

**Maine Yankee Community Advisory Panel on
Spent Nuclear Fuel Storage and Removal
Meeting Minutes
Thursday, April 17, 2008**

<u>Member</u>	<u>Attendance</u>
General Lewis Curtis	Yes
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	Yes
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.

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 in March 2007. He spoke from slides included with these minutes as well as notes.

Mr. Connell said that the January 29 U.S. Nuclear Regulatory Inspection Report covering 2006 and 2007 was very positive with all areas inspected found to be adequate. Mr. Connell stressed that along with annual ISFSI inspections by the NRC, Maine Yankee is in routine phone contact with NRC staff to keep inspectors informed of site activities. He also reminded the CAP that Maine Yankee and the State of Maine meet regularly on issues such as confirmatory surveys, groundwater monitoring, security, and spent nuclear fuel removal.

A recent bill approved by the Maine Legislature formalizes those meetings and provides the basis for discussion about the appropriate level of funding for state

oversight of Maine Yankee. It also reestablishes the State Nuclear Safety Inspector position which previously sunset.

Mr. Connell said that the ISFSI operated safely the past year and that operations were also routine with three exceptions which he described briefly but due to security constraints could not go into detail on. The first had to do with compensatory actions taken during a snow storm in April 2007 that met the spirit but not the letter of regulations, the second a hunting from the road incident in October, and the third in November was related to the installation of a new computer system. The NRC and State were briefed on each of the incidents. Mr. Connell said that Maine Yankee became aware of the individual who shot at a deer from the road when a neighbor stopped by the gatehouse to discuss the incident. The neighbor expressed concern that the gatehouse wasn't manned when he arrived. Mr. Connell subsequently had a conversation with the neighbor, explaining to him that the gate is there to control vehicle access to the site and that the gatehouse is manned at Maine Yankee's discretion. Mr. Connell reported that the neighbor was satisfied with the information.

Mr. Jarrett asked if it would be possible for someone to take a pot shot at a cask and security inside the operations building wouldn't hear it since security was unaware of the deer hunting incident. Mr. Connell said he doubted that would be the case. Maine Yankee has roving patrols and surveillance cameras. The shooting from the road incident took perhaps a minute and the cameras just didn't happen to be trained on the ball field area at that time. Also, the ball field is quite a ways from the ISFSI and there is more surveillance closer in.

Along with regular meetings with State officials, Maine Yankee also meets routinely with local fire, emergency planning, and law enforcement officials. Following last summer's drill with the Wiscasset Fire Department, the fire fighters suggested for safety moving the ISFSI hydrant away from the 345 Kv electrical line and closer to the ISFSI. Mr. Connell said Maine Yankee is in the process of doing that, noting that this is an example of Maine Yankee coordinating with local officials, listening to them, and acting on their advice.

In the area of radiological ground water monitoring Mr. Connell said Maine Yankee is in the 3rd year of a 5 year program with all results to date less than the 2 mCi per year target. In the chemical ground water monitoring program, Maine Yankee hopes in June to end monitoring of relic dump two off Ready Point Road near the Eaton Farm and have the deed restriction on drinking ground water in the area lifted. At the request of the State Department of Environmental Protection Maine Yankee sampled one additional year at Relic Dump 2. Maine Yankee is also sampling Bailey Point ground water as part of a 30 year program.

In November the Maine DEP issued the site Resource Conservation Recovery Act Compliance Order that details the long term non-radiological ground water monitoring and institutional controls on Bailey Point. Key items include a prohibition on drinking the ground water and a soils management plan. One outstanding item that could take

some time to bring to closure is obtaining agreements regarding the covenants from the easement holders that include the rail road, water district, Verizon, etc.

Mr. Connell updated the CAP on the State Inspector's finding last September of 3 areas along the old ball field road with cesium above expected background levels. Mr. Connell said Maine Yankee and the State have met on this issue a number of times. Additional samples were taken for further analysis and to bound the area. Soil analysis results indicate the cesium levels are within the bounds of the License Termination Plan consistent with the resident farmer model. The NRC is aware of the issue and discussions with the State are ongoing.

Mr. Connell also updated the CAP on the proposed Natural Resources Damages Settlement Agreement between the State and Maine Yankee. Mr. Connell said there have been changes to the project list over the past year, but he is hopeful the State trustees will finalize the agreement soon.

Mr. Hudson said it's been frustrating for everyone. DEP has been working hard to get this done. A difficulty is that the trustees are all department commissioners with busy schedules and a real stake in the outcome. It is hard to get all the commissioners to a meeting. If one is absent decisions get put off until the next meeting.

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. He said he expects to complete his final decommissioning report in early 2009.

Mr. Dostie agreed with Mr. Connell that the above expected background cesium along the former ball field road is probably below the limit for the License Termination Plan but in his estimation it will be close. Further sampling and analysis is needed before the issue can be brought to closure.

Mr. Dostie said that he will soon resume his confirmatory surveys along the former ball field road. He said he also hopes to resurvey approximately 650 feet of the East Access Road parallel to the ISFSI bermed area if the radiation field at the ISFSI does not mask the readings of the survey instruments as happened the first time he attempted to survey in this area.

Mr. Dostie said he has deleted several areas from his previous survey plan in order to focus on completing the surveys mentioned above and to collate data previously collected. Mr. Keyes asked if the deletions were the result of a triage process or order of importance. Mr. Dostie said he has samples stored in three locations and hundreds of boxes and that he needs to complete the analysis of the stored samples as well as the decommissioning reports.

Mr. Dostie reported that delays continue to hamper him from completing his work. Delays include one person being available for surveys, having to wait in line with other clients for the lab to analyze samples, findings along the ball field road, working with Maine Yankee on groundwater data, work plan, and the annual radiological report, and the weather.

General Curtis asked how writing and finalizing decommissioning reports are impacted by the lab delay and how much this delay is costing Maine Yankee. Mr. Dostie said that the report writing can get started without the final sample data since in many cases the State's numbers are similar to Maine Yankee's.

As with the deleted surveys, Mr. Dostie has deleted a number of "specialized reports" on decommissioning such as on asbestos disposal, barging of large components, spent fuel pool discharges, etc. These reports are listed in his presentation.

He also noted progress in reaching the final draft on reports such as the containment building, spray building, primary auxiliary building, etc. Those reports are listed in the presentation.

Spent Nuclear Fuel Disposal/Removal Update

Maine Yankee CAP coordinator Eric Howes then updated the panel on SNF disposal and removal activities over the past year. Mr. Howes spoke using slides included with these minutes.

Because Congress substantially reduced funding for Yucca Mountain in 2008, the DOE has said it can no longer meet its "best achievable" schedule of 2017 to open the Yucca Mountain repository. However, the DOE does intend to submit its license application for the repository to the NRC by the end of June. During the license application process which is expected to last 3-4 years, Mr. Howes said DOE expects to receive flat funding from Congress. If the license application is approved, at that point Congress will have to decide whether to move forward with repository construction, and if so will have to commit much more funding to the project.

Mr. Howes reported that DOE's Office of Civilian Radioactive Waste Management Director Ward Sproat reminded a congressional committee recently that the delays in building a repository are not without costs. DOE estimates by 2020 the federal government's potential liability for failing to remove SNF will be approximately \$11 billion. That figure is estimated to increase at the rate of \$500 million per year.

Mr. Howes said that with Yucca Mountain further delayed there is increased interest among policy makers to develop one or more interim storage facilities for SNF. Consensus is also emerging that moving SNF from decommissioned reactor sites should be a priority. Language supporting this idea has been endorsed by a

congressional report, the Nuclear Energy Institute, the Nuclear Waste Strategy Coalition, the National Association of Regulated Utility Commissioners, and others.

In the next few weeks Senator Domenici is expected to introduce legislation promoting interim storage and reprocessing. Mr. Howes also reported that NEI is actively seeking communities who wish to volunteer to host an interim storage facility.

Mr. Howes also update the CAP on the DOE litigation saying that a decision on the government's appeal of the favorable September 2006 ruling on behalf of Maine Yankee is expected later this year. In December 2007, Maine Yankee filed a second round of damage claims that will be considered separately from the first.

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 SNF and Greater than Class C waste.

State Nuclear Safety Advisor Update

State Nuclear Safety Advisor Charles Pray then provided his final update to the CAP as the SNSA position sunsets September 1. Mr. Pray spoke from notes promising to send along a clean copy of his presentation in the next day or so. It has subsequently been received and is included with these minutes.

Mr. Pray praised the CAP for the forum it creates promoting the open and public sharing of information about Maine Yankee and the spent nuclear fuel disposal issue. Mr. Pray said that if the CAP had been established in the 1980's perhaps a different chapter would have been written about Maine's experience in nuclear power.

Mr. Pray then provided his perspective on the national issue of managing nuclear waste. He began by detailing the failed efforts of the government to resolve this issue going back decades. Mr. Pray said that along with the DOE's failings, the U.S. Congress has abetted in violation of the Nuclear Waste Policy Act by diverting funds from the Nuclear Waste Fund for other needs. Since the NWF was created about \$30 billion has flowed into it and about \$10 billion has been spent to date. The interest on the fund is accumulating at the rate of about \$1.2 billion per year. Mr. Pray said the Congress, Administrations, and those running our government for decades have used this annual collection to off set other expenditures, depositing an IOU slip into the till, knowing full well the dollars are not there to repay the account.

Mr. Pray said he believes the issue will be solved by one of two actions: an attack or an attempted attack on a nuclear facility by a terrorist organization; or by the states with large amounts of SNF saying enough is enough and bringing the necessary political pressure to bear to break the log jam. Mr. Pray went on to say that abandoning nuclear waste at "temporary" installations is not the answer. He recommended restructuring the nuclear waste program along the lines of the Tennessee Valley Authority and taking the Nuclear Waste Fund off line and allowing it to be replenished over a period of 50 years.

Mr. Pray expressed concern with NEI seeking a voluntary site for an interim storage facility saying in his view this distracts from solving the problem since a Yucca Mt. repository will still be needed. Mr. Pray stressed that Congress needs to be held accountable. As he has in the past, Mr. Pray said he is concerned the congressional language on decommissioned reactors could lead to the DOE taking custody of the SNF at the site and leaving it there or perhaps adding to it with SNF from other locations.

Mr. Pray left the CAP with recommended obtainable goals which he said may be easier to implement individually than as a group. Question those who say they are with you. Demand truthfulness. Trust, but verify. Keep this organization alive. Mr. Pray also suggested that Wiscasset should join organizations like the Nuclear Waste Strategy Coalition, and look into joining the Energy Community Alliance which represents communities around DOE facilities.

Mr. Pray closed by expressing his enjoyment of having worked with the members of the CAP. He reminded the panel that he goes back 30 years with this issue having introduced legislation as a Maine Senator in 1978 to regulate nuclear waste storage at Maine Yankee. Mr. Pray also said the CAP and public are in good hands with the legislature reestablishing the State Nuclear Safety Inspector position. He praised Pat Dostie as a competent, talented, and skilled individual who reassures the general public that all steps are being taken to protect their welfare and interest. Mr. Pray bid the CAP success, good luck, and farewell.

Mr. Hudson said he appreciated Mr. Pray's review of the issue and that we have to figure out how to build political will to deal with SNF. There are not many people educated about the issue in Maine and not much attention is paid to it.

General Curtis said some undesired, unforeseen event will unfortunately solve the problem.

Chair Kilkelly agreed that security would trump politics.

Mr. Thompson said he was encouraged when he learned on a trip to Yucca Mountain that the plan was to store the spent nuclear fuel so that it is retrievable. He viewed this as a huge step forward. Mr. Thompson cited - The Singularity is Near - a book he read recently that makes the point good things can happen quickly just as bad things can. There is opportunity here.

Mr. Thompson thanked Mr. Pray for his service saying he really enjoyed having Mr. Pray on the panel. He also said he is pleased that steps are being taken at the State level to keep institutional memory about Maine Yankee alive.

Chair Kilkelly closed the meeting speaking on behalf of the CAP to say how much she appreciates Mr. Pray's contribution and wished him well. She also presented a card to Mr. Pray from the CAP.

Committee Business

The CAP approved the minutes of the March 28, 2007 meeting and agreed to have Chair Kilkelly and Eric Howes schedule the next meeting in spring 2009 unless there is need to meet sooner.

Public Comment

There were no members of the public present. Reporters Charlotte Boynton of the Wiscasset Newspaper, and Greg Foster of the Lincoln County News covered the meeting.

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