

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

**September 11, 2014, Taste of Maine, Woolwich
Meeting Minutes**

Member

Attendance

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

Introduction

Chair Don Hudson welcomed everyone to the annual Maine Yankee Community Advisory Panel (CAP) meeting and asked the members and audience to introduce themselves. The only person in the audience at the beginning of the meeting was Susan Johns, Wiscasset Newspaper reporter. Later in the meeting Ed Polewarczyk of Wiscasset arrived.

Vice-Chair Dan Thompson said he was glad the CAP is still here as there is important work to be done. Chair Hudson agreed saying the CAP needs to keep the voice sounding for wise and thoughtful decisions to be made on the spent nuclear fuel issue.

Maine Yankee's CAP representative Wayne Norton introduced J. Stanley Brown who succeeded Jim Connell as Independent Spent Fuel Storage Installation (ISFSI) Manager in January 2013 when Mr. Connell retired. Mr. Norton said Maine Yankee is very fortunate the selection process allowed the company to hire Mr. Brown back. Mr. Brown has 15 years of commercial nuclear experience, including nine years at Maine Yankee as an engineer, supervisor, and project manager. In recent years Mr. Brown worked at Seabrook Station and prior to that Bath Iron Works. Mr. Norton said Mr. Brown is a proven nuclear leader and we are excited to have him back.

Chair Hudson noted that CAP members Scott Houldin and Ralph Keyes were unable to be at the meeting due to schedule conflicts and both sent their regrets. He also wished Lincoln County News reporter Charlotte Boynton a speedy recovery from her recent surgery saying this may be the first CAP meeting she has missed, and that he hopes and expects she will be at next year's CAP meeting.

Approval of September 2013 CAP meeting minutes

The CAP unanimously approved the September 26, 2013 CAP meeting minutes.

Charter revision

The CAP unanimously approved revisions to its Charter that had been previously discussed on a conference call in November 2013. Chair Hudson said the revisions bring the Charter up to date to better reflect spent nuclear fuel storage and to give the CAP greater flexibility to appoint new members, thus ensuring the CAP continues to be a diverse group with sufficient members.

Approval of new CAP members

Chair Hudson introduced Misty Parker of Dresden and Stacy Linehan of Westport, as prospective CAP members. Chair Hudson noted that following former CAP Chair Marge Kilkelly's resignation from the CAP, the CAP recognized the need to recruit new members. He said Ms. Parker and Ms. Linehan had been recommended by CAP members as individuals with a good understanding of the local community and that he was very pleased they agreed to serve. Chair Hudson said the approval of Ms. Parker and Ms. Linehan was the most important decision the CAP would make that night. The CAP unanimously approved their membership. Both said they looked forward to serving on the panel. Chair Hudson urged them not to be discouraged by the small audience. He said that is our fate until there is progress to move the spent nuclear fuel (SNF). Then the room will be full.

Maine Yankee Independent Spent Fuel Storage Installation Update

Maine Yankee ISFSI Manager J. Stanley Brown provided the CAP with an update on the ISFSI and other issues related to the Maine Yankee site since the last CAP meeting. Mr. Brown spoke from slides contained in the CAP meeting package.

Mr. Brown said ISFSI operations have been normal since the September 2013 meeting and that Maine Yankee maintains regular contact with its primary regulator the Nuclear Regulatory Commission (NRC) and also the State of Maine.

Mr. Brown said the September 2013 Independent Performance Assessment (IPA) at Maine Yankee was intended to help Maine Yankee go beyond regulatory compliance as the Company strives for excellence. Mr. Brown said the team made suggestions for improvement in areas such as information security, especially cyber security; supervisory training – leadership, soft skills, and access controls, meaning doors, gates, and barriers. Mr. Brown said Maine Yankee is working through the suggested improvements.

Mr. Norton said the IPA wasn't necessarily intended to look at NRC regulatory compliance but to focus beyond regulatory margin. He cited IPA team member John Piper who has an international reputation in the security area and who brought a focus on business practices well beyond what's normally looked at in a nuclear setting. Mr. Norton said the IPA demonstrated Maine Yankee's desire to perform at an excellent level and that the IPA will be repeated periodically.

Mr. Brown said after reviewing the options and pending board of director approval, Maine Yankee plans to renovate the Security Operations Building to create more office and conference room space. The project is in the estimating and design phase with the bulk of the renovation expected in 2015.

Maine Yankee is planning this fall's biennial Emergency Planning exercise. Mr. Brown said there was very good local and state participation for the 2013 fall exercise and this spring's fire and medical drill. He thanked the participants for supporting Maine Yankee Emergency Planning.

2014 is a Chemical Groundwater monitoring year. Every fifth year Maine Yankee samples wells three different times and sends the State a report of the results. Mr. Brown said this program overseen by the Maine Department of Environmental Protection will be ongoing until 2036.

Mr. Brown reported that the quarterly meetings between Maine Yankee and the State agencies continue to be productive as the parties discuss planned State oversight activities and their expected costs. Mr. Brown noted that the next quarterly meeting is in October.

The NRC inspection of Maine Yankee took place in mid-April. The results are posted on the Maine Yankee website. Mr. Brown said there were two non-safety significant violations in the area of Emergency Plan procedures and an annual independent assessment of the Emergency Plan. Mr. Brown said these items were self identified by Maine Yankee in March. The next NRC inspection is scheduled for 2016.

Mr. Brown said there is nothing new of substance to report on the NRC's proposed security rule changes that are expected to be issued in the 2017-2018 timeframe. This issue has been reported at the last three CAP meetings.

Chair Hudson said depending on changes NRC might make to security he imagined Maine Yankee would be given time to adjust its security posture, especially if construction is required. Mr. Norton said that the company would have 12-18 months to implement revised security requirements.

Mr. Brown said that Paul Plante is heading up the canister relicensing effort at Maine Yankee, Connecticut Yankee and Yankee Rowe. He noted that Mr. Plante is based at Maine Yankee and was brought back to head up this effort just as Mr. Brown was brought back to manage the ISFSI. Mr. Plante was instrumental in the selection of the dry cask system at Maine Yankee and made a number of presentations to the CAP on this issue during decommissioning. Mr. Brown said the canisters could potentially be relicensed out to 2060 and that there is a big industry effort to understand and address issues such as the potential for corrosion of dry storage components and weathering of concrete structures over the long term.

Vice-Chair Thompson said we were told the canisters are licensed for storage and transport. Is that still the case? Mr. Norton said yes that is the case.

State of Maine Update

State Nuclear Safety Inspector (SNSI) Pat Dostie, updated the CAP on State oversight activities since the last CAP meeting. Mr. Dostie spoke from slides contained in the CAP meeting package.

Mr. Dostie said his first slide is a list of the activities he has worked on over the past year. There have been delays in a number of projects due to factors such as a family situation and the need beginning in April to devote two months to disposing of about 1,000 decommissioning samples stored in an Augusta warehouse. He said it's a matter of getting caught up with monthly reports mainly.

Mr. Dostie said monthly reports to the legislature for the months June-December 2013 and January 2014 are under review by internal management and the February 2014 report is in progress.

The February report on receipts and disbursements from the Interim Oversight Fund was sent to the Joint Standing Committee on Utilities, Energy, and Technology. Mr. Dostie also completed the annual activities report for incorporation into the Radiation Control Program's annual Oversight Activities and Funding Report to the Joint Standing Committee. He said the SNSI annual report is under review by the Division Director.

Mr. Dostie said he finished discussions with external reviewers on the Final Draft of the Confirmatory Summary Report on Maine Yankee's decommissioning. He incorporated over 50 percent of the reviewers comments. Completion of the Final

Report is dependent on completing monthly reports to the legislature, the extent of rewrite, and emerging issues. The Confirmatory Summary Report is not mandated by the legislature so Mr. Dostie said he is working on it as time permits. He hopes it may be complete next year.

Other activities Mr. Dostie reported on include: participating in Maine Yankee's 2013 ISFSI Emergency Plan exercise; observing the NRC's April inspection of the ISFSI; receiving yearly training in September to maintain unescorted access to the site and access to safeguards information; participating in quarterly Oversight Group meetings on the ISFSI; participating in quarterly conference calls on the Federal Energy Regulatory Commission (FERC) settlement cases; participating in bi-weekly conference calls with the Nuclear Waste Strategy Coalition; attending the North East High-Level Radioactive Waste Transportation Task Force meeting in January and also the National Transportation Stakeholders Forum in May.

Mr. Dostie also said he serves on an adhoc Inter-Regional Team on the Nuclear Waste Policy Act (NWPA) which is making recommendations to the Department of Energy on funding allocations to states under Section 180(c). The purpose of section 180(c) is to provide technical assistance and funding for training public safety officials for dealing with routine and emergency response situations for SNF shipments. Mr. Dostie said the goal is for states and tribes to be ready when shipments begin and to be able to respond as necessary. He said the adhoc team he is working with is putting the model to a test at the end of this month and that the DOE plans a nine month table top exercise.

Chair Hudson asked Mr. Dostie when SNF begins to move will it move exclusively by rail or a combination of rail and truck? Mr. Dostie said it could be a combination and that not every location has access to short line rail. Mr. Norton noted that the Department of Energy (DOE) has issued a draft report that looks at this issue in a preliminary manner.

Regarding the disposal of the 1,000 decommissioning samples in the Augusta warehouse, Mr. Dostie said he developed and implemented a very conservative program for determining the disposal path of the samples which is described in his slides. Over 300 samples weighing 2695 pounds were shipped to a low level radioactive waste disposal facility. Ms Linehan asked how large the shipping boxes were. Mr. Dostie said they were normal archive size. Senator Johnson and Mr. Dostie had a technical discussion about the uncertainty factor Mr. Dostie used to determine the disposal path of samples. Senator Johnson said he appreciated Mr. Dostie's explanation which used cobalt as an example. Mr. Norton said it's at the lower level of detection. Chair Hudson said the assumptions Mr. Dostie made about when to discard were very conservative and he feels confident this is a good process. He said it's one more of those important levels of confidence we need as tedious as this sounds to meticulously go through all these samples. It's really important that the material be thoroughly

analyzed as you have done. At the end of the day you shipped under the limits and met the shipment and disposal criteria.

Mr. Dostie briefed the CAP that the State of Maine continues to have anomalies with Thermoluminescent Dosimeters (TLD) in the fourth quarter of the year. Mr. Dostie said this has occurred two years in a row. He briefed the CAP about it at last year's meeting as well. He said the State has been unable to find the cause. Maine Yankee is not seeing this discrepancy with their TLDs. Maine Yankee uses a vendor in NH to process its TLDs. The State uses a vendor in CA, so it's possible the problem is caused during transit. Mr. Dostie said he and Jay Hyland believe this is a quality assurance issue with the vendor.

Chair Hudson asked if there would be a way to set up an arrangement with the vendor in NH that provides protocols to protect against the same people analyzing Maine Yankee and the State's samples. He suggested this might resolve the transit problem. Mr. Norton said there are vendors in MA as well.

Vice-Chair Thompson said Georgetown is a source of a lot of radon. Could it be airborne Georgetown radon? Mr. Dostie said no. Mr. Norton noted that Maine Yankee isn't seeing the anomaly on its TLDs.

Senator Johnson asked Mr. Dostie what controls the State has in place. Mr. Dostie said the State has control TLDs that are well shielded to keep them from being exposed. Senator Johnson said it's important to get this ironed out. Jay Hyland said this is not a public health or safety issue. Chair Hudson said it's a question of confidence in the process. He said he appreciates that Mr. Dostie and Mr. Hyland are thinking this through carefully. He said it gives me confidence in the process. Mr. Hyland said before the State changes vendors they would like to know what's causing the anomaly. Senator Johnson said let's get this fixed sooner rather than later.

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 there have been some positive developments with the Administration, the states, and Congress toward reform that could result in the development of a Centralized Interim Storage (CIS) facility in a volunteer host community following a consent based process with priority removal of SNF from shutdown reactor sites. Bipartisan support for this concept remains strong. However, he reminded the CAP that Maine Yankee expects the SNF and Greater than Class C waste (GTCC waste) to remain at the site for many years.

Mr. Howes said that Maine Yankee continues to be active nationally through a variety of groups, including the Decommissioning Plant Coalition (DPC), urging the Federal Government to meet its obligation to remove the SNF and GTCC waste from Maine Yankee as required by contract and the NWPA.

In July Mr. Norton participated on a panel briefing the NRC Commissioners on nuclear power plant decommissioning. Mr. Norton, who managed the decommissioning of Maine Yankee, Connecticut Yankee, and Yankee Rowe, focused on lessons learned from those projects, including the importance of CAPs. NRC Chairman Macfarlane has urged decommissioning plants to form CAPs. The Chair of the San Onofre Community Engagement Panel (CEP) also participated in the July Commission briefing. Mr. Norton said that the Chair of the San Onofre CEP met with former CAP Chair Marge Kilkelly to learn more about the Maine Yankee CAP experience. Mr. Howes noted that the State of VT has formed a CAP in anticipation of the Vermont Yankee decommissioning.

Also on the NRC, Mr. Howes said that on August 26 the Commissioners approved the Continued Storage Rule and Generic Environmental Impact Statement (GEIS). This was the culmination of a two year effort by the NRC to revise the 2013 Waste Confidence rule which was remanded to the NRC by a federal court ruling to address the potential for spent fuel pool fires, spent fuel pool leaks, and the possibility a geologic repository never opens. The Continued Storage rule and GEIS addresses those issues. The Continued Storage rule and GEIS addresses the environmental impacts of storing SNF beyond the licensed life of a reactors, short-term, long-term, and indefinitely. The name was changed from Waste Confidence to Continued Storage to more accurately reflect the status of the SNF issue.

Mr. Howes reminded the CAP that the NRC continues to review the DOE's Yucca Mountain License Application and is scheduled to issue the five volume Safety Evaluation Report by January 2015.

Mr. Howes reported that the DOE continues to perform activities in support of its 2013 strategy document within its existing authority and budget. DOE's strategy calls for the establishment of a CIS facility for shutdown reactor fuel by 2021 (a timetable that has slipped because Congress has not reformed the SNF program); a larger CIS by 2025; and a geologic repository by 2048.

Among other activities DOE continues to compile information for its report on the preliminary evaluation for removing SNF from shutdown reactor sites, a draft national transportation plan, and a recently issued request for information on what it would take to design a rail car to transport SNF casks. Mr. Howes said the DOE is not working on the consent based process and is waiting for Congress to reform the program.

Chair Hudson said rail accidents involving trains moving oil heightens concern that rolling stock be adequate and there needs to be confidence in rolling stock. Mr. Norton agreed but noted the focus on rolling stock and potential track upgrades could be premature since it may be years before SNF begins to move and work done now might have to be redone when the time comes to move SNF.

Chairman Hudson commented on the consent based process saying they are doing it today in Canada. He used the example of Canada trying to site a low level radioactive waste disposal facility near Lake Huron. They are going through a community self identification process where initially there were many communities interested, as more was learned some dropped out, as geologic criteria was screened, more were lost, but the process has been open and transparent.

Mr. Howes next briefed the panel on the potential reinstatement of the Decontamination and Decommissioning Fund fee (D&D Fund fee) which the President has again proposed and which is contained in the Senate Energy & Water Development Appropriations bill. It is not contained in the House bill. The D&D Fund fee was in place from 1993-2007 and was implemented to pay for the cleanup of uranium enrichment facilities. The cleanup is not complete but utilities and their ratepayers have paid for the cleanup twice, once when uranium fuel was purchased and again through the D&D Fund fee. Reinstatement of the D&D Fund fee would significantly increase the annual operating cost of the Maine Yankee ISFSI. Maine Yankee has made members of the Maine congressional delegation aware of this concern.

Mr. Howes said the differences between the Senate and the House on reform of the SNF management program remain but that there are indications some key members of the House may be modifying their position. During House debate on the Energy & Water Appropriations bill Rep. Barton of (R-TX) introduced an amendment to establish a pilot project for CIS with priority for SNF at shutdown reactor sites. The amendment mirrored language in the Senate Energy & Water bill. The amendment failed but Appropriations Committee Chairman Fred Upton (R-MI) said that CIS is something he might support in the context of a bill that does not exclude Yucca Mountain and that he hopes to move such a bill in the next Congress.

Mr. Howes noted that the Maine congressional delegation has been supportive of the concept of a pilot project for CIS with priority for SNF at shutdown reactor sites. In April Congresswoman Pingree and Congressman Michaud joined with other members who have shutdown reactors in their districts to send a letter to the Chair and Ranking Member of the House Energy and Water Development Appropriations Subcommittee urging inclusion of this language in the FY '15 Appropriations bill. Senator Collins has been supportive of the pilot project and language to implement it has been contained in the Senate Energy and Water bill the past two years. During a hearing on the bill in April Senator Collins pressed

DOE Secretary Moniz on the government's obligation to remove SNF from Maine Yankee. Senator King is a cosponsor of the Nuclear Waste Administration Act of 2013 (S. 1240) that was introduced in July 2013. The bill would bring about comprehensive reform of the SNF program including the pilot project for shutdown reactor fuel. That bipartisan bill has not advanced but could in the future.

As has been the case for several years, Mr. Howes said the Congress is expected to take up a Continuing Resolution to fund the government into December.

Mr. Howes reported there have now been two meetings of the Bipartisan Policy Center's initiative America's Nuclear Future: Taking Action to Address Nuclear Waste. The first meeting was in Boston at MIT in June and the second in Atlanta in early September at Georgia Tech. The Bipartisan Policy Center is a Washington, D.C. based think-tank promoting bipartisan solutions to a range of issues. CAP Chair Hudson and Mr. Norton participated in the MIT meeting. CAP member Mr. Keyes attended. The meeting addressed identifying barriers to progress on the SNF issue and ways to overcome those barriers. A key barrier identified was a lack of urgency to address the SNF issue. How do you move the issue to the forefront so that action is taken?

At the Atlanta meeting Mr. Norton participated in a roundtable discussion focused on interim consolidated storage and the consent based process that was facilitated by the Consensus Building Institute (CBI). CBI plans to publish a white paper on the issue next August.

There are two more Bipartisan Policy Center meetings planned to gather information on how to address the nuclear waste issue. The next is in November in Chicago and the final one will be in CA. Videos of the meetings and other information are available on the Bipartisan Policy Center website.

Mr. Howes said there continue to be states and communities potentially interested in hosting a CIS facility. In March Texas Governor Rick Perry sent a letter to the Texas Speaker of the House and Lieutenant Governor stating in part that given the failure of the Federal Government to fulfill its obligation to remove SNF as required, "I believe it is time for Texas to act..." Mr. Howes said Maine Yankee is following developments in Texas through the DPC.

Mr. Howes said that Maine Yankee, Connecticut Yankee, and Yankee Atomic continue their litigation with the Federal Government to recover monetary damages for the costs related to the government's failure to honor its contractual obligations to begin removing the SNF and GTCC waste from the three sites by January 1998. Mr. Howes reminded the CAP that the litigation is being conducted in phases as an earlier Court decision ruled that utility companies cannot receive damage awards for costs that have not yet been incurred. As a result, the three

companies expect to continue to litigate with the DOE every several years to request damages for costs incurred by their ratepayers.

Mr. Howes said Phases I and II of the litigation are complete. In phase I the Federal Government paid the three Yankee Companies nearly \$160 million. Maine Yankee was awarded \$81.7 million for damages incurred from 1998-2002. The FERC approved a filing effective July 1, 2013 following the award of the Phase I damages funds that accepted an agreement reached between the three Yankee Companies and state utility regulators in ME, CT, and MA that have historically intervened in the companies' FERC rate cases. That agreement detailed an approach for applying the Phase I damages proceeds and future damages awards that best serves the interests of the ratepayers in their state. In accordance with that agreement, the Maine Yankee Phase I proceeds are being disbursed over a three year period.

In the Phase II litigation, Mr. Howes said the Federal Government decided not to appeal the November 14, 2013 ruling by U.S. Court of Federal Claims Judge James F. Merow that awarded the three Yankee Companies approximately \$235.4 million in total damages for the costs related to the government's failure to honor its contractual obligations to begin removing SNF and GTCC waste from the three sites by January 1998. Maine Yankee was awarded \$35.8 million for damages incurred from January 1, 2003 through December 31, 2008. The Phase II proceeds were disbursed this spring consistent with the provisions of the July 1, 2013 FERC Order.

In August 2013 the three Yankee Companies filed a Phase III round of damages claims in the U.S. Court of Federal Claims for the years 2009-2012. Discovery is ongoing and the trial is scheduled for the end of June 2015.

Chair Hudson said ratepayers can use DOE lawsuits to hold DOE's feet to the fire.

Vice-Chair Thompson reflecting on the consent based process said Maine Yankee was one of the first large nuclear power plants to be decommissioned. The CAP and the company were the first to use a consent based process. After watching the video of the Bipartisan Policy Center meeting at MIT, he said he was struck that the problem is too big to try to implement a consent based process on a national scale. New England could be the nucleus for a pilot project with the decommissioned reactor fuel stored here. He said Maine and the CAP have experience to share and there must be some kind of small pilot process DOE needs to get started.

Mr. Jarrett said the fuel was supposed to move in 2008. Now it's 2048. Until someone makes noise about this nothing will happen. We need to get people in Congress who will get this moving. We visited Yucca Mountain. It looked like a good site to me. Politics shut it down.

Chair Hudson suggested that the CAP send a letter to the Maine congressional delegation letting them know that as a result of the annual CAP meeting we thank them for their support seeking to resolve the SNF issue, encourage them to move forward in dealing with this, and ask how the CAP can help. He said the CAP could mention that the community consent based process may be the key to unlocking this stalemate. Let them know we are paying attention. In addition the letter should list other things that are needed to resolve this issue.

Senator Johnson said that the April 2 congressional letter in the miscellaneous correspondence mentions the items Chair Hudson referred to.

The CAP agreed that a letter should be sent to the Maine congressional delegation along the lines suggested and copied to other relevant officials. Eric Howes will draft the letter for the CAP's consideration.

Public Comment

Ed Polewarczyk asked if any of the DOE litigation disbursements have gone back to the ratepayers. Mr. Norton replied that the Phase I and Phase II DOE litigation proceeds have been returned to the sponsor companies in accordance with the July 1, 2013 FERC Order that was agreed to by the state agencies that are interveners in the process. He added that each of Maine Yankee's owners has their own regulatory requirements for the use of the proceeds. In the case of the Maine owners the Maine legislature passed a law in June 2013 directing the use of the DOE litigation proceeds overseen by the Public Utilities Commission.

Reporter Susan Johns asked where the State's TLD monitoring stations are located. Mr. Hyland said the locations are on the map in Mr. Dostie's slides. He went on to say the TLD anomaly is a quality assurance issue. It's the laboratory, though they don't agree with me. Why the lab has a QA issue only in the 4th quarter, I don't know.

Chair Hudson said all of us have to have confidence in the process. I'm grateful to the bird dogging you two are doing.

Mr. Norton said Maine Yankee is confident it's not a site issue.

Reporter Susan Johns asked Mr. Thompson what would be the role of your pilot project? Mr. Thompson said it goes back to the recommendations of the Blue Ribbon Commission to be as inclusive of communities as possible. But they didn't define consent based. Chair Hudson said the Canadians are doing it. Vice-Chair Thompson said we need to define consent based.

The meeting adjourned at 8:10 p.m.

