

**Maine Yankee Community Advisory Panel on  
Spent Nuclear Fuel Storage and Removal  
Meeting Minutes  
Wednesday, March 28, 2007**

<u>Member</u>	<u>Attendance</u>
General Lewis Curtis	No
The Honorable Dana Dow	No
The Honorable Ken Honey	No
Mr. Scott Houldin	Yes
Mr. Don Hudson	Yes
Mr. Steve Jarrett	Yes
Mr. Ralph F. Keyes	Yes
The Honorable Marge Kilkelly	Yes
Mr. Wayne Norton	No
The Honorable Charles Pray	Yes
Mr. Don Schuman	Yes
Mr. Dan Thompson	Yes

**Introduction**

Chair Marge Kilkelly called the meeting to order at 6:00 p.m, and asked for a moment of silence to honor long-time CAP member Dr. Paul Crary who died February 27. Recalling Dr. Crary's many contribution's to the CAP, Chair Kilkelly said he had an amazing ability to help others make sense of the complex technical issues of decommissioning. A card was circulated among CAP members for Mrs. Crary.

Following the introduction of Cap members, Chair Kilkelly noted that former Maine Yankee President and now Chief Nuclear Officer Wayne Norton has replaced Mike Meisner on the CAP as Maine Yankee's representative. Mr. Meisner is no longer affiliated with Maine Yankee. Mr. Meisner was present for the meeting and Chair Kilkelly thanked him for his service. A thank you card was also circulated among CAP members for Mr. Meisner. Mr. Norton was absent from the CAP meeting due to an air travel delay.

**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. He spoke from slides included with these minutes as well as notes. Mr. Connell first gave Mr. Norton's portion of the presentation based on notes.

As of January 1, the Maine Yankee Board of Directors appointed Wayne Norton Chief Nuclear Officer at Maine Yankee. Mr. Norton also serves as president of Connecticut Yankee and Yankee Atomic. Gerald Poulin continues to serve as president and CEO of Maine Yankee as well as chairman of the board. At the same time, Mr. Connell said he was named Vice President and ISFSI manager at Maine Yankee. Prior to this appointment, Mr. Connell served as CNO for MY and Programs Manager for the three Yankee sites. Along with his new duties at Maine Yankee, Mr. Connell is also serving as the Quality Assurance manager and Radiation Protection Manager at the other two Yankee sites. Mr. Connell said that With Connecticut Yankee and Yankee Atomic nearing the end of their decommissionings, they will soon join Maine Yankee as stand alone ISFSIs. The year end management changes are part of an ongoing effort to better align the three companies for this common mission and take advantage of the synergies this will bring about.

Mr. Connell reminded the CAP that Maine Yankee's focus remains the safe storage of the spent nuclear fuel and Greater than Class C waste while the company works with the State and others to hold the federal government accountable for removing this material from the site.

In late November the U.S. Department of Energy issued the technical specifications for the Transport, Aging, and Disposal canisters (TADs) that DOE intends to license and use for transporting most of the nation's SNF to Yucca Mt. Mr. Connell said that not unexpectedly, the TADs will not accommodate SNF like Maine Yankee's that is already stored in NRC licensed containers. There are some 30 other sites around the country in a similar situation. While there are still a lot of unanswered questions, Maine Yankee is encouraged that DOE is making provisions to receive non-TAD fuel at Yucca Mt., and is planning to build an "aging facility" that will resemble a large ISFSI. Mr. Connell said that he has been keeping track of the issue by attending DOE and industry meetings. Mr. Connell said the DOE schedule for submitting the Yucca Mountain License Application to the U.S. Nuclear Regulatory Commission is June 2008 and that it would be another 3-4 years, perhaps June 2012, before a construction license will be issued if the application is approved. Development and licensing of the TAD system will take place in the same timeframe.

Dan Thompson said it was his impression that the current Maine Yankee canisters would be grandfathered under the DOE program. Mr. Connell said DOE's position is that the TADs are the only system for transport and disposal to Yucca Mountain. That said, DOE is planning a facility for repackaging non-TAD SNF at Yucca Mountain, and Mr. Connell has been to Nevada to review DOE's fuel repackaging facility plans. It is extremely unlikely fuel would be repackaged at the Maine Yankee site.

As expected, in December the federal government appealed the October Federal Court of Claims decision that awarded Maine Yankee \$75.8 million for the government's failure to remove spent nuclear fuel from the site as required. A decision on the appeal is not expected until sometime in 2008, therefore delaying the damage award from being credited to ratepayers anytime soon. Mr. Connell noted that While the October

decision was very positive, the judge's ruling does not solve the problem of spent nuclear fuel remaining at the plant site.

Mr. Connell said there is no progress to report on the proposed Private Fuel Storage facility in Utah, but that Maine Yankee continues to monitor the issue. In February 2006 the NRC issued a 20 year license to PFS but a variety of setbacks have prevented any progress toward construction. Most recently the State of Utah and others filed suit in federal court arguing that in granting a license to PFS the NRC did not adequately consider the risk of a military jet crashing into the facility or the threat from a terrorist attack.

Mr. Connell concluded Mr. Norton's portion of the presentation by commenting on potential site reuse. As the CAP is aware, there have been expressions of interest in commercial reuse of Bailey Point, especially the barge slip area. He said that CAP members may have read recently that the Maine Yankee site as well as the Point East property have been mentioned as potential landing sites for the Green Line Project that proposes to run an undersea electric transmission line from MA to ME. Maine Yankee has not received a proposal from the company. Mr. Connell said that if and when that happens, Maine Yankee would consider it, but as Maine Yankee has consistently stated, redevelopment of Bailey Point with SNF stored at the ISFSI would be difficult.

Moving on to his presentation which is included as slides with these minutes, Mr. Connell said that ISFSI operations have been routine and safe the past year. He had hoped to have the 2006 NRC Inspection Report for the CAP meeting and will distribute it when it is issued. Mr. Connell assured the CAP that if there were anything adverse in the Inspection Report the NRC would have notified Maine Yankee.

The Cumulative Risk Assessment called for in State statute has been published. The residual risk at the site is from chemical contamination. Radiological contamination is a minor component.

Don Hudson asked if most of the chemical contamination is naturally occurring from soil relocated to the ball field area during construction. Mr. Connell said it is a combination of contamination from construction days and volatile organic compounds from plant construction and operation.

Mr. Connell said that the proposed Natural Resources Damages Agreement with the State of Maine appears to be moving forward following some objections registered by local towns but that there is a delay in finalizing it as the state attorney who worked on it retired at the end of the year.

Mr. Hudson agreed with that assessment saying it is his impression the Maine Department of Environmental Protection is largely satisfied with the dialogue that has taken place. Mr. Hudson also said that the DEP may propose amending the agreement to include a process regarding the future of Montsweag Dam. Mr. Hudson said the part of the project that caused the greatest angst was the potential dam removal that

unfortunately was portrayed as a fait accompli. In fact there is an evaluation process including third party review and a feasibility study to determine the best option before any decision could be made about the dam's future. Mr. Hudson also said funds received from the project can only be used as outlined in the agreement. Chewonki's treasury won't be enriched by being a beneficiary. If any of the commitments in the agreement aren't fulfilled, funds associated with that aspect would be returned to the State. For example, if the dam remains in place, funds earmarked for removal would be returned, and Chewonki would likely give the dam to Wiscasset and Woolwich.

On the issue of the Resource Conservation Recovery Act Compliance Order, Mr. Connell said DEP is expected to finalize the order in late summer. The order will detail the non-radiological groundwater monitoring program and institutional controls on Bailey Point.

Scott Houldin asked about the status of the Relic Dump 2 groundwater monitoring program. Relic Dump 2 is located just off Ready Point Road near the microwave tower. Groundwater use is restricted until the monitoring program is complete. Mr. Connell said he thought there was another year of monitoring but that he would have to check the status and get back to Mr. Houldin and the CAP. Mr. Connell reminded the group that this former farm dump predates Maine Yankee and that during cleanup the soil was removed down to bedrock and the bedrock was then vacuumed.

### **State Nuclear Safety Inspector Update**

State Nuclear Safety Inspector Pat Dostie briefed the CAP on his activities using a slide presentation titled State of Maine Update which is included with these minutes. Mr. Dostie said the good news is he has a lot of positive things to say. State confirmatory results to date are encouraging to the point the State is considering scaling back surveys along remaining roadways and other areas. Elevated radiological levels detected tend to be from naturally occurring uranium in the bedrock. The bad news is the State confirmatory process has experienced further delays from loss of people, backlog of samples needing analysis, difficulty with the laboratory, weather, and a work related injury. Mr. Dostie said much of the remaining State work is in compiling reports, one of which is 1,500 pages long. Mr. Dostie estimates that the final reports and State confirmatory process will be complete in late 2008 or 2009.

Chair Kilkelly asked if there is a way to determine what actually needs to be done to confirm Maine Yankee's result. Mr. Dostie said he is optimistic given the results to date that the State can back off on some of its planned work scope.

Mr. Hudson said it all needs to be done to accomplish the requirements of the 10/4 legislation. Mr. Hudson noted that the good news is with decommissioning complete there is no longer the problem of interference with Maine Yankee's work activities.

Chair Kilkelly said this report sounds like last year's. Mr. Hudson disagreed saying this year's report from the State is much more detailed.

Mr. Thompson asked if the State Inspector's work is coordinated with the non-radiological State agencies. Mr. Dostie said it is giving the Cumulative Risk Assessment as an example.

Mr. Hudson asked Mr. Dostie if for all practical purposes he was "it" in terms of verifying for the legislature that the 10/4 cleanup standard has been met. Mr. Dostie said he was.

Mr. Keyes commended Mr. Dostie for soldiering on and coming up with good reports.

Mr. Thompson asked Mr. Dostie what the repository is for the State's confirmation work. Mr. Dostie said the State Archives. Mr. Thompson suggested that the State create a high level summary of its confirmation work and make an industry presentation on lessons learned so that the knowledge is not lost.

Chair Kilkelly asked if there is regular contact between Maine Yankee and the State on the confirmation process. Mr. Dostie and Mr. Connell said there are regular meetings to discuss findings, etc. Chair Kilkelly asked that the CAP be provided occasional updates on the interface between Maine Yankee and the State. Mr. Connell said he would work with Eric Howes to coordinate that.

### **Spent Nuclear Fuel Disposal/Removal Update**

Maine Yankee CAP coordinator Eric Howes then updated the panel on national and regional government and stakeholder activities regarding SNF disposal and removal. Mr. Howes spoke using slides included with these minutes. He noted that his role was to provide the facts as best he understands them and that State Nuclear Safety Advisor Charles Pray would then provide the political interpretation based on his trips to Washington and elsewhere.

Mr. Howes said that as with the CAP meeting a year ago there is no progress to report. The DOE remains focused on submitting a license application for Yucca Mountain to the NRC by June 2008. With Senator Reid of Nevada now Majority Leader, prospects for program reform are less likely. Despite the difficulties, Maine Yankee continues to work with the State of Maine and others to prod the federal government to fulfill its obligation to remove the SNF and Greater than Class C waste from the Wiscasset site.

Mr. Thompson asked if the Global Nuclear Energy Partnership program continues to be a distraction from Yucca Mountain as reported at last year's CAP meeting. Mr. Howes said that some members of Congress remain concerned about that. At this point there does not appear to be much support on Capitol Hill for the robust GNEP program envisioned by the Administration. Mr. Pray said he agreed with that assessment.

## **State Nuclear Safety Advisor Update**

State Nuclear Safety Advisor Charles Pray then updated the CAP on his activities and his view of the politics regarding SNF removal/disposal. Mr. Pray said that he continues to meet quarterly with the State Police, Maine Yankee, Homeland Security, and other agencies to review Maine Yankee security. Mr. Pray said the State has a good relationship with Maine Yankee and that the delays being experienced by the State Nuclear Safety Inspector are not related to Maine Yankee.

Mr. Pray said he continues to participate in regional initiatives related to SNF such as the DOE sponsored Northeast Regional High Level Waste Taskforce which has been focused on transportation route assessment. However, 98 percent of his time is spent on SNF activity at the national level.

Along with the Nuclear Waste Strategy Coalition, and the Yucca Mountain Taskforce which he co-chairs, Mr. Pray said he is working to get states' interests to bubble up, or come to the forefront, at the national level. He said he and others are seeking to change the debate so that members of Congress understand that having SNF stranded in their states indefinitely is not in their interest. Mr. Pray said that Nevada has so far successfully sold the argument that they are being picked on, even though ratepayers in states like California and Illinois have made and continue to make significant contributions to the high level waste fund for no return. If one were to apply the Yucca repository environmental and safety criteria to all fuel storage facilities, it would rapidly become clear that there are good reasons Yucca Mountain is the best location - it is remote and arid. It is also located on a site larger than Rhode Island. The doing nothing alternative means leaving it where it is forever.

Steve Jarrett asked if "bubble up" is taking the place of moving forward. Mr. Hudson said what we need is a surge and that what the CAP did during decommissioning and continues to do now is an important example to others. He said the nation lacks the political will to meet its responsibilities, and without public involvement progress won't happen. It is very difficult for states to hold the federal government accountable. They just stonewall despite legislation, contracts, and lawsuits. We need to do what we can to hold them accountable.

On other aspects of SNF, Mr. Pray said that his concern about the TAD program is that DOE will get to the oldest fuel now in NRC licensed canisters last. He said we must work to avoid that. Mr. Pray is also working with former DOE official Lake Barrett, Jack Edlow, and others to look at a potential ratepayer lawsuit over the nuclear waste fund which is routinely used for purposes other than intended. Additionally, Mr. Pray said the State of Maine objects to the transportation provision in the Administration's bill. Efforts were made in the last Congress to strip it out, but it remains in the legislation.

Mr. Pray said if the Administration's bill which would remove the waste cap on Yucca Mountain does not pass, DOE Office of Civilian Radioactive Waste Management

Director Ward Sproat will recommend a second repository as required in the Nuclear Waste Policy Act.

Mr. Pray also told the CAP about a move by Nevada's Rep. Porter in the House Budget Committee to zero out all funding for Yucca Mountain. The effort was defeated by committee democrats, including Maine's Rep. Allen.

On the Yucca Mountain license application, Mr. Pray said even if DOE has the application ready for June 2008, it could be derailed or delayed by Senator Reid. The license application and Yucca Mountain in general could be similarly affected by presidential politics as the election draws nearer. Mr. Pray is working with a contact at CNN to get candidates on the record regarding Yucca Mountain. His goal is that a Yucca question would be asked during debates in states such as South Carolina which is host to lots of SNF.

Mr. Pray said that over the past months he has met with perhaps 30 members of the House or their staffs as well as 20 senators or their staffs. Chair Kilkelly asked if Mr. Pray has been working through the Council on State Government to get the message out to state legislators. Mr. Pray said he had to a certain extent. He has also been doing outreach with the National Council of State Legislatures. Along those lines, Mr. Pray said that the National Association of Regulated Utility Commissioners recently approved a resolution urging progress on Yucca Mountain.

### **Public Comment**

Former CAP member Mike Meisner was the only member of the public to address the panel. His comments were directed at the State's ongoing confirmatory work. Mr. Meisner noted that Maine Yankee finished decommissioning a year and a half ago, and yet the State Nuclear Safety Inspector may not be done his confirmatory work until 2011. He said accountability is a two-edged sword. Mr. Meisner said he expects the State has gathered most of the data. If the State can't get out into the field to complete the surveys, surely they can write reports. Since the State hasn't found anything of importance, the State should revisit what it plans to do. Focus on what would add value. Mr. Meisner asked what value the State report will have in 2010 when the public doesn't care. Mr. Meisner said the State needs to finish this and provide complete reports. He also questioned why the State is surveying areas still under the license when those areas will be decommissioned with the ISFSI.

Mr. Meisner also recommended that the State be more careful how information is written. He said when the State uses terms like "elevated tritium" it leaves the impression there is a problem, when in fact the tritium level is less than 2 millirem. Mr. Meisner said if it is below the criteria, don't flag it.

Mr. Pray said the State's purpose is to confirm the work Maine Yankee has done and that just like Maine Yankee with the decommissioning, this is the first time the State has done a project like this.

Mr. Meisner said the State has 90-95 percent of the data, and hasn't found much. It is time to reevaluate.

Mr. Hudson said the average citizen lacks understanding of how to make sense of the data. It would be good to find a simple way to express this in summary form. That would really help make the case.

Mr. Meisner said if the State wants to be helpful put out facts like the residual risk at the site is from chemical not radiological material. It is frustrating that the last 5 percent has to take longer than everything else.

Mr. Thompson said perhaps we should be informing people about how the ISFSI will be decommissioned. Mr. Meisner said that would be straight forward and take maybe a year or a year and a half. Very similar to plant decommissioning but much simpler.

Mr. Jarrett said if he had been in the audience he would have thought the State dropped the ball. Where have all the people gone? They are dragging their feet.

Mr. Pray said none of us will be around when the ISFSI is decommissioned. Chair Kilkelly responded all the more reason to make sure the knowledge isn't lost.

Chair Kilkelly said the State should be auditing Maine Yankee's work, not duplicating it. Simplifying is a great idea. Maybe the key points could be captured in a brochure. She also suggested the State put more of its resources into advocating for the removal of the fuel and less on Maine Yankee oversight.

Mr. Pray concluded the discussion by letting the panel know the State Nuclear Safety Advisor position is scheduled to sunset in 2008. However, it could be reconfigured so that advocacy work on SNF continues. Mr. Pray has had some discussion about this with members of the Utility and Energy Committee.

### **Committee Business**

The CAP voted to extend their Charter until March 2009 and reelected Marge Kilkelly, Chair and Don Hudson, Vice-Chair.

The next meeting will be scheduled for March 2008.

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