

**Maine Yankee
Community Advisory Panel on Decommissioning
Meeting Minutes – Adopted 12/2/04
Wednesday, September 15, 2004**

<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	No
Mr. Steve Jarrett	Yes
Mr. Ralph F. Keyes	Yes
The Honorable Marjorie L. Kilkelly	Yes
The Honorable Charles Pray	Yes
Mr. Don Schuman	Yes
Mr. Raymond Shadis	Yes
Mr. Dan Thompson	Yes

Chair Kilkelly called the meeting to order at 6:00 P.M. Members of the panel introduced themselves.

Meeting Introduction and Regulatory Update

Mr. Thomas Williamson, Maine Yankee Director of Nuclear Safety and Regulatory Affairs began the Maine Yankee meeting introduction and regulatory update. Mr. Williamson noted that Mr. Michael Meisner who usually speaks during this time was away on business and that he and Michael Thomas, Maine Yankee Vice-President and Chief Financial Officer would be covering the presentation. Mr. Williamson updated the panel on the following:

Decommissioning is now more than 92 percent complete. Those who visited the site this afternoon saw a big change from the last visit in June. And, of course, on Friday containment, the last significant plant structure, is scheduled to be demolished with explosives. The test blast on Monday went as expected. In addition to containment, soon demolition of the office building and warehouse will begin. Most of the project team has moved out of the office building into three temporary trailers or the annex. At the end of the month about a dozen people, including most of executive management will be moving to new office space at Fort Andross in Brunswick.

Maine Yankee is transitioning rapidly from a decommissioning facility to a stand-alone spent fuel storage installation, but there is still much decommissioning work to complete, particularly in the area of final status surveys. Maine Yankee

appreciates the oversight and input of the State of Maine and the Nuclear Regulatory Commission in the FSS process.

Mr. Williamson reminded the panel that last March Maine Yankee requested that the U.S. Nuclear Regulatory Commission (NRC) approve this September the release of Non-ISFSI land from Maine Yankee's license contingent upon the satisfactory review by the NRC of the dismantlement and survey information for the remaining Non-ISFSI land. NRC staff had indicated that a contingent request could not be approved and a copy of Maine Yankee's letter withdrawing the request is in the CAP packet. Maine Yankee is in discussions with the NRC regarding a schedule for FSS package reviews that will support project completion next spring and accomplish the same result as the earlier request.

The August 18 NRC Inspection Report for the past approximately 6 months found Maine Yankee's programs to be appropriately implemented but also identified three "apparent violations." Mr. Williamson explained that an apparent violation is a matter, which is under review by NRC but is not at this point a violation of NRC regulations. The first two apparent violations concern an incident in February where an individual failed to source check radiological instruments while documenting that he had checked the instruments. This was self-identified by his peers. The individual was terminated. The follow-up investigation found the instruments to be properly calibrated. The other apparent violation concerns a calculation change Maine Yankee made to its License Termination Plan that the NRC indicates required Agency approval. Maine Yankee's response, which was sent to the CAP along with the Inspection Report, demonstrates there is no basis for a violation. Discussions with the NRC are ongoing on this issue.

Also on NRC matters, Mr. Williamson told the panel that Maine Yankee has received new ISFSI security orders related to access authorization. The non-safeguards version of the orders was sent to the CAP prior to the meeting.

On State issues Mr. Williamson briefed the CAP on a five-year post-decommissioning radiological groundwater monitoring program the State and Maine Yankee agreed to in late June. The program will verify that the 4 mrem above background radiological dose standard has been met. A copy of the agreement was provided to the CAP in advance of the meeting.

Maine Department of Environmental Protection (DEP) Resource Conservation Recovery Act (RCRA) closure is complete on the backlands that include the North Ferry Road property and Eaton Farm. The final RCRA facilities investigation report for Bailey Point has been submitted to the DEP.

Mr. Williamson also mentioned that Maine Yankee and the DEP are in preliminary discussions about a potential natural resources damages trade as a way to bring closure to the issue of monitoring impacted groundwater on Bailey

Point resulting from plant operations. A natural resources damages trade would involve trading another resource of similar value to offset the damage to Bailey Point groundwater.

On other property matters Mr. Williamson informed the panel that on August 5 Maine Yankee sold the 430 acre north Ferry Road parcel to the Town of Wiscasset's non-profit development entity that in turn transferred it to a private developer who began work on the property just after the sale. Maine Yankee also expects to transfer the Eaton Farm property to Chewonki this fall. Some delay has resulted due to needing sub-division approval from Wiscasset. This requirement was triggered by the first sale.

Mr. Williamson concluded his presentation by noting that the Friends of the Coast (FOTC) marine sampling program reported on at the June 17 meeting is essentially complete. Sample analysis indicates that radiological levels are consistent with licensed release levels. A public report is expected by the end of the year.

Mr. Raymond Shadis indicated that the FOTC is very concerned about the August 18 letter from Mr. Dan Gillen of the NRC to Maine Yankee regarding the apparent violation concerning the License Termination Plan. (A copy of the Gillen letter was provided to the CAP in advance of the meeting). Mr. Shadis said the hot spot numbers are very high. He also said that FOTC has received anecdotal reports of concern from FSS team members. FOTC has filed a request with the NRC for a full investigation and extent of condition evaluation. Mr. Shadis provided the CAP and public a copy of the September 15, 2004 FOTC letter to the NRC. It is included with these minutes as **Attachment 1**. Mr. Williamson replied that Maine Yankee looks forward to briefing Mr. Shadis on this issue and that numbers that appear to be large are in fact consistent with MARSSIM (Multi-Agency Radiation Site Survey Investigation Manual).

U.S. Nuclear Regulatory Commission Update

Mr. Mark Roberts, Senior Health Physicist, U.S. NRC Region 1, provided an update on NRC inspection activities at Maine Yankee. He spoke from a handout and overhead slides entitled "Maine Yankee Community Advisory Panel Meeting," a copy of which is included with these minutes as **Attachment 2**. Mr. Roberts said inspections focus on risk significant decommissioning activities such as high activity component removal, major demolition projects and transportation. Inspections also always include operation of the ISFSI, security, and the final status survey program.

Mr. Roberts said that the August 18 Inspection Report that covers the past approximately six months found Maine Yankee's programs to be "implemented appropriately," but also identified three "apparent violations." Mr. Roberts agreed with Maine Yankee that the two apparent violations for the individual who was not

source checking instruments but documenting as though he had self identified. Mr. Roberts also said that Maine Yankee's corrective actions in this case were substantial and significant. On the third apparent violation regarding the calculation change to the License Termination Plan, Mr. Roberts indicated there wasn't a whole lot he could say about it other than it was identified and is under review. The question is really how much material can you leave in a small area? The large areas appear to be fine. This is a very technical issue that the NRC experts are reviewing.

Mr. Roberts emphasized that the NRC is paying careful attention to the Maine Yankee decommissioning to assure that Maine Yankee is progressing the way they should be. Recently several senior NRC officials including the new Regional Administrator Sam Collins were at the site.

Mr. Shadis asked, "How does NRC check Maine Yankee's remediation and final status survey work?" Mr. Roberts replied there are really two ways – confirmatory and in process which means performing work side by side with Maine Yankee while an activity is in progress. Mr. Roberts said that the Oak Ridge Institute of Science Education (ORISE) has been satisfied with what they've seen at Maine Yankee. ORISE performs the confirmatory work at Maine Yankee for the NRC.

Mr. Shadis asked the purpose of the meeting with NRC management. Was it the License Termination Plan issue? Mr. Williamson replied that the primary purpose was to discuss the release of Non-ISFSI land. Mr. Roberts added that this was also a good opportunity for the new Regional Administrator to visit Maine Yankee. Mr. Ted Feigenbaum noted that if the Regional Administrator had come much later he wouldn't have seen much of the decommissioning.

Mr. Don Hudson asked when decommissioning is complete what office of the NRC will oversee the ISFSI? Mr. Roberts replied that regular inspections of the ISFSI would be by the Regional Office and that licensing issues, if there are any, would be handled by the Spent Fuel Project Office.

Charles Pray asked how inspections are funded. Mr. Williamson replied inspections are paid for by the licensee through an annual license fee, a fee for inspections, and a fee for license reviews.

Regulatory Update continued

Mr. Feigenbaum introduced Mr. Michael Thomas, Maine Yankee Vice-President and Chief Financial Officer. Mr. Feigenbaum announced that in addition to his duties at Maine Yankee, Mr. Thomas was recently named Chief Financial Officer for Yankee Atomic and Connecticut Yankee. Mr. Feigenbaum said that Mr. Thomas has done a great job for Maine Yankee and that this appointment is one

of the initial steps toward an organization that will share resources to efficiently manage spent nuclear fuel at the three sites.

Mr. Thomas updated the CAP on Maine Yankee's litigation with the U.S. Department of Energy (DOE). He provided a brief historical overview of the government's failure to remove spent nuclear fuel from Maine Yankee and the circumstances that lead to this summer's trial in federal court. The trial is complete but the case isn't over. The record closes in mid- December, the judge is expected to make a decision next year, and appeals are likely. Mr. Thomas said he feels good about the case Maine Yankee and the other Yankees put on. However the outcome may be measured in years, not months.

Mr. Thomas updated the panel on DOE's efforts to site a spent nuclear fuel repository at Yucca Mountain, Nevada. He indicated that a lot of people are skeptical of DOE's 2010 target for opening the repository since funding and licensing remain substantially uncertain. Mr. Feigenbaum suggested that Mr. Pray add his perspective since he just returned from meetings on this issue in Washington, DC. Mr. Pray described the current funding shortfall and agreed with Mr. Thomas' assessment that a 2010 opening is unlikely. Senator Domenici's staff believes 2015 is more likely. DOE's Office of Civilian Radioactive Waste Management Director Dr. Margaret Chu is talking about building Yucca Mountain in phases if the funding isn't there. Mr. Pray said the outcome is uncertain.

Mr. Thomas touched upon the Annual Capacity Report (ACR) DOE issued in July. An excerpt from the report was sent to the CAP in advance of the meeting. The entire report is available on the DOE website. Mr. Thomas said the report is essentially the DOE's schedule for beginning to remove fuel in 2010. Maine Yankee is in the process of responding to DOE's request for information relative to the ACR.

Mr. Shadis said he didn't understand the table in the report on tonnage since it stops at 2019. Mr. Thomas replied that the ACR only goes out to 2019.

Mr. Shadis then asked what impact the Federal Appeals Court rejection of the 10,000 year groundwater radiation standard would have on the Yucca Mountain project. Mr. Feigenbaum replied that the Appeals Court ruling was favorable for Yucca Mountain on all points but the radiation standard and that it may go to the Supreme Court. Mr. Shadis said he had heard there might be a congressional remedy proposed. Mr. Pray said there may be a number of members of Congress who would propose such a solution.

Mr. Shadis asked if the Yankees are considering transferring ownership to another entity. He noted that the Trojan plant had been owned by Enron and that license was transferred. Mr. Feigenbaum said that with Enron in bankruptcy the license had to be transferred and that it was a unique situation. Mr. Thomas said

there is no contemplation of transferring ownership. Mr. Feigenbaum said that he anticipates Maine Yankee, Connecticut Yankee, and Yankee Rowe will remain three separate companies.

Mr. Hudson asked do you anticipate it will take years to get through the legal issues associated with Yucca Mountain similar to what has occurred with DOE litigation? Mr. Hudson then answered his own question. Yes. Mr. Thomas said legally Yucca Mountain and DOE litigation are on separate tracks.

Mr. Pray said Congress has directed the DOE to only look at Yucca Mountain for a repository site. However, in the very near future Congress will direct DOE to look at a second repository site. What's happening in the courts is precedent setting.

Mr. Thomas then updated the panel on the July Offer of Settlement reached among the parties in the Maine Yankee Federal Energy Regulatory Commission rate case. Among other agreement terms, Maine Yankee's costs for decommissioning and spent fuel storage through 2023 will be collected by the end of October 2008; Maine Yankee will also continue working with others to facilitate moving spent fuel to a facility outside New England; and Maine Yankee and the State of Maine will work together to pass legislation that will result in a fixed annual amount being paid to the State for costs associated with State oversight of Maine Yankee.

Senator Chris Hall asked would you characterize the State and Maine Yankee in agreement on the proposed legislation? Mr. Thomas said, Yes. Maine Yankee currently pays a variety of statutory fees for an annual amount of about \$830,000. Under the FERC settlement agreement legislation this would go to \$360,000 in September 2005 and \$170,000 in 2008.

State of Maine Update

Mr. Patrick Dostie then provided an update on State of Maine activities. He spoke from a handout and overhead slides entitled "State of Maine Update to Community Advisory Panel," a copy of which is included with these minutes as **Attachment 3**. Mr. Dostie briefed the panel on State oversight activities including: confirmatory surveys, final spent fuel loading, spent fuel pool discharges, marine sampling, and building demolitions. Mr. Dostie noted an improvement in document flow from Maine Yankee to the State. He complimented Maine Yankee for working well with the State on the issue of a minor amount of Europium which the State found in soil but would have expected to find in concrete. The State is continuing to evaluate the issue. Mr. Dostie also said that the State found a hot particle that had been missed by Maine Yankee and that in his view this is a contamination control issue requiring good buffer zones between clean and potentially contaminated areas. Mr. Dostie concluded his comments by saying that the state has nearly spent its budget for analyzing

samples from Maine Yankee and may be looking for a funding pathway to get through the remainder of the year.

Mr. Williamson thanked the State for its oversight role on the project and said that the State has helped Maine Yankee improve its overall site remediation and final status survey effort. The State has found some things that have caused Maine Yankee to relook at its processes and procedures.

State Nuclear Safety Advisor Charles Pray then briefed the CAP on his activities related to Maine Yankee and spent nuclear fuel removal efforts. Mr. Pray discussed the FERC agreement covered earlier by Mr. Thomas. Mr. Pray said the State is comfortable with the settlement which includes an assessment for security and radiological groundwater monitoring.

Mr. Pray updated the panel on an initiative led by his office to enlist the support of Maine environmental groups to join the effort to pressure the federal government to remove spent nuclear fuel from Maine. Chewonki and Maine Yankee are also part of this initiative which has been termed "An Unprecedented Partnership." An information packet is included with these minutes as **Attachment 4.**

Mr. Pray said the central message is that Maine Yankee was never intended to be chosen for long-term storage of spent nuclear fuel and that it is time this became a local environmental issue. Yucca Mountain is not perfect but it is a far better option than leaving the spent fuel where it is. Storing it at arid Yucca Mountain is better than storing it near water.

Mr. Shadis offered congratulations to Chewonki for their work on this initiative. Mr. Shadis then asked Mr. Pray if his office would sponsor a forum for citizens concerned about security of the Independent Spent Fuel Storage Installation to provide input to the State Police and other security officials. Mr. Pray responded that concerned citizens can provide input to State officials any time they like. Mr. Pray also said that he has just instituted quarterly meetings with the Maine State Police, Maine Emergency Management Agency and others to discuss security issues. Mr. Pray said the State is in good shape from a security perspective and that he would bring Mr. Shadis' request for a forum back to others in the State for consideration.

Mr. Dan Thompson asked if an eastern repository Mr. Pray mentioned earlier is something people should be concerned about. Mr. Pray responded that the law calls for a second repository and that implicit in debate on Yucca over the years is that the next repository would be in the east.

Mr. Shadis said that Minnesota courts have ruled that if there is no date certain for removing spent fuel it must be declared permanent. An outcome of that is the

\$500,000 per year fee on casks that is used to fund renewable energy in Minnesota.

Decommissioning and Containment Demolition Update

Prior to Decommissioning Director Rocky Benner's presentation, Mr. Feigenbaum thanked Mr. Benner for his excellent work and contribution to the decommissioning project. Mr. Benner is leaving Maine Yankee shortly to take a similar position at Connecticut Yankee. Mr. Bill Henries who has made a number of presentations to the CAP will succeed Mr. Benner as Director of Decommissioning. Mr. Henries is currently Maine Yankee's Director of Engineering. A September 15 article from Maine Yankee's newsletter the *The Look Inside at Safety* regarding the transition was distributed to the CAP and is included with the record of this meeting as **Attachment 5**. The title of the article is "Passing the Baton."

During his presentation Mr. Benner spoke from handouts and overhead slides titled "Decommissioning and Containment Demolition Update, a copy of which is included with these minutes as **Attachment 6**." Key points included: Decommissioning is more than 92 percent complete; there are about 150 workers on site; safety continues to be very strong; the project remains on track to be complete in spring 2005; and containment demolition is scheduled for Friday morning. Additionally, Mr. Benner noted that soil remediation is ongoing and that there is more soil to be removed than originally thought. About 256 million pounds of waste has been shipped which is about 75 percent of the estimated total of 341 million pounds.

There were no questions for Mr. Benner.

CAP Report Update

Catherine Ferdinand updated the panel on the CAP report, which is in near final form. Ms. Ferdinand said that she is hopeful of receiving perspective pieces from some CAP members, the media, and the NRC. Still to come on the report are a cover, title, and table of contents. Questions for the panel include: What do you want to call it? How many copies should we print? Procedurally how do you want to move forward?

Mr. Thompson said with 103 more decommissionings to go this should be of general interest. How about posting it on the NRC website? We are past the age where we need paper copies. Ms. Ferdinand replied it is easy to put the report in PDF format for websites.

Mr. Thompson said he thinks the Governor should issue a proclamation on our behalf. This is a great opportunity to promote responsible citizenry.

Mr. Pray offered to put the report on the State website. Mr. Shadis suggested NEI as well. Mr. Ralph Keyes said it is a very attractive document.

Mr. Thompson suggested that Marge Kilkelly as CAP Chair should be the final arbiter on the report's title. Others agreed with that sentiment.

October 8 was agreed on as the final date for submitting personal perspectives and other information for inclusion in the report.

CAP discussion of Draft Charter for the Community Advisory Panel on Spent Nuclear Fuel Storage and Removal

The CAP had an initial discussion on the draft charter of the Community Advisory Panel on Spent Nuclear Fuel Storage and Removal. A copy of the draft charter is included with these minutes as **Attachment 7**. This will be the successor to the current CAP following the end of plant decommissioning in spring 2005. The charter had been sent to the CAP in advance.

Mr. Thompson said that two years may not be a long enough period for the CAP to run. . It will take a long while to move the fuel and this is a community process. The risk is that institutional memory will be lost before the job is completed. Somewhere between two and six years may be appropriate.

Mr. Hudson suggested that the core membership be expanded from six to seven to include a representative from a business located on the Ferry Road north property.

Mr. Pray said that one meeting per year may not be enough to stay on top of events and issues associated with moving spent nuclear fuel.

Mr. Feigenbaum suggested that the charter be amended to say the CAP will hold a minimum of one meeting per year with additional meetings at the chair's discretion.

Chair Kilkelly requested that Maine Yankee provide an outline at the December CAP meeting of the company's plans for providing staffing and other support for the new CAP. For the new CAP to have the same kind of integrity as the original CAP information must be provided on a regular basis.

Committee Business

Eric Howes informed the panel that the bulk of the CAP record has been transferred to the State of Maine Archives and that the remainder of the record will be sent to the Archives when the panel completes its work next year.

The June 17, 2004 minutes were approved and the next CAP meeting was scheduled for 6:00 p.m. Thursday, December 2 at the Chewonki Center for Environmental Education.

The meeting adjourned at 8:45 p.m.