

DECOMMISSIONING ACTIVITIES AND STATUS

**Nuclear Regulatory Commission
One White Flint North
Rockville, Maryland**

**9:30 a.m.to 11:30 a.m.
18 October 2005**

Stakeholder Panel Comments:

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Vice Chairman
Community Advisory Panel for Decommissioning Maine Yankee Atomic Power Station
August 1997 to May 2005

REFLECTIONS ON DECOMMISSIONING

Good morning Chairman Diaz, Commissioners Merrifield, Jaczko, and Lyons, Nuclear Regulatory Commission staff and other guests. My name is Don Hudson and I am the President of the Chewonki Foundation, a non-profit educational institution that specializes in environmental education and wilderness travel. For the past eight years I served as the Vice-Chairman of the Community Advisory Panel for the Decommissioning of Maine Yankee Atomic Power Station, filling the role of a person with environmental and scientific background who lives and works within 10 miles of the plant. My academic training included French and Environmental Studies at Dartmouth College, and later Arctic/alpine plant ecology and ethnobotany at the University of Vermont and Indiana University respectively.

I came to the decommissioning process with nothing but the most rudimentary experience in nuclear physics, chemistry, and engineering. My willingness to participate and to become a stakeholder in the process was first and foremost a function of proximity. Over the years, however, I have come to believe that the nation's apparent paralysis with closing the nuclear cycle – at least for commercial plants – is, in part, the failure of adequate public participation at all stages of development. I remain engaged with the hope that a more permanent solution might soon be found for long-term storage of the 1400-plus fuel assemblies and GCC waste currently stored in 64 canisters above ground not far from my workplace and home.

What's the perspective of an environmental educator in nuclear power plant decommissioning?

Maine Yankee was built and dismantled in my lifetime, on a point of land not far from where I have worked for the past 33 years, and just seven miles from my family's home of the past 23 years. In July 1968 I stood on the observation platform at the height of land on Bailey Point and watched for hours as men worked on the steel skeleton of the rising containment building. A piece of that rebar now serves as a paperweight on my desk – officially released. The containment building came down a little more than a year ago, and with it the landmark that dominated Montsweag Bay for more than three decades. Chewonki Neck is just a mile or so down the bay from Bailey Point. The name 'Chewonki' is an Abanaki name that means *the place where the geese come by the shore*. Chewonki Foundation people have been canoeing and sailing in these tidal waters since 1918.

A Maine Yankee consultant called me in July 1997, nearly 30 years after that brief visit, to ask if I would be willing to serve as a member of an advisory panel if so appointed by the Governor. I was being considered for the position on the panel of someone with an environmental background living and working within 10 miles of the plant. Maine Yankee staff had introduced themselves to me six years earlier to ask for help with ospreys and other birds that had built nests on or around the yard crane outside containment. This was a first. Maine Yankee had never sought our advice, and we had generally only offered criticism from a distance. In this case, we found a straight forward approach to excluding ospreys from nest sites on the crane, and had maintained a working relationship ever since.

Decommissioning ended in September 2005, and I am pleased to be able to offer a few observations that might help to put the nearly eight-year process in perspective.

Observation #1: Advisory panels are not independent and they have no authority.

In our case, the Community Advisory Panel was a creature of the company. Those few of us who were appointed by the Governor were in fact selected by the company or by its consultants. Our advice was sought on a regular basis, and we had no authority to do anything more than speak our mind.

Notwithstanding Maine Yankee's role in establishing the Community Advisory Panel – or the Governor's lack of a role in the process, I believe that it worked most of the time as a good and productive forum for the exchange of information and ideas.

The clearest example of the company's willingness to open the process of decommissioning to public scrutiny came at our first meeting in July 1997. One of our members, representing the Friends of the Coast, rose near the end of the meeting to challenge the company about information not previously shared with anyone other than the NRC. The company president, Michael Selman, himself a member of the panel, took one look at his staff seated in several rows at the front of the hall, gathered his thoughts for no less than a few seconds, shrugged his shoulders, and invited Ray Shadis to come to the office at his earliest convenience to review the files in question.

As a result of Mr. Selman's overture, the Friends of the Coast eventually had a space to work at Maine Yankee – *an office*, and Ray Shadis spent countless hours and days reading, wrestling, and negotiating with the staff and managers of the decommissioning plant. The company's overture had a profound effect on decommissioning, and was the proximal cause of a number of wide ranging decisions, many captured in the 1998 Settlement Agreement before the Federal Energy Regulatory Commission. Decisions like surveying marine sediments beyond the physical and geographical limits of the license provided an extra measure of trust by the public in the process, for example.

Observation #2: Decommissioning power plants put a pretty big filter on the information that is shared at public meetings.

With a few notable exceptions, our committee was not privy to the details of conflicts and negotiations with the state or the NRC until a few moments before issues were made public. In a typical scenario, Maine Yankee spokesmen would explain the company's response to issues raised during routine NRC inspections moments before those inspection reports were to be summarized by a NRC representative in attendance. The violations in question frequently predated the meeting by months and occasionally more than a year. We came to understand that neither the company nor the NRC would present or discuss regulatory issues until they had been resolved – or nearly resolved.

Decommissioning a nuclear power station is a detailed and complicated process. Advisory panels that meet once every other month for two or three hours cannot expect to hear every argument replayed. Some of us on the panel did feel somewhat superfluous at times. Our job, more often than not, was to create an opportunity for the company to share important information and decisions outside of a highly structured official public hearing, a court of law, or even an innocuous press release.

To their credit, Maine Yankee never lost its focus on worker safety, or its attention to the most important bottom line – total dose. The initiation of corrective measures at the moment of discovery of a violation was routine by the end of decommissioning. Aggressive self-policing is an essential ingredient of a regulatory process with regular but staggered on-site inspections, as is the case of decommissioning nuclear power plants.

The company's self-imposed requirement to report at regular public meetings, as stingy as they were about some information, coupled with the NRC staff's willingness to summarize the results of routine inspections, combined to make this a safe, thorough, and complete decommissioning.

Observation #3: Community Advisory Panels will not be much more than window dressing unless all participants are open to advice and criticism.

Over the life of our Community Advisory Panel, the leadership of Maine Yankee, the office of the State Nuclear Inspector, and the NRC all made decisions based on information heard or questions raised at our panel meetings.

When the noise of fans installed to cool the spent fuel pool brought angry, sleep-deprived neighbors to tears at a hastily called special meeting of the advisory panel, Maine Yankee's president promised an overnight fix – to the chagrin of his engineers who said it couldn't be done for two months.

When the NRC was asked to make regular reports to a Community Advisory Panel with no authority and little collective expertise in nuclear matters, regional directors said "yes" on the spot. When later our panel insisted that the Environmental Protection Agency and the NRC review and discuss their differing approaches to setting regulatory limits for safety before an audience in Wiscasset, they both agreed on the spot.

Perhaps most poignantly, when the state nuclear safety inspector complained openly at one of our last meetings that he was not getting the support of the company to fulfill Maine's legislated standards for clean-up, the company president resolved, on the spot, to address the situation. The conflict upset the normal, congenial atmosphere of our meetings, yet it led to the successful resolution of an otherwise intractable problem.

In summary...

Community Advisory Panels provide an important window for the public in the process of decommissioning, and provide the opportunity for issues of local concern to be addressed both within and without the strict process defined by the regulations. As a result, in our decommissioning, a level of trust was gained that had evaded Maine Yankee for the previous 24 years of operation.