

MAINE STATE LEGISLATURE

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**REPORT OF THE OFFICE OF PUBLIC ADVOCATE
ON STATE AGENCY OVERSIGHT AND MONITORING
RESPONSIBILITIES AND BUDGETS RELATING TO
LD 1918, “AN ACT TO ENSURE ADEQUATE FUNDING FOR THE
OVERSIGHT OF SPENT NUCLEAR FUEL STORAGE IN MAINE”**

Submitted to the Joint Standing Committee on Utilities and Energy
Pursuant to a June 18, 2007 letter request from the committee

January 10, 2008

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January 10, 2008

Senator Philip L. Bartlett II
Representative Lawrence Bliss
Joint Standing Committee on Utilities and Energy
123rd Maine Legislature, 2nd Session
100 State House Station
Augusta, Maine 04333-0100

Dear Senator Bartlett and Representative Bliss:

During 2007 the Utilities and Energy Committee decided to request that **LD 1918, An Act to Ensure Adequate Funding for the Oversight of Spent Nuclear Fuel Storage in Maine** be carried over until the 2008 legislative session. At that time the Committee voted to request that the Office of Public Advocate, as the administrator of the Interim Spent Fuel Storage Facility Oversight Fund, obtain and organize into a report certain requested information concerning the oversight tasks conducted by state oversight agencies (Departments of Health and Human Services, Public Safety, and Environmental Protection, and the Office of Public Advocate), the work plans for completing these tasks, the identification of specific work products, and specific accounting of the budgetary requirements – all provided under a variety of different funding scenarios, including those prescribed in current law and those proposed in LD 1918, for FY08, FY09 and FY10.

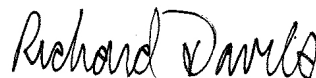
By this letter, I am pleased to submit the Report you requested.

The information used to develop this report was been prepared by the four “oversight” agencies cited above and assembled by my office. Based on a clarification of the Committee’s intent, provided by Chairman Bliss, in response to concerns voiced by Commissioner Anne Jordan of the Department of Public Safety, this agency was allowed for security reasons to exclude certain classified and sensitive information from their detailed work plans.

My personal assessment of the information provided by the oversight agencies is that if the statutes on funding of oversight remain unchanged, the agencies will live within those budgetary limits and carry out their core missions. If the Legislature enacts any changes to how oversight activities are funded or to the funding levels, the oversight agencies will implement those changes and carry out their oversight duties with vigor.

The four oversight agencies stand ready to respond to any questions from the Committee when it again takes up LD 1918.

Sincerely,

A handwritten signature in black ink that reads "Richard Davies". The signature is written in a cursive, flowing style.

Richard Davies
Public Advocate

Section One – Description of the Utilities and Energy Committee request to the State “oversight” agencies

Information requested by the Utilities and Energy Committee

The committee requested that this report include information from each state agency and program engaged in oversight activities, including the Department of Health and Human Services, the Department of Environmental Protection, the Department of Public Safety, and the State Nuclear Safety Advisor (at the Office of Public Advocate). For each of these oversight agencies or programs, and for each year FY08, FY09, and FY10, the report should include:

- A description of the specific oversight tasks to be conducted,
- A detailed work plan for the completion of those tasks, including staffing,
- The identification of specific work products, and
- Specific accounting of the budgetary requirements

The committee requested that the above referenced information be provided under different funding scenarios including, at minimum, the funding levels prescribed in current law (35-A §4395) and as proposed in LD 1918. **This report provides this information under the funding scenarios suggested by the committee. In addition, it provides information in response to the provision in LD 1918, section 4, which calls for a \$500,000 payment in 2007, and every five years thereafter, to pay for costs associated with the replacement of depreciated or obsolete capital equipment. The information is presented in both “constrained” (limited by the \$500,000 cap) and “unconstrained” (in the full amounts identified by the agencies).**

NOTE: If LD 1918 is enacted in 2008 with a provision for a “Capital Needs” payment, it would not be possible to draw this payment until FY09 unless the bill is enacted as an Emergency.

Section Two – Materials prepared by the four state “oversight” agencies and programs in response to the Utilities and Energy Committee request for detailed information

This second section of this report is comprised of the materials submitted by each of these agencies and programs in response to the committee’s request.

Early in the process of collecting the requested information from the state oversight agencies, Commissioner Anne Jordan of the Department of Public Safety expressed that *“As to detailed plans, we here at DPS are very concerned about how this information is going to be compiled and distributed – police response plans and detailed work plans for completion of the tasks should not be public records – the last thing we need is for some terrorist group to get a hold of our plans and plan an attack on the location based on our plans”*. (Email -Commissioner Anne Jordan to Richard Davies, July 9, 2007)

In response to Commissioner Jordan’s concern, I forwarded her email to Chairmen Bartlett and Bliss seeking their guidance on how to handle this issue. Chairman Bliss responded that he believed the request could be answered in a general way, and he copied Lucia Nixon, the UTE Committee’s Legislative Analyst, on this response. She responded that it was not the committee’s intent to request anything that would compromise the State Police in their work. As a result of the comments of both Chairman Bliss and Lucia Nixon, I understood that the Department of Public Safety could exclude confidential and sensitive information from the materials they provided to my office, and I so advised Commissioner Jordan.

These final versions of the individual reports were developed following, and were informed by, an August 22nd meeting of representatives of the four oversight agencies and programs called to discuss the funding needs and funding uses of each of the agencies and programs, under two sets of funding levels for each of the three specified fiscal years. At the August 22nd meeting the agency representatives conducted an exercise in which they allocated among the oversight agencies the funds that would be available from Maine Yankee Atomic Power Company in FY08, FY09, and FY10 **(1)** in the amounts provided for in current law, Title 35-A §4395, and **(2)** in the amount included in **LD 1918, “An Act to Ensure Adequate Funding for the Oversight of Spent Nuclear Fuel Storage in Maine”**. The “proposed” allocation of funds, for each of these three fiscal years, under these two funding scenarios forms the third section of this report.

The following are the responses (in alphabetical order of the agencies) to the UTE Committee’s request from the four oversight agencies and programs:

Department of Environmental Protection

Maine Yankee Decommissioning Project and Department of Environmental Protection

Oversight & Work Plan for July 1, 2007 Through June 30, 2010

September 5, 2007

Overview

The Maine Yankee Atomic Power facility is located off of Old Ferry Road in Wiscasset, Maine. Maine Yankee is a former nuclear power electrical generating plant that ceased generating electricity after twenty-five years in August 1997. The plant was decommissioned and dismantled during the period between September 1997 through June 2005.

Maine Yankee has performed multiple site investigations, remedial actions and determined the extent of residual contamination remaining on site. Multiple investigations and removals were completed and corrective measures were designed to remove and control the migration of petroleum and hazardous wastes that had been discharged on site. However, the Department will continue to provide oversight and evaluate site conditions at the former nuclear power generation plant. The Department will be engaged in the following activities over the next three years.

Tasks and Description

A. Completion of the RCRA Compliance Order:

This document summarizes all of the RCRA oversight work conducted to date. It also sets up conditions for the remaining 28 years of the groundwater monitoring program.

B. Long Term Ground Water Monitoring:

A thirty year groundwater monitoring program is in place to monitor conditions at the site and to ensure that appropriate measures are taken to protect human health and the environment. Staff oversight of the groundwater monitoring program is ongoing. Based on future monitoring results, the cumulative risk assessment recently completed for the site may warrant an update to the report in the future if contaminants of concern begin to increase in concentration or become more mobile.

The Department of Environmental Protection's jurisdiction is limited to oversight of the non-radiological, chemical constituents. Although oversight of radiological concerns is provided by

the Nuclear Regulatory Commission and the Maine Department of Human Services, DEP has been heavily involved in technical discussions and decisions related to the radiological groundwater monitoring program since both programs were using some of the same monitoring wells. Both programs needed coordination on the frequency of the monitoring events and reporting of the results.

The second year of monitoring is almost over. An annual summary report is due in September of each year. All data is downloaded into the Department's Environmental Groundwater database. The third year of monitoring will result in a more comprehensive report with trend analysis required. There is also a separate groundwater monitoring program for a Backlands disposal area referred to as Relic Dump 2.

C. Restrictive Covenant:

A restrictive covenant is being placed on a portion of the property identified as Bailey Point. The restrictive covenant placed on the property restricts groundwater usage on Bailey Point as well as prohibits residential use, schools, child care facilities or long term care facilities. Any proposed excavation of soils in areas where contaminated soils were previously excavated will trigger notice to the Department. Protective measures are required for persons working in these areas. Department staff will respond to questions from town officials, development and real estate professionals regarding the restrictive covenant and site use limitations. As an example, the Twin River Energy Center has announced its intent to develop a portion of the former Maine Yankee property as an energy center using new gasification technology. Department staff will also be responsible for initiating any enforcement actions needed to monitor and require compliance with the land use restrictions.

The written legal document should be completed in 2007. Oversight and enforcement of the covenant will be ongoing.

D. Natural Resource Damage Assessment:

Maine's Natural Resource Trustees, DEP, DOC, IFW and DMR along with the Attorney General's office have been in negotiations with Maine Yankee to settle all natural resource damages and liabilities in a legal settlement. DEP is the lead trustee in coordinating this effort to evaluate the injury to the Bailey Point groundwater natural resource and to identify suitable projects relating to the replacement of natural resources equivalent to those damaged utilizing relevant and appropriate guidance. The projects identified are attached. Oversight of the proposed multiple projects will be required during the three year period and beyond.

A draft settlement is currently undergoing final revisions. Changes will need to be approved by Maine Yankee. The six tentative projects (see attached project list) will require on-going oversight and collaboration with the municipalities affected. This is uncharted territory and unexpected circumstances may trigger more of staff's time than currently anticipated.

E. Financial Assurance:

Maine Yankee has provided financial assurance for corrective action. The estimated cost of the thirty year groundwater monitoring program is approximately \$1,073,000. The mechanism Maine Yankee chose to make this demonstration is the “financial test” in accordance with federal requirements, 40 CFR 264 and 265 subpart H. This documentation is due each year by April 15th.

F. Quality Assurance

The Department will be performing a quality control review of the periodic submittals of groundwater monitoring data. After the quality assurance and control review of the data, it is added to a data base that will be maintained over the next thirty years or longer if necessary.

G. Beyond 2010....

Possible costs anticipated beyond FY09-10 include:

1. Compliance Evaluation Inspections at strategic intervals that coincide with critical monitoring events. There are seven monitoring events at 24 hours each. Add $24 \times 25.44 \times 7 = \4368
2. Quality Assurance Oversight. We will perform quality control reviews of the RCRA data for 7 groundwater monitoring events. Radiological events beyond the five years is possible but unknown at this time.
ESII/Chemist I 5 hours $\times 7 \times \$20 = \700
3. If Pat Dostie’s position is not funded beyond September 2008; DEP is likely to have to pick up some of those responsibilities once he is gone.
4. Contingency of 20 to 30% for additional oversight of monitoring if levels have an unexpected increase in contaminants.
5. In the event of a leak or homeland security incident at the ISFSI, DEP response services staff would be called upon to support DHHS state and state police.

H. Detailed Cost Estimate

Personnel Involved:

Postion Title	Hourly Rate	Estimated hours 2007-08	Estimated Costs 2007-08	Estimated hours 2008-09	Estimated Costs 2008-09	Estimated hours 2009-10	Estimated Costs 2009-10
Project Manager Es III	22.39	250	5597	200	4478	150	4478
Project Geologist	25.44	100	2,544	100	2,544	75	1908
Project Chemist	25.77	100	2,577	75	1,927	50	1289
Database Manager	18.52	12	222	12	222	12	222
Env. Supervisor (ESIV)	27.26	40	1,090	30	818	15	409
Division Director	33.68	50	1,684	50	1,684	40	1347
Clerical Support	14.24	25	356	25	356	25	356
Sub-Total			14,070		12029		10009
Estimated Cost increases					281		264
Estimated Total Personnel			14070		12310		10273
Estimated Fringe			6336		5540		4623
Estimated Indirect			3238		2833		2364
Grand Total			23640		20683		17260

MAINE YANKEE NRD PROJECT LIST

July 2007

1. **Heart of the Watershed** (Sheepscot Valley Conservation Asso.)

Acquisition of two particular properties known as the Barth and Weary Properties will result in the protection of 527 acres including roughly 3 miles of Sheepscot River shoreline through fee acquisition and conservation easement; the total land includes the 254-acre Weary and 273-acre Barth/Conboy properties. This is the latest of a series in the SVCA's landscape-level program to protect the riparian buffers along the Sheepscot River in the stretch from the Reversing Falls in Sheepscot to the dam at Alna Head Tide. It will protect habitat important to the wild Atlantic salmon and bald eagle, federally listed as endangered and threatened, as well as brook floater and other uncommon mussels, globally rare and threatened plant communities on the riverbanks and other anadromous fish that use the river. This project, including the two largest properties still owned by single landowners on the river, will protect a contiguous area of over 750 acres in a fast-developing section of mid-coast Maine.

These properties abut the SVCA's existing Bass Falls Preserve and part of this project will expand the Preserve and its public hiking trails and hunting and fishing opportunities.

Conservation easements on the two properties will enable continuation of the existing forestry activities, enabling continuation of an important part of the local rural economy.

Allocation Amount: \$125K

2. **Sherman Lake/Salt Marsh Restoration.** The dam under Route 1 that previously created Sherman Lake was partially washed out in October 2005. The dewatering of Sherman Lake has caused a wetland to be created in its place but this wetland is not a fully productive saltwater marsh because the remaining portion of the dam has hampered the flow of tidal water into the Sherman Marsh. Besides studying and improving the hydraulic flow there is a need to study and restore salt water flora in the Sherman Marsh. There are 216 acres of saltwater marsh that can potentially be restored. There is strong federal support for this project but there remains a need to provide matching funds to free up the federal dollars. It is important to note that the current conditions are unsatisfactory to Me DOT and will require additional work since the long-term support of Rte. 1 is threatened. Therefore Me DOT has made the decision that the remaining portion of the dam structure must be removed. More work is needed for wetland restoration.

Allocation Amount: \$300K

3. **Cooper's Mill dam** removal; Removal of a aged and damaged low head dam located on the Sheepscot River in Whitefield, Maine, that presently serves that community as a fire pond, has the potential to provide additional habitat for Atlantic Salmon and other diadromous species (e.g. eels, alewives, sea-run brook and brown trout). Trout Unlimited Inc. issued an RFP for an alternatives analysis of the dam which is due early summer 2006 making this project ready for early implementation. Recent events have made this project much more locally attractive, given the state of disrepair and imminent loss of the fire pond. The project has the potential to permanently benefit species within the Sheepscot River watershed.

Allocation Amount : \$200K as matching funds for federal monies for dam removal

4. **Chewonki Back River trail system**

This project would complete the link for the Back River Trail, which Chewonki is currently building from Chewonki Neck, over former Maine Yankee lands, and across the Cushman Mountain Preserve to Birch Point (Mason Station), and eventually on into the center of town.

In 2004 Chewonki applied to the Land for Maine's Future Program for funds for land acquisition linked to the trail. Chewonki was awarded roughly half of the funds needed to acquire the remaining interest in land just north of the Cushman Mountain Preserve and just south of the Mason Station. It would very much like to resolve the ownership critical to completing the project, and specifically completing the link to Birch Point/Mason Station.
Allocation Amount: \$150K

5. **Acquisition of Berry Island**

Berry Island which is just south of the Westport Bridge, could be preserved as open space and for public access, with one campsite. The island will be added to the Maine Island Trail, thus bringing a loop of this important water trail alongside the new Back River Trail.

Allocation Amount: \$55K

6. **Montsweag Brook, including land, flowage rights and dam.** The Back River (the branch of the Sheepscot that flows from the Town of Wiscasset through Montsweag and Hockomock Bays to the Kennebec at Bald Head) has been a focal point of interest for the US Fish & Wildlife Service, Maine IFW, TNC, MCHT and other conservation groups for over 20 years. This represents one of the important relatively undeveloped corridors in the entire Eastern flyway for migratory waterfowl. Montsweag Brook is a tributary of the Back River.

Removal of the lower dam on Montsweag Brook would facilitate a potential return of diadromous fish such as eels, alewives and sea run brook trout to the Brook. Dam removal has benefits beyond fish passage. Natural drainage to the ocean would result in a more natural watershed that provides public benefits such as scenic trails, natural flowing water, etc. Estimated cost ranges from \$150,000 to \$250,000 to remove the dam. The land corridor would be placed with a local land trust such as Chewonki for a public walking trail or kept as is. If the utility right of way that extends from the dam to the Maine Yankee site could be added, then the Chewonki Back River Trail could be connected to the Town of Woolwich.

In addition, the Wiscasset Water District has requested that an investigation be undertaken to explore this area for an alternative water supply for the Town of Wiscasset.

Allocation Amount: \$100K as matching funds for federal funds and feasibility study for alternate uses

DEPARTMENT OF HEALTH AND HUMAN SERVICES

DEPARTMENT OF HEALTH AND HUMAN SERVICES
MAINE CENTER FOR DISEASE CONTROL AND PREVENTION
DIVISION OF ENVIRONMENTAL HEALTH

FUNDING FOR MAINE YANKEE OVERSIGHT EXECUTIVE SUMMARY

Introductory and Summary:

The Department of Health and Human Services (DHHS) is a key player in the environmental health oversight of the Maine Yankee facility. The State Nuclear Safety Inspector and the Radiation Control Program both reside within the DHHS office called the Maine Center for Disease Control and Prevention and accomplish complimentary functions related to the environmental oversight.

DHHS feels that the stated present work plan provides a reasonable, though not completely comprehensive, product that can be accomplished within the present agreement and funding. Reductions in DHHS's budget with respect to the Maine Yankee facility will be accomplished primarily through the elimination of the position of State Nuclear Safety Inspector, whose mission at the site is scheduled to be completed within the next 12 months. At its reduced funding level, DHHS will be able to carry out its core objectives under Maine law. Under the current plan, State priorities for these funds need to be revisited, especially to include potential contingencies for unexpected occurrences. We have also provided a work plan for the increased funding proposed in LD 1918, as requested by the Committee.

Option A:

This is the present plan developed under current statute and the present Federal Energy Regulatory Commission settlement agreement. The expected funding amount for FY 08 was drafted by the Public Advocates Office in June 2006 and included disbursements to the end of FY 08. The following are some of the activities and products that will be produced under this funding plan.

Fiscal Year 2008

- Ongoing environmental oversight of Independent Spent Fuel Storage Installation
- Ongoing operational oversight of Independent Spent Fuel Storage Installation
- 10 confirmatory reports on different survey areas within the decommissioned zone.
- 7 different project reports on specific activities.
- Ground surveys of numerous areas within the plant site for contamination.
- Groundwater monitoring review of annual report, and data analysis.
- 30 soil samples to get in depth analysis for transuranics and other hard to detect materials.
- Annual report to the State Nuclear Safety Advisor
- Ongoing environmental oversight of the air, water and biota in MY area.
- Analysis of groundwater samples relative to the decommissioning.
- Direct and manage the work of the decommissioning consultant.
- Confer with DEP on radionuclides in groundwater data.

- Evaluate laboratory reports regarding soils and groundwater.
- Presenter at Maine Yankee Community Action Panel meetings and summarize.

Fiscal Year 2009

- Ongoing environmental oversight of Independent Spent Fuel Storage Installation.
- Continue groundwater monitoring and review of annual report, and data analysis.
- Dispose of 1000+ soil samples after final reports.
- Complete photo album of decommissioning and forward to State Archives
- Forward all reports and decommissioning documentation to State Archives
- Turnover any files etc to the Radiation Control Program manager on groundwater.
- Ongoing environmental oversight of the air, water and biota in MY area.
- Final decommissioning report minus final groundwater data due in 2011.

Fiscal Year 2010

- Ongoing environmental oversight of the air, water and biota in MY area.
- Ongoing environmental oversight of Independent Spent Fuel Storage Installation.
- Continue groundwater monitoring and review of annual report, and data analysis.

DEPARTMENT OF HEALTH AND HUMAN SERVICES
MAINE CENTER FOR DISEASE CONTROL AND PREVENTION
DIVISION OF ENVIRONMENTAL HEALTH

**DHHS FUNDING FOR MAINE YANKEE OVERSIGHT
EXECUTIVE SUMMARY**

Option B:

This is the plan developed under the assumption that LD 1918 passes with no significant changes regarding funding. The following are some of the activities and products that will be produced under this funding plan.

Fiscal Year 2008

- Ongoing environmental oversight of Independent Spent Fuel Storage Installation
- Ongoing operational oversight of Independent Spent Fuel Storage Installation
- ~~40~~ 7 confirmatory reports on different survey areas within the decommissioned zone.
- 7 different project reports on specific activities.
- Ground surveys of numerous areas within the plant site for contamination.
- Groundwater monitoring review of annual report, and data analysis.
- 30 soil samples to get in depth analysis for transuranics and other hard to detect materials.
- Annual report to the State Nuclear Safety Advisor
- Ongoing environmental oversight of the air, water and biota in MY area.
- Analysis of groundwater samples relative to the decommissioning.
- Direct and manage the work of the decommissioning consultant.
- Confer with DEP on radionuclides in groundwater data.
- Evaluate laboratory reports regarding soils and groundwater.
- Presenter at Maine Yankee Community Action Panel meetings and summarize.
- **Survey of Bailey Point elevated areas found during characterization.**
- **Survey of Foxbird Island soils and rock pile areas.**
- **Survey of three sites within the confines of the old plant industrial area.**
- **Survey of West Access Road near former ISFSI debris pile.**
- **Survey of selected areas of the former ISFSI debris pile.**
- **Survey of East Access Road near ISFSI berm area**

Fiscal Year 2009

- Ongoing operational and environmental oversight of Independent Spent Fuel Storage Installation.
- Continue groundwater monitoring and review of annual report, and data analysis.
- Dispose of 1000+ soil samples after final reports.
- Complete photo album of decommissioning and forward to State Archives
- Forward all reports and decommissioning documentation to State Archives
- ~~Turnover any files etc to the Radiation Control Program manager on groundwater.~~
- Ongoing environmental oversight of the air, water and biota in MY area.
- **5 confirmatory reports on different survey areas within the decommissioned zone.**
- **Expanded content and number (11) of the specialized project reports.**

Fiscal Year 2010

- Ongoing environmental oversight of the air, water and biota in MY area.
- Ongoing operational and environmental oversight of Independent Spent Fuel Storage Installation.
- Continue groundwater monitoring and review of annual report, and data analysis.
- **Complete Final Decommissioning Report with expanded content and more groundwater data.**
- **Gamma and Neutron survey of ISFSI, in accordance with TAP recommendation**

DEPARTMENT OF HEALTH AND HUMAN SERVICES
MAINE CENTER FOR DISEASE CONTROL AND PREVENTION
DIVISION OF ENVIRONMENTAL HEALTH

**DHHS FUNDING FOR MAINE YANKEE OVERSIGHT
EXECUTIVE SUMMARY**

DHHS FUNDING REQUIREMENTS AND OPTIONS FOR MAINE YANKEE OVERSIGHT

FISCAL YEAR	NUCLEAR INSPECTOR	RAD CONTROL PROGRAM	HEALTH LABORATORY	CAPITAL	TOTALS
OPTION A (present plan)					
2008	\$ 118,263.00		\$ 5,000.00	\$ -	\$ 123,263.00
2009	\$ 20,424.00	\$ 11,591.00	\$ -	\$ -	\$ 32,015.00
2010	\$ -	\$ 14,645.00	\$ -	\$ -	\$ 14,645.00
OPTION B (LD 1918 PASSES, ACTUAL COSTS)					
2008	\$ 122,544.00	\$ 13,130.00	\$ 39,200.00		\$ 174,874.00
2009	\$ 126,220.32	\$ 9,591.00	\$ 39,200.00	\$ 57,000.00	\$ 232,011.32
2010	\$ 130,006.93	\$ 10,645.00	\$ 39,200.00	\$ 60,000.00	\$ 239,851.93

**RADIATION CONTROL PROGRAM
MAINE CENTER FOR DISEASE CONTROL and PREVENTION
DEPARTMENT OF HEALTH AND HUMAN SERVICES**

History:

In the early 1990's the U.S. Environmental Protection Agency (EPA) and the U.S. Nuclear Regulatory Commission (NRC) both monitored the environment for radioactivity. The NRC program was eliminated by 1995 due to costs, and the fact that the Utilities were required to monitor the environment and provide the data to NRC on an annual basis. The EPA program was also cut at that time though today they monitor radiation in areas of high population density, not in Maine, and in the vicinity of Naval Shipyards roughly every 10 years. The Radiation Control Program of the Maine CDC is the only environmental monitoring agency for offsite radiation monitoring, in Maine, from Seabrook and Maine Yankee, and we get no money from Seabrook to conduct this monitoring. The State Nuclear Safety Inspector (SNSI) also has an environmental monitoring program, mostly on the Maine Yankee site. The SNSI though administratively with the Radiation Control Program is an Office within the Division of Environmental Health. In Fiscal Year 2005 through 2007 the Radiation Control Program devoted over \$44,000 in staff time to assist the SNSI with the decommissioning effort without any direct reimbursement. Only the Radiation Control Program and its present programs are dealt with in this document, the State Nuclear Safety Inspector has completed his own review and analysis of his programs under a separate document.

Tasks and Work Plan:

The Radiological Environmental Monitoring Program is the primary task of the Radiation Control Program with regards to the Maine Yankee site (

<http://janus.state.me.us/legis/statutes/22/title22sec674.html>). Previously we had used monies from the **L**ow **L**evel **R**adioactive **W**aste Fund to help fund our oversight program. This primarily paid for the staff time and dosimetry costs. The LLRW fund was primarily paid by Maine Yankee and now no longer is because Maine Yankee doesn't generate the quantity of Low Level Radioactive Waste that they once did. The REMP analysis costs were funded directly to the Health and Environmental Testing Laboratory in the past. The REMP consists of sampling of water and seaweed in the environment around Maine Yankee and the use of passive radiation monitoring devices call TLD's (thermo luminescent dosimeters). The water sampling costs are still a bit higher than previously planned due to the detection of some groundwater contamination on site, and the continuation of the groundwater monitoring program (split samples) over the time frame that this information was requested. We request that the monies be transferred to us and the laboratory will bill us for their services.

At some point in time in the future, the high level radioactive waste will be shipped off site and the Independent Spent Fuel Storage Installation will need to be decommissioned and additional environmental sampling will be required to oversee that operation.

DEPARTMENT OF HEALTH AND HUMAN SERVICES
MAINE CENTER FOR DISEASE CONTROL AND PREVENTION
DIVISION OF ENVIRONMENTAL HEALTH

RADIATION CONTROL PROGRAM

TASK	FY 2008	FY2009	FY 2010
REMP- Analysis costs (no TLD)	\$ 2,380.00	\$ 2,441.00	\$ 2,740.00
Staff Time	\$ 7,800.00	\$ 7,175.00	\$ 9,875.00
TLD's (dosimetry)	\$ 2,000.00	\$ 1,000.00	\$ 1,030.00
Instrument calibration	\$ 950.00	\$ 975.00	\$ 1,000.00
TOTALS	\$ 13,130.00	\$ 11,591.00	\$ 14,645.00

Future Projections:

The Maine Yankee Independent Spent Fuel Storage Installation (ISFSI) will require the Radiation Control Program to monitor the surrounding environment for many years to come. When all the high level waste and greater than class C waste is finally shipped offsite there will be a decommissioning of that facility that will require environmental oversight. I would expect that if more funding was available that we would be able to assist the State Nuclear Safety Inspector more with his job tasks. We assist him now but are not presently being reimbursed. If we are not funded into the future then these services would have to stop.

Future Capital Investments:

The future investments would primarily be instrumentation. We may be able to purchase some of these with an application for DHS (Homeland Security) funds, but that has not presently been attempted.

- MicroStar - portable dosimetry system (1) \$25,000
This system would be used for environmental monitoring, personnel monitoring, and emergency worker monitoring. Other than the capital outlay it would decrease the overall yearly dosimetry costs by roughly 75%. *Two of these devices would greatly improve emergency response capability by pre-staging in different areas of the state.*
- Portable Field gamma spectroscopy system (2 total) \$20,000
These systems would replace two devices presently being used that are roughly 10 years old. *Could possibly get by with only one.*
- Radiation Software for modeling and calculation \$ 5,000
Microshield software 7.02 subscription.
- Field Survey Instrumentation – replacement of \$ 2,000
instrumentation that was worn out during previous surveys at the Maine Yankee site.
- Air Monitors – replacement of two air monitors that \$ 5,000
have been sampling for years with only minor service.

STATE NUCLEAR SAFETY INSPECTOR (DHHS)

August 22, 2007

SNSI Response to LD 1918 and the Joint Standing Committee on Utilities and Energy

The following information is provided based on two funding scenarios. Option A is predicated on Steve Ward's June 2006 allocation and adjusted based on the calendar year allotments as presented in Title 35-A, Section 4395, Subsections 2, 3, and 4. Option B is based on the amounts proposed under LD1918.

Option A Funding Scenario:

Fiscal Year 2008 Allotment - \$328,334 of which the SNSI was tentatively allocated \$118,263.
Fiscal Year 2009 Allotment - \$233,334 of which the SNSI allocation has yet to be determined.
Fiscal Year 2010 Allotment - \$170,000 of which the SNSI allocation has yet to be determined.

FY'08 Specific Oversight Tasks to be Conducted

Independent Spent Fuel Storage Installation (ISFSI) Oversight:

The State's Radiological Environmental Monitoring Program (REMP) is conducted by a staff person from the Radiation Controls Program (RCP), the State Nuclear Safety Inspector (SNSI) and includes the State's Health & Environmental Testing Laboratory (HETL) analytical capabilities. This task involves the taking of environmental samples for analysis by HETL and includes such media as air samples, fresh and salt water and seaweed from various locations near Maine Yankee. The samples are taken on a quarterly basis, except for the air samples which are on a bi-weekly frequency, and analyzed for gross beta, tritium and gamma emitters, such as Cobalt-60 and Cesium-137. In addition, there are currently 70 TLD (thermoluminescent dosimeters) placed at various locations. 40 encompass Bailey Cove and the old industrial plant area, 13 encircle the ISFSI, and 17 are in the general vicinity of Maine Yankee. In the fall of 2007 another review of the on-going REMP will take place to see what is necessary for the monitoring of the ISFSI until the spent fuel is removed by the US DOE. It is expected that a number of TLD stations will be curtailed.

Besides the REMP the SNSI has numerous tasks that he performs as part of the oversight to the ISFSI and they are listed under the work plan section below.

Decommissioning Project:

The State's Decommissioning Efforts encompass several features, namely the Final Site Walk Down Survey of Bailey Point, the write-up of 10 Confirmatory Reports, 11 combined and reduced in content Project Reports to 7 and a Final Decommissioning Report evaluating Maine

Yankee's compliance with the State's decommissioning standards. The surveys will be completed by the SNSI with some periodic assistance from the staff of the RCP. A number of areas have been targeted and have been listed in the SNSI's report for inclusion in the State Nuclear Safety Advisor's (SNSA) report to the Legislature. Some other areas are on a waiting list pending additional resources and time. In addition, 30 previously analyzed samples from the HETL will be screened for further testing at the US Environmental Protection Agency (EPA).

Ground Water Monitoring Program:

The SNSI, in conjunction with the Manager of the RCP, evaluate on an on-going basis the Maine Yankee Work Plan for the groundwater sampling program, the tri-annual analytical results, and the annual report. In addition to this, the State analyzes 7 groundwater samples yearly to verify and validate Maine Yankee's laboratory vendor's results. These samples are analyzed twice by HETL for tritium and gamma emitters. In certain situations, as it has already occurred, it may be necessary to take special samples to identify Hard-To-Detect/Transuranics elements. The groundwater monitoring program is slated for 5 years and we will shortly be starting our third year.

FY'08 Detailed Work Plan For Completion of Those Tasks, Including Staffing

ISFSI Oversight:

As previously stated the REMP program will consist primarily of four individuals. They are the SNSI, a materials inspector from the RCP, the Radio-Chemist from the HETL, and the Manager of the RCP. The responsibilities of each individual are enumerated below.

The SNSI is responsible for the following REMP tasks:

1. Bi-weekly air sample field change-outs,
2. Performs the quarterly change-outs of the ISFSI and Bailey Cove TLDs,

In addition to his REMP duties the following tasks are also performed by the SNSI on an on-going basis:

1. Reviews the daily ISFSI Operations reports for trends, issues, condition reports, etc.
2. Reviews of any US Nuclear Regulatory Commission (NRC) license amendment changes to the ISFSI license,
3. Reviews and investigates any licensee event reports,
4. Participates in any NRC inspections of the ISFSI facility,
5. Maintains current knowledge with any design or defueled safety analysis reports,
6. Participates in any annual emergency plan exercises,
7. Reviews all correspondence from Maine Yankee to the NRC,
8. Reviews the annual ISFSI radiological environmental operating report,
9. Ensures being knowledgeable and current on spent fuel storage and transportation issues,
10. Advises the Manager of the RCP on changes to the REMP program,
11. Advises the Department of Environmental Protection (DEP) on radiological issues at the ISFSI, especially those pertaining to groundwater

12. Periodically advises the SNSA, senior management at MeCDC, the Director of the Division of Environmental Health and the Manager of the RCP on any spent fuel storage issues that may impact the public safety,
13. Reviews the TLD results for radiological impacts to the environment and the public,
14. Annually updates the Maine Yankee Community Advisory Panel of the State's efforts and progress, and
15. Provides an annual summary to the SNSA of the current year's SNSI activities and findings as well as a projection of the coming year's planned activities.

The Materials Inspector from the RCP is responsible for the following tasks:

1. Performs the quarterly environmental media sampling of fresh and salt water,
2. Performs the quarterly environmental media sampling of seaweed,
3. Performs the quarterly field change-outs of the TLDS in the vicinity of Maine Yankee,
4. Collects the sample containers from HETL,
5. Delivers the environmental samples to HETL for radiological analysis.

The Radio-Chemist is responsible for the following tasks:

1. Prepares the samples for the appropriate radiological analyses,
2. Performs appropriate daily Quality Assurance checks on the respective laboratory instruments to ensure their functionality prior to counting the samples,
3. Analyzes the respective media for the appropriate radiological analyses,
4. Reviews and validates the results,
5. Provides analytical data summaries to the SNSI,
6. Confers with the Manager of the RCP on positive findings.

The Manager of the RCP is responsible for

1. Reviewing the analysis results on the environmental media,
2. Tracks and trends any radiological impacts that may affect public health,
3. Initiates investigations as appropriate to verify findings,
4. Recommends appropriate protective actions to mitigate any radiological consequences to the public,
5. Advises senior management at MeCDC on health advisories concerning radioactive materials in the environment.

Decommissioning Project:

The State is in the final stages of completing its work relative to the Maine Yankee decommissioning. The work involves radiation surveys of numerous areas, especially the transportation routes exiting Maine Yankee, writing up confirmatory and project reports of the State's findings, analyzing various soils samples for certain types of man-made radioactive elements, and a final decommissioning report to pull all the various facets of the State's involvement to determine compliance with the State's decommissioning standards. The primary work is centered in the SNSI. Some assistance is occasionally provided by the RCP staff. Any soil samples taken as part of the field survey investigations are transmitted to HETL for radionuclide identification and quantification.

As part of this process the SNSI directs the State's activities and is responsible for the following when it comes to surveys, reports and outside assistance:

1. Takes samples of elevated areas to HETL for various radioactive analyses,
2. Ensures proper documentation of all the survey areas from all sources,
3. Ensures radioactive equipment is properly calibrated periodically,
4. Determines which areas require radioactive surveys,
5. Designs and implements survey protocols for those areas,
6. Performs appropriate Quality Control checks to verify survey equipment operability,
7. Ensures that interferences within survey areas are removed,
8. Identifies and investigates elevated areas of radioactivity,
9. Leases radioactive equipment to ensure that surveys are performed in a timely manner,
10. Evaluates the radio-analytical results and confers with the State Radio-Chemist on those results,
11. Apprises the Manager of the RCP and other senior management personnel from MeCDC and the SNSA on unusual findings,
12. Reviews, comments, edits and directs content of confirmatory reports generated by the State's Consultant,
13. Provides appropriate survey and other documentation to the State's Consultant for inclusion into the confirmatory reports,
14. Coordinates and directs the State's Consultant activities, including on-site visitations,
15. Prepares simplified project reports on specific activities related to major decommissioning evolutions,
16. Consults with EPA on highly specialized Hard-To-Detect (HTD) and Transuranic (TRU) analyses,
17. Evaluates and selects 30 soil samples from the State's entire soils sampling decommissioning inventory for EPA to test for HTD/TRU analyses
18. Prepares and ships 30 soil samples,
19. Evaluates and incorporates EPA HTD/TRU analytical results,
20. Coordinates outside expert panel review of the State's reports,
21. Factors in expert review comments and finalizes the final decommissioning report on the Maine Yankee decommissioning,
22. Briefs management as appropriate,
23. Distributes decommissioning reports,
24. Responds to decommissioning inquiries.

The staff of the RCP at times lends assistance to the SNSI on his survey responsibilities as outlined in the SNSI duties above.

As part of this process the Radio-Chemist is responsible for the following tasks:

1. Prepares the samples for the appropriate radiological analyses,
2. Performs appropriate daily Quality Assurance checks on the respective laboratory instruments to ensure their functionality prior to counting the samples,
3. Analyzes the respective media for the appropriate radiological analyses,
4. Reviews and validates the results,
5. Provides analytical data summaries to the SNSI,
6. Confers with the SNSI on unusual or elevated results.

Ground Water Monitoring Program (GWMP):

The State oversight of the GWMP is multifaceted as it involves three state agencies with the principals being DEP, DHHS and OPA. Since DEP is not equipped to evaluate radiation issues, it defers to the DHHS's RCP on radiological topics. Due to his intimate and corporate knowledge of the plant site, the SNSI was relegated as the primary contact for DHHS.

The SNSI's responsibilities in the GWMP include:

1. Reviews, evaluates and trends Maine Yankee's radiological results, including HTD/TRU analyses and all the raw data or supplemental information supporting the analytical results,
2. Calculates radiological impacts from Maine Yankee's analytical results,
3. Confers with DEP counterparts on hydro-geological impacts to ground water results,
4. Participates in DEP discussions on the ground water monitoring program,
5. Reviews and comments on the Maine Yankee Radiological Work Plan and revisions,
6. Reviews and comments on the Maine Yankee annual ground water and cost summary reports,
7. Coordinates with DEP counterparts on identified radiological concerns and advises ways and means to address them,
8. Meets with Maine Yankee and vendor laboratory representatives to discuss technical matters related to the deliverables as outlined in the State of Maine DEP and Maine Yankee "Post Decommissioning Groundwater Radiation Monitoring Agreement", the interpretations of the Agreement and the proper analysis of the ground water samples,
9. Establishes on an annual basis what wells will require extra samples for the State analysis and verification of Maine Yankee's vendor laboratory's analytical results,
10. Provides sample containers to the Maine Yankee consultant performing the ground water sampling,
11. Ensures proper chain of custody protocols are employed in the transfer of the sampling containers from Maine Yankee's consultant and the State and that the samples are delivered to HETL for analysis,
12. Evaluates the analytical results from HETL and compares those results with that of Maine Yankee,
13. Confers with DEP, OPA, Manager of RCP, and Maine Yankee on ground water investigations of abnormal findings,
14. Maintains and provides the State's findings to DEP, OPA and the Manager of the RCP,
15. Advises DEP, SNSA and DHHS management of any issues regarding radiological impacts to the public,

As part of this process the Radio-Chemist is responsible for the following tasks:

1. Prepares the samples for the appropriate radiological analyses,
2. Performs appropriate daily Quality Assurance checks on the respective laboratory instruments to ensure their functionality prior to counting the samples,
3. Analyzes the respective media for the appropriate radiological analyses,
4. Reviews and validates the results,
5. Provides analytical data summaries to the SNSI,

6. Confers with the SNSI on unusual or elevated results.

The Manager of the RCP is responsible for the following:

1. Performs reviews of the ground water data summaries provided by Maine Yankee,
2. Participates in DEP discussions on the ground water monitoring program,
3. Receives briefings from the SNSI on his evaluations and trends of the analytical results from the State and Maine Yankee,
4. Confers with DEP and OPA on Agreement issues.

FY' 08 Identification of Specific Work Products

Independent Spent Fuel Storage Installation (ISFSI) Oversight:

The SNSI would provide an annual summary of his activities to the SNSA to be included in the SNSA's annual report to the Governor and the Legislature. Based on his activities some graphs and trends would be generated internally to track performance. The Radio-Chemist at HETL produces analytical summaries from the analyses performed on the different sample media. A laboratory report would be generated for each analysis performed. The Manager of the RCP would not generate a report, but could generate trend graphs to evaluate performance and may generate an annual summary of the REMP findings.

Decommissioning Project:

The SNSI would generate

- 1) Multiple assortments of documentation relative to each survey area,
- 2) 10 confirmatory reports as identified below:
 - a) Offsite Backlands
 - b) Containment Building
 - c) Primary Auxiliary Building
 - d) Spray Building
 - e) Spent Fuel Pool Building
 - f) Primary Radiation Areas (1-9)
 - g) Primary Radiation Areas (10-20)
 - h) Secondary Radiation Areas (3-9)
 - i) Miscellaneous Areas
 - j) Final Site Walk Down Survey
- 3) 7 project reports as identified below:
 - a) Reactor Coolant and Spent Fuel Pool Discharges
 - b) Barging of large components
 - c) Railcar Incident
 - d) Containment Demolition
 - e) TLD Studies
 - f) Beta Evaluation of Free Release of Materials and Truck Monitor
 - g) ISFSI TLD and Groundwater Monitoring Programs

In assisting the SNSI the staff of the RCP would generate the same multiple forms of documentation for each survey area they may be involved with. The Radio-Chemist at HETL

would produce analytical summaries from the analyses performed on the different sample media. A laboratory report would be generated for each analysis performed.

Ground Water Monitoring Program (GWMP):

The SNSI would include the results to date of the groundwater monitoring into the final decommissioning report. The SNSI would also generate graphs indicating trends as part of the oversight of the GWMP. The Radio-Chemist at HETL would produce analytical summaries from the analyses performed on the ground water samples. A laboratory report would be generated for each analysis performed on each water sample.

FY'08 Specific Accounting of the Budgetary Requirements

The SNSI position for the ISFSI oversight, decommissioning project and ground water monitoring program for Fiscal Year 2008 is based on the actual expenditures for Fiscal Year 2007. The breakdown for those costs is as follows:

Annual average salary w/benefits	\$107,940
Operating Expenses	\$10,200
STACAP	<u>\$4,404</u>
Total	\$122,544

The Radio-Chemist's funding for the lab is parceled under different programs utilizing his services. These involve the Radon Program, the Drinking Water Program, DEP and private well owners. To recoup his salary and operating expenses for the radioactive laboratory the lab charges a fee for each analysis performed. Currently, HETL receives \$5,000 annually to conduct the analyses of the REMP samples. How this is broken down based on salaries, operating expenses is unknown:

Annual average salary w/benefits	\$ 68,110
Operating Expenses	\$ 39,200
STACAP	<u>\$ 4,003</u>
Total	\$111,313

It is believed that the \$5,000 is wholly inadequate to maintain the HETL's radiation capabilities.

As for the Manager of the RCP his time and expenses are currently not charged, but rather absorbed as part of this whole process. However, there are REMP costs for outside vendor services for reading the TLDs. As for the staff of the RCP and their time and expenses, they also are currently absorbed as part of their program expenses.

FY'09 Specific Oversight Tasks to be Conducted:

Independent Spent Fuel Storage Installation (ISFSI) Oversight:

The State's REMP continues with the same staff as described in the Fiscal Year 2008 description. With the termination of the SNSI on September 1, 2008, his REMP duties will be assumed by the RCP. How this will work out remains to be developed and will depend extensively on the restructuring of the State REMP slated for November/December of 2007. By January of 2008 the RCP will have the necessary framework to identify what tasks will be performed and how that work will be parceled out after September 1, 2008. HETL will continue performing radioactive analyses on sample media. However, until his termination, the SNSI will continue with his oversight tasks of the ISFSI as delineated in the FY'08 detailed work plan.

Decommissioning Project:

For the two month period commencing in July of 2008 until his termination on September 1, the SNSI will focus on transitioning his duties to bring State closure to the Maine Yankee decommissioning and to ensure a proper turnover of his duties to the Manager of the RCP. His specific tasks for the two month period are outlined under the detailed work plan section below. It is conceivable that he may need some limited assistance from the RCP staff to move items. It is presumed that the SNSI will not place any demands on the Radio-Chemist at HETL during this phase.

Ground Water Monitoring Program (GWMP):

Until his termination on September 1, 2008, the SNSI will continue with the tasks as outlined under the detailed work plan for GWMP for FY'08. It is conceivable that there may be State split samples taken that would require HETL's Radio-Chemist to perform radiological analyses of the separate sample containers. Additionally, it is assumed that the Manager of the RCP will continue his tasks relative to the GWMP, besides absorbing some of the tasks performed by the SNSI after his termination.

FY'09 Detailed Work Plan for Completion of Those Tasks, Including Staffing

Independent Spent Fuel Storage Installation (ISFSI) Oversight:

Until his termination, the SNSI will

- 1) continue to perform those tasks as outlined under the FY'08 section for detailed work plans,
- 2) turnover his duties and responsibilities to the Manager of the RCP.

The Materials Inspector from the RCP will

- 1) perform whatever quarterly environmental sampling is deemed appropriate for the ISFSI,
- 2) conduct the quarterly field change-outs of the TLDs
- 3) Collect sample containers and deliver the environmental sample containers to HETL

The Radio-Chemist and the Manager of the RCP will perform those duties as delineated in the FY'08 detailed work plan.

Decommissioning Project:

Until his termination on September 1, the SNSI will

- 1) box and forward all the SNSI information of the decommissioning to the State Archives,
- 2) dispose of all the 1000+ soil samples,
- 3) complete the photo album of the entire decommissioning and forward it to the State Archives,
- 4) respond to decommissioning inquiries,
- 5) turnover his duties and responsibilities to the Manager of the RCP.

It is not expected that the staff of the RCP will assist in the final closure of Maine Yankee, except to assist the SNSI move documents from storage to the State Archives and dispose of soil samples. The Radio-Chemist for the State's HETL is not expected to perform any analyses for the decommissioning during the closure phase.

Ground Water Monitoring Program (GWMP):

Until his termination on September 1, the SNSI will

- 1) continue to perform those tasks as outlined under the FY'08 section for detailed work plans,
- 2) turnover his duties and responsibilities to the Manager of the RCP.

The Radio-Chemist will perform those duties as delineated in the FY'08 detailed work plan. The Manager of the RCP will perform those duties as described in the FY'08 detailed work plan and assume whatever SNSI duties he deems appropriate.

FY' 09 Identification of Specific Work Products

Independent Spent Fuel Storage Installation (ISFSI) Oversight:

Prior to his termination on September 1, the SNSI may provide a summary status of his previous and anticipated future tasks and responsibilities to the Manager of the RCP. The Radio-Chemist will provide the same products as delineated in the FY'08 identification of specific work products. The Manager of the RCP will provide the same products as described in the FY'08 detailed work plan and assume whatever SNSI products he deems appropriate.

Decommissioning Project:

Prior to his termination on September 1, the SNSI will

- 1) forward 200+ boxes of historical information to the State Archives,
- 2) dispose of 1000+ soil samples,
- 3) deliver a set of 12+ 4 inch binders containing photos of the entire decommissioning to State Archives,

It is assumed that both the staff of the RCP and the HETL Radio-Chemist will not produce any work product for this time period.

Ground Water Monitoring Program (GWMP):

Prior to his termination on September 1, the SNSI will turnover any trend charts, files, etc to the Manager of the RCP. Since another two years of groundwater monitoring still remains at this time, the Radio-Chemist would continue to produce analytical summaries as part of the State's oversight.

FY'09 Specific Accounting of the Budgetary Requirements

The SNSI position for the ISFSI oversight, decommissioning project and ground water monitoring program for Fiscal Year 2009 is based on the actual expenditures for Fiscal Year 2007 and pro-rated for the two months of work prior to his termination. The 2% raise anticipated on July 1, 2008 is not included in these figures. The breakdown for those costs is as follows:

Two months of salary w/benefits	\$17,990
Operating Expenses	\$1,700
STACAP	<u>\$734</u>
Total	\$20,424

The Radio-Chemist's funding for the lab is parceled under different programs utilizing his services. These involve the Radon Program, the Drinking Water Program, DEP and private well owners. To recoup his salary and operating expenses for the radioactive laboratory the lab charges a fee for each analysis performed. Currently, HETL receives \$5,000 annually to conduct the analyses of the REMP samples. How this is broken down based on salaries, operating expenses is unknown:

Annual average salary w/benefits	\$ 68,110
Operating Expenses	\$ 39,200
STACAP	<u>\$ 4,003</u>
Total	\$111,313

It is believed that the \$5,000 is wholly inadequate to maintain the HETL's radiation capabilities.

As for the Manager of the RCP his time and expenses are currently not charged, but rather absorbed as part of this whole process. However, there are REMP costs for outside vendor services for reading the TLDs. As for the staff of the RCP and their time and expenses, they also are currently absorbed as part of their program expenses.

FY'10 Specific Oversight Tasks to be Conducted:

Independent Spent Fuel Storage Installation (ISFSI) Oversight:

The State's REMP continues with the same staff as described in the Fiscal Years 2008 and 2009 descriptions. The State's RCP will continue its efforts to independently monitor the ISFSI with HETL continuing to perform radioactive analyses on sample media. Any oversight tasks that were assumed at the termination of the SNSI in previous fiscal year will be performed by the Manager of the RCP.

Decommissioning Project:

With the closure of the State's involvement in the decommissioning in the previous fiscal year, there are no tasks to be performed.

Ground Water Monitoring Program (GWMP):

The GWMP sampling is due to be completed by the end of the FY'10. However, there will be one last round of State split samples that will require HETL's involvement. The results of the last sampling, the last annual report and the final closure of the wells will dominate the first half of FY'11 oversight.

FY'10 Detailed Work Plan for Completion of Those Tasks, Including Staffing

Independent Spent Fuel Storage Installation (ISFSI) Oversight:

The Manager of the RCP and the Radio-Chemist will perform those duties as described in the FY'08 and FY'09 detailed work plans.

The Materials Inspector from the RCP will

- 1) perform whatever quarterly environmental sampling is deemed appropriate for the ISFSI,
- 2) conduct the quarterly field change-outs of the TLDs, and
- 3) Collect and deliver the environmental sample containers to HETL.

Decommissioning Project:

Since all the decommissioning tasks were completed in FY'09, there are no longer any DHHS detailed work plans.

Ground Water Monitoring Program (GWMP):

The Manager of the RCP and the Radio-Chemist will continue to perform those duties as described in the FY'08 and FY'09 detailed work plans.

FY' 10 Identification of Specific Work Products

Independent Spent Fuel Storage Installation (ISFSI) Oversight:

The Manager of the RCP will provide whatever products are necessary, if any. The Radio-Chemist will provide the same products as delineated in the FY'08 and FY'09 identification of specific work products.

Decommissioning Project:

Since the decommissioning is closed, then there is no longer any need for any specific work products.

Ground Water Monitoring Program (GWMP):

The Manager of the RCP will continue to provide other state entities with dose trends of all the wells and trend charts for selected nuclides in anticipation of the closure of the GWMP for FY'11 and to assist in DEP's determination to see if additional monitoring is necessary. HETL's Radio-Chemist would continue to produce analytical summaries as part of the State's oversight.

FY'10 Specific Accounting of the Budgetary Requirements

As for the Manager of the RCP his time and expenses are currently not charged, but rather absorbed as part of this whole process. However, there are REMP costs for outside vendor services for reading the TLDs. As for the staff of the RCP and their time and expenses, they also are currently absorbed as part of their program expenses.

The Radio-Chemist's funding for the lab is parceled under different programs utilizing his services. These involve the Radon Program, the Drinking Water Program, DEP and private well owners. To recoup his salary and operating expenses for the radioactive laboratory the lab charges a fee for each analysis performed. Currently, HETL receives \$5,000 annually to conduct the analyses of the REMP samples. How this is broken down based on salaries, operating expenses is unknown:

Annual average salary w/benefits	\$ 68,110
Operating Expenses	\$ 39,200
STACAP	<u>\$ 4,003</u>
Total	\$111,313

It is believed that the \$5,000 is wholly inadequate to maintain the HETL's radiation capabilities.

Option B Funding Scenario:

Fiscal Year 2008 Allotment - \$360,000 of which the SNSI allocation has not been determined.

Fiscal Year 2009 Allotment - \$370,800 based on an inflation index of 3% per year of which the SNSI allocation has not been determined.

Fiscal Year 2010 Allotment - \$381,294 of which the SNSI allocation has not been determined.

FY'08 Specific Oversight Tasks to be Conducted:

Independent Spent Fuel Storage Installation (ISFSI) Oversight:

The State's REMP continues with the same staff and duties as described in the Option A Fiscal Year 2008 description. Since the funding maintains the full complementarity of previous years, then it is presumed that the SNSI position will receive in the neighborhood of \$120,000 per year. Hence, the SNSI will maintain his REMP and oversight tasks as delineated in the Option A FY'08 detailed work plan. HETL will continue performing radioactive analyses on sample media.

Decommissioning Project:

With the funding being maintained for the SNSI position, then it will be possible to generate all the reports and perform the special projects as previously outlined in the 2006 SNSA report to the Governor and Legislature. In doing so the State will receive a much more comprehensive set of documents elaborating on the SNSI's decommissioning findings as previously envisioned and reported in the 2006 SNSA annual report. It will also mean that the surveys originally contemplated and mentioned in the SNSA report will be performed as stated in Option A of the FY'08 specific oversight tasks to be conducted. This means that the periodic assistance from the RCP staff will continue as well as HETL's participation on any samples brought to the laboratory for analysis.

Ground Water Monitoring Program (GWMP):

The anticipated tasks for the SNSI, HETL's Radio-Chemist and the Manager of the RCP, as outlined in Option A's FY'08 specific oversight tasks, will be maintained.

FY'08 Detailed Work Plan for Completion of Those Tasks, Including Staffing

Independent Spent Fuel Storage Installation (ISFSI) Oversight:

The State's REMP tasks and oversight functions will be the same as those listed in Option A's FY'08 section on detailed work plans for the SNSI, the Materials Inspector, the Radio-Chemist from HETL, and the Manager of the RCP.

Decommissioning Project:

Besides the text provided under Option A's FY '08 for detailed work plans and since the time restraints compelling the completion of a final report sooner than originally envisioned, the timelines and associated tasks would follow more closely those reported to the SNSA and

included in his annual report. With the additional survey areas, the staff of the RCP and the Radio-Chemist will be involved.

Ground Water Monitoring Program (GWMP):

The detailed work plans are the same as those outlined in Option A's FY'08 lists.

FY' 08 Identification of Specific Work Products

Independent Spent Fuel Storage Installation (ISFSI) Oversight:

The specific work products are the same as those provided under Option A for FY'08.

Decommissioning Project:

The specific work products are the same as those provided under Option A for FY'08, except that only the following list of confirmatory reports would be completed:

- 1) Offsite Backlands
- 2) Containment Building
- 3) Primary Auxiliary Building (PAB)
- 4) Spray Building
- 5) Seal Pit Discharge
- 6) Spent Fuel Pool Building
- 7) PAB Alleyway

However, due to the elimination of time constraints, the following products would add a fourth topic to the list found under Option A's FY'08 specific work products and is listed below:

- 4) Survey Areas
 - a. Bailey Point – elevated area found during site characterization,
 - b. Foxbird Island - soils and rock pile areas,
 - c. Three selected sites within the confines of the old plant industrial area,
 - d. 200 foot section of the West Access Road adjacent to where the ISFSI debris pile used to exist,
 - e. Selected areas within the ISFSI debris pile, and
 - f. Resurvey of the East Access Road abutting the ISFSI berm area.

Ground Water Monitoring Program (GWMP):

The specific work products are the same as those provided under Option A's for FY'08.

However, the GWMP results would not be included in the FDR until the following fiscal year.

FY'08 Specific Accounting of the Budgetary Requirements

The specific budgetary accounting is the same as what was provided under Option A for FY'08.

FY'09 Specific Oversight Tasks to be Conducted:

Independent Spent Fuel Storage Installation (ISFSI) Oversight:

The State's REMP continues with the same staff as described in the Fiscal Year 2008 description above. The State's RCP and the SNSI will continue their efforts to independently monitor the ISFSI with HETL continuing to perform radioactive analyses on sample media. The SNSI will continue with his oversight tasks.

Decommissioning Project:

It is anticipated that the final site walk down survey will be completed by the end of fiscal year 2008. Therefore, prior to FY'09 it is presumed that seven of the confirmatory reports would be finalized. In FY '09 the remaining five confirmatory reports listed below would be completed. In addition, the following special projects tasks would also be undertaken. Both are listed below under the FY'09 detailed work plans.

Ground Water Monitoring Program (GWMP):

The SNSI, the Radio-Chemist, and the Manager of the RCP will continue with the same FY'08 specific oversight tasks as mentioned above.

FY'09 Detailed Work Plan for Completion of Those Tasks, Including Staffing

Independent Spent Fuel Storage Installation (ISFSI) Oversight:

The Materials Inspector from the RCP will

1. perform whatever quarterly environmental sampling is deemed appropriate for the ISFSI,
2. conduct the quarterly field change-outs of the TLDs
3. Collect sample containers and deliver the environmental samples to HETL

The Radio-Chemist and the Manager of the RCP will perform those duties as delineated in the FY'08 detailed work plans.

Decommissioning Project:

Besides the detailed work plans as outlined in Option A for FY'08. The SNSI will complete the remaining five confirmatory reports in preparation for the FDR. In addition, a number of special projects would be undertaken to provide the much needed comprehensive analysis and report of the State's findings. As part of that the thoroughness approach the following special projects would also be necessary:

1. Reviews of all the Maine Yankee FSS Reports,
2. Reviews of Maine Yankee's Supplemental Release Reports, Records and Field Gamma Measurements, and

Ground Water Monitoring Program (GWMP):

The Manager of the RCP and will the Radio-Chemist continue to perform those duties as described in the FY'08 detailed work plans.

FY' 09 Identification of Specific Work Products

Independent Spent Fuel Storage Installation (ISFSI) Oversight:

The Manger of the RCP will provide whatever products are necessary, if any. The Radio-Chemist will provide the same analytical results as delineated in the FY'08 identification of specific work products.

Decommissioning Project:

The specific work products anticipated for this fiscal year are the remaining five confirmatory reports and they are listed below:

1. Primary Radiation Areas (1-9)
2. Primary Radiation Areas (10-20)
3. Secondary Radiation Areas (3-9)
4. Miscellaneous Areas
5. Final Site Walk Down Survey

The specific projects would factor in the following end products:

1. Copies of Maine Yankee's Supplemental Release Reports, Records and Field Gamma Measurements, and
2. Write-ups of the 11 specialized/project reports, instead of the reduced and combined format elicited

Ground Water Monitoring Program (GWMP):

The participation of the SNSI, the Radio-Chemist, and the Manager of the RCP are the same as those defined under Option A, FY'08 specific work products

FY'09 Specific Accounting of the Budgetary Requirements

The SNSI position for the ISFSI oversight, decommissioning project and ground water monitoring program for Fiscal Year 2009 continues to be based on the actual expenditures for Fiscal Year 2007. The breakdown for those costs is as follows:

Annual average salary w/benefits	\$107,940
Operating Expenses	\$10,200
STACAP	<u>\$4,404</u>
Total	\$122,544

The Radio-Chemist's funding for the lab is parceled under different programs utilizing his services. These involve the Radon Program, the Drinking Water Program, DEP and private well owners. To recoup his salary and operating expenses for the radioactive laboratory the lab charges a fee for each

analysis performed. Currently, HETL receives \$5,000 annually to conduct the analyses of the REMP samples. How this is broken down based on salaries, operating expenses is unknown:

Annual average salary w/benefits	\$ 68,110
Operating Expenses	\$ 39,200
STACAP	<u>\$ 4,003</u>
Total	\$111,313

It is believed that the \$5,000 is wholly inadequate to maintain the HETL's radiation capabilities.

As for the Manager of the RCP his time and expenses are currently not charged, but rather absorbed as part of this whole process. However, there are REMP costs for outside vendor services for reading the TLDs. When it comes to the staff of the RCP and their time and expenses, they also are currently absorbed as part of their program expenses.

FY'10 Specific Oversight Tasks to be Conducted:

Independent Spent Fuel Storage Installation (ISFSI) Oversight:

The State's REMP continues with the same staff as described in the Fiscal Years 2008 and 2009 descriptions. The State's RCP will continue its efforts to independently monitor the ISFSI with HETL continuing to perform radioactive analyses on sample media. All oversight tasks will continue to be performed by the SNSI. Additionally, based on a recommendation from the Governor's Technical Advisory Panel (TAP) of experts, an ambient survey of the ISFSI will be performed to assess the impact of the various radiations emanating from the ISFSI.

Decommissioning Project:

In preparation for final State closure on the Maine Yankee decommissioning and with all the reports completed, the FDR can now be finalized. In addition, all the SNSI files will be turned over to the State Archives. This turnover also includes the disposition of numerous soil samples.

Ground Water Monitoring Program (GWMP):

The GWMP sampling is due to be completed by the end of the FY'10. However, there will be one last round of State split samples that will require HETL's involvement. The results of the last sampling, the last annual report and the final closure of the wells will dominate the first half of FY'11 oversight.

FY'10 Detailed Work Plan for Completion of Those Tasks, Including Staffing

Independent Spent Fuel Storage Installation (ISFSI) Oversight:

The Materials Inspector from the RCP will

1. perform whatever quarterly environmental sampling is deemed appropriate for the ISFSI,

2. conduct the quarterly field change-outs of the TLDs, and
3. Collect and deliver the environmental samples to HETL.

The SNSI, the Radio-Chemist, and the Manager of the RCP will continue to perform those duties as delineated in the FY'08 and FY'09 detailed work plans. In addition, the SNSI will perform an ISFSI survey as recommended by the Governor's TAP in 2002. The survey was originally scheduled for after all the spent fuel was removed and stored at the ISFSI. However, with the hurried pace of the decommissioning and the State's need to complete all the site surveys, the ISFSI survey was postponed until there were no longer any time and resources constraints.

Decommissioning Project:

The SNSI will ensure to:

1. Complete the FDR in the first half of FY'10,
2. Box and forward all the SNSI information of the decommissioning to the State Archives,
3. Dispose of all the decommissioning soil samples,
4. Complete the photo album of the entire decommissioning and forward it to the State Archives,
5. Assist the State Archives on how best to arrange all the documentation for retrievability, and
6. Respond to decommissioning inquiries,

Ground Water Monitoring Program (GWMP):

The SNSI, the Radio-chemist for HETL, and the Manager of the RCP will continue to perform those duties as described in their FY'08 and FY'09 detailed work plans.

FY' 10 Identification of Specific Work Products

Independent Spent Fuel Storage Installation (ISFSI) Oversight:

The SNSI will:

1. Finalize the FDR,
2. Forward 200+ boxes of historical documentation to State Archives,
3. Dispose of 1000+ decommissioning soil samples,
4. Deliver a set of at least 12 , four inch binders containing photos of the entire decommissioning to State Archives, and
5. Perform a gamma and neutron survey of the ISFSI facility to include an elevation survey on the impacts from skyshine.

The Manager of the RCP and the Radio-Chemist will provide whatever products are necessary, if any.

Decommissioning Project:

The SNSI will ensure that:

1. Complete the FDR in the first half of FY'10,
2. box and forward all the SNSI information of the decommissioning to the State Archives,
3. dispose of all the 1000+ soil samples,
4. complete the photo album of the entire decommissioning and forward it to the State Archives,
5. respond to decommissioning inquiries,

Ground Water Monitoring Program (GWMP):

The SSNSI will continue to provide other state entities with dose trends of all the wells and trend charts for selected nuclides in anticipation of the closure of the GWMP for FY'11 and to assist DEP in their determination to see if additional monitoring is necessary. HETL's Radio-Chemist would continue to produce analytical summaries as part of the State's oversight until the GWMP ceases in FY'11. Further work may occur if the State decides that certain wells require further testing beyond the FY'11 closure date.

FY'10 Specific Accounting of the Budgetary Requirements

The SNSI position for the ISFSI oversight, decommissioning project and ground water monitoring program for Fiscal Year 2009 continues to be based on the actual expenditures for Fiscal Year 2007. The breakdown for those costs is as follows:

Annual average salary w/benefits	\$107,940
Operating Expenses	\$10,200
STACAP	<u>\$4,404</u>
Total	\$122,544

The Radio-Chemist's funding for the lab is parceled under different programs utilizing his services. These involve the Radon Program, the Drinking Water Program, DEP and private well owners. To recoup his salary and operating expenses for the radioactive laboratory the lab charges a fee for each analysis performed. Currently, HETL receives \$5,000 annually to conduct the analyses of the REMP samples. How this is broken down based on salaries, operating expenses is unknown:

Annual average salary w/benefits	\$ 68,110
Operating Expenses	\$ 39,200
STACAP	<u>\$ 4,003</u>
Total	\$111,313

It is believed that the \$5,000 is wholly inadequate to maintain the HETL's radiation capabilities.

HETL'S Operating Expenses

Capital Equipment for the next 5 years:

HPGe @ 83% resolution with accessories = \$60,000

Normal Annual Operating Expenses:

Maintenance Contract for HPGe and accessories =	\$7,500
Maintenance Contract for Tennelec =	\$5,500
Maintenance Contract for Liquid Scintillation =	\$5,000
Maintenance Contract for Protean Counters =	\$3,700
Liquid Nitrogen Supplies =	\$11,000
Consumables =	\$2,500
Replacement Sources	<u>\$4,000</u>
TOTAL	\$39,200

DEPARTMENT OF PUBLIC SAFETY

Maine Yankee Decommissioning Project and Department of Public Safety

Oversight & Work Plan for July 1, 2007 Through June 30, 2010

Overview

The Maine Department of Public Safety is charged with maintaining a readily available, fully trained and equipped force to respond to any potential emergency at the site of the Spent Fuel Storage Facility.

In order for the Department to maintain a response unit for this task, specialized response training is required. In addition, specialized equipment and drills are needed to ensure properly equipped forces are adequately prepared to execute operational plans.

Oversight Tasks

Maintain tactical team readiness for responding to hostile situations.

Maintain response readiness in conjunction with the local law enforcement agency and other first responders for evacuation and/or crowd control.

Maintain Maine State Police liaison and oversight work with the existing Maine Yankee guard force and security structure.

Work Plan

Continuing education and training on police response protocols in a non-traditional environment, i.e. maintaining hazmat-technical level status for tactical team and bomb teams.

Replace and train team members due to attrition.

Conduct joint drills with local law enforcement, the Maine Army National Guard, and state and local Emergency Management Agencies.

Periodic replacement of tactical team response equipment pertaining to response in this particular environment

Work Products

See discussion of Commissioner Jordan's concerns for safeguarding privileged information under Section Two.

Budgetary Requirements

Current Law

Over the next three fiscal years (FY08-FY10), a total of \$195,725 is scheduled to be allocated to Public Safety. The funds will be expended for equipment required by the response unit.

The list below totals more than the scheduled allocation; however, the Department will be able to meet its needs due to the recent award of federal Department of Homeland Security funds. This past fall, the Department was made aware of a grant opportunity by the Maine Emergency Management Agency. With the assistance of that agency, an application for this competitive funding was submitted. News of the award was received in December. The award is \$120,000, just slightly higher than the difference between the total of the identified needs and the funding available under the current law.

One-Time Expenditures for Capital Equipment for the period 2008-2013

FY08	Self-Contained Breathing Apparatus (10 units @ \$6K ea.)	\$ 60,000
	Night Vision Equipment (25 units @ \$4K ea.)	\$100,000
	Specialized Communications Equipment (25 units @ \$0.7K ea.)	\$ 17,500
FY12	Protective Body Armor (25 units @ \$1.8K ea.)	\$ 45,000
FY13	Self-Contained Breathing Apparatus (10 units @ \$6K ea.)	<u>\$ 60,000</u>
	Total	\$282,500

The requests for equipment will ensure that items with a limited life-span are replaced in accordance with the manufacturer's specifications.

Expenditures of Capital Equipment in the Years Beyond 2013

In the 5-year period beyond this, the list would need to be expanded to include the replacement of other items, such as the armored vehicle (projected replacement date is 2015) or the mobile command post.

Funding as Proposed in LD 1918

Based on the funding level proposed in LD 1918, the Department submitted the following identified needs.

Ongoing Oversight – Annual Costs

FY08	One State Police Sergeant (salary and benefits, Step 3)	\$ 96,100
	Car, Radio, Computer, etc.	\$ 20,000
	Training*	<u>up to \$ 25,000</u>
	Total	\$141,100
FY09	One State Police Sergeant (salary and benefits, Step 4)	\$104,600
	Car, Radio, Computer, etc	\$ 20,000
	Training	<u>up to \$ 25,000</u>

	Total	\$149,600
FY10 One State Police Sergeant (salary and benefits, Step 5)		\$109,850
Car, Radio, Computer, etc		\$ 20,000
Training	<u>up to</u>	<u>\$ 25,000</u>
	Total	\$154,850

One-Time Expenditures for Capital Equipment for the period 2008-2013

FY08 Self-Contained Breathing Apparatus (10 units @ \$6K ea.)	\$ 60,000
Night Vision Equipment (25 units @ \$4K ea.)	\$100,000
Specialized Communications Equipment (25 units @ \$0.7K ea.)	\$ 17,500
FY12 Protective Body Armor (25 units @ \$1.8K ea.)	\$ 45,000
FY13 Self-Contained Breathing Apparatus (10 units @ \$6K ea.)	<u>\$ 60,000</u>
	Total \$282,500

The requests for equipment will ensure that items with a limited life-span are replaced in accordance with the manufacturer's specifications. In the 5-year period beyond this, the list would need to be expanded to include the replacement of other items, such as the armored vehicle (projected replacement date is 2015) or the mobile command post.

* The amount of funding needed for training in any given 12-month period can vary greatly, depending on staffing changes within the Department. We suggest allocating \$25,000 per year for this, but withholding transfer of the cash to DPS until the training needs are identified and the costs are known. At that point, the Department would rest to draw down the appropriate amount of cash.

STATE NUCLEAR SAFETY ADVISOR

MAINE STATE NUCLEAR SAFETY ADVISOR

August 23, 2007

SNSA Activity

- ☐ Annual Report
- ☐ Independent Spent Fuels Storage Installation ISFSI
- ☐ MY Community Action Panel MYCAP
- ☐ Quarterly Security Evaluations, MSP, MEMA, SNSI, SNSA
- ☐ Kittery Naval Yard
- ☐ Environmental Assessments
 - o Groundwater
 - o RICA
 - o Relocated Soils
- ☐ Transportation Readiness Rail Corridor
 - o Public Reaction
 - o New England State Hand-Off
 - o Rail Carriers Involved

Regional & National Activity Organizations

- ☐ **Northeast High-level Radioactive Waste Task Force/CSG**
 - Meeting 12/14 -15, Ramada Inn, Rockville, MD (Conrad Smith/Cort Richardson)
 - o Protocols interregional work group.
 - o Committee members must decide if they want to participate on the Rail Topic Group (RTG) subgroups
 - o See Transportation Readiness above
- ☐ **Yucca Mountain Task Force**
 - o Request Pending with Secretary Bodman, DOE.
 - o Editorial Targets
 - o State Reps. Designated
 - o Senate Profile
- ☐ **Nuclear Waste Strategy Coalition**
 - o Governor Baldacci / AG Stephen Rowe
- ☐ **Yankee FERC Settlement Working Group**
 - o New England Governor's Letter
 - o New England Delegation Letter
- ☐ **Nye County Officials**
- ☐ **Nuclear Energy Institute**
- ☐ **Department of Energy**
 - o Secretary's Office
 - o Office of Civilian Waste Management
 - o Office of Environmental Management

CSG Action Items

- ☐ TEPP files so they can adapt them to their states.

- ☑ States to provide the lessons-learned documents. Will ask other regional staff to do same with their states.
- ☑ Prospective Shipment Module (PSM) for integrating suggestions into the current PSM.
- ☑ Illinois rule change re: HRCQ shipments.
- ☑ Talk to Jay Jones about expanding the cooperative agreements to cover planning for Private Fuel Storage (PFS) activities
- ☑ List of PFS utilities to states so they can make contact.
- ☑ Clarify whether preparation of public information materials is an allowable activity under 180(c), whether all routes in the suites of routes will be considered when allocating 180(c) funds, whether the assessment and planning activities must be tied to training, and whether planning activities are allowable as part of the training grants.

Midwest Action Items of Interest

- ☐ Review list of State Government Officials Yucca Mountain Tour participants / see if they can fill in any blank spots by 11/2.
- ☐ 180c work group to discuss potentially changing the language in the NWPA to broaden the scope of 180(c).
- ☐ Members to consider meeting with PFS-utility contacts to discuss state needs regarding PFS shipments.

DOE Action Items

- ☐ EM staffing a Protocols Topic Group.
- ☐ Central Database website and find out whether it can be updated or whether something similar can be developed.
- ☐ Summary from the Rail Best Practices meeting (Oak Ridge).
- ☐ GTCC waste NEPA document
- ☐ Find out total column to the PSM for Fernald shipments.
- ☐ Check on the release date for “capstone” document.
- ☐ Should we have a meeting with railroad representatives in December or January.
- ☐ TRANSCOM transition plan.

Other Action Items

- ☐ IAEA Code of Conduct link

State Nuclear Safety Advisor

Budgetary Projections

First and foremost, in light of the fact that the U.S. Department of Energy can not, and will not meet its federal statutory and contractual obligation to remove the one thousand, four hundred, and thirty-four (1,434) nuclear spent fuels assemblies (rods) currently housed in sixty (60) casks, and the Greater-than-Class-C (GTCC) high-level radioactive wastes, housed in four (4) additional storage casks, it is imperative that the State of Maine, on behalf of its obligation to the people of Maine, assure the environmental and economic security of its citizens and the regional coastal economies, fill the void of confidence and assurances created by uncertainty and questionable capability of our federal partners in the responsible oversight and management of the potential, and deadly, by-product of nuclear power produced in Maine.

In 1987 the U.S. Congress established January 31, 1998 as the initial date for removal to a national repository. In the near two decades that followed we are still more than a decade away from an operational repository and more than likely, much longer away from any

removal of high-level radioactive nuclear waste from within the State. Legislation has been introduced in Congress that proposes the nuclear waste remain on site -- without even the slightest environmental assessment.

It is important for the State to establish its own guidelines and oversight of the storage of nuclear spent fuels and GTCC radioactive wastes. The State needs to establish following:

1. assure that the health, safety, and welfare of Maine's citizens and the State's unique environment and economy are adequately protected with regard to any high-level nuclear waste disposal activities in the State;
2. monitor all activities relative to the federal high-level nuclear waste repository proposed for any State;
3. coordinate State and local responses and reviews of federal technical and planning documents and proposals, and assure affected State and local governmental agencies are appropriately involved in all phases of federal or private storage or repository activities;
4. conduct independent reviews of hydrological, geological, engineering and other technical aspects of the proposed federal or private storage project; conduct independent studies in areas of socioeconomic, transportation, and others as needed;
5. consult and coordinate with other appropriate State agencies for input and guidance regarding the design of the State program, for review and comment relative to federal documents, and for identifying potential impacts of the federal program and formulating mitigation strategies;
6. coordinate and facilitate the involvement of affected local governments in planning for impacts associated with a potential repository in the State;
7. identify health, safety and environmental issues which are of concern to the State and developing State responses and strategies for addressing these issues;
8. provide timely and accurate information to the Governor, the Legislature, local governments, and the public on all aspects of the federal program;
9. identify major legal issues arising out of the proposed repository project and developing strategies for effectively addressing such issues to the benefit of the State and affected local communities;
10. represent Maine's interests at the national level, including participation in Nuclear Regulatory Commission deliberations and rulemaking activities concerning licensing of a waste repository; sharing information on activities with other affected states; and working with organizations such as the Nuclear Waste Strategy Coalition, the Council of State Governments, the New England Governors' Association, the National Governors' Association, and various DOE working groups and other entities to identify, evaluate, and plan for impacts and associated consequences of repository activities and related nuclear materials transportation.

In this, we need to establish an initial environmental assessment of groundwater and a radiological monitoring system for the likelihood nuclear radioactive waste will be stored at its current location for generations over one or two centuries.

While we would hope this will not be the case the continued slippage of missed time frames that have already included one decade and has been assigned another leave the State of Maine with no options other than to step up to its obligation to its citizens.

BUDGET SCENARIOS

FY08

Current Statutory: Initiate environmental and security baselines of assessment due to federal failure. Continue intergovernmental activity to create a national solution.

LD 1918: Initiate environmental and security baselines of assessment due to federal failure. Continue intergovernmental activity to create a national solution.

FY09

Current Statutory: Set acceptable environmental and security baselines of operations and monitoring of radiological activity. Continue intergovernmental activity to create a national solution until the money expires.

LD 1918: Set acceptable environmental and security baselines of operations and monitoring of radiological activity. Continue intergovernmental activity to create a national solution.

FY10

Current Statutory: Monitor and assess acceptable environmental and security baselines of operations and monitoring of radiological activity.

LD 1918: Monitor and assess acceptable environmental and security baselines of operations and monitoring of radiological activity. Continue intergovernmental activity to create a national solution

FY07 / Base Year = \$158,484

Salary	Fringe	Travel	Office
\$80,049.00	\$38,879.00	\$24,395.00	\$14,025.00

FY08 = \$167,213.00

Salary	*Fringe	Travel	Office
\$84,366.45	\$40,822.00	\$26,835.00	\$14,025.00

(*Salary range adjustment to provide a symmetry and balance to the professional staff within the PAO, est. 5%, Travel 10%, Office 5%)

FY09 = \$170,697

Salary	Fringe	Travel	Office
\$86,053.00	\$41,639.00	\$29,520.00	\$14,725.00

(Salary adjustment 2%, Travel 10%, Office 5%)

FY10 = \$175,855

Salary	Fringe	Travel	Office
\$87,774.00	\$42,472	\$31,000.00	\$15,850.00

(Salary adjustment 2%, Travel 10%, Office 5%)

FY06	\$ 76,046.55
FY07	\$ 80,049.00
FY08	<u>\$ 84,366.45</u>

3yr total \$240,462.00 / 3 = \$ 80,154 * 56% = \$44,886.24 * .9 = \$ 40,397.62 / 12 = \$3,366 * .75 = \$2,524.85

State	\$ 40,397.62			
Fed	<u>\$ 12,474.00</u>			
	\$ 52,871.62	75%	\$ 37,010.00 / 12	= \$ 3,084.16

\$162,128.38 (Esmt.) 58% \$ 94,034.46 / 26 + \$ 3,616.71

\$225,000.00	\$ 131,044.46 / 12 =	\$10,920.37
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X 3.5 yrs = \$491,415.00

14.5% of 166,181 = 24.096

Part Three – Allocation of Maine Yankee funding to Maine oversight agencies for FY08, FY09 and FY10 under two different funding scenarios, and the Allocation of Capital Expenditure funding as proposed in LD 1918

The two funding scenarios suggested in the chairs' letter to the Public Advocate, and utilized in the preparation of this report, were:

Current Law (35-A §4395), which provides for payments from Maine Yankee as follows:

Calendar year 2008	\$296,667	<i>(FY 08 equivalent is \$360,000)</i>
Calendar year 2009	\$170,000	<i>(FY 09 equivalent is \$190,000)</i>
Calendar year 2010	\$170,000	<i>(FY 10 equivalent is \$170,000)</i>

Funding as proposed in LD 1918 which proposes payments as follows:

Calendar year 2008	\$360,000 + an "inflation index" over 2007
Calendar year 2009	\$360,000 + an "inflation Index" over 2007
Calendar year 2010	\$360,000 + an "inflation index" over 2007

Because we can only guess the possible effects of the "inflation index" in future years, we made the decision to allocate only the \$360,000 in each of the three years.

In the allocation sheets which follow, we have converted Calendar year payments into Fiscal Year payments in order to allow these allocations to fit with the State's fiscal year budgeting.

Note: Converting calendar year payments for use by agencies in a fiscal year budgeting environment has created some confusion. If an appropriate opportunity arises, we recommend to the committee that the language in 35-A §4395 be changed from "calendar year" to "fiscal year".

Capital needs payment allocation

LD 1918 also proposes a lump-sum payment (paid every 5 years, beginning in August of 2007) in the amount of \$500,000 ("plus an inflation index") to pay for costs associated with the replacement of depreciated or obsolete capital equipment used by the state oversight agencies and programs in the conduct of their oversight and monitoring responsibilities. While the request from the committee does not directly reference this payment, we did allocate one lump-sum payment of \$500,000 using the assumption that this money would be utilized during the first three years of the 5 year payment cycle. Again, we could only guess at the possible effect of the inflation index and chose to allocate only the \$500,000. The result of this allocation is found at the end of this section. **It is shown in two forms, an "unconstrained" form (the capital needs identified by the oversight agencies, unconstrained by the \$500,000 cap), and a "constrained" form (the highest priority capital needs within the \$500,000 cap).**

Current Law Allocation of Maine Yankee Payments - Fiscal Year '08

PRESENT PLAN FY 08 MAINE YANKEE ALLOCATION		ESTIMATED POST DECOMMISSIONING OVERSIGHT EXPENDITURES AND PROPOSED BUDGETED TRANSFERS FROM NEW FUND ACCOUNT 014-07H-0410-06				TOTAL	
		DEP	RAD Control Program	DHS Safety Inspector	OPA SNSA	PUS STATE POLICE	
		01406A042114	01410A244503	01410A244003	01407H041004	01416A029104	
	FY 2008						
DEP - Monitoring Oversight		20,000					20,000
RAD Control Program			5,000				5,000
OPA - Nuclear Safety Advisor					118,761		118,761
OPA- All Other					38,420		38,420
DHS - Safety Inspector				114,320			114,320
DHS - Contract General Engineering							-
Training TAC Team - State Police						57,000	57,000
Distrib. of Est. Unallocated Balance				-	-		-
Sub - total		20,000	5,000	114,320	157,181	57,000	353,501
Sta - cap rates OPA	0.006391				1,303		1,303
Sta - cap rates DEP - Envir. Prot.	0.02088	418					418
Sta - cap rates DHHS - Bur Health	0.03449		172	3,943			4,115
Sta - cap rates DEP - State Police	0.01163					663	663
Total Est. Sta-cap Exp.		418	172	3,943	1,303	663	6,499
TOTALS		20,418	5,172	118,263	158,484	57,663	360,000

Current Law allocation - Fiscal Year '09

	REVISIONS FY 09 MAINE YANKEE ALLOCATIONS						
	ESTIMATED POST DECOMMISSIONING OVERSIGHT EXPENDITURES AND PROPOSED BUDGETED TRANSFERS FROM NEW FUND ACCOUNT 014-07H-0410-06						
				DHS	PUS	TOTAL	
	DEP	RAD Control Program	Safety Inspector	OPA SNSA	STATE POLICE		
	01406A042114	01410a244503	01410A244003	01407H041004	01416A029104		
FY 2009							
DEP - Monitoring Oversight	20,002					20,002	
Rad Rad Control Program		11,591				11,591	
OPA - Nuclear Safety Advisor				21,002		21,002	
OPA- All Other						-	
DHS - Safety Inspector			20,424			20,424	
DHS - Contract General Engineering						-	
Team TAC Training - State Police					113,725	113,725	
Distrib.of Est. Unallocated Balance			-	-		-	
Sub - total	20,002	11,591	20,424	21,002	113,725	-	186,744
Sta - cap rates OPA	0.006391			134		134	
Sta - cap rates DEP - Envir. Prot.	0.02082	416				416	
Sta - cap rates DHHS - Bur Health	0.03449	400	704			1,104	
Sta - cap rates DEP - State Police	0.01408				1,601	1,601	
Total Est. Sta-cap Exp.	416	400	704	134	1,601	-	3,256
TOTALS	20,418	11,991	21,128	21,136	115,326	-	190,000

Current Law allocation- Fiscal Year '10

	REVISIONS FY 10 MAINE YANKEE ALLOCATIONS						
	ESTIMATED POST DECOMMISSIONING OVERSIGHT EXPENDITURES AND PROPOSED BUDGETED TRANSFERS FROM NEW FUND ACCOUNT 014-07H-0410-06						
				DHS	OPA	PUS	TOTAL
	DEP	RAD Control Program	Safety Inspector	SNSA	POLICE		
	01406A042114	01410a244503	01410A244003	01407H041004	01416A029104		
FY 2010							
DEP - Monitoring Oversight	11,000						11,000
RAD Control Program		14,645					14,645
OPA - Nuclear Safety Advisor							-
OPA- All Other							-
DHS - Safety Inspector							-
DHS - Contract General Engineering							-
Team TAC Training - State Police					25,000		25,000
Distrib. of Est. Unallocated Balance			-	-	-		-
Sub - total	11,000	14,645	-	-	25,000	-	50,645
Sta - cap rates OPA	0.006391			-	-	-	-
Sta - cap rates DEP - Envir. Prot.	0.02082	229					229
Sta - cap rates DHHS - Bur Health	0.03449	505	-				505
Sta - cap rates DEP - State Police	0.01408				1,601		1,601
Total Est. Sta-cap Exp.	229	505	-	-	1,601	-	2,335
TOTALS	11,229	15,150	-	-	26,601	-	52,980
	Left	\$117,020					

LD 1918 proposed funding allocation of Maine Yankee payments - FY 08 allocation

Same as Current Law FY08 Allocation – see page 43 for the spreadsheet.

LD 1918 proposed funding - FY '09 allocation

FY 09 ME YANKEE ALLOCATION - LD 1918									
ESTIMATED POST DECOMMISSIONING OVERSIGHT EXPENDITURES AND									
PROPOSED BUDGETED TRANSFERS FROM NEW FUND ACCOUNT 014-07H-0410-06									
	DEP	RAD Control Program	HEALTH & ENVIR TEST LAB	DHS Safety Inspector	OPA SNSA	PUS STATE POLICE	TOTAL		
	01406A042114	01410A244503	01410A232704	01410A244003	01407H041004	1416A029104			
FY 2009									
DEP - Monitoring Oversight	15,879						15,879		
RAD Control Program		9,127					9,127		
Health & Environmental Test Lab			36,064				36,064		
OPA - Nuclear Safety Advisor					35,000		35,000		
OPA- All Other							-		
DHS - Safety Inspector				116,502			116,502		
DHS - Contract General Engineering							-		
Team TAC Training - State Police						138,384	138,384		
Distrib. of Est. Unallocated Balance				-			-		
Sub - total	15,879	9,127	36,064	116,502	35,000	138,384	360,956		
Sta - cap rates OPA					1,303		1,303		
Sta - cap rates DEP - Envir. Prot.	332						332		
Sta - cap rates DHHS - Bur Healt		315	1,244	4,018	224		5,800		
Sta - cap rates DEP - State Polic						1,609	1,609		
Total Est. Sta-cap Exp.	332	315	1,244	4,018	1,527	1,609	9,044		
TOTALS	16,211	9,442	37,308	120,520	36,527	139,993	360,000	0	360,000

LD 1918 proposed funding -FY '10 allocation

[illegible]

Capital equipment replacement funding allocation

Five year period FY 2008-2012 (frontloaded in FY 08, FY 09 and FY 10)

[illegible]

Agency's **Unconstrained** Needs - FY 09

FY 09 ME YANKEE ALLOCATION - LD 1918									
ESTIMATED POST DECOMMISSIONING OVERSIGHT EXPENDITURES AND									
PROPOSED BUDGETED TRANSFERS FROM NEW FUND ACCOUNT 014-07H-0410-06									
What is proposed beyond the \$360,000 to meet the needs of all the agencies.	DEP	RAD Control Program	HEALTH & ENVIR TEST LAB	DHS Safety Inspector	OPA SNSA	PUS STATE POLICE	TOTAL		
	01406A042114	01410A244503	01410A232704	01410A244003	01407H041004	01416A029104			
FY 2009									
DEP - Monitoring Oversight	20,683						20,683		
RAD Control Program		11,591					11,591		
Health & Environmental Test Lab			39,200				39,200		
OPA - Nuclear Safety Advisor					173,091		173,091		
OPA- All Other							-		
DHS - Safety Inspector				126,220			126,220		
DHS - Contract General Engineering							-		
Team TAC Training - State Police						149,600	149,600		
Distrib. of Est. Unallocated Balance				-	-		-		
Sub - total	20,683	11,591	39,200	126,220	173,091	149,600	520,385		
Sta - cap rates OPA	0.006391				1,303		1,303		
Sta - cap rates DEP - Envir. Prot.	0.02088	432					432		
Sta - cap rates DHHS - Bur Health	0.03449	400	1,352	4,353	1,106		7,211		
Sta - cap rates DEP - State Police	0.01163					1,740	1,740		
Total Est. Sta-cap Exp.	432	400	1,352	4,353	2,409	1,740	10,686		
TOTALS	21,115	11,991	40,552	130,573	175,500	151,340	531,071		

Agency's **Unconstrained** Needs - FY 10

FY 2010 ME Yankee Allocation - LD 1918									
ESTIMATED POST DECOMMISSIONING OVERSIGHT EXPENDITURES AND									
PROPOSED BUDGETED TRANSFERS FROM NEW FUND ACCOUNT 014-07H-0410-06									
What is proposed beyond the \$360,000 to meet the needs of all the agencies.	DEP	RAD Control Program	HEALTH & ENVIR TEST LAB	DHS Safety Inspector	OPA SNSA	PUS STATE POLICE	TOTAL		
	01406A042114	01410A244503	01410A014303	01410A244003	01407H041004	01416A029104			
FY 2010									
DEP - Monitoring Oversight	17,260						17,260		
RAD Control Program		14,645					14,645		
Health & Environmental Test Lab			39,200				39,200		
OPA - Nuclear Safety Advisor					175,855		175,855		
OPA- All Other							-		
DHS - Safety Inspector				130,007			130,007		
DHS - Contract General Engineering							-		
Team TAC Training - State Police						154,850	154,850		
Distrib. of Est. Unallocated Balance				-	-		-		
Sub - total	17,260	14,645	39,200	130,007	175,855	154,850	531,817		
Sta - cap rates OPA	0.006391				1,124		1,124		
Sta - cap rates DEP - Envir. Prot.	0.02082						359		
Sta - cap rates DHHS - Bur Health	0.03449	505	1,352	4,484			6,341		
Sta - cap rates DEP - State Police	0.01408					1,601	1,601		
Total Est. Sta-cap Exp.	359	15,150	1,352	4,484	1,124	1,601	24,070		
TOTALS	17,619	15,150	40,552	134,491	176,979	156,451	555,887		