiation exposure to the critical group. Since the License Termination Plan was designed to comply with the radiological criteria for license termination for unrestricted use, the LTP supports this margin of safety.
>
> *In addition, the LTP provides the methodologies and criteria that will be used to perform remediation activities of residual radioactivity* to demonstrate compliance with the ALARA (As Low As Reasonable Achievable) criterion of 10 CFR 20.1402.

69 Fed. Reg. 24696, at 34708. The scope of the present hearing opportunity, therefore, is limited to the issue of whether the LTP is sufficient to comply with NRC requirements — it does not

include the issues of whether the LTP has been successfully implemented or whether the license should be terminated.

III. CAN'S STANDING

A request for hearing or petition for leave to intervene must state the nature and extent of the petitioner's "interest" in the proceeding in order to establish its standing. *See* 10 C.F.R. § 2.309(d)(1). When determining whether a petitioner has established the necessary "interest" under Section 2.309 (formerly Section 2.714), licensing boards are directed to look for guidance to judicial concepts of standing. *See, e.g., Yankee Atomic Elec. Co.* (Yankee Nuclear Power Station), CLI-98-21, 48 NRC 185, 195 (1998). Accordingly, to demonstrate standing a petitioner must allege (1) a concrete and particularized injury that is (2) fairly traceable to the challenged action and (3) likely to be redressed by a favorable decision. *See, e.g., Steel Co. v. Citizens for a Better Envt.*, 523 U.S. 83, 102-04 (1998).

An organization can demonstrate "representational" standing based on the interests of the individuals that it represents. To derive standing from an individual, the organization must identify at least one member (by name and address) and provide a concrete indication (such as by affidavit) that the member has authorized the organization to represent him or her in the proceeding. *See, e.g., Houston Lighting & Power Co.* (Allens Creek Nuclear Generating Station, Unit 1), ALAB-535, 9 NRC 377, 390-94 (1979). The intervention petition must further establish the standing of that individual member, based for example on his or her residence or activities proximate to the facility in question. *See, e.g., Private Fuel Storage, L.L.C.* (Independent Spent Fuel Storage Installation), CLI-99-10, 49 NRC 318, 323-24 (1999).

CAN is relying on representational standing based on two members (Jean-Claude Itallie and Deborah Katz) who own property and live near the YNPS site. Their affidavits state

that their residences are 5-6 miles from the site and that they would like to "walk the roads and woods" and "freely drink from springs or streams." Based on these affidavits, taken at face value, Yankee does not contest CAN's standing.[7]

IV. CAN'S PROPOSED CONTENTIONS

Admissibility Standards

To be admissible in NRC licensing proceedings, proposed contentions must satisfy 10 C.F.R. § 2.309(f)(1), which states that a petitioner must provide:

(i) a *specific statement of the issue of law or fact* to be raised or controverted;

(ii) a brief explanation of the *basis* for the contention;

(iii) a demonstration that the issue raised in the contention is *within the scope of the proceeding*;

(iv) a demonstration that the issue raised in the contention is *material* to the findings the NRC must make to support the action that is involved in the proceeding;

(v) a concise statement of the *alleged facts or expert opinions which support the petitioner's position on the issue* and on which the petitioner intends to rely at hearing, together with references to the *specific sources and documents* on which the petitioner intends to rely to support its position on the issue; and

(vi) sufficient information to show that a *genuine dispute exists with the applicant on a material issue of law or fact.* This information must include references to *specific portions of the application* (including the applicant's environmental report and safety report) that the petitioner disputes and the supporting reasons for each dispute, or, if the petitioner believes that the application fails to contain information on a relevant matter as required by law, *the identification of each failure and the supporting reasons for the petitioner's belief.*

---

[7] The Commission previously held that CAN had standing with respect to a prior (subsequently withdrawn) LTP. *Yankee Atomic*, CLI-98-21, 48 NRC at 210.

10 C.F.R. § 2.309(f)(1) (emphasis added). These regulations specifically "incorporate the longstanding contention support requirements of former 10 C.F.R. § 2.714 — no contention will be admitted for litigation in an NRC adjudicatory proceeding unless these requirements are met." *See* Final Rule, Changes to Adjudicatory Process, 69 Fed. Reg. 2182, 2221 (Jan. 14, 2004).

The Commission has emphasized that its rules on admission of contentions establish an evidentiary threshold more demanding than a mere pleading requirement and are "strict by design." *Dominion Nuclear Conn. Inc.* (Millstone Power Station, Units 2 & 3), CLI-01-24, 54 NRC 349, 358 (2001). The rules require precision in the contention pleading process and require that a proposed contention have plausible and relevant factual support. The rules provide that if the contention and supporting material fail to demonstrate a genuine dispute as required by Section 2.309(f)(vi), the presiding officer must refuse to admit the contention. *See also Ariz. Pub. Serv. Co.* (Palo Verde Nuclear Generating Station, Units 1, 2 & 3), CLI-91-12, 34 NRC 149, 155 (1991) (*citing* Final Rule, Rules of Practice for Domestic Licensing Proceedings — Procedural Changes in the Hearing Process, 54 Fed. Reg. 33,168, 33,171 (Aug. 11, 1989)).

Additionally, the petition must demonstrate that the issue raised by each contention is within the scope of the proceeding and is material to the findings the NRC must make to support the granting of a license. *See Vermont Yankee Nuclear Power Corp.* (Vermont Yankee Nuclear Power Station), CLI-00-20, 52 NRC 151, 164 (2000). Similarly, under longstanding Commission precedent, proposed contentions must fall within the scope of the issues set forth in the notice of hearing. *See Vermont Yankee Nuclear Power Corp.* (Vermont Yankee Nuclear Power Station), LBP-90-6, 31 NRC 85, 91 (1990) (*citing Pub. Serv. Co. of Ind., Inc.* (Marble Hill Nuclear Generating Station, Units 1 & 2), ALAB-316, 3 NRC 167, 170

(1976)). (In this case, as described above, the issue is approval of the LTP, not license termination).

Finally, a proposed contention must be rejected if it constitutes an attack on applicable statutory requirements or challenges the basic structure of the Commission's regulatory process. 10 C.F.R. § 2.335(a); *see, e.g., Philadelphia Elec. Co.* (Peach Bottom Atomic Power Station, Units 2 and 3), ALAB-216, 8 AEC 13, 20-21 (1974), *cited in International Uranium (USA) Corp.* (Receipt of Material from Tonawanda, New York), LBP-98-21, 48 NRC 137, 143 n.9 (1998).

The NRC's licensing boards have recently summarized the applicable admissibility standards in cogent fashion in at least three recent decisions: *System Energy Resources, Inc.* (Early Site Permit for Grand Gulf ESP Site), LBP-04-19, slip op. dated August 6, 2004; *Dominion Nuclear Connecticut, Inc.* (Millstone Nuclear Power Station, Units 2 and 3), LBP-04-15, slip op. dated July 28, 2004; *Louisiana Energy Services, L.P.*, LBP-04-14, slip op. dated July 19, 2004. Yankee has no argument with these recitations of the standards. When applied to CAN's proposed contentions, the Licensing Board here should conclude that the contentions are not admissible.

Contention 1

CAN contends, based upon the law and facts stated in its motion to dismiss filed with the Commission on August 20, 2004, that the hearing notice in this case was defective if intended to inform a person of reasonable intelligence that the subject matter of the proposed amendment to the YAEC license for Yankee Rowe is the approval of the License Termination Plan as satisfying the requirements of 10 C.F.R. Part 20, Subpart E and § 50.82.

This proposed contention repeats the argument made in CAN's Motion to Dismiss this proceeding, filed with the Commission on August 20, 2004. Yankee opposed that motion on

August 27, 2004.[8] In delegating CAN's hearing request to the Atomic Safety and Licensing Board Panel, the Commission specifically retained the Motion to Dismiss for its consideration.[9] Therefore, this issue will be addressed and potentially resolved by the Commission. Proposed Contention 1 does not constitute an admissible contention in this proceeding.

Contention 2

The LTP should not be approved at this time because Yankee Atomic has failed to provide documentation of the source, cause, and plan for remediation of the current high levels of tritium contamination in the ground water or site, in violation of 10 C.F.R. Part 20, Subpart E, § 50.52, § 50.82. The samples collected in 2003 following the draining and emptying of the fuel pool still show an extremely high concentration of tritium (e.g., >45,000 pCi/L in monitoring well MW-107C). The LTP does not resolve the question as to whether this high level of contamination was previously overlooked or whether it relates to a new or recent release connected with work on the fuel pool in 2003. A supplemental Environmental Report and supplemental EIS should be prepared to explain the source and cause of the contamination, demonstrate that it is contained within the site, and provide a plan for cleaning up the contamination.

This proposed contention ostensibly challenges the adequacy of the LTP with respect to remediation of tritium contamination in the groundwater that has been identified by Yankee at the YNPS site. As a basis for this contention, CAN cites the declaration of Robert Ross, a hydrogeologist. As explained in his declaration, Mr. Ross has reviewed Yankee's groundwater sampling data developed as part of Yankee's ongoing decommissioning and remediation at the site. Ross Declaration, ¶ 4. He cites (as does this contention) samples collected from one monitoring well, MW-107C, located adjacent to the Spent Fuel Pool, which was drained in 2003. *Id.*, ¶ 8. As shown in Table 2-7 of the LTP itself, in that one well location

---

[8] "Opposition of Yankee Atomic Electric Company to Motion to Dismiss," dated August 27, 2004. As explained in that opposition, Yankee's proposed license amendment documenting the date of NRC approval would be, consistent with the Commission's regulations, the manifestation of the NRC's approval of the LTP. The NRC's hearing notice provided sufficient notice for reasonable people to understand the approval at issue and adequately defined the scope of the hearing opportunity.

[9] Memorandum to G. Paul Bollwerk, III, from Annette Vietti-Cook, "Request for Hearing Submitted by the Citizens Awareness Network," dated September 2, 2004.

near the Spent Fuel Pool/Ion Exchange ("SPF/IX") Pit (out of over 50 well locations at the site at the time), Yankee measured tritium in groundwater greater than 45,000 pCi/L as noted in the contention. This exceeds the Environmental Protection Agency ("EPA") Maximum Contaminant Level ("MCL") for tritium in drinking water (20,000 pCi/L). There is no factual dispute on this point — the data point is taken from the LTP and Yankee's own public groundwater reports docketed at the NRC.[10] However, the contention fails to establish an admissible issue. The contention fails to challenge the adequacy of the LTP. The LTP is not defective simply because characterization work described in the LTP identifies the need for further characterization and remediation (*i.e.*, one well with tritium greater than the MCL). As discussed above, license termination activities represent an ongoing process. That process will continue until the appropriate criteria are satisfied.

Specifically, Section 2.7.3 of the LTP describes the groundwater monitoring program at YNPS and the procedures for ground and well water monitoring; radiochemical data quality assessment; the site characterization and site release quality assurance ("QA") program plan for sample data quality; and groundwater level measurements and sample collection. Section 2.7.4 of the LTP (at page 2-21) reflects the data point cited by CAN (and shown in

---

[10] *See, e.g.*, YA-REPT-00-004-04, "Hydrogeologic Report of 2003 Supplemental Investigation, Yankee Nuclear Power Station, Rowe, Massachusetts," prepared by David Scott, Hydrogeologist, dated March 15, 2004, and submitted to the NRC under cover letter dated March 16, 2004.

Yankee also submitted groundwater data to the NRC on May 19, 2003 ("Groundwater Data for YNPS," BYR 2003-039) and on January 20, 2004 ("Groundwater Sampling Results for YNPS," BYR 2004-005). The latter submittal, which transmits the groundwater report for the Third Quarter 2003, also specifically cited the one well with the tritium concentration as high as 48,000 pCi/L. The third quarter report explained Yankee's groundwater monitoring program and specifically stated that additional wells would be installed in the Spring of 2004. (A corrected third quarter report, incorporating figures in color, was submitted to the NRC on February 2, 2004.)

Table 2-7) and addresses the ongoing groundwater investigations to be carried out as part of license termination activities:

> The preliminary assessment of the groundwater and soil data indicate that the only radionuclide identified in migration towards the Sherman Dam area is tritium. Some of the new wells had tritium concentrations that were in excess of what had been measured for existing wells and in one case greater than the EPA standard for tritium in drinking water. This indicates that the plume may have a more complicated flow path than previously considered. The YNPS QA program has been adjusted to account for this new information.
>
> Although this new information shows concentrations in excess of the EPA drinking water standard, the dose consequence is insignificant and does not change the strategy for going forward towards [final status survey]. Groundwater investigations will continue in November 2003 and quarterly thereafter. Additional wells are planned for Spring 2004.

Accordingly, characterization of the scope and significance of the tritium contamination continues as part of the ongoing decommissioning process. As noted in the LTP, the data are assessed quarterly. An interim report and an annual hydrogeologic report are made available to the public stakeholders. (Indeed, Mr. Ross's affidavit shows he is reviewing those reports.) The proposed contention faults the LTP because it does not definitively determine the "source, cause, and plan for remediation" of tritium. However, this is not an admissible contention in connection with the approval of the LTP. This aspect of the contention is no more than a truism at this stage of the ongoing process.[11] As groundwater investigations continue, with more wells and more data, Yankee's assessment of the sources, nature and extent of impacts

---

[11] Indeed, as also noted in the 2003 hydrogeologic report cited by CAN (YA-REPT-00-004-04), Yankee's hydrogeologist specifically recommended (at page 23) the following:

> We propose that additional drilling and sampling be considered in order to confirm the source(s) of tritium, and to further define the hydrogeologic features determining the fate and transport of ground water contamination at the site. Yankee Rowe welcomes a discussion with interested parties to formulate a plan for the next phase of hydrogeologic investigation.

to the environment, and need for further remediation will be refined. As stated in the LTP, Section 5.6.3.2.4 (at page 5-45) on survey considerations:

> Assessments of any residual activity in groundwater at the YNPS will be via groundwater monitoring wells. The monitoring wells installed at the site will monitor groundwater at both deep and shallow depths. Section 2.7 describes the groundwater monitoring to be conducted.
>
> The data collected from the monitoring wells, across multiple aquifers, will be used to ensure that the concentration of well water available, based upon the well supply requirements assumed in Section 6 for the resident farmer, is below the EPA MCLs. This will ensure that the dose contribution from groundwater is a small fraction of the limit in 10 CFR 20.1402.

Substantial additional information on the groundwater program was included in Yankee's August 3, 2004 responses to the groundwater RAIs.[12] For example, in response to Question 53 (at page 18), Yankee stated to the NRC that the "presumed source of tritium in ground water was one or more leaks in the SFP/IX Pit complex" and that, following draining of the pool in June 2003, "there are no sources of tritium-contaminated water that could contribute to an ongoing source of ground water contamination."[13] Yankee has also specifically confirmed in its April 27, 2004 supplemental letter to the NRC on the LTP, in response to an NRC Staff

---

12 *See* Gerard van Noordennen to NRC, "Responses to Requests for Additional Information — YNPS License Termination Plan (LTP)," dated August 3, 2004 (BYR 2004-073). This information is incorporated in the draft Revision 1 of the LTP, submitted on September 2, 2004.

13 Section 2.7.3 of draft Revision 1 of the LTP also reflects Yankee's current view that it "appears likely that leaks from the SFP/IX Pit complex were a source of tritium in the ground water at Rowe." Section 2.7.4 of that draft revision reflects the additional activities that have commenced to address identified data gaps: additional wells, transducers added to selected wells to facilitate synoptic measurements, and a rain gauge to monitor rainfall levels.

RAI, its commitment that license termination will not occur until the ongoing assessments demonstrate that groundwater measurements meet the EPA MCL (20,000 pCi/L).[14]

As discussed above, consistent with 10 C.F.R. § 50.82(a)(9), the LTP describes the remaining decommissioning activities necessary to terminate the license. At bottom, this proposed contention does not assert how the Yankee LTP is an inadequate *plan* to meet the regulations or the NRC guidance documents. It merely faults the LTP because the process described in the LTP is not complete. The NRC's rules on contentions require more. *See, e.g.* 10 C.F.R. § 2.309(f)(1)(vi) (among other things, the information submitted with a contention must include references to specific portions of the application that are being challenged). This proposed contention does not constitute an admissible contention in connection with approval of the LTP.

Contention 3

The LTP should not be approved at this time because Yankee Atomic has failed to adequately characterize several possible contaminated zones within the ground water under the site in violation of 10 C.F.R. Part 20, Subpart E and the requirements of 10 C.F.R. § 50.82. Without adequate characterization, there can be no assurance that the LTP will adequately safeguard public health by demonstrating compliance with 10 C.F.R. Part 20 standards.

This proposed contention is based on Paragraph 15 of the Ross Declaration. The declaration again cites groundwater data from Yankee's reports (the MW-107 and the MW-104 series wells) and vaguely argues that "[r]eview of the geologic cross-section and 'undisturbed ground water' samples indicates several possible contaminated zones that were not fully

---

14 *See* James A. Kay to NRC, "Technical Report — Dose Due to Tritium in Groundwater for the YNPS License Termination Plan (LTP)," dated April 27, 2004 (BYR 2004-043). The calculation showed that the "resident farmer" dose due to groundwater containing tritium at the EPA MCL would be 0.77 mrem/year — a small fraction of the limit in 10 C.F.R. § 20.1402. No challenge is made in the contention to Yankee's docketed calculation.

characterized." The focus appears to be on certain sandy layers, where "no permanent monitoring wells were installed." Ross Declaration, ¶ 15.

Again, this proposed contention attacks an ongoing process, apparently only because it is ongoing. The process is described in detail in the Yankee documents cited by Mr. Ross, including Yankee's 2003 hydrogeologic study docketed at the NRC (YA-REPT-00-004-04) and in the handout materials from a Yankee meeting with state officials referenced in the Ross Declaration, ¶ 14. The YNPS groundwater monitoring program is, by necessity, investigative and is performed in an iterative fashion. Data is collected during a well-drilling campaign and quarterly results are interpreted. Mr. Ross is principally relying upon the 2003 report. Importantly, a document put forth by an intervenor as supporting the basis for a contention is subject to scrutiny, both for what it does and does not show. *See Yankee Atomic Elec. Co.* (Yankee Nuclear Power Station), LBP-96-2, 43 NRC 61, 90 (1996), *rev'd in part on other grounds*, CLI-96-7, 43 NRC 235 (1996). In the Yankee report, submitted to the NRC on March 16, 2004, Yankee's hydrogeologist clearly concluded (at pages 22-23):

> Tritium is the only plant-related radionuclide detected in ground water at the Yankee Rowe site. The data indicate that tritium levels have declined substantially in the shallow aquifer over the period of record. Tritium concentrations exceed the MCL in a relatively small area in the glaciolacustrine sediments that lie beneath the shallow aquifer. The data indicate that this area is localized and within about 100 feet (laterally) of the SPF/IX Pit complex. The dose associated with the tritium in the groundwater is low. On this basis, the corresponding risk to human health and the environment also appears to be low. . . .
>
> Results of the drilling and sampling program in 2003 have greatly increased our understanding of tritium contamination in groundwater at the site. The results also provide a thorough and comprehensive basis for understanding the hydrogeology at YNPS. However, refinement of the conceptual site model for YNPS has highlighted a few areas where additional investigation of the groundwater system is necessary. This work is needed to validate our analysis of current conditions and to

> confirm our speculation that the richest part of the plume has been described.
>
> We propose that additional drilling and sampling be considered in order to confirm the source(s) of tritium, and to further define the hydrogeologic features determining the fate and transport of groundwater contamination at the site.

In Yankee's August 3, 2004 RAI responses, in response to Question 52 (at page 17), Yankee elaborated on the current status:

> Maps showing the plan-view configuration and concentration of a tritium plume in the shallow aquifer in July and November 2003 are included as Figures 15 and 16 in YA-REPT-00-004-04. Similar maps for the tritium plume in the intermediate depth aquifer in July and November 2003 are provided in Figures 18 and 19 of the same report. Figures 5, 6, 7, and 8 of that report are cross sections showing the known extent and concentration of tritium vertically, in both the shallow and intermediate depth aquifers. . . .
>
> Drilling of additional monitoring wells to further delineate the horizontal and vertical extent of the identified tritium plumes began June 22, and is expected to continue through the summer of 2004. Testing of the hydraulic conductivity of selected aquifers will take place later in 2004 into 2005, when demolition activities currently underway at the site are completed, and access can then be gained to those areas of interest that are currently unavailable.

Accordingly, CAN has not identified any issue that is being ignored. Work continues as part of the ongoing license termination process described in the LTP. Specifically, wells are installed methodically, based on prior screening and analytical results. Yankee is currently finishing the 2004 well-drilling campaign. An interim report is being prepared and the next comprehensive hydrogeologic report is planned for early 2005. The contention focuses on a "snap shot" of an ongoing process. The declaration does not challenge the LTP methodology or site release criteria; it merely asserts the fact that no permanent wells were installed at the time of the 2003 campaign in certain specific locations. That is an inadequate basis for a contention on approval of the LTP.

Moreover, ¶ 15 of the Ross Declaration does not provide any specific basis for asserting that additional wells are necessary in the specific "sandy layers" identified, in order to meet NRC criteria. The declaration cryptically reports that, during a teleconference, Yankee's hydrogeologist, David Scott, "indicated that sufficient water was present within many of the sand lenses identified during soil boring." However, the significance CAN and/or Mr. Ross attach to this quotation is never explained. Yankee has completed its initial screening samples, and will install additional wells (for example, when ongoing demolition allows access), as necessary. Certainly no specific dispute, with a basis, is articulated.

In the end, this proposed contention again fails to identify a specific and genuine dispute on a material issue of law or fact related to the LTP. The proposed contention is based on Yankee's own reports, and seems to implicitly recognize that the reports reflect the status of an ongoing process. Yet, the proposed contention itself does not challenge the LTP or any particular methodology or criterion contained therein. *Contrast* 10 C.F.R. § 2.309(f)(1)(iv). It provides no basis to conclude that continued license termination activities, conducted in accordance with the LTP, would not satisfy the NRC's requirements for release of the site and termination of the license. The contention simply reflects that the work is not yet complete. While this might be a reason for the NRC to decline in the future to terminate the license, this alone is not an admissible challenge to *approval* of the LTP.

Contention 4

The LTP should not be approved at this time because it does not completely characterize the vertical extent of subsurface soil contamination beneath facility structures in violation of 10 C.F.R. Part 20 and § 50.82. This is significant because without immediate characterization of the likely source area(s) of subsurface soil contamination beneath facility structures Yankee Atomic Electric Company cannot assure adequate protection of human health and that of nearby sensitive receptors under the LTP's site characterization as required by 10 C.F.R. Part 20 and § 50.82.

This proposed contention is, according to CAN's filing, based upon ¶ 16 of the Ross Declaration. However, that paragraph in the declaration provides no more specificity than the contention itself. The contention and declaration are essentially verbatim statements.

First, this contention is inadmissible for sheer lack of specificity. It does not identify any particular portion of the LTP that is being challenged, much less any program, methodology, or criterion set forth in the LTP. As noted above, the NRC's rules on contentions require more. *See, e.g.* 10 C.F.R. § 2.309(f)(1)(vi) (among other things, the information submitted with a contention must include references to specific portions of the application that are being challenged).

The proposed contention references only "subsurface soil contamination beneath facility structures." It is possible (but by no means certain) that the reference relates to LTP Section 5.6.3.2.2, which discusses the Yankee final status survey plan for residual radioactivity in subsurface soils — including soil underneath structures such as building floors/foundations. As described there (at page 5-43), this will be an ongoing process as part of license termination activities, largely because activities cannot be completed until structures are removed:

> . . . the assessment of subsurface soil contamination is not currently complete. Soil in difficult access areas such as under buildings will be deferred until later in the decommissioning process. As a part of [final status] survey planning, borehole logs will be reviewed, when available.

The LTP discussion in this section goes on to explain the final status survey methodology and instrumentation, and the application of the derived concentration guideline levels ("DCGLs") to assure compliance at the time of license termination with the NRC's Part 20 site release criteria. The dose model used to calculate the DCGLs is further described in Section 6 of the LTP.

Section 2.6 of the LTP also describes the continuing investigation of subsurface contamination. Figure 2-6 specifically illustrates "the locations where targeted subsurface investigations will be performed" (Section 2.6, at page 2-19). As is clear from that figure, the work must await demolition and removal of structures in order for there to be physical access for subsurface soil investigation. None of this information in the LTP is directly referenced or challenged in the proposed contention.

In total, this proposed contention lacks specificity and fails to demonstrate a genuine dispute with the LTP. It does not identify any particular contamination at issue. Moreover, it does not identify any issue regarding the methodology or criteria described in the LTP. Quite simply, subsurface soil contamination will be addressed in accordance with the plans and criteria outlined in the LTP. The contention does not identify any particular deficiency in that regard.

Contention 5

The LTP should not be approved at this time because Yankee Atomic Electric Company has failed to identify and characterize mixed waste in the ground water on site in violation of 10 C.F.R. Part 20 and § 50.82. Review of this data is important to properly characterize site conditions with respect to impacts to human health and the environment, and a supplemental EA and EIS are necessary to assure that the public health and safety will be protected under the conditions for release of the license.

Proposed Contention 5 is, according to CAN's filing, based upon Paragraph 17 of the Ross Declaration. This paragraph again cites Yankee's 2003 hydrogeological report (YA-REPT-00-004-04). The crux of this contention seems to come from the second part of Paragraph

17 of the declaration.[15] The contention alleges that Yankee has not identified and characterized "mixed waste," which presumably is a reference to non-radiological groundwater quality. Both the declaration and the statement of the contention assert that review of this data is important to assure that public health and safety will be protected. However, this contention does not demonstrate a genuine dispute on a material issue.

First, by its very terms, this contention focuses on non-radiological groundwater quality data (*i.e.*, "mixed waste").[16] This raises an issue beyond the scope of NRC "decommissioning" as that term is defined in 10 C.F.R. § 50.2 ("decommission means to remove a facility safely from service and reduce residual radioactivity" to a level that permits site release). The NRC's site release criteria are further established in 10 C.F.R. §§ 20.1402 and 20.1403 — and they relate to residual radiation and potential dose to the critical group, not to any other alleged hazards. Accordingly, this contention does not raise an issue germane to *termination of the NRC license.*[17]

Second, the issue in the declaration is no more than a comment that Yankee's 2003 hydrogeologic report states (at page 9) that the non-radiological groundwater quality data

---

15 The first part of Paragraph 17 is a specific complaint regarding the site plans and figures. It appears that the reference is to the plans and figures in the 2003 hydrogeological report. Mr. Ross refers to inconsistencies between figures in the scales and ranges used for tritium concentrations. He also complains that the color schemes were not standardized among the figures. These issues are addressed further below in proposed Contention 6, bases (j) and (k). These are very minor editorial comments that do not relate to non-radiological data that is the subject of this contention.

16 CAN characterizes the issue as one of "mixed waste." However, to be clear, this characterization is incorrect. Yankee is, as part of license termination and site release, addressing both radiological and non-radiological contamination. However, groundwater contamination is not necessarily "waste" as that term is defined for purposes of the Resource Conservation and Recovery Act ("RCRA").

17 Obviously, other state or federal agencies will have jurisdiction regarding non-radiological contamination and relevant requirements will need to be satisfied.

would be discussed in a separate report. The statement regarding non-radiological samples is made in a discussion of the methodology for sampling the soil during the drilling campaign. As discussed there, the cores are screened for the presence of volatile organic compounds ("VOCs"). If VOCs are indicated, "an aliquot of [soil] sample from the same depth interval was placed in a glass soil sample container and shipped to an off-site laboratory for an analysis of VOCs by U.S. EPA Method 8260." The results of those analyses, according to the report, are to be discussed in a separate report. It is not clear how the mere comment from Mr. Ross that these results should be reviewed (seemingly another truism) raises an issue that would be of consequence in this proceeding.[18]

In sum, proposed Contention 5 is inadmissible. It raises a concern that is not addressed to radiological safety or to the NRC's radiological site release criteria. Moreover, it fails to identify a genuine dispute that would be of any consequence with respect to NRC approval of the LTP.

Contention 6

The LTP should not be approved at this time because Yankee Atomic Electric Company has failed to use consistent professional hydrogeological "best practices" in the collection and presentation of data, leading to unreliability of data in key areas of hydrogeological characterization of the site in the LTP, and the unreliability of the hydrogeologic data relied upon to support the site characterization, conclusions, and projected levels of contamination in the LTP.

Proposed Contention 6 is an amalgam of discrete points, drawn from Mr. Ross's declaration, allegedly showing that Yankee has not used adequate hydrogeological practices in its groundwater monitoring program at YNPS. However, many of these points merely reflect

---

[18] In fact, a report *was* issued by Yankee on June 4, 2004, addressing non-radiological aspects of groundwater, soil and sediments. This report was submitted to the Massachusetts Department of Environmental Protection ("DEP"). Information copies of

recommendations Mr. Ross has previously made to Yankee and that Yankee *has already incorporated into its ground water program* — in the context of discussions in May 2004 with the Massachusetts DEP. Other points merely raise issues addressed in other contentions, or again essentially challenge the groundwater program because it remains in progress. These comments do not establish genuine disputes with the LTP. The contention does not demonstrate how Yankee's program is inadequate to meet 10 C.F.R. § 50.82 or how it will be inadequate to assure compliance with the license termination/site release criteria of 10 C.F.R. Part 2.

(a) YAEC's LTP ground water quality data has not been collected within as short a timeframe as possible.

According to CAN's filing, this basis is derived from Paragraphs 9, 10, and 14[19] of the Ross Declaration. Those paragraphs reference groundwater quality data for 2003 that was collected over a period of 2-3 months during groundwater well installation. The data referenced in the 2003 hydrogeologic report (YA-REPT-00-004-04) reflected the groundwater data available at that time. By the nature of the process, as discussed above, preliminary data is confirmed through installation of additional wells as necessary, and through further monitoring.

More particularly, however, this basis stems from a comment that has been previously made to Yankee during Yankee's stakeholder interactions. (Yankee has welcomed stakeholders in the process to develop the LTP, soliciting comments in a good faith attempt to resolve those issues as early as possible.) The referenced paragraphs of the Ross Declaration argue that groundwater "quality data" (¶ 9) and groundwater "elevation data (¶ 10), suggesting that "deficiencies were acknowledged" regarding the time frame for collection of data during the

---

this document were distributed at the time to the NRC project manager and Ms. Katz for CAN.

[19] Based on the focus in the basis on the data collection period, it appears that Paragraph 12 may have been intended instead of Paragraph 14.

May 11 discussions with Massachusetts DEP. This basis in fact conflates two issues — water quality data (for which there was no issue)[20] and elevation data (for which there was a concern from a state official). Yankee has since documented its responses to the state comment on elevation data. Yankee explained that additional "synoptic" water level measurements[21] will be made as the hydrogeologic investigations continue.[22] Accordingly, this basis does not support the existence of a genuine, material dispute.

(b) *YAEC's LTP ground water quality data has not been correlated with ground water elevation data for corresponding sampling events to assess the possible relationship between contaminant trends and fluctuating ground water elevations.*

This comment is, according to CAN's filing, drawn from Paragraph 10 of the Ross Declaration. It appears to be a reference to the first sentence of that paragraph. The second sentence of Paragraph 10 (related to collection of groundwater elevation data in one day) is addressed in basis (a), discussed above.

Apart from the issue addressed in basis (a), this basis is impermissibly vague. It is not clear what specific challenge to the groundwater monitoring methodology is being made. As discussed above with respect to several contentions, monitoring is an investigative, iterative, and *ongoing* process. The fact that groundwater quality data has not been correlated as

---

20 Water *quality* data is normally collected over a period of time for practical reasons, including access to the area in question. Water quality data, by its nature represents a "snap shot." No basis is provided in the contention for maintaining that quality data must be collected over a one to three day period.

21 The term "synoptic" is used by hydrogeologists and other scientists to imply measurements taken appropriately close in time. This approach is being incorporated into Yankee's procedures for elevation data.

22 James A. Kay to Massachusetts DEP, "Responses to MADEP Draft Review Comments on Hydrogeologic Report of 2003 Supplemental Investigation, dated May 5, 2004," dated June 2, 2004 (BYR 2004-062). Information copies of this document were distributed at the time to the NRC project manager and Ms. Katz for CAN.

suggested merely reflects that the data has not yet been fully developed and analyzed — precisely because the process is ongoing. This basis does not establish how the program will be ultimately inadequate to demonstrate compliance with the NRC's site release criteria.

(c) YAEC's LTP ground water elevation data has not been collected within a one-day period.

This basis is explicitly based upon the second sentence of Paragraph 10 of the Ross Declaration. It appears to be the same issue addressed in basis (a) above. The DEP comment regarding the collection period for water elevation data has been addressed.

(d) YAEC's LTP hydrogeological reports have not adequately characterized the horizontal and vertical extent of subsurface contamination in order to characterize possible impacts within and down gradient of suspected contamination release areas.

This basis is, according to CAN's filing, based on Paragraph 11 of the Ross Declaration. The declaration adds nothing to the statement of the contention. Both lack the required specificity and both are impermissibly vague. They fail to demonstrate exactly what is alleged to be inadequate in the LTP or in the groundwater program. The relief requested in the declaration (Yankee "needs to conduct additional work" to complete its assessment of groundwater) is already being provided, in that, as discussed above, this is an ongoing process that will lead eventually to license termination. License termination will only occur after the site release criteria (and the EPA MCL) are satisfied. This basis does not establish any specific and genuine dispute.

(e) YAEC's LTP has failed to properly evaluate the vertical hydraulic flow regime at the Yankee Rowe site.

This basis is, according to CAN's filing, drawn from Paragraph 12 of the Ross Declaration. It is not an admissible contention (or basis) for the same reasons discussed for bases (a) and (d). Basis (e) does not identify any specific dispute other than the issue of collection of data on the same day addressed under basis (a). As with basis (d), the relief

identified in Paragraph 12 (Yankee "needs to conduct additional work" to properly evaluate the vertical flow regime) — something that must be done — illustrates that there is no genuine dispute.

(f) YAEC's LTP has failed to properly evaluate the potential hydraulic connection between the various hydrogeologic units.

Basis (f) is, according to CAN's filing, also based on Paragraph 12 of the Ross Declaration. Again, the argument is simply that Yankee has not *yet* adequately mapped the groundwater flow path. However, this can only be done as Yankee's license termination process continues. As above, the relief identified in Paragraph 12 (Yankee, "needs to conduct additional work" to evaluate the hydraulic connection) again illustrates that there is no genuine dispute. To the extent this sentence in Paragraph 12 again raises the issue of data being collected in one day, that issue is addressed under basis (a).

(g) YAEC's LTP has failed to identify the likely migration pathway between the source area(s) and the bedrock formation of Tritium detected in the bedrock aquifer based on ground water data collected from monitoring well MW-105B during the July and November 2003 sampling events.

This basis is tied by CAN to Paragraph 13 of the Ross Declaration. That paragraph refers to specific data collected from monitoring well MW-105B and reported in Yankee's 2003 hydrogeological report (YA-REPT-00-004-04) and in the LTP. This basis again reflects exactly what Yankee is and will be doing: mapping the hydraulic connection between aquifers to identify the migration pathway. The contention and the declaration do not establish, with basis and specificity, how the program will be inadequate.[23] Therefore, this is not an admissible contention (or basis).

---

[23] In fact, the LTP, Table 2-7 (at page 2-33), shows Yankee's screening value for tritium from monitoring well MW-105B, which was the only well with tritium in the bedrock aquifer. The value was approximately 6000 pCi/L. The hydrogeological report, Table 6

(h) YAEC's LTP has failed to adequately characterize the stratigraphy of the site.

This basis is, according to the CAN's filing, drawn from Paragraph 14 of the Ross Declaration. It is merely a restatement of the first sentence of that paragraph. That sentence in Paragraph 14, however, does not substantively add to the point of the contention; rather, it merely restates a Yankee conclusion from the 2003 hydrogeologic study (YA-REPT-00-004-04) regarding the stratigraphy of the site. This sentence and basis (h) are merely a conclusory statement that is insufficient to establish an admissible contention for the same reasons as discussed for basis (g). Basis (h) does not identify how the LTP and groundwater monitoring program will be inadequate — upon completion — to adequately "characterize the stratigraphy of the site" or to otherwise assure compliance with NRC license termination criteria.

As previously noted, Yankee's 2003 hydrogeologic report provided preliminary results. Maps showing stratigraphy based on that data were included in the report.[24] Obviously, however, at that time further work needed to be accomplished to refine that assessment, and a program (described in the LTP) is in place to do just that. This is being accomplished each time a new well is drilled. This basis does not establish a genuine dispute with respect to *approval* of the LTP.

(i) YAEC's LTP inadequately characterizes site conditions by relying on monitoring using nested couplets consisting of three monitoring wells without due regard for the thickness of the overburden and complexity of the hydrogeology of the site.

This basis is drawn directly from the second part of Paragraph 14 of the Ross Declaration. Again, Mr. Ross has reviewed Yankee's 2003 hydrogeologic study (YA-REPT-00-

---

(at page 18), shows subsequent values ranging from approximately 4800 – 5200 pCi/L, as alluded to in the basis. All of these results are already well below the applicable EPA MCL (20,000 pCi/L).

24 *See* YA-REPT-00-004-04, Figures 5-8.

004-04) and offers his opinion that "nested couplets consisting of three monitoring wells" is inadequate. However, the declaration is again based on preliminary data from an ongoing process. The number and location of wells and sampling points will be determined based upon screening samples. In fact, Yankee may install more than three wells in some locations if this proves to be necessary.[25] At bottom, the need for further wells is determined based upon a methodical, investigative process — all of which will be documented and publicly available. This basis represents an over-broad generalization. It does not identify any specific issue for which further relief is necessary or warranted. It does not establish how the LTP would be inadequate to achieve compliance with the NRC site release criteria.

(j) *YAEC's LTP relies upon the hydrogeologic studies that do not clearly present contaminant plumes on the site plans and figures are confusing, e.g., standard convention uses isopleths of equal concentrations, as shown on the figures, yet fill areas represent a range of concentrations of tritium (i.e., one range > 45,000 pCi/L, another range = 44,999 - 5,000 pCi/L, and another range = 4,999 – 2,500 pCi/L).*

This basis, according to CAN's filing, is drawn from Paragraph 17 of the Ross Declaration. That paragraph is a challenge to the *presentation* approach in Yankee's 2003 hydrogeologic report (YA-REPT-00-004-04); it is *not* a substantive challenge to the LTP. Mr. Ross finds the plans and figures "confusing" with respect to tritium concentration ranges; however, he does not find them to be inaccurate. This stylistic/editorial quibble with a public document does not raise a genuine, material dispute in this proceeding on the *LTP approval.* The issue also is of no consequence in this proceeding; no meaningful relief could be granted.[26]

---

[25] For example, Yankee recently installed four wells at location MW-106 (A, B, C and D).

[26] The figures in the document were certainly not intended to confuse and were in fact accurate. Each figure was prepared as a stand-alone figure. For example, the scales/ranges are different on each figure. However, clearly they are readable. Mr. Ross was able to determine the ranges. Indeed, the charts reasonably follow the guidance in NRC Regulatory Guide 1.179, "Standard Format and Content of License Termination Plans for Nuclear Power Reactors" (January 1999), where at page 1.179-5 it states that

(k) YAEC's LTP relies upon hydrogeologic studies that use inconsistent color schemes and concentration ranges between figures which make it difficult to compare data between the different zones, leading to the potential for unreliable inferences based upon that data, and, upon which site characterizations rely.

This basis is also drawn from Paragraph 17 of the Ross Declaration. Again, it is a challenge to the *presentation* approach in Yankee's 2003 hydrogeologic report — not the LTP. Mr. Ross takes exception to the color schemes and concentration ranges used in the hydrogeologic study. While editorial points on presentation are always of interest to Yankee, this basis does not establish — for the same reasons discussed above in connection with basis (j) — a genuine, admissible dispute in this proceeding on an LTP approval. The issue also is of no consequence in this proceeding; no meaningful relief could be granted.

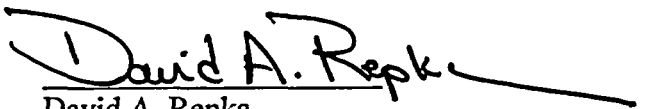
---

graphic presentations should be: "legible, symbols are defined, and [the] scales are not reduced to the extent that visual aids would be necessary to interpret pertinent items of information." Mr. Ross does not claim the charts are inadequate in terms of the above guidance. He simply complains about the selected scales and colors. In fact, in light of the wide ranges of detected tritium concentrations between the different tritium plume depth maps, use of common scales for all maps could have rendered one or more illegible or meaningless.

V. CONCLUSION

For the reasons set forth above, Yankee opposes admission of all of CAN's proposed contentions. Accordingly, CAN's Request for Hearing and Petition to Intervene should be denied.

Respectfully submitted,



David A. Repka
William A. Horin
WINSTON & STRAWN LLP
1400 L Street, NW
Washington, D.C. 20005-3502

COUNSEL FOR YANKEE ATOMIC
ELECTRIC COMPANY

Dated in Washington, District of Columbia
This 14th day of September 2004

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of:	)	
	)	
YANKEE ATOMIC ELECTRIC COMPANY	)	
	)	Docket No. 50-29
	)	
(Yankee Nuclear Power Station)	)	
	)	
License Termination Plan	)	

CERTIFICATE OF SERVICE

I hereby certify that copies of "ANSWER OF YANKEE ATOMIC ELECTRIC COMPANY TO CITIZENS AWARENESS NETWORK'S REQUEST FOR HEARING AND PETITION TO INTERVENE" in the captioned proceeding have been served on the following by deposit in the United States mail, first class, this 14th day of September, 2004. Additional e-mail service, designated by *, has been made this same day, as shown below.

Office of the Secretary*
U.S. Nuclear Regulatory Commission
Washington, DC 20555
Attn: Rulemakings and Adjudications Staff
(original + two copies)
(e-mail: HEARINGDOCKET@nrc.gov)

Margaret J. Bupp*
Office of the General Counsel
U.S. Nuclear Regulatory Commission
Washington, DC 20555
(e-mail: OGCMailCenter@nrc.gov)
(e-mail: mjb5@nrc.gov)

Deborah B. Katz*
P.O. Box 3023
Charlemont, MA 01339-3023
(e-mail: deb@nukebusters.org)

Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, DC 20555

David A. Repka
Counsel for Yankee Atomic Electric Company