

**Maine Yankee
Community Advisory Panel on Decommissioning
Meeting Minutes- Adopted 2/24/05
Thursday, December 2, 2004**

<u>Member</u>	<u>Attendance</u>
Paul D. Crary M.D., PA	No
General Lewis Curtis	Yes
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
The Honorable Marjorie L. Kilkelly	Yes
The Honorable Charles Pray	Yes
Mr. Don Schuman	No
Mr. Raymond Shadis	No
Mr. Dan Thompson	Yes

Chair Kilkelly called the meeting to order at 5:55 p.m. Panel members introduced themselves.

Meeting Introduction, Regulatory, and Interim Spent Nuclear Fuel Storage Update

Mr. Michael Meisner, Maine Yankee Vice-President and Chief Nuclear Officer began his presentation by saying that this meeting is somewhat different than previous CAP meetings as it is likely the next to last meeting of the panel and the focus is shifting from decommissioning to a stand-alone ISFSI. With that in mind, after his remarks Mr. Meisner said ISFSI Manager John Niles will provide an update on the stand-alone status of the facility and Public and Government Affairs Director Eric Howes will address Yucca Mountain and other initiatives to remove fuel from the site.

With plant decommissioning in the final stage the focus is on remaining building demolition with demolition of the staff building beginning next week and demolition of the warehouse largely complete; final status survey work; waste shipments; managing ground water; and soil remediation which is the biggest project. There are now 200 rail cars in a continuous loop between Wiscasset and Utah. As mentioned at the September 15 CAP meeting Maine Yankee is removing more contaminated soil than expected. This additional soil is coming from areas below asphalt as well as from clean areas that were recontaminated. Some recontamination is inevitable: The footprint of the remaining site is

surprisingly small and shrinking all the time. Maine Yankee is doing its best to minimize recontamination (which requires re-cleaning and re-checking) and has developed strategies for not reentering areas where remediation is complete. Also, soil is being sifted to segregate clean material from contaminated so that no more soil than necessary is shipped from the site. Recently soil remediation work has been hampered by lots of rain. Processing this water is a challenge.

Mr. Meisner said that Maine Yankee has submitted five final Status Survey packages to the U.S. Nuclear Regulatory Commission. There will be nine packages in all. Chair Kilkelly asked if the review process with the NRC has improved since the delays mentioned at the September CAP meeting. Mr. Meisner said things have gotten better. There is a schedule now and regular status calls but both sides need continual attention to achieve the goal of being complete next March.

There was an ORISE (Oak Ridge Institute for Science Education) NRC in-process final status survey soil field review in November. The ORISE results compared very favorably with Maine Yankee's. ORISE/NRC are back on-site next week for another in-process review. Additionally NRC will conduct an inspection of the ISFSI in mid-December to evaluate the facility's readiness for stand-alone operations.

NRC has closed out the three apparent violations reported in the August 18 Inspection Report. The NRC letters regarding the disposition of these issues were recently sent to the CAP electronically and are included in tonight's meeting package. Recall the first two apparent violations had to do with failure to source check instruments and improper documentation. NRC classified this as a non-cited violation noting that Maine Yankee discovered the problem and took immediate corrective action. The third apparent violation regarding changes Maine Yankee made to its License Termination Plan was withdrawn after NRC determined that Maine Yankee did not need the Agency's approval to make the LTP change and the change was found to be appropriate.

On RCRA (Resource Conservation Recovery Act) closure in about a month Maine Yankee expects to submit to the Maine Department of Environmental Protection (MDEP) its Corrective Measures Study (CMS) for Bailey Point. MDEP held a public meeting on this issue recently in Wiscasset that a number of CAP members attended. Presentations at that meeting went into some detail about the quality of groundwater on Bailey Point. The site is really quite clean for an industrial site. Much of the impact on the groundwater is from naturally occurring contaminants leaching from soils that were displaced when the plant was built or from petroleum product spills that occurred over the years of plant operation.

RCRA closure will involve some groundwater monitoring on Bailey Point. However, analysis shows that there won't be much change in the groundwater, likely over the course of decades. An extended groundwater monitoring program

won't reveal much. Instead, as mentioned at the September 15 CAP meeting, Maine Yankee and the MDEP are in discussions about possibly preserving the ecological value of some of Maine Yankee's property in exchange for the fairly minor groundwater damage on Bailey Point. Maine Yankee is encouraged by discussions with MDEP on this issue.

Mr. Meisner said that the Federal Energy Regulatory Commission (FERC) rate case agreement discussed at the September meeting was approved by the Commission. A key part of the agreement is for Maine Yankee and the State of Maine to work cooperatively for passage of legislation that will establish a level of State oversight appropriate for an ISFSI. The Public Advocate has filed a title for this legislation that will be acted on in the upcoming session of the Legislature.

Donation of the Eaton Farm to the Chewonki Foundation should take place in the first part of 2005. Subdivision approval must be received from the Wiscasset Planning Board before the transfer can occur. That process is expected to be complete in the next few weeks.

As of the end of 2004 personal dosimetry will no longer be required for entrance to the former power plant's restricted area. Mr. Meisner noted that this is a real sign that decommissioning is nearly finished. There simply isn't much radiological material left. There will still be a radiological protection check point and those entering and exiting the restricted area will be screened by the portal monitor. Personal dosimetry is and will continue to be required for ISFSI access.

A draft of the Marine Sampling report is complete and under review. Recall this a study of the distribution of radionuclides in the marine environment around Maine Yankee and is the product of an agreement between Maine Yankee and Friends of the Coast. The sampling done this past spring and summer shows very little contamination around Bailey Point. The readings are well below the soil DCGLs (derived concentration guidelines) contained in the License Termination Plan. The Marine Sampling report should be finalized by the end of the year when it will be made publicly available.

Referring to the apparent violation in the NRC August 18 inspection report, Mr. Chris Hall asked Mr. Meisner how did this question of hot spots come about? Mr. Meisner responded that it was largely due to incorrect interpretations of calculations and models and by the letter Mr. Raymond Shadis sent to the NRC expressing the concerns of Friends of the Coast.

Mr. John Niles, Maine Yankee Independent Spent Fuel Storage Installation (ISFSI) manager then updated the CAP on the status of the ISFSI. Mr. Niles spoke from a handout entitled "Proposed ISFSI Organization," a copy of which is included with these minutes as **attachment 1**. Mr. Niles said that the ISFSI organization is evolving and the chart may adjust. Over the long term Maine Yankee, Connecticut Yankee, and Yankee Rowe will all have stand-alone ISFSIs

and there will be opportunities for the three sites to work together and share resources. Each site is at a different stage in the evolution from a decommissioning plant to a stand-alone ISFSI with Maine Yankee being the farthest along. The long-term plan is for positions such as the president, chief financial officer, programs manager, and legal support to be shared among the sites. Other positions like site manager, maintenance specialist, operations specialist, security supervisor, and office administration will be site specific. Already a single Chief Financial Officer, Micky Thomas, is serving the three companies and a programs manager will be appointed soon. For the Maine Yankee site a number of positions such as ISFSI manager, office administrator, operations specialist, and security supervisor have been filled. Others like the maintenance specialist will be filled soon. Mr. Niles said that the ISFSI is close to being a stand-alone facility but that it still relies to a certain extent on the decommissioning organization.

Mr. Dan Thompson noted that the ISFSI could be very dynamic due to unknowns and said he thought there ought to be someone to cover political outreach, a function not on the organization chart. Mr. Niles responded that public and government affairs services would be contracted on an as-needed basis.

Mr. Thompson followed up by asking if there would continue to be a Maine Yankee board of directors who would receive regular briefings from the ISFSI manager. Mr. Niles said there will be a board just as there is now and they would be briefed regularly.

Mr. Ted Feigenbaum said the Board envisions three independent companies with three discreet corporate structures. It may well be that the three board meetings will take place the same day in the same location. However, the plan at the present time is for there to be three separate Boards with separate governance.

Chair Kilkelly asked if the company will still be called Maine Yankee. Mr. Niles said yes.

Mr. Charles Pray noted it is possible for another entity to be the licensee and owner of the ISFSI. Mr. Feigenbaum agreed that is possible but it is not what is envisioned at the present time.

Mr. Eric Howes, Maine Yankee public and government affairs director then spoke from a handout entitled "Spent Nuclear Fuel Removal Efforts," a copy of which is included with these minutes as **attachment 2**. Mr. Howes updated the CAP on the continuing lack of progress with the Yucca Mountain program. Funding is far less than the U.S. Department of Energy (DOE) has requested, DOE has told NRC that the license application expected to be submitted at the end of this year will be delayed for at least several months, and the issue of the rejected radiation protection standard must still be resolved. On a more hopeful note, Private Fuel Storage (PFS) in Utah may receive a license from the NRC in mid-January to

construct a dry cask storage facility that could potentially be receiving spent fuel in 2007. Maine Yankee continues to monitor the progress of PFS. Mr. Howes provided the panel a November 2004 American Nuclear Society handout entitled "Inside Look PFS Update" which is included with these minutes as **attachment 4**. Mr. Howes also updated the panel on activities of the Yankee Interim Fuel Storage Alternatives Effort, the Decommissioning Plant Coalition, the Nuclear Waste Strategy Coalition, and the Northeast High-Level Radioactive Waste Transportation Task Force. The State of Maine is a member of the Northeast Task force which recently met in Cape Elizabeth. Mr. Howes noted that the State of Maine and Maine Yankee work together on spent nuclear fuel removal efforts on a regular coordinated basis.

Mr. Charles Pray said it is unlikely that Fiscal Year '06 funding will be much better than the last couple of years. Each year of inadequate funding causes the Yucca Mountain program to fall further and further behind. It affects all aspects of the program including transportation. Mr. Howes said the general sense is that Fiscal Year '06 funding will be in the \$700-750 million range, more than this year but far less than needed. Mr. Pray also said that reductions in Homeland Security funding to the states could have an impact on Yucca Mountain.

Decommissioning Update

Mr. Bill Henries, Maine Yankee Decommissioning Director, spoke from a handout and overheads entitled "Decommissioning Update," which is included with these minutes as **attachment 3**. Mr. Henries said that the project is about 95 percent complete and proceeding safely, though in the past month there have been three minor muscle strain injuries. Maine Yankee continually emphasizes that safety is the first priority.

Mr. Henries continued the soil remediation discussion begun by Mr. Meisner. Mr. Henries said that in the process of demolishing the containment's 20 million pounds of concrete and liner some of the sacrificial soil in containment was recontaminated. This was not unexpected.

Though some recontamination is unavoidable, Mr. Henries said great effort is being made to not reenter areas where final status survey work is complete. He said the remaining remediation is analogous to "painting your way out of a room." Mr. Henries also noted the very good level of agreement between Maine Yankee's final status survey results and those of ORISE and the State of Maine.

In describing soil remediation Mr. Henries said it can't be done with a teaspoon. Volume goes up very rapidly with big machines. Since last summer total waste has increased by almost 48 million pounds. Most of that is soil, although about 10 million pounds is concrete from below grade walls in containment. Removing 10 million pounds of concrete helped the schedule because it reduced the

amount of final survey work but it came at a cost of additional waste that must be shipped.

Mr. Henries said the greatest remaining challenges are the weather, soil remediation, rail shipments, and managing groundwater.

Mr. Ralph Keyes asked, once the dust settled what was your assessment of how the dome demolition went? Mr. Keyes noted that from the crowd's perspective containment came down as expected. He also thanked the company for putting on the event and said it was great to have the video immediately available to show his classes. Mr. Henries said the demolition went pretty well, just about as expected.

Mr. Thompson suggested that Maine Yankee think hard about how the program for assuring work in given areas is complete could be strengthened. This would help avoid having to go back into areas. During his years at Bath Iron Works Mr. Thompson said entire crews were dedicated to closing out work in compartments on ships to assure the work was complete. Mr. Henries replied that Maine Yankee uses an effective anti-bulldozer device – green and white ropes and signs – to keep people and equipment out of areas where work is complete and the program seems to be working quite well. Mr. Henries also said that management is conducting regular site walkdowns to make sure all the remaining items are captured in the schedule.

Mr. Hall said he was curious to know how Maine Yankee will deal with the rail line as the area to be remediated continues to shrink. Mr. Henries said that rail and water treatment, would be the last things removed and that this is all captured in the final plan for backing out of the site.

Update and Panel Discussion of Community Advisory Panel on Spent Nuclear Fuel Storage and Removal

As a refresher to the CAP's discussion at the September 15 meeting Mr. Howes covered the major points of the new CAP's draft charter. He spoke from a handout entitled "Community Advisory Panel on Spent Nuclear Fuel Storage and Removal Framework Update" which is included with these minutes as **attachment 5**. He noted that Mr. Lewis Curtis had earlier pointed out a copying error in section 1. C. of the charter where part of the text was omitted. Mr. Howes said he would correct the omission. Mr. Howes went over Maine Yankee's responsibilities for support of the panel and said that he would initially be serving as the new CAP's coordinator and point of contact. He also suggested that the first meeting should focus on providing a common foundation of knowledge for CAP members about spent fuel storage at the ISFSI and efforts to remove fuel. This would be similar to the approach taken at the beginning of the current CAP when members were briefed on decommissioning issues. Mr. Howes will work with Chair Kilkelly on the first meeting's agenda which was set

for 6:00 p.m. April 7 at Chewonki. Mr. Howes also went over the list of items remaining to be done before the new panel holds its first meeting: Current CAP members need to decide if they wish to serve on the new CAP; the new senator from Lincoln County Dana Dow needs to be contacted to learn of his interest in serving; contact needs to be made with a north Ferry Road business representative to invite participation; and Maine Yankee needs to appoint a member.

Mr. Thompson suggested that rather than limiting legislative membership to the senator from Lincoln County maybe it should be opened up to others in the Lincoln County delegation and perhaps beyond. Chair Kilkelly said she thought the invitation to serve should start with Senator Dow. If he chooses not to be on the panel then that decision could be made. Mr. Howes will contact Senator Dow.

Mr. Howes was also asked to contact Point East and Rynel, the first business likely to locate north of Ferry Road, and ask them to consider appointing a member to the new CAP.

CAP Report Update and Panel Discussion

Ms. Catherine Ferdinand passed around the nearly final report of the Community Advisory Panel – The Maine Yankee Decommissioning Advisory Panel – A Model for Public Participation in Nuclear Projects - and explained that the plan is to complete the report in the next few weeks, print about 50 copies, and work on opportunities to make the report available on the internet. Copies would be given to CAP members, NRC Commissioners, and other stakeholders as identified. Ms. Ferdinand thanked CAP members for their personal perspectives and biographies, several of which were received recently.

CAP members again discussed avenues for placing the report on-line. Mr. Keyes wondered if there is a place on the internet where the report could be available as an abstract. Ms. Ferdinand said there could well be and that this is a whole new world. Mr. Thompson suggested the report could be a presentation for the American Nuclear Society. Mr. Howes said that the Electric Power Research Institute wants to include the CAP report in a broader report it has commissioned on Maine Yankee's decommissioning. EPRI is an international organization.

Chair Kilkelly complimented Ms. Ferdinand on the report and said that it worked out really well that she was available to coordinate this effort given her background with Maine Yankee and the CAP. She said the report is exactly what the panel had in mind when the idea for writing it took shape over a year ago. Mr. Feigenbaum also thanked Ms. Ferdinand for her hard work and said the report contains just the right amount of information being very readable but yet not a tome.

Committee Business

The minutes of the September 15 CAP meeting were approved.

The next and final CAP meeting was scheduled for 6:00 p.m. Thursday, February 24.

A Maine Yankee thank you dinner for CAP members was scheduled for Saturday evening March 26, with details of the celebration to be arranged by Maine Yankee.

Public Comment

Speaking to a point in Mr. Henries' presentation that the State of Maine's final status survey results are in good agreement with Maine Yankee's, State Nuclear Safety Inspector Pat Dostie said to some degree that's true but it's premature. In the end it probably will be true. Mr. Dostie said his gut tells him the site will meet the 10/4 radiological clean-up standard, but at this point he can't say that for sure as the State is 400-500 soil samples behind in its analysis.

Chair Kilkelly asked why is the State so far behind? Is anything dramatic expected? Why did you wait until now to bring this up?

Mr. Dostie said the State is behind due to workload, lack of funds, and other problems at the state lab such as loss of key personnel. He indicated he does not expect any surprises from sample analysis but that the State has not yet looked solidly at the data.

Mr. Feigenbaum said he thought Mr. Henries was saying there is good correlation up to this point in the project. Mr. Dostie said that may be so but the State is still six months behind and at the current rate won't be done sample analysis until July or August of next year. Mr. Dostie also said that he has identified a laboratory in North Carolina that may be able to help.

Mr. Feigenbaum said the backlog was also a function of how many samples get sent to the lab and that more effective sample management could ease the problem. Mr. Feigenbaum said Maine Yankee is willing to help the State with the funding shortfall so long as the request is reasonable. Chair Kilkelly asked is there any way to audit the samples you have taken? Is there a way to look at a certain number of samples to get a picture of what's going on? Mr. Feigenbaum noted that is the method ORISE uses. They take sufficient samples to validate the remediation process. Chair Kilkelly said that State oversight is important but that she is concerned about duplication.

Mr. Steve Jarrett said samples taken today should be analyzed right away, not six months from now.

Mr. Pray asked whether the additional waste being shipped increases the number of samples being taken. Mr. Dostie said not necessarily.

Mr. Ken Honey said the problem at the state lab and the lack of funding is generic throughout State government. The State is broke and it's only going to get worse. Mr. Jarrett said electric customers are paying for the decommissioning. Why isn't there enough money? Mr. Pray replied that State government is trying to live within its means.

Mr. Feigenbaum again suggested that the solution to the backlog problem is to use a valid sample to check the clean-up process.

Mr. Thompson said there are two things that are important: A lot of work went into the 10/4 clean-up standard. It was a ground breaking achievement. We should honor that and not cut corners. Also, the release of the site on time could be very important. Being half a year behind could be a real problem if an opportunity for Bailey Point such as the Neptune project comes along. I am alarmed about this potential delay and I think the CAP should express concern. Chair Kilkelly said it may not be a money problem.

Mr. Don Hudson said he doesn't think what the State is doing is duplicative and that the relationship is more one of synergy between Maine Yankee and the State. Mr. Dostie has raised and indentified issues that Maine Yankee has acted upon. Regarding reuse of Bailey Point, Mr. Hudson said he doubted a short delay in completing decommissioning would be a problem since from his experience with the Eaton Farm the real hurdles to development will be liability and Price Anderson. As an example liability concerns will prevent Chewonki from allowing overnight camping at Eaton Farm even though there was never any plant activity at the farm and the area has been released from the NRC license. Also security requirements will be an impediment to development on the peninsula. All these issues give business people great pause. Mr. Hudson said in his view nothing's going to happen on Bailey Point until the fuel's gone.

Chair Kilkelly said that her concern is about public confidence. This is not the first time an issue like this has been raised by the State at the eleventh hour. Why can't these kinds of issues be raised in a different context? Why doesn't the State discuss them with Maine Yankee management before bringing them up in a public forum? This erodes public confidence.

The CAP meeting adjourned at 8:55.

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