

**Maine Yankee
Community Advisory Panel (CAP) on Decommissioning
Meeting Minutes - Adopted 3/25/04
Thursday, November 20, 2003**

<u>Member</u>	<u>Attendance</u>
Paul D. Crary M.D., PA	No
General Lewis Curtis	No
Mr. Ted Feigenbaum	Yes
Senator Chris Hall	Yes
Mr. Don Hudson	Yes
Representative Ken Honey	Yes
Mr. Steve Jarrett	Yes
Mr. Ralph F. Keyes	Yes
Senator Marjorie L. Kilkelly	Yes
Senator Charles Pray	Yes
Mr. Don Schuman	Yes
Mr. Raymond Shadis	No
Mr. Dan Thompson	Yes

Chair Kilkelly called meeting to order at 5:58 PM. She then welcomed former State Senate Chair Charles Pray as the new State Nuclear Safety Advisor and member of the CAP. The CAP members introduced themselves.

Meeting Introduction and Regulatory Update

Mr. Michael Meisner, Maine Yankee Vice President and Chief Nuclear Officer, started his presentation by pointing out that 17% of the decommissioning project remained to be completed and a number of site changes have occurred since the last meeting. Mr. Benner will be discussing these later. Mr. Meisner also stated that the project dose remains low at about 43% of the NRC limit of 1115 person-REM, while the project is about 83% complete.

The fuel transfer project continues to progress well. Maine Yankee is completing the processing of the 45th canister and starting the 46th. The loading and processing of fuel canisters has become routine.

The NRC has issued a no significant hazards determination on the activated concrete amendment to the License Termination Plan (LTP) submitted earlier. This determination means that the NRC has reviewed the amendment request and can find no significant safety impediment to granting it. We expect that the amendment will be approved by the end of the year.

The RCRA backland and Bailey Point Facility Investigation reports have been submitted to the MDEP and EPA. This is the next step in the RCRA Corrective Action Process leading to closure of the land areas under RCRA.

The Atomic Safety and Licensing Board (ASLB) has begun to address some of the preliminary issues in the security petitions brought by the Friends of the Coast and State of Maine. The ASLB has determined that the Friends of the Coast do not have standing to bring a petition on this issue. The ASLB will be ruling on the State's standing soon - perhaps in the next few weeks.

The settlement agreements with the Friends of the Coast and State of Maine included sampling of the marine environment around Maine Yankee to determine the distribution of licensed, plant-derived radiological releases. The purpose of this study is to educate the community on the presence of these releases. Maine Yankee has sent out an Invitation to Bid to several qualified bidders and expects to choose a bidder in about a month or so. Sampling will not start until next summer after the completion of spent fuel pool discharge. Sediments, flora, and fauna in the plant vicinity will be sampled.

On Monday evening an incident involving a railcar from Maine Yankee occurred. Several cars of low level radioactive waste bound for Envirocare were setting on a rail siding in South Portland. Another rail car from another facility overloaded with scrap metal brushed against one of the Maine Yankee rail cars knocking off the car cover and damaging it. Maine Yankee was notified of the incident and dispatched a team to survey the area. No release of plant derived radioactivity was detected. The levels of radioactivity in the concrete waste in the rail car were very low - undetectable in all but one area. The cars involved have been returned to the plant and the cover damage is being addressed. As a result of this incident Maine Yankee is looking at the courtesy notification process for transportation incidents like this. Maine Yankee will seek ways to ensure that local officials are kept informed so that they can respond to questions.

Post 9/11 security remains at a heightened state at the plant consistent with the national threat level.

Now that Maine Yankee is moving toward completion of fuel transfer we are addressing the composition of the team that will remain to manage the ISFSI. We have selected John Niles, a nuclear professional with 26 years of plant operation experience, as ISFSI manager. John has most recently been Director of Operations and Maintenance and prior to that served as Assistant Director of Operations when the plant was operating. John will oversee the transition to ISFSI steady state operations. This transition will occur over time. Initially plant departments will support ISFSI operations. The ISFSI security organization will be trained to take on many of the duties that these support organizations provide. Eventually the ISFSI organization will be a stand-alone organization.

Mr. Keyes asked what would happen if a rail incident similar to the recent one occurred in say Ohio? Mr. Meisner responded that we were looking at a process to provide notification and support even in those areas.

Mr. Jarret asked if rail cars are normally stockpiled in Portland? Mr. Meisner responded in the affirmative.

Mr. Jarret asked if the ISFSI security force would continue to provide security to the site. Mr. Meisner responded yes, the security checkpoint would continue to be in place for the time being. However, after all fuel is removed from the pool, security will no longer be needed in the spent fuel pool area.

Mr. Pray asked if he had seen one of the cars involved with the rail car incident when he toured the plant site earlier on November 20th? Mr. Benner responded in the affirmative.

Regulatory Update: State Nuclear Safety Inspector

Mr. Patrick Dostie, State Nuclear Safety Inspector, provided the panel with an update on his activities. He spoke from a handout and overhead slides entitled "State of Maine Update," a copy of which is included with these minutes as **Attachment 1**. Mr. Dostie's presentation covered past activities, recent activities, upcoming activities, licensing issues and reviews, forebay, PAB alleyway, Spray building, seal pit, lessons learned, and State issues.

In the course of his presentation Mr. Dostie pointed out that his surveys of the seal pit, PAB alleyway, Spray building, and analysis of split samples from the forebay confirm surveys and sampling work performed by Maine Yankee and the NRC i.e. these areas meet release requirements. Mr. Dostie also offered comments about various issues in working with Maine Yankee.

Mr. Dostie referred to problems getting some documentation. Mr. Feigenbaum indicated that if Maine Yankee has this documentation completed, it should be available to Mr. Dostie.

Mr. Keyes offered his perspective on availability of documentation and scaffolding availability for surveys.

Another issued raised by Mr. Dostie was the fact that in some cases he found himself working along side Maine Yankee surveyors instead of being able to get the areas surveyed and completely released by Maine Yankee before he went in to survey. Senator Kilkelly asked if Mr. Dostie's primary role is that of auditor, did it really matter whether he was surveying alongside or after the Maine Yankee survey. Mr. Dostie stated that it depended on what the public wanted. Sometimes it takes a while to get results back from samples sent to the public health lab.

Senator Hall stated that since the results of Mr. Dostie's work confirmed that done by two other entities he would have a hard time defending the continuing cost of the State Nuclear Safety Office. Mr. Dostie pointed out that his work did not affect the Maine

State budget because Maine Yankee ratepayers paid for the expenses of his office. These costs are currently about \$180,000 per year and have been relatively constant over the last few years. Senator Hall pointed out that these costs do not include the other costs such as Maine Yankee support associated with this office.

Mr. Keyes stated that he thought that \$180,000 was a small price to pay for verification.

Decommissioning Update

Mr. Rocky Benner, Decommissioning Director, provided the attendees with a briefing on the status of the decommissioning project. Mr. Benner spoke from a handout and slides entitled "Maine Yankee Decommissioning Status, November 20, 2003," a copy of which is included in the meeting record as **Attachment 2**. His presentation covered overall progress, safety, site restoration, forebay, future demolition, and waste.

Mr. Jarret asked where the wood from the demolition of the Eaton Farm and Bailey House were disposed. Mr. Benner responded that this was disposed in Maine landfills.

Decommissioning financial update

Mr. Micky Thomas, Maine Yankee Vice President and Chief Financial Officer, provided the panel with a review of Maine Yankee decommissioning finances. He spoke from a handout and slides entitled "Maine Yankee Financial Presentation," a copy of which is included in these minutes as **Attachment 3**. Mr. Thomas' presentation covered purpose, background, decommissioning cost on budget, decommissioning funding, opportunities, and summary. After the presentation the panel asked numerous questions which are summarized below.

Mr. Jarret asked if Maine Yankee were to win the lawsuit with DOE, where would the money go? Mr. Thomas responded that the FERC rate case required that it be returned to ratepayers.

Mr. Pray asked what caused the change in number of owners. Mr. Thomas responded that mergers had reduced the number of owners to nine.

Mr. Pray asked to what extent does Maine Yankee self-insure. Mr. Thomas responded that Maine Yankee self-insures somewhat for worker's compensation insurance, but not in other areas, with the exception of coverage deductibles.

Mr. Thompson expressed appreciation for the financial update presentation and pointed out that he was amazed that decommissioning was meeting the \$600 million cost estimate provide by Maine Yankee in 1989. Mr. Thompson also lamented the shut down of Maine Yankee in 1997.

Senator Hall asked about the under-funded portion of the spent fuel trust fund. Mr. Thomas stated it was \$80-85 million and explained that in the proposed rate case \$29.4 million would be collected from ratepayers each year between 2004 and October 2008. Then the amount collected would drop between October 2008 and October 2010 and stop after October 2010. Senator Hall stated that his calculations indicated that Maine Yankee costs amounted to about 3% of his electric bill. Senator Hall suggested that hiring local security guards be included in a future discussion.

Mr. Hudson asked if Maine Yankee was contemplating coordination with other decommissioning nuclear power plants on joint management of the ISFSI. Mr. Feigenbaum responded that this coordination is being contemplated. In fact he has recently discussed this with the Maine Yankee Board. The concept is that the ISFSI Manager and watch standers would be local while some support positions could be safely synergized. These efforts will be discussed more in 2004. Mr. Hudson felt that Maine Yankee's position with DOE would be stronger if working together with other plants. Mr. Feigenbaum pointed out that Maine Yankee is working with Connecticut Yankee and Yankee Rowe in the DOE litigation.

Senator Hall asked what property tax assumption was included in the proposed rate case. Mr. Thomas responded that Maine Yankee assumed that property taxes would ramp down to about \$750,000 with escalation in future years.

Senator Pray asked if Congress may become involved if Maine Yankee were to win damages from DOE. Mr. Feigenbaum responded that the damages were real Maine ratepayers paid DOE to perform under their contract and DOE has not performed. Therefore the ISFSI was built and will need to be operated until all the fuel is removed. Mr. Feigenbaum stated that Maine Yankee sought first of all DOE performance in taking the fuel and damage claims were secondary. Maine Yankee is seeking more certainty that DOE will perform its obligations in a timely manner.

Spent nuclear fuel removal update

Mr. Eric Howes, Maine Yankee Public and Government Affairs Director, provided the panel with a summary document entitled "Efforts to Remove Spent Nuclear Fuel," a copy of which is included in these minutes as **Attachment 4**. Chair Kilkelly requested that the panel members review the summary and offer any questions or comments at a future meeting.

Committee Business

Initial thoughts on CAP experience report

Mr. Howes and Ms Catherine Ferdinand, who has been selected to author the experience report, then discussed initial directions on the report with the panel. Mr. Howes and Ms.

Ferdinand provided a draft outline of the Experience Report, a copy of which is included in these minutes as **Attachment 5**.

Mr. Howes briefed the panel on the outline and the panel extensively discussed the outline and report development process with Mr. Howes and Ms. Ferdinand. Key results of the discussion are included below.

The audience for the report should include energy researchers.

The Friends of the Coast perspective should not be relegated to the back but included as a key theme in Section II - Perspectives.

A facilitated discussion following a compilation of responses to questions provided to the CAP would be useful in bringing out panel input. A work session should be added to accomplish this.

The goal of completing this work by late spring 2004 is useful and appropriate.

There should be one report that weaves the various perspectives together not two reports: a majority and minority report.

This report may be useful to other projects such as the proposed LNG facility for Harpswell.

The report should provide pointers to the massive amount of documentation available on decommissioning and public involvement.

Supporting documentation such as charters can be moved to appendices.

Develop questions and drafts with care so that important stakeholder groups are not turned off.

Ms. Ferdinand will proceed with sending out questions to the CAP members and others and compiling responses.

Adoption of minutes of 9/10/03 meeting

The minutes of the September 10, 2003, meeting were adopted by vote of the CAP.

Next meeting 2/26/2004

The CAP voted to have their next meeting scheduled for Thursday, February 26, 2004.

Meeting adjourned at about 8:58 PM.

The next meeting is scheduled for February 26, 2004.