

**Maine Yankee
Community Advisory Panel on Decommissioning
Meeting Minutes – Adopted 3/26/05
Thursday, February 24, 2005**

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

Vice-Chair Don Hudson chaired the meeting in Marge Kilkelly's absence. The meeting was called to order at 6:00 PM. Mr. Hudson welcomed everyone to Chewonki for the final CAP meeting and members introduced themselves. Mr. Hudson noted the agenda had changed slightly with the first two items being compressed into one.

Decommissioning Update

Michael Meisner, Maine Yankee Vice-president and Chief Nuclear Officer, began the decommissioning update by saying he felt somewhat emotional about this being the final CAP meeting, an unusual feeling for him. Mr. Meisner said he has never worked with a better, more constructive group, especially when the members are serving on a voluntary basis. He noted that the CAP is the best educated group on decommissioning in the State of Maine and probably the country and that they had ably represented the community throughout decommissioning. Mr. Meisner thanked panel members for their significant contribution to the success of the project, for keeping Maine Yankee focused, and for giving the company a kick when it was needed. After extending his personal thanks, Mr. Meisner thanked the CAP on behalf of everyone at Maine Yankee and the Board of Directors.

Mr. Meisner updated the CAP on decommissioning activities since the December 2 meeting speaking from a handout and slides entitled Decommissioning Update which is included with these minutes as **attachment 1**. Mr. Meisner told the panel that much of the evening's discussion would be about tying up loose ends, many unrelated, as decommissioning winds down. He noted that the safety record in both the industrial and radiological areas continues to be outstanding. Maine Yankee just celebrated 2 million hours worked without a lost time injury and will finish the project for less than half the dose allowed by the U.S. Nuclear Regulatory Commission (NRC). Mr. Meisner said he does not know of a decommissioning project that even comes close to Maine Yankee's accomplishment in the radiological area and he hopes Maine Yankee is recognized for this for years to come.

Increased soil volumes, a lack of rail cars, and winter weather have extended the decommissioning schedule into May. Since December the volume of soil has increased by about 25 million pounds. Estimating the volume of contaminated soil is not precise. It is what it is and excavation continues until it's removed. Winter weather makes the task more challenging as excavating frozen soil is difficult. There is also the constant need to pump groundwater to keep excavations dry so work can proceed. During the extreme cold snap of minus 20-degree weather the entire 700 feet of discharge hose to the river froze solid and had to be replaced.

With more and more of the former plant area now clean, Maine Yankee is running out of space to stockpile soil. As Bill Henries said at the December CAP meeting, we continue to "paint our way out of the room." Maine Yankee needs to ship excavated soil by rail on a regular basis. Unfortunately rail cars are not returning from Utah as quickly as they are needed. Maine Yankee is working on improving the turnaround time and also hoping to add more cars to the 100 or so in the loop, although nationally there is a dearth of rail cars and none may be available. Being unable to ship soil rapidly enough can also adversely affect final status survey work as there are few places left in the "room" to move soil piles and stockpiled soil can affect background radiation readings.

Mr. Meisner next updated the panel on final status survey package submission progress and interactions between Maine Yankee and the NRC on this issue. He noted that several pieces of correspondence related to this had been provided to the CAP. A number of the NRC requests for additional information (RAI) have been received and have caused Maine Yankee to perform a good deal of additional work. For example, one RAI led Maine Yankee to look at 1000 records of remediation scans many for areas that no longer exist because they were removed and shipped as waste. Remediation scans are used to guide where to remediate. Maine Yankee has asked the NRC to screen RAI's to preclude wasted effort.

Mr. Meisner also noted there has been a misunderstanding between the parties that led the NRC to conclude that Maine Yankee is resistant to having NRC conduct confirmatory surveys. That is not the case as explained in the February 16 letter from Maine Yankee to the NRC which is contained in the CAP package for this meeting. NRC wanted to perform a confirmatory survey in an area where final status surveys had just been completed by Maine Yankee but the paperwork was not yet complete. NRC's own guidance calls for surveys to be in-process, meaning NRC performs its radiological survey in parallel with the licensee. Confirmatory surveys, meaning NRC performs its surveys after the licensee's survey and supporting paperwork are complete, are not typical. Since NRC seems to have revised their definition of "confirmatory" surveys to be consistent with their actions at Maine Yankee, there no longer appears to be a dispute.

On other NRC matters Mr. Meisner briefed the panel that the December comprehensive inspection of the Independent Spent Fuel Storage Installation (ISFSI) was positive as were the NRC inspection report for the second half of 2004 and the ORISE (Oak Ridge Institute for Science Education) confirmatory surveys in December.

Commenting on the State of Maine's program for verifying Maine Yankee is meeting the standard for radiological remediation, Mr. Meisner informed the CAP that the State requested a supplemental payment from Maine Yankee to address the sample backlog discussed at the December CAP meeting. Maine Yankee has made the supplemental payment and is in regular contact with the State Nuclear Safety Inspector and others at the State to coordinate work activities in the closing weeks of decommissioning. Mr. Meisner agreed with Mr. Hudson's assessment at the December CAP meeting that the relationship between Maine Yankee and the State in this area is really one of synergy. Mr. Meisner complimented the State on the real benefit its independent verification brings to the decommissioning project, and he noted the significant challenge the State Nuclear Safety Inspector and his helpers face in completing their work.

On other State matters Mr. Meisner briefed the panel that Maine Yankee continues to work with the State on the placement of radiological groundwater monitoring wells and has preliminarily accepted a bid from Ransom Environmental Consulting to perform the radiological groundwater monitoring program; the Maine Department of Environmental Protection (DEP) has accepted Maine Yankee's RCRA Facility Investigation Report (RFI) for Bailey Point, and the Corrective Measures Study (CMS) which flows from the RFI is expected to be finalized in March. A public meeting on the CMS is likely in April; and Maine Yankee and the DEP continue to have discussions about a potential Natural Resources Damage Trade as discussed at previous CAP meetings, though progress has not been as rapid as had been hoped.

Mr. Meisner also notified the CAP that the Town of Wiscasset has approved Maine Yankee's subdivision application clearing the way for donation of the

Eaton Farm to the Chewonki Foundation; and the team led by Dr. Hess of the University of Maine has completed the Maine Yankee marine sampling study. Mr. Meisner thanked Dr. Hess and his team for a fine effort. The results of the study show plant derived radionuclides at the low levels that would be expected from licensed discharges. The executive summary of the study is included in the CAP package. Maine Yankee has limited copies of the full study but will provide them to those who want one. Mr. Meisner offered one to Mr. Hudson as Chewonki borders the area of study. Mr. Hudson will add the report to Chewonki's library.

Going back to Mr. Meisner's comments about the low radiological dose to workers from the decommissioning project, Mr. Hudson asked, what would you attribute the low overall dose to? Mr. Meisner replied that a number of things contribute to the low dose, but specifically a strong ALARA (as low as reasonably achievable) program and focused site oversight by management. Additionally, very good pre-job planning for projects like segmenting the reactor vessel internals contributed to success in this area.

Dan Thompson asked, what is the purpose of the next DEP meeting? Mr. Meisner said, this will be an opportunity to inform the public and take comments before the corrective measures for Bailey Point are finalized. Maine Yankee's Steve Evans added, this is DEP's way of reaching out to the public. It is an opportunity for public input. Mr. Thompson said he hopes the public notice for the meeting is clear as it is not obvious what the purpose is. Mr. Meisner indicated that Maine Yankee would share that observation and advice with the DEP.

State Nuclear Safety Advisor Charles Pray asked Mr. Meisner if he remembers the initial estimate for decommissioning waste. Mr. Meisner said there were a number of estimates over the years and that Maine Yankee will pull that information together for Mr. Pray. Mr. Pray thanked Mr. Meisner and complimented Maine Yankee for at times choosing to remove more waste than required. Mr. Pray also asked for clarification of the soil map in Mr. Meisner's slides. The cross-hatched areas are the ones that are complete, Mr. Meisner said.

Audience member Peter Atherton asked, when you say an area is remediated what level are you talking about? Mr. Meisner replied, remediation is to such a low level a hypothetical resident farmer would receive less than 10 millirem from all pathways with no more than 4 millirem of that from water. Mr. Atherton then asked what the land will be used for. Mr. Meisner offered to discuss that with him at the break as the rest of the people in attendance had been over this many times.

Maine Yankee ISFSI Manager John Niles next updated the CAP on ISFSI matters. Mr. Niles told the CAP that the ISFSI is very close to stand-alone

operations. Maine Yankee's ISFSI will be the first in the country to be a stand-alone facility under an NRC Part 50, General license. Enlarging on Mr. Meisner's mention of the comprehensive ISFSI inspection in December, Mr. Niles said there were three inspectors, including Mark Roberts (present at the CAP meeting), who looked at the broad range of federal requirements including security, radiological protection, emergency planning, training, etc. No issues were identified, and the final inspection report is expected in a few weeks. Maine Yankee has been working toward this point of stand-alone status for two to three years. In staffing progress, Mr. Niles said the programs manager for the three Yankee ISFSI sites will be named soon. The programs manager will have responsibility for radiological protection, licensing, quality assurance, etc. Mr. Niles also said that a contract for radiation protection support is in place through RSCS of New Hampshire, and that Maine Yankee will continue to receive security support through a contact with Securitas.

An upcoming project Mr. Niles discussed is finalizing long-term site access control, which hasn't been practical to do with all the traffic of decommissioning. Once physical decommissioning is done and the traffic winds down, the only people coming and going at the site regularly will be ISFSI staff and Central Maine Power personnel. In late spring/early summer Maine Yankee plans to install a more permanent gatehouse and actual gate just below the current security checkpoint. The gate will be operated remotely from the Security Operations Building. There will also be camera surveillance and barricades. Access to the site will still be controlled.

Mr. Thompson noted that years ago the Maine Yankee CAP had suggested that a berm be built around the ISFSI to make it less obtrusive. He said he hopes the gatehouse entry will follow the same model and be businesslike, generic, nicely landscaped, and no more conspicuous than necessary. Mr. Niles said that it is his intent to blend it in and use something less conspicuous than the current Jersey barriers and cables to control access to the site.

Mr. Hudson wondered if the road will end at the ISFSI. Mr. Niles replied that CMP will need access to the small switch yard on the former power plant site and that the road will continue to there.

Audience member Peter Atherton said that Maine Yankee's ISFSI appears to be better designed than others he is familiar with but wondered why in this terrorist environment is it not completely out of view? Has out-of-site-out-of-mind been considered? Mr. Niles said he wasn't sure it would be possible or desirable to enclose the ISFSI. A building could adversely affect ISFSI operation such as cooling and might present additional hazards. He also pointed out that the casks are massive and provide protection in and of themselves.

Eric Howes, Maine Yankee Director of Public and Government Affairs, next updated the CAP on the status of efforts to remove spent nuclear fuel from the

site. Mr. Howes spoke from a handout entitled Spent Nuclear Fuel Removal Update which is included with these minutes as **attachment 2**. Mr. Howes briefed the panel that Senator Olympia Snowe and Congressman Tom Allen were very helpful in posing questions about Maine Yankee's spent fuel to Department of Energy Secretary Samuel Bodman during his Senate confirmation and at a House Energy and Commerce Committee hearing. Secretary Bodman has affirmed the Administration's support for Yucca Mountain while acknowledging the program has a long way to go.

DOE developments since the December 2 CAP meeting included: Admission by DOE that the opening date for Yucca Mountain has slipped to 2012 or later; DOE plans to submit its license application for Yucca Mountain at the end of 2005, a year later than previously scheduled; the U.S. Environmental Protection Agency (EPA) hopes to issue a new or amended radiation standard for Yucca Mountain by this summer; the Yucca Mountain funding request for fiscal year 2006 is \$651 million. That is more than the current \$577 million for 2005 but much less than the \$1.1 billion DOE has indicated it needed for the program; and there may be legislation again this session to reform the program.

Mr. Howes also informed the panel that he and Charles Pray had recently attended a Nuclear Waste Strategy Coalition (NWSC) meeting in Washington where they heard DOE and others make presentations about the status of Yucca Mountain. A copy of the DOE presentation was provided to the CAP along with miscellaneous news clips and recent letters from the NWSC to policy makers urging action on reforming the Yucca Mountain program. Mr. Pray distributed to panel members a chart he has developed showing among other items how much spent fuel is stored in each state and what each state has paid in to the Nuclear Waste Fund. The handout entitled America's Nuclear Waste Picture: The States' Prospective is included with these minutes as **attachment 5**. Mr. Pray said the primary purpose of the chart is to educate members of Congress about the big picture of fuel storage and costs and to make clear to them how this affects their constituents.

Updating the panel on the proposed Private Fuel Storage facility (PFS) in Utah, Mr. Howes said that the NRC's Atomic Safety and Licensing Board is expected to rule anytime on the two remaining issues: whether the facility is designed to withstand the impact of a fighter jet crash and whether spent fuel stored at PFS would be accepted at Yucca Mountain. If the ruling is in favor of PFS and the NRC Commissioners agree, the Commission would then direct the staff to issue a license for the facility.

Mr. Howes noted that Maine Yankee continues its involvement with the quarterly "move the fuel" meetings involving the other two Yankees and Maine, Connecticut, and Massachusetts. That group meets March 1 in Boston. Maine Yankee also continues to be active with the Decommissioning Plant Coalition

and the Nuclear Waste Strategy Coalition. In all these activities Maine Yankee works closely with the State of Maine.

Referring to the DOE presentation in the CAP package, Mr. Hudson asked, what is the likelihood that DOE won't design a cask that will take Maine Yankee's fuel? Mr. Meisner said that DOE needs to have a variety of casks – about 8 – to accommodate different types of fuel. He said he was confident that Maine Yankee's fuel would be covered.

Audience member Peter Atherton asked what is the hoped for schedule for fuel removal? Mr. Meisner said as soon as possible but when that will be isn't known with any certainty.

State of Maine Update

State Nuclear Safety Inspector Patrick Dostie updated the panel on his activities at the site. He spoke from a handout and slides entitled State of Maine Update which is included with these minutes as **attachment 3**. Mr. Dostie said the State has been working closely with Maine Yankee on the sample backlog issue discussed at the December 2 CAP meeting. A lab has been found in South Carolina that can turn the samples around quickly, about six weeks. The samples are ready to go as soon as a contract is in place with the lab. Mr. Dostie noted that the State of Maine lab is doing much better in processing samples. The State has also been working with Maine Yankee on the location of wells for the post-decommissioning radiological groundwater monitoring program.

Mr. Dostie said he is down to one assistant but may hire a technician to help out. The State has renewed its contract with Mr. Jim Berger who will be assisting Mr. Dostie with the final site walkdown that is expected to take place in the April timeframe. Mr. Berger will also be assisting the State in compiling the report on the results of its radiological survey program. Mr. Berger has provided consulting services to the State through the course of decommissioning.

Mr. Hudson asked as a point of interest how deep the groundwater monitoring wells will be. Maine Yankee's Michael Whitney replied that the wells would go down to the first fracture in the bedrock. Mr. Dostie added that the State may put one in the containment sump. Most of the wells will be 20 – 40 feet deep.

Audience member Peter Atherton asked how many wells will there be? Mr. Dostie said eight for sure and possibly two more. Mr. Atherton then asked if all the wells will be on-site or will there be wells in residential areas around Maine Yankee? Mr. Dostie said that the wells would be in the plant area, containment and areas known to be affected by historic spills such as the reactor water storage tank area. Beyond these wells there are already something like 75 wells over the 800 acre site that were installed for RCRA closure. Mr. Atherton asked if there are plans to take water samples from wells of nearby residents. Mr.

Dostie said the State has not discussed that with Maine Yankee. Mr. Whitney noted that the License Termination Plan requires sampling of off-site residential wells and that this testing has been done.

U.S. Nuclear Regulatory Commission Update

Mark Roberts, Senior Health Physicist, NRC Region 1, provided an update on NRC activities at Maine Yankee since September 2004. Mr. Roberts spoke from a handout and slides entitled Maine Yankee Community Advisory Panel Meeting, February 24, 2005, which is included with these minutes as **attachment 4**.

In his presentation Mr. Roberts covered major inspection activities such as containment demolition, transfer of a high activity filter from the fuel pool for disposal, spent fuel pool water processing and sampling, ORISE independent measurements, and the December inspection of the ISFSI. Results in all these areas were very good overall. Mr. Roberts noted that his presentation represented the tip of the iceberg and that NRC looked at all these activities and more in considerable detail.

Referring to the earlier question posed to Mr. Meisner about how Maine Yankee has kept radiological dose so low, Mr. Roberts used the transfer of the high activity filter from the spent fuel pool as an example. He said there was a lot of consideration for keeping people away from the work area and that shielding was effectively used. The dose estimate for the job was 100 millirem but it was done for around 10 millirem. Maine Yankee has consistently planned radiological work carefully to minimize dose.

Mr. Roberts also briefed the CAP that the NRC has concluded there was no Apparent Violation related to a change Maine Yankee made to its License Termination involving Derived Concentration Guideline Levels. The Apparent Violation discussed at the September 2004 CAP had to do with whether Maine Yankee needed NRC approval before making the LTP change. Mr. Roberts said NRC was wrong on the need for Maine Yankee to obtain agency approval. He said it took a lot of effort on Maine Yankee's part to tell us we were wrong and a lot of work for us to conclude Maine Yankee was right.

Mr. Roberts closed his remarks by congratulating the CAP on its work and saying that the NRC up to the Commissioner level recognize the value of Community Advisory Panels in the public process. He also passed along Dr. Ron Bellamy's best wishes. From a personal perspective Mr. Roberts said he was impressed with how the CAP has been able to handle some things outside NRC purview like the fan noise issue. The CAP provided a forum for airing issues like that which resulted in a win-win all the way around.

Mr. Hudson asked what will be the NRC's oversight relationship for the ISFSI?

Mr. Roberts said inspections will cover something like 80 hours per year likely over two visits. The timing of the inspections may depend on events at the ISFSI such as emergency planning exercises.

Thanking the NRC for its involvement with the CAP, Mr. Thompson said I know Marge Kilkelly was uncertain at first how NRC would interface with the panel. I'm delighted with how it worked out and know she is as well.

Mr. Hudson said I know I speak for all of us. We appreciate the effort you've made. Thanks a lot.

Community Advisory Panel on Spent Nuclear Fuel Storage and Removal Update

Mr. Howes briefly went over the draft charter of the new Community Advisory Panel and asked whether there were any further changes. He noted that the draft charter has been discussed at several CAP meetings and appears to have consensus. If there are no further changes the charter will be considered final. No one offered additional comments or changes. Mr. Howes also informed the group that Lincoln County Senator Dana Dow has agreed to serve on the new CAP as has Scott Houldin manager of the Point East property. The first meeting of the new CAP is currently scheduled for April 7.

Community Advisory Panel Experience Report Update

The just printed CAP report was distributed to panel members who were very complimentary of the report. Ms. Catherine Ferdinand said that she is finalizing the electronic version of the report for posting on the Maine Yankee website and hopefully other locations as well. Mr. Howes said that unfortunately the previously mentioned Electric Power Research Institute report on decommissioning will not be including the CAP report. The EPRI report will focus more on technical aspects of the project. Mr. Howes said he will continue to look for opportunities to make the CAP report available on-line. Possibilities include the NRC, American Nuclear Society, Nuclear Energy Institute, and the State of Maine.

Committee Business

The CAP approved the minutes of the December 2 meeting and agreed to approve the minutes of this meeting at the March 26 CAP celebration.

Public comment

There was no further public comment

Adjournment

The meeting adjourned at 8:40 PM.