

**U.S. Nuclear Regulatory Commission Public Meeting
September 10, 2019, Brattleboro, VT
Comments on behalf of the Maine Yankee Community Advisory Panel
by Chair W. Donald Hudson, Jr. PhD**

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Thank you for the invitation to provide comments to the U.S. Nuclear Regulatory Commission (NRC) on the Maine Yankee Community Advisory Panel's (CAP) observations on best practices and lessons learned from 22 years experience. My name is Don Hudson. I am President Emeritus of the Chewonki Foundation, a non-profit environmental education organization and nearby neighbor to the Maine Yankee site in Wiscasset, Maine. I have been Chair of the Maine Yankee CAP since 2012 and prior to that was Vice-Chair from the CAP's beginning in August 1997. My comments are offered on behalf of the Maine Yankee CAP.

Maine Yankee's plant decommissioning began with permanent shutdown in August 1997 and was complete in October 2005. All that remains at the site is a stand-alone Independent Spent Fuel Storage Installation (ISFSI) until the U.S. Department of Energy (DOE) fulfills its contractual and statutory obligations to remove the spent nuclear fuel (SNF) and Greater than Class C waste (GTCC waste) from the Maine Yankee site. When that will be is unknown which is why the CAP continues to be active today monitoring the ISFSI and overseeing the removal of the SNF and GTCC waste. Our work will not be done until the DOE completes the removal. We annually send a letter to our congressional delegation urging policy reform to end the decades long impasse that is preventing progress toward the removal of this material.

After DOE removes the SNF and GTCC waste from Maine Yankee, the ISFSI will be decommissioned, the NRC license will be terminated, the property will be available for repurposing and Maine Yankee will go out of business. The same is true for Connecticut Yankee and Yankee Rowe in MA which are also stand-alone ISFSI sites with their own community advisory panels that began as decommissioning panels and transitioned to a focus on spent fuel matters at about the same time as Maine Yankee's CAP.

In February 2005 the Maine Yankee CAP published a report on its plant decommissioning experience: The Maine Yankee Decommissioning Advisory Panel, A Model for Public Participation in Nuclear Projects. As stated on page 7, "With other communities certain to face the issues of decommissioning nuclear facilities...the CAP and Maine Yankee wish to share their experiences and perspectives on this challenging endeavor. This report documents the rationale for the establishment of the CAP, the process of determining its role and functions, and lessons learned regarding the CAP process, including interactions between the company, state and federal regulators, the media and the public." The report is accessible on the Maine Yankee website at <http://www.maineyankee.com/public/cap%20final.pdf>.

In 2002 it was evident that the federal government was not going to meet its contractual and statutory obligations to remove the SNF and GTCC waste from the Maine site in the foreseeable future. Given that reality, the CAP recognized the need for a community advisory panel to continue beyond plant decommissioning. As one CAP member put it, "This marks the end of a process, but not the end of the story." The Maine Yankee Community Advisory Panel on Spent

Nuclear Fuel Storage and Removal - termed by a member "Son of CAP" - was constituted in February 2005 by Maine Yankee following the CAP's recommendation. The panel's next public annual meeting is in October 2019 in Wiscasset. Unlike the decommissioning CAP that had a predictable end date, the spent fuel CAP's longevity is, unfortunately, indefinite. The irony isn't lost on us that the decommissioning CAP's tenure was eight years and the spent fuel CAP's existence is 14 years and counting.

Most of what follows regarding the period of Maine Yankee plant decommissioning is contained in the CAP's 2005 report. The observations and lessons learned in the 2005 Maine Yankee CAP report regarding best practices for community engagement panels are also largely applicable to the CAP's experience post decommissioning which is covered in the last section of these comments.

In New England there are now 5 shutdown sites in 4 states storing spent nuclear fuel indefinitely. With the increased number of plants decommissioning it's clear that each decommissioning is unique, and the method of community engagement chosen will necessarily differ depending on the site, community, and state. That is playing out here in New England with VT and MA forming community engagement panels through state statute for Vermont Yankee and Pilgrim Station, while Maine Yankee, Connecticut Yankee, and Yankee Rowe have long established decommissioning – now spent fuel storage – community advisory boards that were voluntarily created by the operating companies.

The Maine Yankee Community Advisory Panel 1997-2005

The Maine Yankee decommissioning CAP was initiated by the company in the summer of 1997 to improve the companies' dialogue with the community, including its critics. Maine Yankee permanently shut down on August 6, 1997 for economic reasons and the first CAP meeting was held on August 21, 1997. As stated in the original Charter "The Community Advisory Panel is established to enhance open communication, public involvement, and education on Maine Yankee decommissioning issues." The original CAP consisted of 14 members representing diverse stakeholders. The Chair and Vice-Chair of the current 10-member CAP are original 1997 CAP members and two other members of the current CAP have been panel members for 20 years. CAP members are volunteers who are not compensated. Maine Yankee pays CAP related expenses.

Former State Senator Marge Kil Kelly who chaired the CAP from 1997-2012 deserves much of the credit for the CAP's success. Senator Kil Kelly resigned from the CAP when she became a senior policy advisor to United States Senator Angus King. Senator Kil Kelly was instrumental in working with Maine Yankee on the CAP's formation and provided able leadership of the panel throughout decommissioning and for several years after the project was complete. She demonstrated skill and experience running public meetings and facilitating staff work. We are grateful for her service.

Best Practices and Lessons Learned

During the early part of decommissioning the CAP met monthly and later quarterly. Much of the CAP's first year was a series of tutorials on the decommissioning project. Over the years of decommissioning the CAP learned about, discussed, and weighed in on the whole range of decommissioning issues including the long term interim on-site storage of the SNF, site remediation, the end state of the site, concrete and soil disposition, the license termination plan, large radioactive component removal and shipment by barge, and the explosive demolition of containment. All this played out in a public forum with many stakeholders at the table. Following are best practices and lessons learned from the 2005 CAP report described briefly here and more fully in the report.

Provide a forum for public discussion of decommissioning issues

The CAP regularly brought together a diverse group of stakeholders: company management, state and federal regulators, local media, and the public in a forum that encouraged public comment, questions, discussion, and debate that promoted transparency of the decommissioning process and raised community awareness about the long term interim storage of SNF at the site.

Be diverse, inclusive, consistent, and well led

The 14 original CAP members included a science teacher, a radiologist, a local anti-nuclear activist, state and local government officials, community members, etc. Members shared the common goal of a decommissioning that met or exceeded expectations, while allowing for dissenting opinions. Individual panel member's commitment to the process led to consistency of membership which strengthened the CAP's collective knowledge and the panel's credibility. Meetings were well planned and well led. Strong CAP leadership is crucial to success as is company buy-in and support beginning with the company president.

Clearly define the purpose, role and scope of a CAP

The Maine Yankee CAP's purpose was to enhance open communication, public involvement and education on Maine Yankee decommissioning issues and to advise the company. The CAP had no decision-making or policy making authority but did have the ability to influence decisions and policy. An example of this was the extensive discussion over the course of a year on the wet versus dry storage of spent nuclear fuel issue. At the end of this process the CAP went on record in favor of moving the SNF and GTCC waste to dry cask storage. Many times the company sought the advice and expertise of individual CAP members both in and outside of meetings on a variety of topics.

Stay focused on the defined mission

There were issues tangential to decommissioning such as SNF removal and site repurposing that the CAP acknowledged; however, the CAP recognized that to pursue solutions to these issues would distract from the focus on decommissioning. The panel understood that a successful decommissioning was a necessary first step to assure the SNF would be ready for transport and

the site available for repurposing. That said, the CAP remained interested in these post decommissioning issues and Maine Yankee provided information to the panel on these subjects and supported CAP attendance at industry conferences, tours of Yucca Mountain, and dialogue with other communities with shutdown decommissioning plants.

Educate panel members about decommissioning

The decommissioning was complex from a technical, scientific, and regulatory perspective. The credibility of the panel hinged on their having knowledge and understanding of the issues. Access to technical training provided by the company, tutorials, attendance at conferences, travel to other facilities, and the constant flow of information during and between meetings resulted in the panel members becoming the most informed citizens in the state on the decommissioning project. Several CAP members shared what they learned by presenting at national conferences, serving on the legislatively appointed Advisory Commission on Radioactive Waste and Decommissioning, and participating in the Maine Yankee concrete disposition stakeholder meetings.

Embrace openness, respect diversity, listen, and take risks to build trust

The community engagement process must be transparent and open. All parties must, respect diversity and differing viewpoints and invite those divergent views into the process. As one CAP member put it, "Do not be afraid of having noisy opposition at the table." The goal of the CAP is not to have consensus on all issues, but to have a process that better informs decision making. The company, the critics, and the community all took risks by agreeing to participate in this process. Through the CAP process Maine Yankee's organizational culture became more accustomed to openness and dialogue. Project managers were routinely asked to explain complex decommissioning activities to a lay panel and audience. CAP meetings gave federal and state regulators the opportunity to hear community concerns in a more informal setting than was usually the case. NRC and State officials routinely updated the CAP. Because of this regular interaction with the CAP, regulatory officials established relationships with panel members.

Be patient and persistent

While decommissioning a nuclear power plant involves complex issues, multiple options, and countless opinions, it proved to be not mysterious nor beyond the comprehension of community members. Be patient and persistent. What worked at other locations might not work at yours. Factors that may influence decommissioning decisions, positively or negatively, are sometimes beyond the control of project managers. During the course of Maine Yankee's decommissioning, decisions in other states like Texas and South Carolina altered Maine Yankee's options for disposal of low level radioactive waste, while national events, such as the 9/11 attacks and the unforeseen delay in the removal of the spent fuel, changed the outlook for repurposing the Maine Yankee site.

Hold regular, well announced and well-planned meetings

Decommissioning activities are planned actions. Public meetings to discuss project activities should be regular and well announced. Beyond the regular meetings, the Maine Yankee CAP met annually to plan its work for the coming year in anticipation of expected decommissioning projects. This positioned the panel to be proactive rather than reactive on issues. Giving the panel and the public a good amount of lead time to understand and absorb the implications of major projects served both the community and company well. An example where this worked well was the explosive demolition of the containment building that was planned and discussed years in advance.

Pay attention to structure and organization

In the Maine Yankee CAP's experience, the pace of activity at the onset of plant closure was dramatic. The number and complexity of the issues discussed would have been overwhelming were the group and meetings unorganized. Maine Yankee assigned a full-time person responsible for planning the meetings and the flow of information to and from the CAP.

Expect consistent attendance at meetings

There were three areas of participation that were critical to the success of the Maine Yankee CAP process: the consistent attendance of panel members; the participation of state and federal regulators, and the regular attendance of the local print media that continues to cover annual CAP meetings. Expect panel members to attend meetings and have a mechanism for removing members who cannot commit the time. Provide opportunities for informal dialogue between panel members. The CAP accomplished this through pre-meeting dinners and getting to know each other during travel to other sites and conferences.

Encourage public involvement

Never stop inviting the public into the process. Experiment with meeting locations. Never tire in attempting to encourage public attendance. Participation by the general public was discussed at length among CAP members. For the most part public attendance at CAP meetings was sparse; however, on issues with a tangible local impact such as Maine Yankee's noisy cooling fans early in the decommissioning, many members of the public attended. Given that the meetings were well publicized and covered by the local newspapers, low meeting attendance was not viewed as a negative. The current CAP expects public attendance at our meetings to greatly increase when preparations for transporting SNF begins in earnest. In the meantime, along with its annual public meeting, the panel receives periodic updates from Maine Yankee on activities at the ISFSI site and on the national status of the SNF issue.

Answer all questions

Publicize common questions and answers. Keep information updated and current. If the answer to a question is not known at a meeting, follow up with the answer when available.

Share Knowledge

As one CAP member put it, "In the United States, there are over 100 more of these decommissionings to go." The nuclear industry, through conferences and networking, will continue to build upon the lessons learned by the early decommissioned plants. Communities will also benefit by understanding the experiences of others who have faced the challenges of decommissioning. Attend conferences, meet with members of other communities, seek information and share with others what you know.

The Post-Decommissioning Community Advisory Panel - 2005-2019

Plant decommissioning was complete in October 2005. Maine Yankee has been a stand-alone ISFSI site for over 14 years. Since 2005 the CAP on Spent Nuclear Fuel Storage and Removal has met annually with periodic e-mail updates from Maine Yankee between meetings. As called for in the current CAP Charter, Maine Yankee provides the CAP an annual report of activities at the site and the national status of the SNF issue prior to the annual meeting. The CAP continues to monitor activities at the Maine Yankee site, receives an update from the State of Maine at each annual meeting, stays current on the national status of the spent nuclear fuel issue, and sends an annual letter to the Maine Congressional delegation regarding the urgent need for Congress to resolve the SNF issue. Our November 2018 letter stated in part, "The CAP wants you to know that we are here, we are watching, and we are beyond frustrated that the long standing stalemate on spent nuclear fuel policy remains largely unchanged, while our community and electric ratepayers continue to bear the economic burden of the federal government's unmet contractual and statutory obligation to remove the spent nuclear fuel and Greater-than-Class C waste from Maine Yankee."

Key site activities the CAP monitors:

The CAP monitors the results of NRC safety and security inspections, reports by the Maine State Nuclear Safety Inspector, the NAC cask system relicensing project, the 2018 cask relicensing pre-application robotic inspection of a SNF canister, the development of an aging management plan, the termination of the site ground water monitoring program, the concern about sea level rise associated with climate change relative to the ISFSI, and the ongoing litigation between Maine Yankee and the DOE over DOE's failure to meet its obligations to remove the SNF and GTCC waste from the Maine Yankee site.

Key activities the CAP has engaged in since 2005:

- In 2005 CAP Vice-Chair Don Hudson participated on a decommissioning panel at the annual NRC decommissioning symposium. His comments centered on the value to an open, public process made possible by the structure and activity of the CAP.
- In 2009 the CAP invited the Blue Ribbon Commission on America's Nuclear Future to hold a meeting in Wiscasset.
- In August 2010 the CAP and Maine Yankee hosted a well attended meeting of the BRC's Transportation and Storage Subcommittee that included a site tour and dinner with the CAP the night before. The BRC subcommittee members learned firsthand about a stand-

alone ISFSI and its impact on the local community. Several CAP members testified at the meeting.

- In October 2011 several CAP members provided testimony to the BRC meeting in Boston.
- In June 2012 CAP Chair Marge Kilkelly participated in a Bipartisan Policy Center panel discussion on BRC recommendations in Washington, DC representing the community perspective.
- In 2014 CAP Chair Don Hudson participated on a Bipartisan Policy Center panel in Boston on America's Nuclear Future: Taking Action to Address Nuclear Waste.
- Following their annual meeting, for the past several years the CAP has sent a letter to the Maine Congressional delegation thanking the delegation for its leadership on the spent nuclear waste issue, expressing their frustration at the lack of progress, and urging immediate action that results in the removal of the SNF and GTCC waste from the Maine Yankee site.
- In 2015 the CAP initiated a letter to the New England congressional delegation with a similar message signed by the community panel chairs from Maine Yankee, Connecticut Yankee, Yankee Rowe, and the Vermont Nuclear Decommissioning Community Advisory Panel
- The 3 Yankee advisory boards and companies will continue to reach out to their respective Congressional delegations urging action on re-establishing and sustainably funding a national nuclear waste management program as required under the Nuclear Waste Policy Act to remove the SNF/GTCC indefinitely stranded in our communities without our consent.

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