

**Maine Yankee Community Advisory Panel on
Spent Nuclear Fuel Storage and Removal
Meeting Minutes
Thursday, June 25, 2009**

| <u>Member</u> | <u>Attendance</u> |
|------------------------------|-------------------|
| General Lewis Curtis | Yes |
| The Honorable David Trahan | No |
| The Honorable Ken Honey | No |
| Mr. Scott Houldin | Yes |
| Dr. Don Hudson | Yes |
| Mr. Steve Jarrett | No |
| Mr. Ralph F. Keyes | Yes |
| The Honorable Marge Kilkelly | Yes |
| Mr. Wayne Norton | Yes |
| Mr. Jay Hyland | Yes |
| Mr. Don Schuman | Yes |
| Mr. Dan Thompson | Yes |

Introduction

Chair Marge Kilkelly called the meeting to order at 6:00 p.m. and introduced new CAP member Jay Hyland who replaced former State Nuclear Safety Advisor Charles Pray as the Governor's representative. Mr. Hyland is the Radiation Control Program Manager in the Department of Health and Human Services Division of Environmental Health.

Chair Kilkelly then explained that the CAP had two items of business to conduct. Under the Charter the CAP's term expired as of the 2009 annual meeting as did the terms of the Chair and Vice-Chair.

General Lewis Curtis made a motion that the CAP be extended for two years until the 2011 annual meeting. The vote on the motion to extend the CAP was unanimous.

General Curtis then made a motion to nominate Marge Kilkelly and Don Hudson for another two year term as Chair and Vice-Chair respectively.

As a matter of full disclosure, Dr. Hudson informed the CAP that in another year he will step down as President of the Chewonki Foundation, and after a year-long sabbatical leave will likely continue in a part-time emeritus position, supporting science education and projects as needed.

The vote to reelect Chair Marge Kilkelly and Vice-Chair Don Hudson was unanimous.

The CAP then approved without discussion or changes the minutes of the April 17, 2008 CAP meeting.

Maine Yankee Independent Spent Fuel Storage Installation Update

Maine Yankee Vice-President and ISFSI Manager Jim Connell provided the CAP with an update on the ISFSI and other issues related to the Maine Yankee site since the last CAP meeting April 17, 2008. He spoke from slides contained in the CAP meeting package as well as notes.

Mr. Connell reported that the ISFSI has operated safely and routinely this past year. The October 16, 2008 U.S. Nuclear Regulatory Inspection Report was positive with no violations or concerns.

On May 18, 2009 the NRC conducted a security inspection at Maine Yankee. Mr. Connell said the inspector's comments during the telephone exit meeting were as positive as any he has heard in 30 years in the business. The written report is expected in the next few weeks. Mr. Connell said that the seven stand alone ISFSIs are unique for the NRC and that the agency is still refining its inspection protocols for them. He said the Maine Yankee security inspection was an opportunity for the NRC to "test drive" the stand-alone ISFSI inspection module.

Mr. Connell reported that last October the State of Maine and Maine Yankee had a productive annual meeting to review emergency plans and procedures. This was followed a week later by the annual emergency plan drill which involved participation from several State and local agencies. Mr. Connell emphasized that Maine Yankee takes emergency planning very seriously.

In February Maine Yankee submitted a significant security plan revision to the NRC. This revision was approved by the NRC in May. Mr. Connell said the security plan revision has been underway for some time and was done to reflect the changes from an operating plant to a stand alone ISFSI. The revised plan has not yet been implemented as security staff are still being trained on the changes.

In May Mr. Connell reported that he and Chief Nuclear Officer Wayne Norton, met at the ISFSI with six Federal Bureau of Investigation agents for a discussion of site security and operations. Mr. Connell said there was agreement that this meeting should take place annually.

Mr. Connell updated the CAP on Maine Yankee's involvement with the nuclear power industry saying a goal is to keep the voice of stand alone ISFSIs from being drowned out by the much more numerous operating plants. Mr. Connell serves as the Chair of the Decommissioned Plant Subcommittee for the Nuclear Energy Institute. He is also Chair of the NAC (Nuclear Assurance Corporation) Users Group. NAC is the

manufacturer of the Maine Yankee ISFSI system. Additionally, Mr. Connell said he and his counterparts at Connecticut Yankee and Yankee Rowe communicate regularly with managers of other stand alone ISFSIs and those at operating reactors.

Mr. Connell commented briefly on the Maine Yankee bill enacted last year by the Maine Legislature. He said implementation is going well and that the biggest change from the way Maine Yankee and the State interacted previously is the number of reports required by the legislation. He noted that the meetings required by the legislation have taken place all along, but the new law formalized the process.

Mr. Connell said that significant progress was made over the past year closing out legacy items such as finalizing the NRD Settlement Agreement and completing groundwater monitoring at the Relic Dump 2 site off Ready Point Road. Referring to Relic Dump 2, CAP member and Point East Principal Scott Houldin complimented Mr. Connell on a job well done. Point East owns the property across the road from Relic Dump 2.

Mr. Connell said the June sampling event marks the end of year four of five for the radiological groundwater monitoring program with the State of Maine. Results continue to be less than 2 mrem/year. Maine Yankee decommissioned to 4 mrem/year from groundwater. Bailey Point wells are also analyzed for non-radiological contaminants under a 30 year monitoring program overseen by the Maine Department of Environmental Protection. Results show low levels of contamination mainly from dredge spoils and petroleum spills from plant operations.

Dan Thompson asked Mr. Connell if he sees any differences post 9/11 in how security inspections are conducted. Mr. Connell said that post 9/11 interim compensatory measures were required for both operating plants and ISFSIs. Those compensatory measures were turned into orders and will become regulation. Maine Yankee continues to provide security beyond what is required by the NRC. Mr. Thompson asked about the competence of the NRC security inspectors. Any change since 9/11? Mr. Connell said he has never met an NRC inspector who wasn't eminently qualified in his or her field. He said they were extremely qualified before 9/11 and that continues to be the case. Mr. Thompson said he was glad to hear it.

State of Maine Update

New CAP member and State of Maine Radiation Control Program Manager Jay Hyland began the State of Maine presentation by updating the CAP on changes since the Maine Yankee legislation was enacted and the departure in September 2008 of former State Nuclear Safety Advisor Charles Pray.

He was followed by State Nuclear Safety Inspector Pat Dostie who briefed the CAP on his activities at the Maine Yankee site during the past year speaking from slides contained in the CAP meeting package. Notes on Mr. Dostie's presentation are below after Mr. Hyland's remarks.

Mr. Hyland said that the Radiation Control Program is the “nexus” of the revised Maine Yankee legislation. He agreed with Mr. Connell that implementation of the legislation is going smoothly and that a lot of the change is in the required reports regarding State of Maine oversight activities. Those reports are a February 15th annual report to the Joint Standing Committee on Utilities and Energy for which Mr. Hyland is principally responsible. That report describes what happened in the year past and what is expected in the year ahead; a December 15th report from the State Nuclear Safety Inspector to the Utilities and Energy Committee on State oversight finances; a July annual report from the State Nuclear Inspector in cooperation with the Division Director; and monthly reports from the State Nuclear Safety Inspector to legislative leadership and others.

Mr. Hyland said that while no one could cover everything Mr. Pray did as State Nuclear Safety Advisor and the State now has a lower profile in Washington, D.C., he and Mr. Dostie have assumed many of Mr. Pray’s duties. Those include participation in the Nuclear Waste Strategy Coalition, the Low Level Waste Forum which also includes high level waste issues, the quarterly Federal Energy Regulatory Commission teleconferences with the Yankee Companies and New England policy makers, and the Northeast High-Level Radioactive Waste Transportation Taskforce. Additionally Mr. Hyland noted that he was appointed to the CAP by the governor to replace Mr. Pray and that he and Mr. Dostie are in regular contact with the NRC’s liaison to the State of Maine.

Noting that Mr. Pray did a great job explaining and quantifying, how much damage the federal government is doing in not removing the spent nuclear fuel as required, Mr. Thompson asked if the Public Advocate has taken up any of Mr. Pray’s roles.

Mr. Hyland said that the Public Advocate stays current on Maine Yankee issues and joins meetings as his schedule permits but that he and Mr. Dostie have assumed the bulk of Mr. Pray’s duties. He agreed that Mr. Pray was extremely good at pointing out problems.

Mr. Hyland went on to say that the October 30, 2007, letter from then Senator Obama to Senate Majority Leader Harry Reid and Senator Barbara Boxer makes clear then-Senator Obama’s position on spent nuclear fuel management and disposal. The Senator Obama letter was part of the CAP’s meeting package. Mr. Hyland said his interpretation of the letter is there will be no change in the President’s opposition to Yucca Mountain unless Nevadans say they want it. The Department of Energy has spent billions to decide Yucca is the best site. Mr. Hyland said he personally doesn’t know of a scientific reason to not to pick Yucca and that the obstacles are political. In Mr. Hyland’s view, the repository won’t be in Nevada short of a referendum. He also noted that DOE is doing all it can to prolong the ongoing litigation through stall tactics.

Mr. Thompson said, being a zealous optimist, he reads then-Senator Obama’s letter somewhat differently. Mr. Thompson agrees with President Obama that the spent

nuclear fuel disposal process is flawed, but said if we can get the science right and build community consensus there is a chance to resolve the issue. Mr. Thompson said he is encouraged and that in his view President. Obama listens well and there is an opportunity to find a solution that works.

State Nuclear Safety Inspector Patrick Dostie then gave his presentation. Mr. Dostie said he expects to complete his confirmatory report of Maine Yankee's decommissioning in the August time frame.

Other near term activities include closing comments to the Final Site Walk Down Survey Report as well as the annual and monthly reports to the Legislature. Mr. Dostie also hopes to resurvey approximately 560 feet of the East Access Road paralleling the ISFSI berm. Mr. Dostie reported that the issue of above background cesium levels identified along the dirt road leading to the old ball field was closed satisfactorily last October.

Regarding radiological groundwater monitoring, Mr. Dostie said that the State and Maine Yankee have good comparisons on the results of the split samples and that none of the wells have exceeded the 2 mrem/year limit. The one well with a higher tritium content than the others continues to slowly trend down. Mr. Dostie complimented Maine Yankee's lab for doing a better job explaining the results of testing.

Mr. Dostie discussed computer results of sample analyses showing positive detects for alpha, beta, and gamma energy. General Curtis asked Mr. Dostie if he has values for the alpha and gamma positive detects. Mr. Dostie said he has reported numbers for Tritium in the past, but not for alpha or gamma. For both alpha and gamma he said he has reported the radioactive elements that were identified.

In closing, Mr. Dostie discussed his longer term activities (end of the year) that include: evaluating marine sediment samples; completing printing and binding decommissioning photos; disposing of decommissioning samples; and reassessing the State's environmental monitoring program which will likely change this fall.

Spent Nuclear Fuel Disposal/Removal Update

Maine Yankee CAP coordinator Eric Howes then updated the panel on spent nuclear fuel disposal and removal activities over the past year. Mr. Howes spoke using slides that are contained in the CAP meeting package.

Mr. Howes gave a brief historical overview of the Nuclear Waste Policy Act and Yucca Mountain program from 1982 to the present where the Obama Administration has said it intends to explore alternatives to Yucca Mountain through a blue-ribbon commission.

Mr. Howes said it is important to remember that the Nuclear Waste Policy Act is the law of the land and that Yucca Mountain is the only site to be licensed.

He discussed the fact that funding for the spent fuel disposal program has been reduced by \$200 million the past two years to a proposed \$196.8 million that will be used only for the Yucca Mountain License application which was filed with the NRC June 3, 2008. For example, there is no money budgeted for transportation planning. Mr. Howes said the Congress has not completed its mark up of the FY 2010 budget proposal but it is unlikely the amount will be more than the Administration's request. Mr. Howes reported that a number of Members of Congress including Senators Snowe and Collins have written to the President expressing their view that licensing and construction of Yucca Mountain should go forward. Many other concerned stakeholders have done the same.

The Maine Senators also wrote to DOE Secretary Chu on behalf of the CAP requesting that the Secretary include the CAP perspective on the blue ribbon commission. Secretary Chu wrote back to say he would consider the request.

Mr. Howes said that as a part of the Decommissioning Plant Coalition a key objective of Maine Yankee over the past year has been to build consensus for the removal of spent nuclear fuel on a priority basis from decommissioned reactor sites. He indicated that there is agreement on this with entities like NEI, NARUC, the NWSC, the Maine Legislature, the Maine congressional delegation, and others.

Mr. Howes updated the CAP on the ongoing litigation with the DOE. There is a trial scheduled in August for the first round litigation. Maine Yankee is seeking \$82 million in damages through 2002 for the DOE's failure to begin removing spent nuclear fuel in 1998. Maine Yankee has also filed a second round claim for damages beginning in 2003. The damage amount is not identified in the claim but will be prior to trial. The judge has not set a schedule for the second round claim.

In closing Mr. Howes reminded the CAP that Maine Yankee continues to work with the State of Maine, the congressional delegation, and others to prod the federal government to promptly fulfill its obligation to remove the spent nuclear fuel from the Maine Yankee site.

Mr. Thompson complimented Mr. Howes on the cogent historical record provided in the presentation. He then said there was no mention of the Utah Private Fuel Storage site located on Indian land. Mr. Howes and Mr. Norton explained that the federal government would not issue the permits to build a railroad across federal land to the site and that subsequently Congress designated the area as wilderness giving it special protection from development. Even though PFS was licensed by the NRC as a spent nuclear fuel storage facility, it is not considered a viable candidate for interim storage at this time.

Mr. Hudson asked whether there has been any discussion of DOE taking ownership of spent nuclear fuel at plant sites. Mr. Norton replied not with the Yankee Companies but he couldn't speak for others. General Curtis said that this had occurred at Fort St. Vrain

in Colorado. Mr. Hyland said that in his view taking title to spent nuclear fuel at plant sites would contradict President Obama's position on respecting local control.

Ralph Keyes asked, if the Yankee Companies prevail in the upcoming trial, how would ratepayers benefit? Mr. Norton said that the Yankee Companies are seeking to recover the costs of storing spent nuclear fuel and high level waste beyond the time DOE was to have begun removing the material. Any damages received will directly benefit ratepayers by offsetting costs such as replenishing the spent fuel trust that was partially drawn down to pay for the ISFSI, ISFSI operating costs or other expenses associated with spent fuel storage. Collection from ratepayers assumes a 2023 timeframe for the DOE to begin removing spent nuclear fuel.

Public Comment

Raymond Shadis of Friends of the Coast was the only public member attending the meeting. Mr. Shadis briefed the CAP on the stipulations agreed to last year between Central Maine Power Company and FOTC as part of Iberdrola's acquisition of Energy East, CMP's parent company. Those stipulations were sent to the CAP previously by Maine Yankee.

Mr. Shadis said that from August 16-21 FOTC will be hosting an environmental group from Russia called Green World. The group is from an industrial city 40 Km south of St. Petersburg. The city is home to 4 Chernobyl type reactors. Green World is interested in learning about Maine Yankee's decommissioning, especially public involvement in the process. Mr. Shadis asked if CAP members would be willing to meet with the Russian group to share their perspective.

Mr. Shadis also requested that Maine Yankee host the Russian group for a tour of the ISFSI.

Don Schuman asked if Mr. Shadis has given the Russians the CAP report. (The Maine Yankee Decommissioning Advisory Panel A Model for Public Participation in Nuclear Projects, February 2005, available on the Maine Yankee website at www.maineyankee.com.) Mr. Shadis said he has sent them parts of it as well as the Electric Power Research Institute report on decommissioning also contained on the Maine Yankee web site.

Mr. Shadis said he would follow up on his requests with Mr. Howes.

CAP Discussion

Mr. Hudson updated the CAP on Chewonki's plans for the Monstweag Dam. Chewonki became the owner of the dam as part of the Natural Resources Damages Settlement Agreement between the State of Maine and Maine Yankee and is in the process of deciding whether or not to remove the dam. Chewonki has adequate funds in place, having raised \$440,000 to conduct the feasibility study, develop engineering plans for

construction (removal), remove the dam, and monitor the restoration for up to 10 years. If the preferred option is removal of the dam, engineering plans will be developed in the fall and winter 2009/2010, with removal slated for a low water period in the late summer or early fall 2010.

Chair Kilkelly said that she had two proposed actions for the CAP to consider.

1.) Invite the Administration's proposed blue ribbon commission to hold a meeting at Chewonki to include a tour of the Maine Yankee ISFSI. Chair Kilkelly said this would be a great way to educate the commission about the special circumstances of single-unit shut down reactor sites and to make the case for removing fuel from these sites on a priority basis.

The CAP gave unanimous approval and asked that Mr. Howes draft a letter ready to be sent as soon as the blue ribbon commission is in place. Chair Kilkelly emphasized the importance of the CAP being first in making this request.

2.) Send a letter to the Administration and Northeast congressional delegation urging that funding for spent nuclear fuel transportation planning and infrastructure be included in the FY 2010 budget.

As a matter of full disclosure, Chair Kilkelly made clear she is employed by the Council of State Governments which serves as a pass through for federal funds that support the work of the northeast transportation group. That stated, she said a letter in specific support of transportation funding is needed because people change, transportation systems change, and continuity in planning is critical. She noted that the CAP is the closest thing to a public voice on the spent fuel issue. General Lewis said the letter should also go to the Secretary of Transportation since he has responsibility for transportation infrastructure which is a key part of the planning process.

The CAP gave unanimous approval and asked that Mr. Howes draft a letter for the panel to review.

The meeting adjourned at 8:10 p.m.

Regarding Mr. Shadis' request, the CAP agreed that after Mr. Shadis contacts Mr. Howes, Mr. Howes will then send an e-mail to the panel asking those who wish to meet with the Russian group to let him know and he will then forward the names and contact information of those interested to Mr. Shadis.

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