

Maine Yankee Community Advisory Panel on Spent Nuclear Fuel Storage and Removal

**September 26, 2013, Taste of Maine, Woolwich
Meeting Minutes**

Member

Attendance

Dr. Don Hudson, Chair	Yes
Mr. Dan Thompson, Vice-Chair	No
Mr. Steve Jarrett	Yes
Mr. Ralph Keyes	Yes
Mr. Wayne Norton	Yes
Mr. Jay Hyland	Yes
General Lewis Curtis	Yes
The Honorable Chris Johnson	Yes
Mr. Scott Houldin	No

Introduction

Vice-Chair Hudson noted that this was only the second time in 16 years he had chaired a Community Advisory Panel (CAP) meeting and that following introductions the CAP and Maine Yankee would recognize former CAP Chair Marge Kilkelly for her many years of service. He noted that Marge has reluctantly resigned from the CAP due to her position as Senior Policy Advisor to Senator Angus King where, fortunately, she continues her work on the spent nuclear fuel (SNF) issue. Vice-chair Hudson welcomed State Senator Chris Johnson to the CAP and asked members to introduce themselves.

Those in the audience included former Community Advisory Panel Chair Marge Kilkelly, Gail Kezar, Regional Representative to Senator King, John Graham, Deputy Chief of Staff to Congressman Mike Michaud, George Richardson, Westport First Selectman, Eloise Baker, Westport resident, Diana Selee, former Maine Yankee employee, Charlotte Boynton, Lincoln County News reporter, and Susan Johns, Wiscasset Newspaper reporter.

Recognition of former CAP Chair Marge Kilkelly

Each CAP member spoke briefly honoring Marge for her CAP leadership:

Vice-chair Hudson said he was grateful to have served with Marge over so many years, that he appreciated her hard work and commitment, and that through the many issues the CAP grappled with their time serving together was a lot of fun.

General Curtis said he appreciated Marge's insight, understanding and ability to probe and ask the right questions. He said his comments were also on behalf of the late Doc Crary.

Mr. Hyland said he appreciated Marge's ability to keep us focused on what's important and that he is glad Marge continues to work on the spent nuclear fuel issue as an advisor to Senator King.

Mr. Jarrett said he will miss Marge's comradeship with the CAP but noted it's good to still see Marge around Wiscasset.

Mr. Keyes said Marge did a masterful job making a difficult issue understandable for a lay audience and that as an educator he much appreciated that.

Senator Johnson noted that this was his first CAP meeting, that he heard over dinner how well the process has gone over many years with much of that success attributed to Marge's leadership.

On behalf of Maine Yankee, Mr. Norton thanked Marge for her many years of outstanding leadership noting that Marge's contribution and the CAP's involvement was instrumental to the success of decommissioning and now as an interim storage facility for the SNF and high-level radioactive waste (HLW).

CAP staff Eric Howes noted that he was glad Marge said yes 16 years ago when asked to Chair the CAP. He then presented a plaque to Marge from Maine Yankee and the CAP which stated:

For Marge
From your Friends at Maine Yankee and the CAP
We Honor your Service

Thank you for 15 years of outstanding leadership as Chair of the Maine Yankee Community Advisory Panel, 1997-2012. With you as Chair we enhanced open communication, public involvement and education on decommissioning and the storage/removal of spent nuclear fuel. Congratulations on your position with U.S. Senator Angus King where your expertise on this issue continues to make a difference.

Marge thanked everyone and said there aren't many instances like this in life where we're all in a fox hole together. She said it had been an amazing experience. She gave credit to Maine Yankee for taking the risk in creating the CAP and for truly seeking the CAP's advice from the beginning of the process. Marge said for her a good indication of the CAP's success was the explosive demolition of containment when hundreds of people came to watch and were comfortable with the safety of the event.

Approval of September 20, 2012 minutes

The CAP approved the September 20, 2012 minutes with Senator Johnson abstaining as he was not a CAP member at that time.

CAP's Continuation

Vice-chair Hudson noted that the CAP now had to decide on whether to continue its work. The Charter states: "The CAP shall exist and operate until the 2013 meeting at which time the CAP will review its continuation."

Vice-chair Hudson strongly urged that the CAP process continue as it's important to have a mid-coast presence on the SNF issue. General Curtis agreed provided the CAP doesn't increase its dues. Mr. Norton said the Company sees the benefit from the CAP now and into the future and hopes that the CAP will continue.

The CAP unanimously agreed to continue until the 2015 meeting. Mr. Howes will revise the Charter accordingly.

Election of Officers

The CAP unanimously chose Dr. Hudson as Chair and Mr. Thompson as Vice-Chair for the next two years.

Maine Yankee Independent Spent Fuel Storage Installation Update

Maine Yankee Vice-President and Independent Spent Fuel Storage Installation (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. Mr. Connell spoke from slides contained in the CAP meeting package.

Before beginning his presentation Mr. Connell thanked Marge for her leadership of the CAP. He said she more than anyone was responsible for bringing the Transportation & Storage Subcommittee of the Blue Ribbon Commission on America's Nuclear Future (BRC) to Wiscasset for a firsthand look at a decommissioned reactor site storing SNF and for the public meeting at Chewonki that highlighted Maine Yankee's situation. Mr. Connell said the site visit and meeting were instrumental in making the case for the priority removal of SNF from shutdown reactor sites, a concept recommended by the BRC and one that is now widely supported by stakeholders.

Mr. Connell said the ISFSI has an outstanding safety record with no lost time or OSHA recordable accidents for a number of years and just one minor first aid injury this calendar year.

He said, there were a handful of non-safety significant events over the past year such as trespassers and equipment failures as occurred with a recent lightning strike. The equipment failures were compensated until repairs could be made.

Mr. Connell said the next U.S. Nuclear Regulatory Commission (NRC) is expected in mid-2014 and will include both safety and security programs. He noted that Maine Yankee is in regular contact with the NRC and the State of Maine.

Mr. Connell said last fall's emergency plan exercise had very good participation from federal, state, and local response organizations. He thanked the participants and said Maine Yankee will hold a smaller annual drill this month.

Over the summer Maine Yankee constructed a storage and maintenance building in the area of the former staff building parking lot. Mr. Connell said this is part of a larger project to renovate the Security Operations Building to provide more office and conference room space.

Maine Yankee also replaced the ISFSI vehicle barrier gate this summer. Mr. Connell said the old gate was getting hard to operate and the new one will be much better for long term operations.

This past week an Independent Performance Assessment team (IPA) was at Maine Yankee examining all facets of the company's operation. The IPA was conducted by three highly qualified experts. The purposes of the IPA are to benchmark against the industry and to help support excellence in performance. Maine Yankee expects to conduct an IPA every couple of years. Mr. Connell said no issues of concern came out of the exit interview, the team's report is expected at the end of the year, and the CAP will be informed of the results.

Mr. Connell said Maine Yankee continues to be actively involved with the industry and the NRC on the issues of canister relicensing and extended storage of canistered fuel.

On the issue of the proposed new NRC security rules, Mr. Connell said little has changed. The new rule is expected to be issued in the 2017/2018 timeframe. He said there is an upcoming meeting with the NRC staff that could shed light on what their recommendations to the Commission may be.

Mr. Connell noted that in July Maine Yankee received an exemption from the regulatory requirements of Foreign Ownership, Control, or Domination and the Company has since requested that the NRC rescind the Confirmatory Orders that were put in place due to the FOCD requirements which do not apply to Maine Yankee.

Mr. Connell reminded the CAP that 2013 is a chemical groundwater sampling program year and that Maine Yankee would likely be reporting results to the State at the end of the year. He said that in general results have shown low levels of chemical contamination primarily in the “dredge spoils” area and some lingering contamination from petroleum product spills in the industrial area. He said the chemical groundwater sampling program continues until 2036 and is overseen by the Maine Department of Environmental Protection.

Mr. Connell closed by saying that the quarterly meetings between Maine Yankee and the State oversight agencies have grown to be productive exchanges of information that help both sides plan for State monitoring activities and State equipment needs with a two year horizon.

Chair Hudson then spoke about his visit that afternoon to the former plant Forebay area. He said a high salt marsh is well established with a variety of plants and a nice pool in the middle full of fish. The job is done; kudos to the engineers. He said he was skeptical in 2003 when the Forebay remediation was complete, but Mother Nature proved him wrong. Chair Hudson took photos that he will distribute.

General Curtis asked Mr. Connell if there was any cold weather testing of the new vehicle barrier gate. Mr. Connell said it was fully tested for the range of expected temperatures.

Referring to the relicensing of the NAC UMS storage canister, Mr. Keyes asked what happens if the storage certificate of compliance is not approved by the NRC? Mr. Connell said Maine Yankee can continue to store SNF in the canisters as long as there is an application to renew. He said if necessary the system could be licensed for less than the 40 year renewal term and conditions could be put on the license. He noted that Maine Yankee is very fortunate to have Paul Plante working on this issue. He reminded the CAP that Mr. Plante is a former Maine Yankee project engineer who has returned to assist the three Yankee Company sites in the canister relicensing effort. He said Mr. Plante is a passionate metallurgist who is much involved with questions regarding extended fuel storage such as the potential for chloride induced stress corrosion cracking. Mr. Norton said this is an industry issue for all who use this canister. He noted the industry is trying to understand the impacts over time of extended SNF storage in canisters without having long term experience to inform the research.

Senator Johnson asked Mr. Connell if Maine Yankee publicizes emergency planning drill scenarios. Mr. Connell said the company does not especially since the drills are usually a security based scenario.

State of Maine Update

State Nuclear Safety Inspector Pat Dostie, updated the CAP on State oversight activities since the last CAP meeting. Mr. Dostie spoke from slides titled SNSI CAP Update (since 9/12) contained in the CAP package. Before beginning his presentation he noted that he has been providing oversight of Maine Yankee for the State of Maine since 1989

Mr. Dostie said his monthly reports to the legislature are complete through March 2013 and the April report is underway and 60 percent complete. Mr. Dostie said each report takes about two months to complete and that he has reduced the length of his monthly reports to 9 or 10 pages with links to other documents of potential interest to readers. He said the delays in completing the monthly reports are a combination of having to also work on the annual report and personal issues.

Mr. Dostie said the Final Draft of the Confirmatory Summary Report of decommissioning was complete in April and may be finished between February and April 2014. Delays have occurred as a result of the State initially requiring external reviewers to have liability insurance. He said the word “nuclear” in the contract led to a misunderstanding of the nature of the work which was to have the six reviewers read and comment on the draft report. All reviewers have now submitted comments. The reviewers are all very knowledgeable about Maine Yankee’s decommissioning and have extensive experience in the nuclear field.

Mr. Dostie also reported that he:

- Was interviewed by the French/German television station Arte regarding Maine Yankee’s decommissioning;
- Participated in Maine Yankee’s 2012 emergency plan drill where he fed information back to the State Emergency Operations Center;
- Observed webcasts of the NRC’s Waste Confidence process and subsequent monthly phone updates. Mr. Dostie explained that Waste Confidence is a generic concept whereby the NRC asserts that SNF and HLW can be stored safely after a reactor ceases operations until a geologic repository is available to receive this material. NRC is proposing a Waste Confidence rule that finds SNF can be safely stored indefinitely in dry cask storage even if a repository never becomes available. NRC is holding public meetings around the country this fall to hear comments on the proposed rule, and plans to issue the revised rule by September 2014. Mr. Dostie said he plans to attend the public meeting in Chelmsford, MA October 28.
- Observed NRC’s webcast with the U.S Department of Energy (DOE) on DOE’s strategy to implement the BRC recommendations;

- Participated in the National Transportation Stakeholders Forum webinar on large scale shipments of radiological material;
- Attended the National Transportation Stakeholders Forum in Buffalo and presented the State's activities to the Northeast High-Level Radioactive Waste Transportation Task Force of which he is a member;
- Observed Maine Yankee's neutron measurements of the ISFSI and performed his own survey of two pads. Due to instrument issues Mr. Dostie plans to redo measurements beyond the ISFSI berm;
- Observed the Naval Spent Fuel Transportation Exercise in Indiana. This was a mock SNF rail accident with federal, state and local participants. Mr. Dostie said it gave him a real feel for the process;
- Participated in Nuclear Waste Strategy Coalition calls (NWSC);
- Participated in State of Maine, Maine Yankee Oversight Group meetings;
- Participated in the quarterly Federal Energy Regulatory Commission (FERC) settlement conference calls with the three Yankee Companies and policy makers from around New England.

Mr. Dostie also reported that he is a participant in the national Section 180(C) Committee responsible for making stakeholder recommendations to the DOE regarding funding allocations for states and tribes to provide technical assistance and training for public safety officials as planning for SNF shipments moves forward. Section 180(C) is part of the Nuclear Waste Policy Act (NWPA). He said most of the key issues associated with 180(C) have been resolved except for the funding formula. Mr. Dostie noted the lead time to prepare for SNF shipments is 4-5 years, so now is the time to get ready should Congress amend the NWPA to allow for centralized interim storage as proposed by the BRC and the DOE strategy report. He said DOE is doing what it can to prepare and that if Congress reforms the law a pilot project to remove SNF from decommissioned reactor sites like Maine Yankee could be right on the horizon. Mr. Dostie said there are communities like Carlsbad, NM that have an interest in volunteering to host a centralized interim storage facility but DOE hasn't yet developed the consent based criteria or begun a dialogue with interested communities. He said Marge is right that the consent based process must be flexible, not prescriptive.

Mr. Dostie reported that he performed quarterly field replacements of the environmental thermo luminescent dosimeters (TLDs) placed around the ISFSI and Bailey Cove. The TLDs measure radiation levels. Mr. Dostie said there was an anomaly in the third quarter readings that turned out to be a quality assurance issue that probably occurred during transport of the TLD rather than a true measurement.

Spent Nuclear Fuel Removal/Disposal Update

Maine Yankee Public and Government Affairs Director Eric Howes updated the CAP on the SNF removal/disposal issue since the last CAP meeting. He spoke from slides included with the meeting package.

Mr. Howes said Maine Yankee is encouraged by initiatives this year that would largely implement the recommendations of the BRC, noting particularly the broad support for a pilot project to remove SNF from decommissioned reactor sites as a priority to centralized interim storage. However, given the many significant challenges to SNF program reform, Maine Yankee expects the SNF and Greater than Class C waste (GTCC) to remain at the site for many years.

Mr. Howes noted the various organizations Maine Yankee is involved with in efforts to reform the SNF program including the NWSC and the Decommissioning Plant Coalition. He said Maine Yankee is grateful for the support of the State of Maine and the congressional delegation. He said working together the voice of the decommissioning plants is being heard in the national discussion.

As Mr. Dostie discussed the Waste Confidence process, Mr. Howes did not cover the issue in his remarks.

Mr. Howes reported that in August the U.S. Court of Appeals for the D.C. Circuit issued a ruling that the NRC is required to continue its review of the DOE's license application for Yucca Mountain, a process that was terminated by NRC in 2011. The NRC has formally requested that participants in the proceeding offer their views of how to restart the process by September 30. All agree there are not sufficient funds to complete the license application review and it is uncertain whether Congress will appropriate additional funds. In a late breaking development Mr. Howes reported that the State of Nevada the afternoon of the CAP meeting petitioned the Court for a rehearing.

Building on Mr. Dostie's comments, Mr. Howes said the DOE continues its efforts to implement the BRC recommendations within the agency's existing authority and budget. He said Maine Yankee is primarily focused on DOE's strategy to establish a pilot program that would begin moving SNF from decommissioned reactor sites to centralized interim storage in a volunteer host community by 2021 if Congress reforms the SNF program to allow this to happen in the near future. Mr. Howes said given that program reform is not expected anytime soon this schedule seems very optimistic.

Mr. Howes said the Senate is focused on implementing the BRC recommendations and a bipartisan bill – the Nuclear Waste Administration Act of 2013 that would largely do that - was introduced in the Senate at the end of July. During a hearing on this bill before the Senate Energy and Natural Resources Committee a number of individuals testified in support of priority removal of SNF from decommissioned reactor sites. Mr. Howes mentioned that a list of quotes from the hearing in support of this concept is in the miscellaneous correspondence section of the CAP's meeting packet.

Mr. Howes noted that the House remains focused on having the NRC complete the Yucca Mountain license application and has held two hearings recently with testimony from NRC and DOE officials.

In Fiscal Year 2014 appropriations Mr. Howes said the House provided \$25 million for the Yucca Mountain license application while the Senate Appropriations Committee bill provided nothing for Yucca Mountain but does include a provision for a pilot project focused on removing SNF from decommissioned reactor sites the same as the FY 2013 bill.

Mr. Howes said all this may be beside the point if the government shuts down or adopts a continuing resolution as has been the case the last several years at the end of the fiscal year.

Mr. Howes briefed the CAP on the potential for reinstatement of the Uranium Enrichment Decontamination & Decommissioning Fund fee. He said it is unlikely to happen this budget cycle but is an issue Maine Yankee watches closely as the cost to ratepayers would be significant if this fee were reinstated. From 1993-2007 under the Energy Policy Act, ratepayers of utilities like Maine Yankee paid a fee to clean up the nation's uranium enrichment plants. The job is not done, and though ratepayers have paid twice – once when the uranium was enriched and then under the Energy Policy Act – again this year the Administration proposed reinstatement of the fee to raise revenues to complete the cleanup of these enrichment sites. The industry as well as the National Association of Regulated Utility Commissioners opposes reinstatement of the fee.

Mr. Howes updated the CAP on DOE litigation noting that earlier this year the three Yankee Companies recovered nearly \$160 million in damages for the years 1998-2001/2002 resulting from the federal government's failure to remove the SNF and GTCC waste from the three sites as required by the standard contract. Maine Yankee's share was approximately \$81.7 million. These and future damages the three companies hope to recover will benefit ratepayers as stipulated in the June 27 FERC approved filing each company made and which are supported by the regulatory agencies in ME, CT, and MA.

Additionally, the three companies are currently seeking additional damages in a second round of cases for the years 2003-2008 that has yet to be decided. A decision in that case could come this year. Mr. Howes said the three companies recently filed a third round of damages claims for the years 2009-2012.

Committee Business and Discussion

Chair Hudson said the main item of committee business is to consider a replacement CAP member for Marge Kilkelly. He said in his view the number of members should not decline since the need for the CAP is likely to continue for some time given the SNF will be at the Maine Yankee site for many years. He

noted that he planned to be dead by the 2048 DOE schedule for opening a repository. The CAP discussed whether the mechanism in the current charter for replacing members who resign meets the CAP's needs or whether it should be revised. The CAP decided to update the Charter to eliminate references to the decommissioning CAP and to assure there is a clear, simple method for replacing members who resign. Chair Hudson and General Curtis will work with Mr. Howes on Charter revisions to bring back to the group. Chair Hudson said he would like to see the CAP name a replacement for Marge in the next couple of months and that a conference call meeting of the CAP may be in order. He asked that members think about the criteria for a replacement member and to be thinking of names of people who might be a good fit.

Public Comment

Mr. Keyes noted the announced closure of Vermont Yankee and suggested the people in Vermont could benefit from the knowledge and experience of the Maine Yankee CAP. Mr. Howes said he has been contacted by Vermont Yankee's state liaison who asked about the Maine Yankee CAP. Mr. Howes directed him to the CAP Experience Report on the Maine Yankee website and told him to call back if he wishes to learn more. Chair Hudson said he would be very willing to speak with people in Vermont about the Maine Yankee CAP's experience.

Wiscasset Newspaper reporter Susan Johns asked about Mr. Dostie's discussion of radiation readings in the field. Mr. Hyland said the issue was one of quality control and not a concern from a radiological perspective.

Chair Hudson said it's good to hear the level of detail in Mr. Dostie's presentation because it provides a level of confidence about decommissioning which was done safely and cleanly, really a remarkable job. He said the CAP only meets once a year now so it is important to really focus at these meetings, pay attention, and ask questions.

Senator Johnson noted that if quality control is a problem the vendor should be asked about it. Mr. Hyland said the State has done that.

Reporter Susan Johns asked if there is a concern that the SNF may deteriorate if it is stored in canisters at the site for a very long time. Chair Hudson said it is fortunate that Maine Yankee has a metallurgist on site paying attention to this issue. Mr. Norton said the whole industry is working on the aging issue and the integrity of the SNF in extended storage. He said Maine Yankee is focused on relicensing the canisters and is bringing the necessary resources to bear. Mr. Norton said that the potential for SNF to degrade over time is a long term event.

The meeting adjourned at 7:50.

