

# MAINE STATE LEGISLATURE

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**PROGRAM EVALUATION REPORT**

**ADVISORY COMMISSION ON RADIOACTIVE WASTE  
AND DECOMMISSIONING**

**Pursuant to the Government Evaluation Act  
(M.R.S.A. Title 3, Chapter 35)**

**Presented to the Joint Standing Committee on Natural Resources**

**Submitted by  
Radiation Control Program  
Division of Environmental Health  
Maine Centers for Disease Control and Prevention  
Department of Health and Human Services**

**January 18, 2006**





STATE OF MAINE

ONE HUNDRED AND TWENTY-SECOND  
LEGISLATURE

COMMITTEE ON NATURAL RESOURCES

**MEMORANDUM**

TO: Senator Scott W. Cowger, Chair  
Representative Robert Daigle, Vice Chair  
Advisory Commission on Radioactive Waste and Decommissioning

FROM: Senator Scott Cowger, Senate Chair *AWC*  
Representative Ted Koffman, House Chair *JK*  
Joint Standing Committee on Natural Resources

DATE: January 25, 2005

RE: Government Evaluation Act Review

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The Joint Standing Committee on Natural Resources is writing to inform you of its decision to review the Advisory Commission on Radioactive Waste and Decommissioning pursuant to the Government Evaluation Act, Title 3 Maine Revised Statutes, chapter 35. The objective of the law is to provide for the periodic review of the departments and independent agencies of State Government in order to evaluate their efficiency and performance in carrying out their legislative mandate.

As required by 3 MRSA § 955, the Commission must submit a program evaluation report to the Natural Resources Committee by **November 1, 2005**. The report then forms the basis for the committee's review and issuance of its findings and recommendations during the Second Regular Session. The information required to be provided in the agency program evaluation report is specified in statute at 3 MRSA § 956. The committee will conduct its review of the Commission during the Second Regular Session and complete its work on the review by March 15, 2006. If you have any questions regarding the government evaluation review process, please contact our legislative analyst, Susan Johannesman, at the Office of Policy and Legal Analysis.

The committee looks forward to working with you on this review. Thank you for your attention to this matter.

cc: *Jay Hyland*  
~~Tom Hillman~~, DHS  
✓ David Elliott, OPLA



## Introduction

The enclosed report is in response to the Government Evaluation Act (M.R.S.A. Title 3, chapter 35) which establishing a process for legislative committees to review and evaluate agencies within their jurisdiction. In accordance with that law, the Advisory Commission on Radioactive Waste and Decommissioning has completed, and answered to its best ability, items A to N.

## Table of Contents

<b>ITEM A:</b> The following Enabling Statutes apply to the Advisory Commission on Radioactive Waste and Decommissioning (ACORWD).	2
<b>ITEM B:</b> Description of program including, established priorities, goals, objectives, performance criteria, progress, or reasons for not meeting goals, objectives or making progress.	10
<b>ITEM C:</b> Organizational structure including a position count, and job classifications, and an organizational flow chart indicating lines of responsibility.	12
<b>ACORWD Member Table</b>	14
<b>ACORWD ORGANIZATIONAL CHART</b>	17
<b>ITEM D:</b> Compliance with federal and state health and safety laws, including the Americans with Disabilities Act, the federal Occupational Safety and Health Act, affirmative action requirements and worker's compensation.	17
<b>ITEM E:</b> Financial summary, including sources of funding by program and the amounts allocated or appropriated and expended over the past 18 years.	17
<b>TABLE E.1 Radioactive Waste Fund</b>	18
<b>TABLE E.2 ACORWD Expenses</b>	19
<b>ITEM F:</b> The regulatory agenda and the summary of rules adopted.	19
<b>ITEM G:</b> Identification of those areas where an agency has coordinated its efforts with other agencies in achieving program objectives and other areas in which an agency could establish cooperative arrangements	19
<b>ITEM H:</b> Identification of the constituents served by the commission, noting any changes or projected changes.	20
<b>ITEM I:</b> A summary of efforts by an agency or program regarding the use of alternative delivery system. Including privatization, in meeting its goals and objectives	20
<b>ITEM J:</b> Identification of emerging issues for the agency in the coming years.	21
<b>ITEM K:</b> Any additional information specifically requested by the committee of jurisdiction.	25
<b>ITEM L:</b> State and Federal comparison of laws adopted.	25
<b>ITEM M:</b> Personal Information.	26
<b>ITEM N:</b> Reports Required by the Public.	26

**ITEM A: The following Enabling Statutes apply to the Advisory Commission on Radioactive Waste and Decommissioning (ACORWD).**

TITLE 38: WATERS AND NAVIGATION

•CHAPTER 14-A: NUCLEAR WASTE ACTIVITY

•SUBCHAPTER I: GENERAL PROVISIONS

•§ 1453-A. Advisory Commission on Radioactive Waste and Decommissioning

**1. Establishment; Purpose.**

The Advisory Commission on Radioactive Waste and Decommissioning, referred to in this section as the "commission," is established. The commission shall advise the Governor, the Legislature and other pertinent state agencies and entities on matters relating to radioactive waste management and decommissioning of nuclear power plants and provide information to the public and create opportunities for public input in order to facilitate public understanding of radioactive waste and decommissioning issues.

[1997, c. 700, §3 (amd).]

**2. Membership;**

Appointment. The commission consists of 17 members, appointed as follows:

A. The commissioner or the commissioner's designee; [1997, c. 700, §4 (ren).]

B. The Commissioner of Human Services or the commissioner's designee; [1993, c. 664, §15 (new); §21 (aff).]

C. The State Geologist or a designee; [1993, c. 664, §15 (new); §21 (aff).]

D. One person from a commercial nuclear power facility situated in the State, appointed by the Governor; [1993, c. 664, §15 (new); §21 (aff).]

E. Two persons from organizations that hold licenses issued by the State for the use of radioactive material, one appointed by the President of the Senate and one appointed by the Speaker of the House of Representatives; [1993, c. 664, §15 (new); §21 (aff).]

F. Three Senators, appointed by the President of the Senate, at least one belonging to the political party holding the largest number of seats in the Senate and at least one belonging to the political party holding the 2nd largest number of seats in the Senate. One of the Senators appointed must serve on the joint standing committee of the Legislature having jurisdiction over natural resources matters and one Senator must serve on the joint standing committee of the Legislature having jurisdiction over utility and energy matters; [1997, c. 700, §4 (amd).]

G. Three members of the House of Representatives, appointed by the Speaker of the House of Representatives, at least one belonging to the political party holding the largest number of seats in the House of Representatives and at least one belonging to the political party holding the 2nd largest number of seats in the House of Representatives. One member of the House of Representatives appointed must serve on the joint standing committee of the Legislature having jurisdiction over natural resources matters and one member of the House of Representatives must serve on the joint standing committee of the Legislature having jurisdiction over utility and energy matters; [1997, c. 700, §4 (amd).]

H. Four members of the general public with a knowledge of and interest in the management of radioactive materials and radioactive waste, 2 of whom are appointed by the Governor, one of whom is appointed by the President of the Senate and one of whom is appointed by the Speaker of the House of Representatives. Of these 4 members, one must be a resident of the local community in which the nuclear power plant is located and one must represent a local advisory group on nuclear power plants; and [1997, c. 700, §4 (amd).]

I. One member representing an environmental advocacy organization, appointed by the Speaker of the House of Representatives. [1997, c. 700, §4 (new).]

The terms of the legislative members expire the first Wednesday in December of even-numbered years. The terms of the public member appointed by the President of the Senate, one public member appointed by the Governor and the licensee member appointed by the Speaker of the House of Representatives expire December 31, 1997 and every 2 years thereafter. The terms of the public member appointed by the Speaker of the House of Representatives, the licensee member appointed by the President of the Senate and one public member appointed by the Governor expire December 31, 1996 and every 2 years thereafter. The term of the member representing an environmental advocacy organization expires December 31, 2000 and every 2 years thereafter. Notwithstanding this subsection, any public member or licensee member may be removed by the appointing authority at the pleasure of the appointing authority and a new member may be appointed to complete the term of the preceding appointee. Members may continue to serve until their replacements are designated. Vacancies must be filled by the appointing authority to complete the term of the preceding appointee. The commission shall elect the chair and vice-chair from its membership by majority vote of all members present.

[1997, c. 700, §4 (amd).]

### **3. Duties:**

The duties of the commission are to:

A. Provide opportunities for public input and disseminate information to the general public and promote public understanding concerning the management of radioactive waste and the decommissioning of nuclear power plants; [1997, c. 700, §5 (amd).]



B. Study the management, transportation, treatment, storage and disposal of radioactive waste, including high-level and low-level radioactive waste and mixed waste, generated in this State; [1993, c. 664, §15 (new); §21 (aff).]

B-1. Study issues relating to the decommissioning of nuclear power plants, including, but not limited to, environmental issues; [1997, c. 700, §6 (new).]

B-2. Monitor the decommissioning of nuclear power plants; [1997, c. 700, §6 (new).]

C. Monitor methods, criteria and federal timetables for siting and constructing high-level radioactive waste repositories or storage facilities; [1993, c. 664, §15 (new); §21 (aff).]

D. Monitor the Texas siting effort and Texas Low-Level Radioactive Waste Disposal Compact Commission activities and, if events require, propose legislation to reinstitute an in-state siting effort for the storage or disposal of low-level radioactive waste in the State; [1993, c. 664, §15 (new); §21 (aff).]

E. Advise the Governor, the Legislature, the department and the Department of Human Services or their successors, the State's member of the Texas Low-Level Radioactive Waste Disposal Compact Commission and other pertinent state agencies and entities, as appropriate, on relevant findings and recommendations of the commission; [1993, c. 664, §15 (new); §21 (aff).]

F. Receive a written report from the State's member of the Texas Low-Level Radioactive Waste Disposal Compact Commission within 60 days after a meeting of that commission or an oral report from that member at the next scheduled meeting of the Maine Commission on Radioactive Waste, whichever comes first; and [1993, c. 664, §15 (new); §21 (aff).]

G. Prepare a newsletter recording developments relevant to radioactive waste issues. [1993, c. 664, §15 (new); §21 (aff).]

[1997, c. 700, §§5, 6 (amd).]

#### **4. Meetings and reports.**

The commission shall meet at least 4 times a year. The commission shall submit an annual report of activities to the Governor, the President of the Senate, the Speaker of the House of Representatives, the joint standing committee of the Legislature having jurisdiction over natural resource matters and the joint standing committee of the Legislature having jurisdiction over utility and energy matters by February 15th of each year.

[1997, c. 700, §7 (amd).]

## **5. Compensation.**

Members of the commission are entitled to legislative per diem in compensation for attendance at commission meetings in accordance with the provisions of Title 5, chapter 379, except that all legislative members of the commission must obtain prior approval of out-of-state travel from their respective presiding officers.

[1993, c. 664, §15 (new); §21 (aff).]

## **6. Staff assistance.**

The Department of Human Services and the department shall provide assistance to the commission in the conduct of its business. The State Nuclear Safety Advisor and the Public Advocate shall provide consultation as requested.

[1997, c. 700, §8 (amd).]

## **7. Repeal.**

This commission is subject to review and terminates in accordance with Title 3, chapter 35, not including the grace period, no later than June 30, 2004, unless continued or modified by law.

[1995, c. 488, §5 (amd).]

Section History: 1993, c. 664, § 15 (NEW). 1993, c. 664, § 21 (AFF). 1995, c. 333, § 3, 4 (AMD). 1995, c. 488, § 5 (AMD). 1995, c. 642, § 13, 14 (AMD). 1997, c. 700, § 2-8 (AMD).

## **§ 1454-A. Radioactive Waste Advisory Commission Fund**

### **1. Establishment.**

There is established the Radioactive Waste Advisory Commission Fund to be used to carry out the purposes of this chapter. Money allocated to the commission from this fund must be administered by the Commissioner of Health And Human Services in accordance with established budgetary procedures and this section. The commissioner may accept state, federal and private funds to be used as appropriate to carry out the functions of the Advisory Commission on Radioactive Waste as set forth in section 1453-A.

[1995, c. 333, §5 (amd).]

### **Allocation.**

Money in the fund established by this section must be allocated from time to time by the Legislature to the Department of Human Services to fund advisory and public information activities of the commission. These amounts become available in accordance

with Title 5, chapters 141 to 155. The commission may receive and expend federal grants and payments for the purpose of carrying out its duties.

[1995, c. 333, §5 (amd).]

## **2. Balance carried forward.**

Any unexpended balance does not lapse, but must be carried forward to the same fund for the next fiscal year and must be available for the purposes authorized by this chapter.

[1993, c. 664, §17 (new).]

## **3. Financial reports.**

The Commissioner of Health And Human Services shall report quarterly to the Advisory Commission on Radioactive Waste and annually, before February 1st, to the joint standing committee of the Legislature having jurisdiction over natural resource matters on the expenditures from the Radioactive Waste Advisory Commission Fund for the previous fiscal year and on the budget for the coming year. Those reports must include line item detail on expenditures, including in-state travel and out-of-state travel, printing, mailing and hearings, personnel, consultant services, general operating expenses, supplies and overhead for the commission and transfers of funds under subsection 5.

[1995, c. 333, §5 (amd).]

## **4. Transfer of funds.**

Notwithstanding Title 5, section 1585, funds allocated under this section may be transferred as necessary to accomplish the purposes of this chapter from the Department of Human Services to other agencies, including the Department of Environmental Protection, Natural Resources Information and Mapping Center, Maine Land Use Regulation Commission, Division of Health Engineering and the State Planning Office.

[1995, c. 333, §5 (amd); c. 502, Pt. E, §32 (amd).]

Section History:

1993, c. 664, § 17 (NEW). 1995, c. 333, § 5 (AMD). 1995, c. 502, § E32 (AMD).

## **TITLE 22: HEALTH AND WELFARE**

### **•SUBTITLE 2: HEALTH**

### **•PART 2: STATE AND LOCAL HEALTH AGENCIES**

### **•CHAPTER 160: RADIATION PROTECTION ACT**

§ 679. Low-level radioactive waste disposal State regulation of low-level radioactive waste disposal is subject to the primary jurisdiction of the Department of Health And Human Services, as specified in section 676, except that disposal of low-level radioactive waste in the State is also subject to regulation by the Department of Environmental Protection. [1993, c. 664, §9 (amd).]

Section History:

1983, c. 345, § 13, 14 (NEW). 1993, c. 664, § 9 (AMD).

## **§ 679-A. Low-level radioactive waste management**

### **1. Designated.**

The department is designated as the agency to fulfill the state regulatory and enforcement requirements for the Texas Low-Level Radioactive Waste Disposal Compact, referred to in this chapter as the "compact." The department shall also execute the administrative requirements of the compact as defined in subsection 2, paragraph B.

[1993, c. 664, §10 (new).]

### **Duties of the department.**

The department shall:

A. Develop rules to fulfill the State's responsibilities and requirements for the compact pursuant to the contract requirements set forth in Article IV, Section 4.05, subsections (1) to (4), (6) and (8) of the compact. [1993, c. 664, §10 (new).]

B. Provide for the disbursement of funds from the Radioactive Waste Fund to fulfill the requirements of Article IV, Section 4.05, subsection (6) of the compact, to compensate the state commission member and to fund the activities of the Advisory Commission on Radioactive Waste [and Decommissioning] as described in Title 38, section 1453-A; and [1993, c. 664, §10 (new).]

C. Report annually to the Advisory Commission on Radioactive Waste on its activities pertaining to this section. [1993, c. 664, §10 (new).]

[1993, c. 664, §10 (new).]

### **2. Employees.**

To fulfill the requirements of this section, the department may employ staff subject to the Civil Service Law.

[1993, c. 664, §10 (new).]

Section History:

1993, c. 664, § 10 (NEW).

## **§ 679-B. Radioactive Waste Fund**

### **1. Establishment.**

There is established the Radioactive Waste Fund to be used to carry out the purposes of this chapter. Money allocated from this fund must be administered by the commissioner in accordance with established budgetary procedures and this section. The commissioner may accept state, federal and private funds to be used as appropriate to ensure safe and effective low-level radioactive waste management and to monitor and evaluate plans for storage and disposal of high-level radioactive waste.

[1993, c. 664, §10 (new).]

### **2. Service fee;**

ceiling. Except for waste that is exempt in accordance with subsection 4, the department shall assess annually by September 1st each low-level radioactive waste generator a service fee on all low-level radioactive waste generated in this State that is shipped to a low-level radioactive waste disposal facility, stored awaiting disposal at such a facility or stored for any other purpose. The service fee must be based 50% on the volume and 50% on the radioactivity of the waste disposed in a disposal facility in the previous calendar year or placed in storage in the previous calendar year if the State did not have access to a disposal facility for that year, but each generator must be assessed a minimum of \$100 annually. Each generator must pay this service fee within 30 days, except that any generator may choose to make quarterly payments instead. Any radioactive waste for which a service fee was assessed and collected under this section can not be reassessed for the purposes of this section. The radiation control programs within the Division of Environmental Health shall adopt rules in accordance with the Maine Administrative Procedure Act concerning the calculation of the fee and the exemptions to the fee, consistent with this section. The revenue from this service fee each year must amount to \$135,000 and must be credited to the fund established in subsection 1 and used to carry out the purposes of this section and of Title 38, section 1453-A. If the Advisory Commission on Radioactive Waste [and Decommissioning], as established in Title 38, section 1453-A is dissolved, the service fee ceiling must be lowered by the amount of the budget of that commission.

[1995, c. 333, §1 (amd).]

### **3. Compact fee assessment;**

ceiling. In addition to the service fee assessed under subsection 2, the commissioner shall annually by September 1st, beginning in 1994, assess any amount necessary to fulfill the payment requirements to the Texas Low-Level Radioactive Waste Disposal Compact Commission pursuant to section 679-A, subsection 2, paragraph B less any balance carried forward under subsection 6. The commissioner shall assess each generator such a

fee using the same method for computing individual assessments as set out in subsection 2. Each generator must pay the fee within 30 days, except that any generator may choose to make quarterly payments instead.

[1993, c. 664, §10 (new).]

#### **4. Fee exemptions.**

The following types of low-level radioactive waste are exempt from the fees established in subsections 2 and 3:

A. Waste that is authorized by the United States Nuclear Regulatory Commission for disposal without regard to its radioactivity; [1993, c. 664, §10 (new).]

B. Waste that is authorized by the United States Nuclear Regulatory Commission to be stored at the site of generation for decay and ultimate disposal without regard to its radioactivity; and [1993, c. 664, §10 (new).]

C. Radioactive waste or other material that is returned to the vendor, including, but not limited to, sealed sources. [1993, c. 664, §10 (new).]

[1993, c. 664, §10 (new).]

#### **Allocation from fund.**

Money in the Radioactive Waste Fund established by this section must be allocated from time to time by the Legislature for the following purposes: to the Radioactive Waste Advisory Commission Fund as established in Title 38, section 1454-A to fund the activities of the Advisory Commission on Radioactive Waste as described in Title 38, section 1453-A for advisory and public information activities; and to the department for administrative and regulatory activities as described in this section. These amounts become available in accordance with Title 5, chapters 141 to 155.

The department may receive and expend federal grants and payments for the purpose of carrying out its duties set out in section 679-A, subsection 2.

[1995, c. 333, §2 (amd).]

#### **Balance carried forward.**

Any unexpended balance in the Radioactive Waste Fund may not lapse, but must be carried forward in the same amount for the next fiscal year and must be available for the purposes authorized by this chapter.

[1993, c. 664, §10 (new).]

## 5. Financial reports.

The department shall report annually before February 1st to the joint standing committee of the Legislature having jurisdiction over natural resource matters on the income to and expenditures from the Radioactive Waste Fund for the previous year and on the budget for the coming year. Those reports must include total fees received from each generator, line item detail on expenditures including in-state travel and out-of-state travel, printing, mailing and hearings, personnel, consultant services, general operating expenses, supplies and overhead for the department and transfer of funds under subsection 8.

[1993, c. 664, §10 (new).]

### Transfer of funds.

Notwithstanding Title 5, section 1585, funds allocated under this section must be transferred as necessary to accomplish the purposes of this section and Title 38, chapter 14-A from the department to other agencies, including the Department of Environmental Protection, the State Planning Office, the Natural Resources Information and Mapping Center and the Maine Land Use Regulation Commission.

[1993, c. 664, §10 (new); 1995, c. 502, Pt. E, §32 (amd).]

### Section History:

1993, c. 664, § 10 (NEW). 1995, c. 333, § 1, 2 (AMD). 1995, c. 502, § E32 (AMD).

## **ITEM B: Description of program including, established priorities, goals, objectives, performance criteria, progress, or reasons for not meeting goals, objectives or making progress.**

### **1. Duties of the Advisory Commission on Radioactive Waste and Decommissioning**

- A. Provide opportunities for public input and disseminate information to the general public and promote public understanding concerning the management of radioactive waste.
- B. Study the management, transportation, treatment, storage and disposal of radioactive waste, including high-level and low-level radioactive waste and mixed waste, generated in this state.
- C. Monitor the methods, criteria and federal timetables for siting and constructing high-level radioactive waste repositories or storage facilities.
- D. Monitor the Texas siting effort and Texas Low-Level Radioactive Waste Disposal Compact Commission activities and, if events require, propose legislation to reinstate an in-state siting effort for the storage or disposal of low-level radioactive waste in the state.
- E. Advise the Governor, the Legislature the department and the Department of Environmental Protection or their successors, the state's member of the Texas Low-

Level Radioactive Waste Disposal Compact Commission and other pertinent state agencies and entities, as appropriate, on relevant findings and recommendations of the commission.

- F. Receive a written report from the State's member of the Texas Low-Level Radioactive Waste Disposal Compact Commission within 60 days after a meeting of that Commission or an oral report from that member at the next scheduled meeting of the Advisory Commission on Radioactive Waste, whichever comes first.
- G. Prepare a newsletter recording developments relevant to radioactive waste issues.

## **2. The priorities of the ACORWD**

- A. The decommissioning of the Maine Yankee Atomic Power Plant.
- B. Study the management, transportation, treatment, storage and disposal of radioactive waste.
- C. Provide opportunities for public input and disseminate information to the general public.
- D. Monitoring the Texas siting effort of the Texas Compact (Texas, Maine and Vermont).
- E. All remaining duties are set as equal after the first four.

The siting effort was of high priority in the past, but has since diminished due to the negative results in Texas' effort to locate a site. Current legislation in Texas stalled the effort and during this last 5 year period, Maine has withdrawn from the Texas Compact (see Item J). Increased activity and concern on the Maine Yankee Decommissioning elevated this issue to the number one priority of the Commission.

## **3. Assessment in meeting its duties**

- A. The Commission meetings are open to the public and a portion is dedicated to public comments. One group that repeatedly is heard from at meetings is "Friends of the Coast". Information is disseminated to the public by means of a newsletter (mentioned below) and a WEB site. The site can be found on the State of Maine WEB site. The site is maintained by the Radiation Control Programs and contains information and links to other related sites in order to promote public understanding concerning the management of radioactive waste.

Site: <http://www.state.me.us/dhhs/eng/rad/index.html>

- B. Meetings of the Commission present speakers and have provided site visits that study the management, transportation, treatment, storage and disposal of radioactive waste, including high-level and low-level radioactive waste and mixed waste, generated in this State. Staffing provided by the Radiation Control Programs creates a "subject matter expert" base of knowledge for the Commission. The RCP staff attends courses in management, treatment, storage, transportation and disposal in order to accomplish the duties of their own program. Knowledge is passed onto the Commission and public by meeting presentations, newsletters and the WEB site. A number of the



Commission members and regular attendees are also expert in this field and share their knowledge and experiences.

- C. The Commission is made up from a broad range background pertinent to the subject of radiation. Meetings are regularly attended by the State's Nuclear Safety Office of the State Planning Office, representatives of Maine Yankee and the public. The State's Nuclear Safety Office appointee, until recently, is also the state member of the Texas Low-level Radioactive Waste Disposal Compact Commission. As a result, the Commission is well informed of methods, criteria and federal timetables
- D. The Commission monitors the high-level radioactive waste effort and the Texas siting effort by means of information collected by the Radiation Control Programs. The program receives updates from the Low Level Waste Forum published by Afton Associates. This information is disseminated to the Commission during meeting and to the public through the WEB site and newsletter.  
The commission is a key body in tracking the events in the country and state in the matters of radioactive waste.
- E/F. Advises the Governor and receives the Texas report. This was never fulfilled because there was not an active Texas Compact Commission.
- G. The commission strives to increase its public outreach due to the nature of the decommissioning process at Maine Yankee. This will constitute reviving a former newsletter process and increased coverage on the state webpage.

**ITEM C: Organizational structure including a position count, and job classifications, and an organizational flow chart indicating lines of responsibility.**

ADVISORY COMMISSION ON RADIOACTIVE WASTE and DECOMMISSIONING

The Advisory Commission on Radioactive Waste and Decommissioning is an appointed State commission charged with advising the Governor, the Legislature and other pertinent state agencies and entities on matters relating to radioactive waste management and provide information to the public and create opportunities for public input in order to facilitate public understanding of radioactive waste issues. The commission consists of 17 members, appointed as follows:

- A. The commissioner or the commissioner's designee; [1997, c. 700, §4 (ren).]
- B. The Commissioner of Human Services or the commissioner's designee; [1993, c. 664, §15 (new); §21 (aff).]
- C. The State Geologist or a designee; [1993, c. 664, §15 (new); §21(aff).]
- D. One person from a commercial nuclear power facility situated in the State, appointed by the Governor; [1993, c. 664, §15 (new); §21 (aff).]
- E. Two persons from organizations that hold licenses issued by the State for the use of radioactive material, one appointed by the President of the Senate and one appointed by the Speaker of the House of Representatives; [1993, c. 664, §15 (new); §21 (aff).]

Department of Health and Human Services  
Maine Center for Disease Control and Prevention  
Division of Environmental Health

F. Three Senators, appointed by the President of the Senate, at least one belonging to the political party holding the largest number of seats in the Senate and at least one belonging to the political party holding the 2nd largest number of seats in the Senate. One of the Senators appointed must serve on the joint standing committee of the Legislature having jurisdiction over natural resources matters and one Senator must serve on the joint standing committee of the Legislature having jurisdiction over utility and energy matters; [1997, c. 700, §4 (amd).]

G. Three members of the House of Representatives, appointed by the Speaker of the House of Representatives, at least one belonging to the political party holding the largest number of seats in the House of Representatives and at least one belonging to the political party holding the 2nd largest number of seats in the House of Representatives. One member of the House of Representatives appointed must serve on the joint standing committee of the Legislature having jurisdiction over natural resources matters and one member of the House of Representatives must serve on the joint standing committee of the Legislature having jurisdiction over utility and energy matters; [1997, c. 700, §4 (amd).]

H. Four members of the general public with a knowledge of and interest in the management of radioactive materials and radioactive waste, 2 of whom are appointed by the Governor, one of whom is appointed by the President of the Senate and one of whom is appointed by the Speaker of the House of Representatives. Of these 4 members, one must be a resident of the local community in which the nuclear power plant is located and one must represent a local advisory group on nuclear power plants; and [1997, c. 700, §4 (amd).]

I. One member representing an environmental advocacy organization, appointed by the Speaker of the House of Representatives. [1997, c. 700, §4 (new).]

The terms of the legislative members expire the first Wednesday in December of even-numbered years. The terms of the public member appointed by the President of the Senate, one public member appointed by the Governor and the licensee member appointed by the Speaker of the House of Representatives expire December 31, 1997 and every 2 years thereafter. The terms of the public member appointed by the Speaker of the House of Representatives, the licensee member appointed by the President of the Senate and one public member appointed by the Governor expire December 31, 1996 and every 2 years thereafter. The term of the member representing an environmental advocacy organization expires December 31, 2000 and every 2 years thereafter. Notwithstanding this subsection, any public member or licensee member may be removed by the appointing authority at the pleasure of the appointing authority and a new member may be appointed to complete the term of the preceding appointee. Members may continue to serve until their replacements are designated. Vacancies must be filled by the appointing authority to complete the term of the preceding appointee. The commission shall elect the chair and vice-chair from its membership by majority vote of all members present.[1997, c. 700, §4 (amd).]

Department of Health and Human Services  
Maine Center for Disease Control and Prevention  
Division of Environmental Health

**ACORWD MEMBER TABLE**

Status/Name	Termination Date	Representing
<b>Bob Demkowicz</b> Dept. of Environmental Protection State House Station # 17 Augusta, ME 04333 bob.a.demkowicz@maine.gov	Seat 1	Department of Environmental Protection Commissioner or Designee
<b>Clough Toppan, P.E., Director</b> Division of Environmental Health 11 State House Station Augusta, ME 04333-011 e-mail: clough.toppan@maine.gov	Seat 2	Department of Health and Human Services Commissioner or Designee
<b>Dr. Robert Marvinney</b> State Geologist 22 State House Station Augusta, ME 04333-0022 e-mail: robert.marvinney@maine.gov	Seat 3	Maine State Geologist or Designee
<b>Mike Meisner</b> Maine Yankee Atomic Power Plant 321 Old Ferry Road Wiscasset, ME 04578 email: meisnerm@myapc.com	December 31, 2002 Term expires Dec 31st of even numbered years.	Representing a Maine Nuclear Power Plant
	Seat 4	Appt. by Governor
<b>Open</b>	Term expires Dec 31 <sup>st</sup> of even numbered years.	Radioactive Material Licensee Representative
	Seat 5	Appt. by Senate President
<b>Shirley Jucius</b> 36 Griffin Ave. Hampden, Maine 04444	December 31, 2005 Term expires Dec 31 <sup>st</sup> of odd numbered years.	Radioactive Material Licensee Representative. Representing East. Maine Medical Center
	Seat 6	Appt. by Speaker of the House
<b>Senator Scott Cowger (D)</b> 11 Inn Road Hallowell, ME 04347 email: SenScott.Cowger@legislature.maine.gov	December 6, 2006 Term expires the first Wednesday in December of even numbered years	State of Maine  Appt. by President of the Senate. Belonging to Political Party holding the largest number of seats in the Senate
	Seat 7	
<b>Senator Philip L. Bartlett (D)</b> 141 South Street Gorham, ME 04038 email: SenPhilip.Bartlett@legislature.maine.gov	December 6, 2006 Term expires the first Wednesday in December of even numbered years	State of Maine. Appt. by President of the Senate.  Belonging to Political Party holding the largest number of seats in the Senate
	Seat 8	
<b>Senator Lois Snowe-Mello (R)</b> 177 Mechanic Falls Road Poland, ME 04274 email: Lois.SnoweMello@legislature.maine.gov	December 6, 2006 Term expires the first Wednesday in December of even numbered years	State of Maine  Appt. by President of the Senate. Belonging to Political Party holding the 2 <sup>nd</sup> largest number of seats in the Senate
	Seat 9	
<b>Rep. Robert Daigle (V. Chair) (R)</b> Representative, State of Maine 197 Mountain Road Arundel, Maine 04046 State House Message Ph: (800) 423-2900 email: rdaigle@gwi.net RepRobert.Daigle@legislature.maine.gov	December 1, 2004 Term expires the first Wednesday in December of even numbered years	State of Maine  Appt. by Speaker of the House. Belonging to Political Party holding the 2 <sup>nd</sup> largest number of seats in the House
	Seat 10	
<b>Rep. Peter L. Rines (D)</b> Representative, State of Maine 334 Bradford Road, Wiscasset, ME 04578 email: prines@wiscasset.net RepPeter.Rines@legislature.maine.gov	December 1, 2004 Term expires the first Wednesday in December of even numbered years	State of Maine  Appt. by Speaker of the House. Belonging to Political Party holding the largest number of seats in the House
	Seat 11	
<b>Rep. Lawrence Bliss (D)</b> Representative, State of Maine 504 Cottage Road South Portland, ME 0410 email: Lawrence.Bliss@legislature.maine.gov	December 1, 2004 Term expires the first Wednesday in December of even numbered years	State of Maine  Appt. by Speaker of the House. Belonging to Political Party holding the largest number of seats in the House
	Seat 12	

Department of Health and Human Services  
 Maine Center for Disease Control and Prevention  
 Division of Environmental Health

<b>Ron Ouellette</b> Physics Consultants INC P.O. Box 6749 158 Woodford St. Portland, ME 04103 email: rono@suscom-maine.net	December 31, 2003 Term expires Dec 31 <sup>st</sup> of odd numbered years.  Seat 13	Public Member with knowledge of and interest in the management of radioactive materials and waste.  Appt. by Governor
<b>Richard Carey</b> PO Box 77 Belgrade, ME 04917	December 31, 2002 Term expires Dec 31 <sup>st</sup> of even numbered years.  Seat 14	Public Member with knowledge of and interest in the management of radioactive materials and waste.  Appt. by Governor
<b>Stephen Jarrett</b> P.O. Box 383 Wiscasset, Maine 04578  email: smj@ccimaine.org	December 31, 2003 Term expires December 31 <sup>st</sup> of odd numbered years  Seat 15	Public member with Knowledge of and interest in the management of radioactive materials and waste.  Appt. by Senate President
<b>James Mitchell</b> 52 Birch Point Road Freeport, Maine 04332  email: jmitch8564@aol.com	December 31, 2002 Term expires December 31 <sup>st</sup> of even numbered years  Seat 16	Public Member with Knowledge of and interest in the management of radioactive materials and waste  Appt. by Speaker of the House
<b>Don Hudson, Ph.D.</b> Chewonki Foundation 485 Chewonki Neck Road Wiscasset, ME 04579  e-mail: dhudson@chewonki.org	December 31, 2002 Term expires December 31 <sup>st</sup> of even numbered years  Seat 17	Representing Environmental Advocacy Organization  Appt. by Speaker of the House

The Radioactive Waste Section of the Radiation Control Programs was formed in September 1994. The section is responsible for the implementation and enforcement of rules complying with the provisions of the Texas Compact and provide staff support to the Advisory Commission on Radioactive Waste and Decommissioning. This section is staffed by Thomas Hillman, Assistant Environmental Engineer, who can be reached at (207) 287-8401.

**What is the Texas Compact?**

The Texas Compact is an agreement that was between the states of Maine [NOTE – Maine withdrew from the compact on 4/5/2002], Texas and Vermont regarding the disposal of commercial low-level radioactive waste. As a compact, these States require only one disposal facility for the compact region (rather than one in each State) and have the authority to deny out-of-compact wastes access to regional disposal facilities. The formation of each Compact requires the approval of the federal government through Congressional consent legislation. Thus far nine Compacts have received the approval of Congress. The Texas Compact, though approved by all three party states, has not yet received Congressional approval.

Under the Texas Compact agreement, the States of Maine [withdrawn] and Vermont each contribute \$25 million to the State of Texas, in exchange for 50 years of access to the proposed Texas low-level radioactive waste disposal facility. Maine and Vermont benefit under this arrangement by being ensured access to a low-level radioactive waste disposal facility, avoiding a far more expensive in-state siting process. The benefits for Texas are two fold. Firstly, as a Compact, Texas may exclude the importation of any out of Compact low-level radioactive wastes, as provided by the 1980 Low-Level Radioactive

Waste Policy Act and its 1985 amendment. Secondly, Texas will use the majority of the \$50 million towards construction costs of a facility. (Ten percent of the \$50 million will be paid to the host county.) Notwithstanding the costs described above, Maine generators will be assessed disposal fees at the same rate as Texas generators.

## **History**

Prior to the joining the Texas Compact, Maine complied with federal law as a "go it alone" state, working to establish a disposal facility within Maine. The siting effort, costing some \$7 million, was directed by the Maine Low-Level Radioactive Waste Disposal Authority (the Authority).

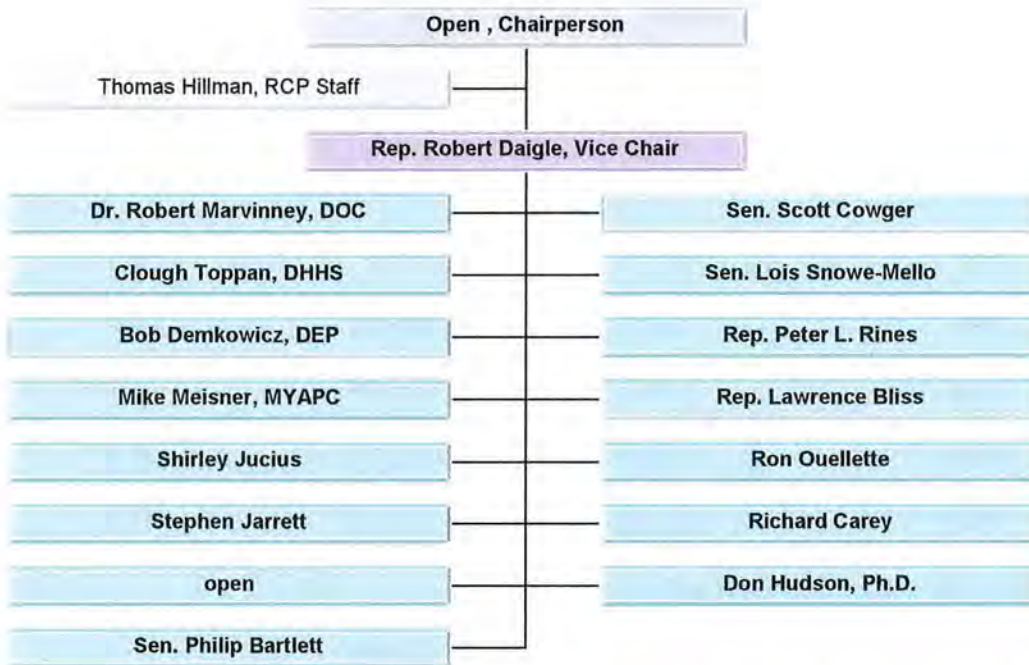
Simultaneously, Maine pursued efforts to join into a Compact with other States. These activities were coordinated through the Office of the Public Advocate. Stephen Ward, Maine's Public Advocate, was instrumental in negotiating the Texas Compact agreement. Mr. Ward continues to assist efforts to gain Congressional approval of the Texas Compact.

Maine law requires voter approval of low-level radioactive waste compacts by public referendum. On November 2, 1993, 73 percent of Maine voters approved of the Texas Compact.

Upon Maine's approval of the Texas Compact, the Authority's siting activities were discontinued. The Authority was formally terminated in June 1994, by the same legislation that transferred non-siting related responsibilities to the Department of Human Services.

On April 5, 2002 Governor Angus King signed into law a bill titled "An Act to Repeal Provisions Imposing Financial Obligations on Electric Consumers Resulting from the Texas Low-Level Radioactive Waste Disposal Compact". The law withdrew Maine from the Texas Compact. Two years later Maine effectively left the compact.

## ACORWD ORGANIZATIONAL CHART



**ITEM D: Compliance with federal and state health and safety laws, including the Americans with Disabilities Act, the federal Occupational Safety and Health Act, affirmative action requirements and worker’s compensation.**

Compliance with federal and state health and safety laws, including the Americans with Disabilities Act, the federal Occupational Safety and Health Act, affirmative action requirements and workers’ compensation are adhered to by the nature of the Commission. The Commission and RCP are state organizations that are required to adhere to the mentioned laws and acts.

**ITEM E: Financial summary, including sources of funding by program and the amounts allocated or appropriated and expended over the past 18 years.**

The following table includes reported fees, expenses, and balance for the Radioactive Waste Fund for each fiscal year from June 1988 to 2005.

Department of Health and Human Services  
 Maine Center for Disease Control and Prevention  
 Division of Environmental Health

**TABLE E.1 Radioactive Waste Fund**

Financial Summary, amount appropriated and expended for FY88-05			
FY	fees \$	Expenses \$	Balance \$
		Beginning balance FY88	69,951
1988	394,422	392,248	72,125
1989	177,875	138,762	111,238
1990	137,312	156,204	92,346
1991	157,960	166,328	83,978
1992	166,022	172,816	77,184
1993	172,424	146,236	103,372
1994	146,946	146,178	104,140
Program moved from DEP to DHS			
		Legislative transfer of revenue plus exp.	
		34,482	
		beginning balance to DHS =	69,658
1995	65,024	64,856	69,826
1996	65,174	73,549	61,451
1997	57,227	82,266	36,412
1998	103,320	84,799	54,933
1999	610	97,333	-41,790
2000	115,624	59,171	14,663
2001	122,351	62,579	74,435
2002	96,929	100,862	70,502
2003	91,156	102,113	59,545
2004	103,567	124,673	38,439
2005	128,164	112,448	54,155
2006	100,101		

The following table lists the expenses for the Advisory Commission.

**TABLE E.2 ACORWD Expenses**

YEAR	EXPENSE (\$)
2005	0.00
2004	269.60
2003	560.80
2002	489.28
2001	1724.71
2000	2264.14
1999	2200.82
1998	Not available
1997	Not available
1996	Not available

**ITEM F: The regulatory agenda and the summary of rules adopted.**

The Advisory Commission is by its name advisory. Its functions are primarily monitoring and advising. The commission is not a rule making body. There were changes to the statutes in 1997 to include monitoring the activities of a decommissioning nuclear power plant, but these changes were accomplished through the legislative process and no rule making was undertaken.

**ITEM G: Identification of those areas where an agency has coordinated its efforts with other agencies in achieving program objectives and other areas in which an agency could establish cooperative arrangements**

The commission is an importer and exporter of information on the matter of radioactive waste. The commission is a small group of individuals that must work with other agencies of the state government to achieve its duties. The commission meets at least four times a year to accomplish this. The agency that the commission coordinates with the most is the Department of Health and Human Services. This Department's Radiation Control Programs, part of the Maine Center for Disease Control and Prevention's Division of Environmental Health, provides the day to day operation. The program provides assistance in newsletters, WEB site and communication. All commission members are accessible by the public, but the Radiation Control Program is the primary receiver of calls from the public on radiation matters

The commission works closely with the Department of Environmental Protection, State Planning Office, Office of the State Nuclear Advisory and the Office of the Nuclear Inspector. These agencies provide as well as receive information from the commission. An issue that has involved all these agencies since 1997 has been the clean up level that Maine Yankee Atomic Power Company will adhere to during its decommissioning. The Commission has worked closely with Stephen Ward, Public Advocate on issues related to



National low-level waste siting as well, particularly with regards to our recent withdrawal from the Texas Compact.

Annual reports are provided to the Governor's office, President of the Senate, Speaker of the House of Representatives, the Joint Standing Committee of the Legislature having jurisdiction over Natural Resource matters and the Joint Standing Committee of the Legislature having jurisdiction over Utility and Energy matters. The commission is essentially the governor's eyes and ears in the matter of radioactive waste and decommissioning.

**ITEM H: Identification of the constituents served by the commission, noting any changes or projected changes.**

The main and most important constituent is the public. In order to ultimately serve the public the Commission must also serve other organizations that serve the public. This means that the commission serves the public directly and via organizations. The commission interacts with its constituents by having a diverse composition of members. A review of the members of the commission shows that members come from government, the public, public groups, hospitals and industry. The commission is designed in this manner to best serve its constituents.

Annual reports are provided to the following constituents served by the commission. The Governor's office, President of the Senate, Speaker of the House of Representatives, the joint standing committee of the Legislature having jurisdiction over natural resource matters and the joint standing committee of the Legislature having jurisdiction over utility and energy matters. The commission is essentially the governor's eyes and ears in the matter of radioactive waste and decommissioning.

No changes or projected changes in the constituency at this time.

**ITEM I: A summary of efforts by an agency or program regarding the use of alternative delivery system. Including privatization, in meeting its goals and objectives**

This item was found to be non-applicable to the commission. In lieu of the commission continuing its duties into the future, the duties could be taken on by DHHS and the commission staff person, within the Radiation Control Program. Funding would be the primary concern.

**ITEM J: Identification of emerging issues for the agency in the coming years.**

*The duties of the commission are as important in the next five years as they have been in the past.*

**Maine Yankee's Independent Site Fuel Storage Installation.** A future issue will be continued storage of spent fuel (high level waste) at the Maine Yankee site's Independent Site Fuel Storage Installation or ISFSI. This issue has created great concern for the commission's constituents in that the Federal Government is not ready to accept the spent fuel. The Federal Government is required to take possession of the spent fuel and transport it to a national disposal facility such as Yucca Mountain. The storage site is defined as temporary, however until a national site is opened the high level may be on site for a significant amount of time. Sixty canisters of spent fuel reside in the ISFSI as well as 4 canisters of Greater-Than-Class-C waste (GTCC).

GTCC – The four canisters of GTCC currently have no place to go, as well as no disposal policy. On 11 May 2005 the DOE submitted an Advance Notice of Intent to Prepare an Environmental Impact Statement for the Disposal of GTCC low-level radioactive waste. The submittal was a request for information and not a proposal. The DOE seeks information from the private sector on commercial geological repositories for GTCC and similar waste that has no disposal standards. DOE could use enhanced near-surface disposal, intermediate-depth disposal (30-200 meters depth), and deep geologic disposal.

**Texas Compact** – as stated earlier Maine is no longer part of the Texas Compact. Texas, Maine and Vermont established the compact in June of 1993; it was signed in law by President Clinton in September 1998. Under the terms of the contract Texas will host the site, while Maine and Vermont will each pay Texas 25 million dollars. Under a 1998 letter of agreement between the three state Governors, payments were suspended indefinitely. On April 5, 2002 Governor Angus King signed into law a bill titled "An Act to Repeal Provisions Imposing Financial Obligations on Electric Consumers Resulting from the Texas Low-Level Radioactive Waste Disposal Compact". The law withdrew Maine from the Texas Compact. Under the provisions of the compact the two non-host states, Maine and Vermont, could enact legislation withdrawing itself from the compact provided that the withdrawal does not take effect for two years. In 2003 Texas asked for half of the \$25 million to be paid. Maine refused to pay under legal issues and as of 2004 is out of the compact.

The siting of a low-level waste site in the Texas Compact is still an on going issue with no results. Texas has not determined a site and no substantial progress towards one have been made. Other compacts around the country are having the same problems of determining low-level waste sites and legal issues have resulted. In lieu of the state's single nuclear power plant being decommissioned and negative results from the Texas Compact, Maine decided to withdraw from the compact.

In doing so, Maine became a "go it alone state" or an "unaffiliated State". This means it depends on the open market for low-level waste disposal. With the Duratek's Barnwell facility going to compact only in 2008, the only remaining option is Envirocare's facility

in Utah. If Maine for some reason could no longer ship low-level radioactive waste to Utah, then the State would be forced to deal with storage.

**Low Level Radioactive Waste in Maine** - This is still an issue even though Maine Yankee's decommissioning was completed to Federal Standards. The State of Maine has more strict regulatory requirements regarding the clean-up of the site. The Department of Environmental Protection and The Department of Health and Human Services have been working together to review all the clean up data, write numerous reports, and institute a groundwater monitoring program. Additional important confirmatory testing will be completed within the next 6 months and groundwater monitoring will continue for 5 years. The results of the groundwater monitoring program could increase the duration of testing but the cost would be the responsibility of the two State agencies.

The volume of low-level waste leaving the state will not have the same level as before, but other producers still exist. These producers are the state's industries, hospitals and institutions. The management and method of dealing with this waste are still pertinent. The ACORWD is the only government committee that closely monitors these issues.

Barring any significant change in the use of radioactive materials in the State of Maine, the present low level radioactive waste generators create only the most benign type of waste, termed Class A.

#### NRC Guidance on Long-Term Storage of LLW

NRC staff as of December is 2005 considering whether to recommend to the Commission that guidance, related to long term storage of low-level radioactive waste at both Nuclear Power Plants and nuclear material facilities, be reviewed, updated and consolidated. If the guidance is revised, NRC will request involvement from a broad range of stakeholders, including the Maine Radiation Control Programs and other state radiation control programs, in developing and/or commenting on the guidance.

A short list of "dated" guidance directly related to LLW storage includes:

- GL 81-38, Storage of Low-Level Wastes at Power Reactor Sites, Nov. 1981;
- IN 90-09, Extended Storage of Low-Level Radioactive Waste by Fuel Cycle and Materials Licensees, Feb. 1990;
- IN 89-13, Alternative Waste Management Procedures in Case of Denial of Access to Low-Level Waste Disposal Sites, Feb. 1989;
- GL 85-14, Commercial Storage at Power Reactor Sites of Low-Level Waste not Generated by the Utility, Aug. 1985;
- IN 93-50 Extended Storage of Sealed Sources, July 1994.
- Also, a number of NRC inspection procedures, NUREGS, Information Notices, Generic Letters, and Health Physics Position Papers associated with LLW storage.

Staff considers that updating guidance related to long term storage is ripe for consideration now for a number of reasons including:

1. Possible loss of disposal capacity for B/C waste for generators in 36 states.
2. Unenforceable policy reflected in some existing guidance (eg. Five year storage limit)
3. Increased post 9/11 security concerns re: certain types of waste
4. Possible storage implications of EPA 2005 (e.g., Identify greater universe of sealed sources, NRC regulatory authority over radium sources in some states). There will be a number of new licensees for these materials (previously not licensed under AEA) who will need guidance on storage of material now considered AEA byproduct material.
5. Changes in needs and circumstances since the early 1990's
6. Changes in technology associated with waste storage

**Radionuclides in Drinking Water** - There are approximately 40 relatively small public water systems (schools, trailer parks, campgrounds, condominium complexes) that have elevated levels of Uranium and/or Radium in their water. The Federal EPA and the State Drinking Water Program have adopted regulations that require treatment for these systems. The treatment systems vary but all generally concentrate the radioactive constituents prior to disposal and therefore will create low level radioactive wastes that have not previously been part of our waste stream. Additionally as more systems go on line the Department of Environmental Protection will probably develop waste rules regarding these filters which may complicate the disposal options.

**Orphaned/Unwanted Radioactive Materials** - There are a significant number of facilities that have small amounts of unwanted or so called orphaned radioactive materials, generally schools, that don't have the funding for disposal. There have been at least two different national programs that Maine has taken advantage of over the last 5 years to gather and dispose of these materials, though more materials still exist, yet the federal funding has dried up for the present time.

Additionally more radioactive materials show up in an assortment of waste and recycling streams due to increased monitoring. Twenty-six (26) times in 2005 the Radiation Control Programs (RCP) responded to radiation alarms at trash to energy plants, or recycling facilities. The majority of the time these alarms result in radioactive materials that can be held for a period of time before they decay away and are no longer radioactive. Unfortunately this isn't always the case and therefore the alarms are always responded to by a State radiation professional for identification of the radioactive materials and hazard analysis. There are a few times each year that the identified materials cannot be stored for decay to background and have to be impounded by the State to reduce the hazard and await proper disposal. These actions, while necessary, are expensive and the RCP is constantly on the look out for potential funding sources that could adequately reimburse us for this cost.

**Low-Level Radioactive Waste Disposal Sites – South Carolina, Utah and Texas** - In 2008 Duratek's South Carolina Barnwell site will accept only low-level waste from the Atlantic Compact (Connecticut, New Jersey and S. Carolina). Maine and 35 other states will have difficulty in disposing of class B/C waste. Barnwell is a waste burial site for all types of radioactive waste. The compact only use of this site will result in a change in the management of waste in this state. The commission monitors the status of current and future waste sites. Low-level waste sites are a controversial issue in this country and the commission advises and informs its constituents on present and future developments.

Class A is currently disposed of at Envirocare's Utah facility. Envirocare applied for a Class B/C disposal license, but withdrew it for political reasons that may have resulted in its disapproval. The company could reapply and did receive preliminary approval before withdrawal. Envirocare's Utah facility is presently looking to increase it's size by 536 acres, though they need legislative and the Governor's approval to do so. The Utah Governor has already stated that he wouldn't approve any expansion.

Waste Control Specialists located in Andrews County, Texas applied for a Class A/B/C license in August of 2004 to authorize near-surface land disposal of low-level radioactive waste. This license application seeks authorization to construct and operate in Andrews County a facility that will receive both compact states' waste and federal waste for disposal. The application has been in review, until a First Technical Notice of Deficiency was issued by the Texas Commission on Environmental Quality in September 2005 for WCS's reply. WCS replied in November 2005. The WCS site is expected to become the Texas Compact site, which would not be available to out of compact waste generators (Maine).

**Energy Policy Act of 2005.** (Nuclear Energy Bill) - On August 8, 2005 President George Bush signed into law the Energy Policy Act of 2005, the first national energy plan in more than a decade. This landmark law includes powerful incentives that could result in the construction of the first nuclear power plants since the 1970s.

The act effectively subsidizes construction of the first few nuclear power plants; funds higher federal spending on R&D, demonstration and commercial application over the next five-years; will lower regulatory barriers to power plant construction; and renews protection cap for accidents, pursuant to the Price-Anderson Act. Industry sees it as a major event that will promote nuclear power comeback over the next decade.

**Greater-Than-Class-C waste (GTCC)** – In addition the law calls for the DOE to develop a plan, within one-year, to dispose of GTCC.

**Yucca Mountain and High Level Waste (spent fuel) Disposal.** The Senate recently voted to cut \$127 million from the project. They allocated only \$450 million to its FY06 budget. The Department of Energy (DOE) projected a \$1.2 billion budget to continue as planned.<sup>1</sup> Legislation was dropped that would have supplemented the repository with

<sup>1</sup> Nuclear Waste News, 23 November 2005, page 221.



Department of Health and Human Services  
Maine Center for Disease Control and Prevention  
Division of Environmental Health

interim waste storage sites until it was ready. Legislation also directed the Nuclear Regulatory Commission to assess risks for storing spent fuel at the power plants producing it. Maine Yankee now stores its spent fuel at the former site and given the federal trend, it will continue to do so for quite some time. Storage time was planned to be 20 years until the waste was taken by the government. State and federal officials against the project have thrown up obstacles causing delay.

However, the industry has been contemplating alternatives and discussing spent fuel recycling. A recent Energy Bill sets aside \$50 million to fund a DOE initiative to develop a plan for recycling spent nuclear fuel. The agency is also required to set up a system of soliciting volunteer communities for hosting a fuel recycling plant.

The possibility of recycling spent fuel stored at Maine Yankee's ISFISI exists, barring laws signed by President Carter making such activities nationally unacceptable.

NRC Commissioner Edward McGaffigan in September 2005 announced that Yucca Mountain would not open until 2016. The commission will need 10 years to conduct reviews and hearing, this is assuming a license application is submitted in 2006.<sup>2</sup>

**ITEM K: Any additional information specifically requested by the committee of jurisdiction.**

No additional information has been requested. The commission would be pleased to provide additional information if the reviewers so desire. Please contact the:

Advisory Commission on Radioactive Waste and Decommissioning  
C/O Radiation Control Programs  
#11 State House Station  
286 Water Street, 4<sup>th</sup> Floor  
Augusta, Maine 04333-0010

Thomas C. Hillman  
Assistant Environmental Engineer  
Low Level Waste  
ACRWD Staff  
207-287-8401

**ITEM L: State and Federal comparison of laws adopted.**

The commission does not adopt laws.

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<sup>2</sup> Nuclear Waste News, 29 September 2005, page 182.

**ITEM M: Personal Information.**

See Items C and K

**ITEM N: Reports Required by the Public.**

Annual reports are provided to the Governor's office, President of the Senate, Speaker of the House of Representatives, the joint standing committee of the Legislature having jurisdiction over natural resource matters and the joint standing committee of the Legislature having jurisdiction over utility and energy matters. The commission is essentially the governor's eyes and ears in the matter of radioactive waste and decommissioning.