

**Community Advisory Panel on
Spent Nuclear Fuel Storage and Removal
Meeting Minutes
Thursday, March 30, 2006**

<u>Member</u>	<u>Attendance</u>
Paul Crary M.D., PA	Yes
General Lewis Curtis	No
The Honorable Dana Dow	Yes
The Honorable Ken Honey	Yes
Mr. Scott Houldin	No
Mr. Don Hudson	Yes
Mr. Steve Jarrett	Yes
Mr. Ralph F. Keyes	No
The Honorable Marge Kilkelly	Yes
Mike Meisner	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. Chair Kilkelly welcomed Don Shuman to the panel, noting that Mr. Shuman had served on the decommissioning Community Advisory Panel.

Maine Yankee Independent Spent Fuel Storage Installation Update

Chief Nuclear Officer James Connell spoke from slides that are included with these minutes. Mr. Connell reminded the CAP of the successes achieved during the Maine Yankee decommissioning: project goals for safety, radiological dose, and budget were met and work was completed last fall as expected. Mr. Connell said that none of the plants now decommissioning will come close to Maine Yankee's accomplishments. In December Region 1 Administrator of the U.S. Nuclear Regulatory Commission Samuel Collins sent Maine Yankee a letter of congratulations for "the significant accomplishment of safely and successfully completing the initial phase of decommissioning at the former Maine Yankee Atomic Power Company site in Wiscasset, Maine." Mr. Connell said he was particularly pleased to receive this letter because the NRC does not usually go beyond saying a licensee has done an "adequate" job.

Now that the former power plant is fully decommissioned and what remains of Maine Yankee is an Independent Spent Fuel Storage Installation, Maine Yankee's new NRC Project Manager is Randy Hall from the Spent Fuel Project Office. Mr. Connell expects

to meet with Mr. Hall soon. Mark Roberts of Region 1 continues to be Maine Yankee's primary inspector. As Mr. Connell noted, Mr. Roberts has made presentations to the CAP many times. Since NRC was last at the Maine Yankee site in October and Mr. Roberts will be returning for an inspection in late spring or early summer, Mr. Roberts and Mr. Connell agreed there would be little for NRC to report to the CAP at the March meeting.

Mr. Connell briefed the CAP that the second round of radiological groundwater monitoring has just been completed. Under agreement with the State of Maine groundwater samples will be taken three times a year for five years to demonstrate that the decommissioning radiological cleanup criteria was met. Mr. Connell noted that one well showed elevated levels of tritium, but well within limits. Dr. Paul Crary asked how many picocuries per liter were measured in the elevated reading. Mr. Connell said around 36,000. Dr. Crary commented that the recorded levels are quite low. Mr. Connell said he is very confident the groundwater monitoring program will demonstrate that Maine Yankee has met the 10/4 standard.

In discussing Resource Conservation Recovery Act (RCRA) closure Mr. Connell said that the Maine Department of Environmental Protection continues drafting the RCRA Compliance Order for Bailey Point that will include a groundwater monitoring program and institutional controls. In the meantime, groundwater monitoring for non-radiological contaminants is ongoing. Maine Yankee and the State also continue discussion regarding a natural resources damages trade, a subject the CAP was briefed on at the May 2005 meeting.

As mentioned at the October CAP meeting, Mr. Connell briefed the panel that Maine Yankee has filed an amended damages claim of about \$79 million in its litigation with the U.S. Department of Energy. The amended claim reflects damages sustained through 2002 caused by DOE's failure to perform as required in removing spent nuclear fuel from Maine Yankee. Decisions on this new pleading and the trial are expected later this year.

Mr. Connell noted that the U.S. Court of Federal Claims recently awarded nearly \$35 million to the Tennessee Valley Authority for DOE's breach of contract in that case. This is the first case to win a damage award.

On February 21 NRC issued a license to Private Fuel Storage for its proposed dry fuel storage facility in Utah. However, Mr. Connell said PFS must obtain approvals from other agencies and show adequate funding before construction could proceed. Whether PFS will move forward with the facility will depend on obtaining the necessary approvals and the market. Mr. Connell noted that several PFS investor companies have declined to participate beyond the licensing stage and that the Utah congressional delegation and the State of Utah continue to oppose the facility. Mr. Connell said PFS is more tied up in politics than anything else and that Maine Yankee is taking a wait and see approach toward the proposed facility. Pointing out there are a lot of factors at play, Mr. Connell said it is hard to know what direction the overall spent nuclear fuel disposal

program may take when reprocessing, new plant construction, and a dwindling supply of raw uranium could make spent nuclear fuel an asset rather than a liability.

Independent Spent Fuel Storage Installation Manager John Niles then updated the panel on ISFSI Operations. Mr. Niles' slide is included with these minutes. Mr. Niles said the ISFSI is settling into routine operations with the focus currently on record retrieval and storage. Maine Yankee is working to consolidate records at the ISFSI from offsite storage locations and to eliminate records that are no longer needed. Senator Dana Dow asked Mr. Niles how Maine Yankee determines what records to keep. Mr. Niles said some records are required to be kept by regulations. Examples of records Maine Yankee keeps include radiological dose records for personnel, security, and financial records. Mr. Dan Thompson asked if Maine Yankee has an automatic backup electrical generator. Mr. Niles said it does. Mr. Thompson also asked, when the final canister of spent nuclear fuel leaves the site, will there be other radiological material to be disposed during ISFSI decommissioning? Mr. Niles said some of the concrete in the outer casks could be potentially radiologically contaminated at very low levels. If so it will be disposed at a licensed low level radiological waste facility.

Mr. Niles also noted that: the new gatehouse is functioning well; large rocks have replaced the Jersey barriers by Ferry Road; the last of the decommissioning soil was shipped from the site in November and the area has been radiologically surveyed and free released. Additionally, Maine Yankee expects to close on the sale of the microwave tower near Eaton Farm to Central Maine Power in the near future, and CMP is in the planning stages of adding a new substation at the location of the previous Maine Yankee 115 kv switchyard. The new substation will enhance the local electric supply for Wiscasset.

State Nuclear Safety Inspector Update

State Nuclear Safety Inspector Pat Dostie briefed the panel on his activities since last October. Mr. Dostie's slides are included with these minutes. Mr. Dostie said the State of Maine spent 8 weeks last fall performing confirmatory surveys of the former soil storage area across from the ISFSI. During the surveys the State identified several small radioactive particles missed by Maine Yankee. This resulted in the State and Maine Yankee working together to improve the survey process. In the end the parties agreed that the area meets the radiological cleanup criteria for free release. Mr. Dostie also said that the State's results from the first round of radiological groundwater sampling were very similar to Maine Yankee's.

Now that warm weather has arrived the State is beginning the final site walk down of the East access road. Upcoming activities include: continuing the final site walk down confirmatory surveys, working on State confirmatory survey reports, special investigation reports, and the State's final decommissioning report.

Mr. Dostie is hopeful that the State's decommissioning reports will be complete sometime between March and September 2007, although he noted this is a very ambitious schedule.

As an example of the challenges facing the project, Mr. Dostie discussed the difficulties the State has had in getting 600 samples analyzed in a timely, organized manner by its contracted laboratory. Mr. Dostie cited problems with discarded samples, lost samples, missing samples, chain of custody issues, transcription errors, and sample identification. The soil analysis issues have resulted in at least a two month delay in completing the project.

Mr. Mike Meisner noted that soil data base issues go to the heart of the State's confirmatory program. He asked Mr. Dostie if the State follows the same quality assurance criteria as the State would expect of Maine Yankee and the NRC. Mr. Dostie said the State's radiochemist has reviewed the lab's quality assurance program and says it meets the State's requirements, though it is not as comprehensive as a nuclear quality assurance program. Mr. Dostie said there have been many conference calls to go over the issues and that progress has been made. Mr. Meisner asked Mr. Dostie if the State will have confidence in the final results from this lab. Mr. Dostie said yes. Mr. Meisner also asked if the contractor is being held accountable for the extra costs. Mr. Dostie said anything over the contracted amount is the lab's responsibility.

Spent Nuclear Fuel Disposal/Removal Update

Maine Yankee spokesman and CAP coordinator Eric Howes then updated the panel on activities since last October related to spent nuclear fuel disposal and removal. Mr. Howes' presentation is included with these minutes. Mr. Howes said that while there have been a number of developments since the last CAP meeting uncertainty about the future of Yucca Mountain and the policy direction of the spent nuclear fuel disposal program continues to be the overriding theme. He said Maine Yankee and the State continue to work together in an ongoing effort to prod the federal government to fulfill its obligation to remove spent nuclear fuel from the Wiscasset site. Mr. Howes said the bottom line is that the U.S. Department of Energy is continuing with plans to license a repository at Yucca Mountain; DOE does not have a date for when it might begin receiving spent nuclear fuel; DOE does not have a date for submitting a license application to the NRC for Yucca Mountain but expects to this summer.

Mr. Howes then discussed DOE's change in policy to receive spent nuclear fuel at Yucca Mountain in a yet-to-be-licensed standard canister. He noted that DOE has not indicated how it intends to handle fuel like Maine Yankee's that is ready for shipment in NRC licensed canisters. Mr. Howes said Maine Yankee is encouraged that recently senior DOE officials have said in public meetings they recognize this is an issue and are working to resolve it. There are over 30 other sites in the country that also have spent fuel stored in NRC licensed canisters.

Mr. Howes also briefed the CAP on the Global Nuclear Energy Partnership Program that would promote nuclear energy here and abroad while recycling spent nuclear fuel. Mr. Howes said DOE has made clear that even if the GNEP moves forward, Yucca Mt will be needed in any case.

Mr. Howes discussed the recently released National Academy of Sciences report that found there are no technical barriers to safely transporting spent nuclear fuel and that the report recommends beginning spent fuel shipments to Yucca Mountain from shutdown plants like Maine Yankee. Mr. Howes reminded the panel that this pilot program idea is one Maine Yankee and the State have been advocating for some time and that it has been included in letters from the governor and the congressional delegation to policy makers in Washington.

A legislative proposal to reform the spent nuclear fuel program is expected any day from the Bush Administration. Mr. Howes said he had hoped it would have been submitted by the CAP meeting. The legislation may include program funding reform, federal land withdrawal in the vicinity of Yucca Mt., and a lifting of the disposal cap at Yucca Mt. The nuclear industry is advocating for the bill to include the transport and storage of spent fuel prior to the opening of Yucca Mt.

Mr. Thompson said he thought the Waste Isolation Pilot Project in New Mexico would make a great place for a demonstration project on the transport of spent nuclear fuel. Mr. Meisner said that WIPP is not licensed to receive spent nuclear fuel.

State Nuclear Safety Advisor Update

State Nuclear Safety Advisor Charles Pray then updated the panel on his activities. Mr. Pray said he was in Washington earlier in the week in a series of meetings with the Nuclear Waste Strategy Coalition, the Yucca Mountain Taskforce, and with congressional staff. He also participated in a press conference urging reform of the spent nuclear fuel disposal program. Mr. Pray did not speak from slides but did hand out a copy of the DOE's February 6 Budget Rollout by Paul Golan. It is included with these minutes. Mr. Pray also distributed a graphic he created illustrating how much has been paid into the Nuclear Waste Fund.

Mr. Pray expressed his concern about the appeals court ruling last fall that limits companies like Maine Yankee to only being able to claim damages for costs that have already been sustained in their litigation with the DOE over its failure to remove spent nuclear fuel. Mr. Pray said that having to come back to file subsequent damage claims will be costly to electric ratepayers, especially for attorney fees.

Mr. Pray also said he is concerned that the GNEP program could become a distraction that delays solving the back end of the fuel cycle now. He questioned where funding for the GNEP would come from, hopefully not the Nuclear Waste Fund. Mr. Pray said Yucca Mountain is needed under any scenario and the focus and attention needs to be

on the current program. Long term Mr. Pray said we do need recycling of spent nuclear fuel, but not at the expense of solving today's problem.

In discussing DOE's standard canister, known as TAD for Transportation, Aging, and Disposal, Mr. Pray said that existing licensed casks like Maine Yankee's should be grandfathered. Mr. Pray said that benefits for the State of Nevada such as funds for nuclear research and development should be part of the solution and would go a long way toward moving the program forward.

Mr. Thompson said that based on the presentations GNEP may be a real distraction, even geographic. Mr. Pray said that over the long term recycling of spent nuclear needs to be done and a site like Savannah River in Georgia, currently a large DOE facility, would be a great candidate. But first let's close the window on our immediate problem.

Mr. Thompson asked if the potential for recycling of spent nuclear fuel takes Private Fuel Storage off the table. Mr. Pray said in his mind there is a big question mark about whether PFS would be economical for Maine Yankee even if it does go forward.

Mr. Don Hudson said what we are observing with the DOE, Congress, and the Administration is classic avoidance behavior when it comes to Yucca Mountain.

The CAP approved the October 20, 2005 minutes and decided to meet next in October or after the November election. Mr. Howes will work with Chair Kilkelly to schedule the fall meeting.

The meeting adjourned at 8:05.

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