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OFFICE OF THE ATTORNEY GENERAL
AUGUSTA, MAINE

STATE OF MAINE

**Advisory Commission
on Radioactive Waste**

1986 ANNUAL REPORT

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1986

ROBERT DEMKOWICZ, Environmental Specialist
MARY GROW, Public Information
BONNIE SAVAGE, Secretary



SENATOR JUDY KANY, Chair
COMMISSIONER DEAN MARRIOTT, Vice Chair
WALTER ANDERSON, State Geologist
JOSEPH BLINICK, Licensee Member
REPRESENTATIVE REED COLES
CHARLES FRIZZLE, Licensee Member
REPRESENTATIVE MURIEL HOLLOWAY
DONALD HOXIE, Dept. of Human Services
SENATOR MARGARET LUDWIG
REPRESENTATIVE JAMES MITCHELL
GWEN O'CONNOR, Public Member
ALAN PHILBROOK, Public Member
DAVID SPARKS, Governor's Office
SENATOR RONALD E. USHER

STATE OF MAINE
STATE HOUSE STATION #120, AUGUSTA, MAINE 04333
ADVISORY COMMISSION ON RADIOACTIVE WASTE

June 9, 1987

The Maine Legislature
State House - Stations #2 and #3
Augusta, Maine 04333

Dear Colleagues:

Maine law (38 M.R.S.A. 1453 sub. 4) requires the Advisory Commission on Radioactive Waste to "report to the Governor and the Legislature annually, during the regular legislative session and at other times as necessary."

Therefore what follows is our report for the calendar year 1986 and a supplemental report to June 1987.

The purpose of the Advisory Commission on Radioactive Waste "is to advise the Governor and the Legislature on matters relating to radioactive waste management." Its duties are to:

1. Study management, transportation, storage and disposal of radioactive waste, including low-level and high-level radioactive waste generated in or near this State;
2. Evaluate methods and criteria for siting and constructing low-level radioactive waste disposal or storage facilities;
3. Evaluate methods and criteria for siting and constructing high-level radioactive waste repositories or storage facilities;
4. Advise the Governor and the Legislature on the findings and recommendations of the Commission;
5. Assist the Governor in regional efforts to manage radioactive waste; and
6. Provide opportunities for public input, disseminate information to the general public and promote public understanding concerning radioactive waste issues.

MAY 19 1988

If you have questions about radioactive waste management, Commission activities, or suggestions please call us at 289-3059. The Advisory Commission also has a toll-free line 1-800-453-4013 where a recorded news message will greet you and you can leave a message.

We also print a near-monthly newsletter and have other printed materials available for you or your constituents at your request.

Sincerely,



Sen. Judy C. Kany
Chair, Advisory
Commission on
Radioactive Waste

/bs

Report
of the
MAINE ADVISORY COMMISSION ON RADIOACTIVE WASTE

- I. Annual Report for the Calendar Year 1986
- II. Supplemental Report 1987 - to date
- III. Summary of Low-Level Radioactive
Waste Activity During 1986

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I.

ANNUAL REPORT FOR THE CALENDAR YEAR 1986

Introduction

The Maine Advisory Commission on Radioactive Waste found itself concentrating on high-level radioactive waste management for the first five months of 1986, in response to the U.S. Department of Energy's nomination of two Maine sites as potential high-level waste repositories. After DOE's threat was temporarily withdrawn in May, the Advisory Commission returned its attention to low-level radioactive waste disposal, a state responsibility carried out under federal directives.

A. High-level waste

On Jan. 16, 1986, the U.S. Department of Energy (DOE) issued a draft Area Recommendation Report (ARR) listing 12 possible sites in the eastern and central United States for a deep mined geologic repository for up to half the country's high-level radioactive waste. The 12 included two areas in Maine, the Sebago Lake batholith and the Bottle Lake complex. On May 28, Energy Secretary John Herrington announced that DOE had "post-poned indefinitely site-specific work" for a second, eastern repository because of progress on the first repository and because declining waste volume projections pushed the need for a second repository far into the future.

Between Jan. 16 and May 28, Maine's Advisory Commission on Radioactive Waste spent much of its time and energy rebutting the draft ARR. Before the U.S. DOE began its public information program in Maine, the Commission sponsored three informational meetings, at Windham Junior High School Jan. 28, Lake Region High School in Naples Jan. 29, and Mattanawcook Academy in Lincoln Jan. 30. The Commission was represented at three DOE briefings on the draft ARR, in Naples Feb. 10, Lincoln Feb. 19, and Portland Feb. 20, and at six long public hearings: Portland March 25, Indian Island April 1, Lincoln April 4, Naples April 5 & 6, Augusta April 7, and Calais April 8. At the Augusta hearing for state officials, three Advisory Commission members (Sen. Judy C. Kany, Rep. James Reed Coles, and Rep. James Mitchell) testified.

The Commission also submitted a 145-page comment on the DOE's draft ARR, complementing the document submitted by the Governor's Task Force on High-Level Nuclear Waste. Commission members and staff were active in promoting public awareness and knowledge of high-level radioactive waste issues, both in writing (newsletters, fact sheets, letters to the editor) and orally (radio and television, public meetings). The Commission also focussed its efforts on assisting the Governor, Legislature and public as they attempted to cope with this threat to Maine's future and made arrangements for the D.O.E. to respond to Maine citizens' requests.

Secretary Herrington's May 28 announcement postponed, but did not eliminate, the possibility of a high-level nuclear waste repository in Maine. The Secretary and other DOE officials have said they intend to resume second repository siting, perhaps in the 1990's. As of the end of 1986, DOE planned to restart the process with a new crystalline rock survey (meaning that other Maine sites besides Sebago and Bottle lake, such as the Deblois Complex in Washington and Hancock counties and the Katahdin Complex in Penobscot and Piscataquis counties, could be studied). Meanwhile, the decision to postpone second-repository siting has been challenged legally and politically, especially by western states chosen as semi-finalists for the first repository. The 100th Congress is expected to review the 1982 Nuclear Waste Policy Act; it is hard to predict what changes, if any, will be made. The Advisory Commission continues to monitor legal and political developments concerning high-level waste, as well as ongoing DOE studies of high-level waste packaging, transport, and disposal technologies.

B. Low-level waste

The federal Low-Level Radioactive Waste Policy Amendments Act, passed at the end of 1985, reiterates the 1980 Low-Level Radioactive Waste Policy Act in stating that low-level waste is a state responsibility. The 1985 act -- described by Advisory Commission chair Sen. Judy C. Kany as "18 pages of amendments to the original two-page act" -- sets Jan. 1, 1993, as the date by which states must be able to assume their responsibility, that is, provide a low-level waste disposal facility, either in-state or elsewhere. It urges formation of interstate compacts to create regional disposal facilities and allows development of individual state facilities. It sets a series of intermediate "milestones" with rewards for meeting them and penalties for failure, two of which were/are of immediate concern:

- By July 1, 1986, each state should have either joined a compact or indicated its intent to develop an in-state site.

- By Jan. 1, 1988 each state not in a compact "shall develop a siting plan providing detailed procedures and a schedule for establishing a facility location and preparing a facility license application ... and shall delegate authority to implement such plan."

The 112th Maine legislature met the first milestone by enacting in April 1986 An Act to Provide for the Development of a Low-Level Radioactive Waste Facility if Necessary. The Advisory Commission recommends that the 113th legislature create a new state Low-Level Radioactive Waste Authority empowered to take necessary actions to meet the Jan. 1, 1988 milestone.

The Advisory Commission has not foreclosed the possibility of out-of-state disposal of Maine's low-level radioactive waste. In past years, a northern New England compact (Maine, New Hampshire, Vermont, Massachusetts) and an 11-state Northeast Compact were considered and rejected. There were no compact negotiations involving Maine in 1986. However, two four-state task groups, one on risk-sharing and one on decommissioning nuclear facilities, met at intervals during the year to prepare informational reports. The Advisory Commission received an interim report from the decommissioning task group in November.

In mid-1986 Commission member Henry Warren asked compact commissions and go-it-alone states like Texas and New York whether they would consider accepting Maine's low-level waste. None would then; most had not yet set policies on out-of-state or out-of-region waste. Since then, the Southeast Compact commission has eliminated its site from Maine's list of possibilities by voting in November to require any non-party state that contracted for disposal to serve as the compact's host state after the Barnwell, South Carolina, facility closes. According to a Dec. 1, 1986, report from a New York Senate committee, five compact laws exclude non-compact states' waste, three (including the Southeast Compact) allow exceptions to their exclusionary provisions, and one is still under discussion; Texas and New York both ban out-of-state waste.

Building on preliminary studies done in past years, the Advisory Commission in 1986 began a series of public workshops on guidelines for site selection criteria. Seventy-five relevant groups (state agencies, environmental, engineering and other private organizations) were individually invited to send representatives to the workshops, at which the media and the general public were also welcome as participants or observers. Workshops were held Sept. 10 and Nov. 20, 1986, with a third one scheduled for Jan. 30, 1987.

C. Commission members/meetings/staff

During 1986 the Advisory Commission was expanded by legislative action from 13 members to 14 (appendix I). Former DEP Commissioner Henry Warren, chair of the Governor's Task Force on High-Level Nuclear Waste, was appointed an Advisory Commission member representing the Governor's office, and new DEP Commissioner Kenneth C. Young, Jr. assumed the ex officio position of Advisory Commission vice-chair.

The Advisory Commission met eight times during the year. Two facility visits were scheduled for Commission members, subcommittee members, staff, the media, and other interested parties, one to the Pt. Lepreau nuclear plant in New Brunswick and one to Maine Yankee. Three subcommittees composed of Advisory Commission members and interested outsiders were active:

- The transportation subcommittee, chaired by Rep. James Mitchell, collected information on high-level waste transportation as part of Maine's rebuttal to U.S. DOE and continues to monitor developments (e.g., new federal regulations and changes in shipping cask design standards).
- The low-level waste subcommittee, chaired by Donald Nicoll, did most of the preliminary work leading to the proposed legislation to create a Maine Low-Level Radioactive Waste Authority.
- The public information subcommittee, chaired by Rep. James Reed Coles, oversees staff public information activities, including publication of newsletters (seven in 1986, counting a short special edition after U.S. DOE's May 28 announcement) and preparation of slide shows and videos (to be ready early in 1987).

Early in 1986 the Advisory Commission staff was expanded by the addition of a full-time secretary and a public information specialist (full-time until June, half-time since). (See Appendix II.) The Commission has benefited from the assistance of personnel from the Office of Policy and Legal Analysis.

In November the Advisory Commission office was moved out of State Office Building Room 109 to allow that room to be returned to its previous function as a legislative hearing room. The new office location is on the third floor of the Maine State Retirement Building at the corner of Sewall and Capitol streets.

APPENDIX I

Advisory Commission Members 1986	Term Expires
Sen. Judy C. Kany, D-Wtvl, Chair	12/03/86
Kenneth C. Young, Jr. Commissioner, DEP, vice-chair	*
Walter Anderson, State Geologist	*
Rep. James Reed Coles, D-Harpswell	12/03/86
Sen. Jerome Emerson, R-Corinna	12/03/86
Charles Frizzle, CMP	12/31/87
Donald Hall	12/31/86
Rep. Muriel Holloway, R-Edgecomb	12/03/86
Donald Hoxie, representing Commissioner of Human Services	*
Rep. James Mitchell, D-Freeport	12/03/86
Donald Nicoll, Maine Medical Center	12/31/86
Alan Philbrook	12/31/87
Sen. Ronald Usher, D-Westbrook	12/03/86
Henry Warren	**

- * Ex officio
- ** Serves at the governor's pleasure

APPENDIX II

Advisory Commission Staff 1986

Robert Demkowicz, Environmental Specialist IV
 Mary Grow, Public Information Specialist
 Bonnie Savage, Secretary

II.

SUPPLEMENT

January - May 1987

A. High-level waste

In January 1987 U.S. DOE issued a draft Mission Plan Amendment with new schedules for siting and building the first (western) and second (eastern) high-level radioactive waste repositories. The new schedule for an eastern repository calls for site selection to begin in the mid-1990's to open a repository about 2025. After some confusion about the legal force of the Mission Plan (versus the 1982 Nuclear Waste Policy Act with its different timetables), DOE decided that if Congress does not vote to approve the Mission Plan Amendment, DOE will adhere as closely as possible to original schedules. In that case, Energy Secretary John Herrington said, second repository site selection would resume in the summer of 1987 with review of the 60,000 or 65,000 comments received on the January 1986 draft Area Recommendation Report, with the goal of opening the second repository in 2007.

In February, Commission chair Senator Judy Kany met in Washington, D.C. with Ben Rusche, Director of D.O.E.'s Office of Civilian Waste Management. She expressed Maine's opposition to D.O.E.'s intention to pursue the search for a possible high-level repository site in Maine.

While no consensus has been reached in Congress on the high-level waste program, it appears increasingly possible that the Nuclear Waste Policy Act will be amended, next year if not this year. Maine's Congressional delegation and staff have been active in the quest for broadly acceptable and constructive changes.

None of the court cases on high-level waste siting have been decided. Some decisions are expected this year, possibly as early as this summer.

The Advisory Commission and staff are closely monitoring national developments on high-level radioactive waste by attending international conferences such as Waste Management '87 in Tucson, maintaining contact with officials in other states and federal agencies, and in close communication with our Congressional delegation.

On the state level, to help Maine better prepare for the unwelcome possibility of renewed DOE interest in Maine granite, four Advisory Commission members (Sen. Kany, Rep. Muriel Holloway, Rep. Reed Coles and Rep. James Mitchell) sponsored LD 29, An Act to Continue Geological Research and to Monitor Federal Research Regarding High-Level Radioactive Waste. The bill proposed funding for geological studies of the Sebago Lake batholith and the Bottle Lake complex and monitoring US-Canadian granite repository studies in Manitoba. Funds (\$93,500) were included in the supplemental appropriations bill to carry out the purposes of the bill.

B. Low-level waste

On May 22, after a hearing and four work sessions, the Energy and Natural Resources Committee recommended "Ought to pass" on LD 561, An Act Creating the Maine Low-Level Radioactive Waste Authority. While urging progress toward building a Maine low-level disposal facility, the Advisory Commission continues to monitor out-of-state disposal possibilities. In March 1987, the District of Columbia asked whether Maine would consider joining in a low-level disposal compact. The Advisory Commission recommended rejecting the proposal, since the disposal facility for a Maine - D.C. compact would have to be in Maine. About the same time, the Northwest Compact Commission adopted criteria for contracting to accept out-of-region waste. The requirement that a contracting party border one of the Compact member states eliminates Maine.

At its April 14 meeting, the Advisory Commission endorsed a second radioactive waste bill before the 113th Legislature, LD 1274, An Act Concerning Radioactive Waste Disposal Facilities on Indian Territory.

It should be emphasized that the Advisory Commission took no further steps toward recommending a site for a Maine low-level disposal facility in 1986 or early 1987. No further surveys or screenings have been conducted since the 1984 preliminary work (which included no on-site investigations). During its 1986 Maine Yankee visit, the group did look at the area near Maine Yankee once considered for an ash disposal site, and now a possible low-level waste site. In the spring of 1987, Maine Yankee gave the Nuclear Regulatory Commission a preliminary engineering report on possible use of the nuclear plant itself, after closure, as a low-level waste facility.

C. Commission members/meetings/staff

After early 1987 appointments and reappointments, the current (May 1987) Advisory Commission members are:

Sen. Judy Kany, Chair
Commissioner Dean Marriott, Vice Chair
Walter Anderson, State Geologist
Joseph Blinick, Licensee Member
Representative Reed Coles
Charles Frizzle, Licensee Member
Representative Muriel Holloway
Donald Hoxie, Dept. of Human Services
Senator Margaret Ludwig
Representative James Mitchell
Gwen O'Connor, Public Member
Alan Philbrook, Public Member
David Sparks, Governor's Office
Senator Ronald E. Usher

The Commission met January 20, March 10, and April 14, 1987, and a June 8 meeting is scheduled. All Advisory Commission meetings are open to the public.

III.

STATE OF MAINE
 LOW LEVEL RADIOACTIVE WASTE ACTIVITY DURING 1986 **SUMMARY***

Subsection 1472 of M.R.S.A. Title 38, Subchapter III, "Low Level Radioactive Waste" requires all generators of LLRW to report the volume, type, and activity of all LLRW on an annual basis. The information listed below is a summary of 40 individual generator reports.

1076.78797	curies	released to air		
350.70001	curies	released to water		
.28951	curies	released to sewer		
429.46490	curies	stored for decay to background	1601.370	cubic feet
.06063	curies	incinerated	222.801	cubic feet
.02564	curies	other management on-site	24.000	cubic feet
162.75800	curies	shipped direct to Barnwell, SC	8134.900	cubic feet
<u>2.33084</u>	curies	shipped thru broker to Richland, WA	<u>61.120</u>	cubic feet
165.08884	curies	TOTAL SHIPPED TO LLRW SITES in 1986	8196.020	cubic feet
250.11881	curies	waste in storage end of 1986	1637.000	cubic feet
		total capacity of on-site storage	76967.000	cubic feet
2272.53610	curies	TOTAL LLRW GENERATED IN 1986	11681.191	cubic feet

Estimated volumes to be shipped to LLRW sites during next five years

1987	9481.500	cubic feet
1988	9290.500	cubic feet
1989	7335.500	cubic feet
1990	8768.000	cubic feet
1991	6958.000	cubic feet

* A detailed listing of volume, type and activity is available by contacting the Advisory Commission on Radioactive Waste office.

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