Angus S. King, Jr., Governor
Kevin W. Concannon, Commissioner

ADVISORY COMMISSION ON RADIOACTIVE WASTE AND DECOMMISSIONING

Department of Human Services
Bureau of Health

February, 2000

Senator Richard Carey, Chair
Rep. David Shiah, Vice-Chair

1999 ANNUAL REPORT

Prepared in accordance with 38 MSRA Chapter 14A § 1453A (4)

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1999 Advisory Commission on Radioactive Waste and Decommissioning

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Bob Demkowicz, DEP
Steven Keegan, So. Me. Medical Center
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INTRODUCTION

The Advisory Commission on Radioactive Waste and Decommissioning remains the only State entity charged by the legislature to collect, analyze and disseminate information on all aspects of radioactive waste management. The Legislature created the Advisory Commission in 1985 as a successor to the low-level Waste (LLW) Siting Commission. The Advisory Commission's purpose is "to advise the Governor and the Legislature on matters relating to radioactive waste management..."

Historically the Advisory Commission has taken leading roles in issues involving high and low level radioactive waste in Maine. Notably, the Commission took a leading role in fighting the siting of a high level radioactive waste repository in Maine. Later, the Commission was instrumental in establishing policy for dealing with low-level waste, leading to the creation of the Low-level Waste Authority. Ultimately, with Commission endorsement, Maine negotiated a compact with the State of Texas for disposal of low-level waste and the Authority was dissolved. Currently the Commission is involved with issue dealing with the decommissioning of Maine's nuclear power plant, Maine Yankee. Throughout, the commission has been a key source of information and guidance to the Governor, Legislature, State Government and the public.

ESTABLISHING LAW

TITLE 38: WATERS AND NAVIGATION

•CHAPTER 14-A: NUCLEAR WASTE ACTIVITY
•SUBCHAPTER I: GENERAL PROVISIONS
•§ 1453-A. Advisory Commission on Radioactive Waste and Decommissioning

1. Establishment; Purpose.

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

[1997, c. 700, §3 (amd).]]

2. Membership;

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

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

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

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

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

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

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

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

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

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

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

the preceding appointee. The commission shall elect the chair and vice-chair from its membership by majority vote of all members present.
[1997, c. 700, §4 (amd).]

3. Duties:

The duties of the commission are to:

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

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

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

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

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

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

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

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

G. Prepare a newsletter recording developments relevant to radioactive waste issues. [1993, c. 664, §15 (new); §21 (aff).]
[1997, c. 700, §§5, 6 (amd).]

4. Meetings and reports.

The commission shall meet at least 4 times a year. The commission shall submit an annual report of activities to the Governor, the President of the Senate, the Speaker of the House of Representatives, the joint standing committee of the Legislature having jurisdiction over natural resource matters and the joint standing committee of the Legislature having jurisdiction over utility and energy matters by February 15th of each year.
[1997, c. 700, §7 (amd).]

5. Compensation.

Members of the commission are entitled to legislative per diem in compensation for attendance at commission meetings in accordance with the provisions of Title 5, chapter 379, except that all legislative

members of the commission must obtain prior approval of out-of-state travel from their respective presiding officers.
[1993, c. 664, §15 (new); §21 (aff).]

6. Staff assistance.

The Department of Human Services and the department shall provide assistance to the commission in the conduct of its business. The State Nuclear Safety Advisor and the Public Advocate shall provide consultation as requested.
[1997, c. 700, §8 (amd).]

7. Repeal.

This commission is subject to review and terminates in accordance with Title 3, chapter 35, not including the grace period, no later than June 30, 1999, unless continued or modified by law.
[1995, c. 488, §5 (amd).] **NOTE: That as of Jan 2000 this date has been updated to June 2004.**

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

§ 1454-A. Radioactive Waste Advisory Commission Fund

1. Establishment.

There is established the Radioactive Waste Advisory Commission Fund to be used to carry out the purposes of this chapter. Money allocated to the commission from this fund must be administered by the Commissioner of Human Services in accordance with established budgetary procedures and this section. The commissioner may accept state, federal and private funds to be used as appropriate to carry out the functions of the Advisory Commission on Radioactive Waste as set forth in section 1453-A.
[1995, c. 333, §5 (amd).]

2. Allocation.

Money in the fund established by this section must be allocated from time to time by the Legislature to the Department of Human Services to fund advisory and public information activities of the commission. These amounts become available in accordance with Title 5, chapters 141 to 155.
The commission may receive and expend federal grants and payments for the purpose of carrying out its duties.
[1995, c. 333, §5 (amd).]

3. Balance carried forward.

Any unexpended balance does not lapse, but must be carried forward to the same fund for the next fiscal year and must be available for the purposes authorized by this chapter.
[1993, c. 664, §17 (new).]

4. Financial reports.

The Commissioner of Human Services shall report quarterly to the Advisory Commission on Radioactive Waste and annually, before February 1st, to the joint standing committee of the Legislature having jurisdiction over natural resource matters on the expenditures from the Radioactive Waste Advisory Commission Fund for the previous fiscal year and on the budget for the coming year. Those reports must include line item detail on expenditures, including in-state travel and out-of-state travel, printing, mailing

and hearings, personnel, consultant services, general operating expenses, supplies and overhead for the commission and transfers of funds under subsection 5.
[1995, c. 333, §5 (amd).]

5. Transfer of funds.

Notwithstanding Title 5, section 1585, funds allocated under this section may be transferred as necessary to accomplish the purposes of this chapter from the Department of Human Services to other agencies, including the Department of Environmental Protection, Natural Resources Information and Mapping Center, Maine Land Use Regulation Commission, Division of Health Engineering and the State Planning Office.
[1995, c. 333, §5 (amd); c. 502, Pt. E, §32 (amd).]

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

DUTIES AND PRIORITIES OF THE ADVISORY COMMISSION ON RADIOACTIVE WASTE AND DECOMMISSIONING

Duties of the ACORWD

1. Provide opportunities for public input and disseminate information to the general public and promote public understanding concerning the management of radioactive waste.
2. Study the management, transportation, treatment, storage and disposal of radioactive waste, including high-level and low-level radioactive waste and mixed waste, generated in this state.
3. Monitor the methods, criteria and federal timetables for siting and constructing high-level radioactive waste repositories or storage facilities.
4. Monitor the Texas siting effort and Texas low-level Radioactive Waste Disposal Compact Commission activities and, if events require, propose legislation to reinstate an in-state siting effort for the storage or disposal of low-level radioactive waste in the state.
5. Advise the Governor, the Legislature the department and the Department of Environmental Protection or their successors, the state's member of the Texas low-level Radioactive Waste Disposal Compact Commission and other pertinent state agencies and entities, as appropriate, on relevant findings and recommendations of the commission.
6. Receive a written report from the State's member of the Texas low-level Radioactive Waste Disposal Compact Commission within 60 days after a meeting of that Commission or an oral report from that member at the next scheduled meeting of the Advisory Commission on Radioactive Waste, whichever comes first.
7. Prepare a newsletter recording developments relevant to radioactive waste issues.

The priorities of the ACORWD

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

The siting effort was of high priority in the past, but has since diminished due to the negative results in Texas' effort to locate a site. Current legislation in Texas has stalled the effort until the year 2001 when their session reconvenes. Increased activity and concern on the Maine Yankee Decommissioning has elevated this issue to the number one priority of the Commission.

ACORWD MEETINGS

The commission held five meetings plus a subcommittee meeting. These meetings were held on the following dates: (10 March, 27 July, 1 September, 21 October and 14 December. A subcommittee meeting was held on 9 November to prepare the Sunset Review report. All meetings were held in state office buildings around the Augusta area. A Fall 99 newsletter providing informational updates on Radioactive waste in Maine was sent out to 300+ addresses.
Meeting agendas follow a standard format with presentations giving updates on low-level Waste, High-Level Waste (HLW) and Maine Yankee Decommissioning Activities.

Meeting Highlight

The Advisory Commission has dealt with a broad range of issues at its meetings. Topics range from Low-level Waste issues to Maine Yankee Decommissioning.

- Updates on low-level Waste Issues to include: (LLW) Landfill in Barnwell S.C, licensing activities by private companies to open (LLW) Facilities in Texas, Utah and Nebraska.
- Updates on the Maine Yankee Atomic Power Plant Decommissioning from the State's Nuclear Inspectors
- Updates on the siting of a LLW facility in Texas for the Texas Compact.
- Updates on High-Level Waste disposal Facility siting efforts in New Mexico.

LOW-LEVEL WASTE

Low-level Radioactive Waste (LLRW) is an inevitable by-product of beneficial uses of radioactive materials in the United States in the areas of medical research, diagnosis and treatment of diseases, industrial processes, and electric power generation. All these areas are deemed important to the interests of the nation. Today far less radioactive waste is produced than ten years ago. This is because of improved waste management practices and a large reduction in military defense related activities. Unfortunately, these practices will not reduce the amount to zero and waste will be with us for as long as we enjoy the benefits of the waste. The number of disposal sites needed to manage the quantity of waste now being generated is far less than formerly expected. Safe and effective methods and standards for transport and disposal of LLRW are well established.

The 1980 LLRW Policy Act, as amended in 1985, established a framework for the states to provide for safe disposal of LLRW, and encouraged the creation of regional compacts to develop an appropriate network of disposal sites. The deadlines established for the development of new sites have passed with no new sites being opened. Political, judicial, and administrative obstacles have blocked sites that were identified in California and Texas. Complex regulatory obstacles have thwarted other sites in North Carolina, Pennsylvania, Illinois, and Nebraska. Some states have simply stopped developing siting programs because

there is no need for additional disposal capacity in the foreseeable future. Consequently, LLRW is now stored at or near the source of generation at thousands of sites nationwide. The effect of these obstacles and restrictions is to interfere with optimal beneficial uses of radioactive materials in medicine, research, and technology.

The goal of managing LLRW is to ensure the safety of workers and the public and to protect the environment. To achieve this goal, disposal, not long term storage, is the safest approach. Present knowledge and technology are sufficient to allow such disposal safely.

TEXAS COMPACT

Background

The governing body for the Texas compact is the Texas low-level Radioactive Waste Disposal Compact Commission. Member states are Texas, Maine and Vermont. The compact was established in June of 1993 when the Governor of Texas signed into law legislation establishing a low-level radioactive waste compact with Maine and Vermont. Maine completed its approval process with the passage of a referendum on November 2, 1993 and Vermont in 1994. President Clinton signed the compact consent legislation into law on September 20, 1998.

Regulatory Responsibility:	Texas Natural Resource Conservation Commission (TNRCC)
Program Responsibility:	Texas low-level Radioactive Waste Disposal Authority (Authority) (abolished)
Siting Responsibility:	Texas low-level Radioactive Waste Disposal Authority (Authority) (abolished)
Other Involvement:	Texas Department of Health
Disposal Technology:	Below-ground concrete canisters, previously, and now working toward Aboveground long term storage.

Siting

The Authority began statewide site-screening activities under newly enacted state law in 1993. In 1992 the authority selected a site on state owned land for the proposed facility and a license application was submitted to TNRCC. In 1998 the application was denied due to insufficient information in 2 of 17 issues. The Authority filed a motion for rehearing, but the motion was deemed to be overruled by operation of law on December 11, 1998. No appeal was filed.

Events in 1999

On May 29, 1999 the Texas legislature adopted a conference report containing a provision abolishing the Texas low-level Radioactive Waste Disposal Authority but transferring its staff, funding, and functions to the Texas Natural Resource Conservation Commission (TNRCC). The provision was added to the conference report just before the legislature adjourned, when it became apparent that other legislation relating to the Authority's functions would not be passed.

On September 1, the TNRCC absorbed the funding and functions of the Texas Low-level Radioactive Waste Disposal Authority, which ceased to exist on that date. The merger was mandated by the conference report.

Along with the authority's $1.18 million dollar budget, the TNRCC inherited restrictions on the funds use; a rider on the appropriation provides that the money may be spent only to investigate techniques for managing low-level radioactive waste including, but not limited to, aboveground isolation facilities.

Earlier in the session, both the Texas Senate and the Texas House of Representatives passed HB 1171, a bill amending existing state law regarding management of commercial low-level radioactive waste. However, the House and Senate versions differed substantially, and the House sponsor of the bill chose not to call up a conference committee rather than risk passage of the legislation with changes that he deemed unacceptable. Major areas of contention concerned whether the existing regulations should be changed to allow a private company to be licensed for disposal of low-level radioactive waste, whether assured isolation should be the preferred waste management option, whether a new county should be designated as the location for a waste management facility, and whether DOE waste could be accepted at a disposal facility in Texas.

The legislature adjourned without passing HB 1171, which means that current low-level radioactive waste disposal legislation will remain in effect at least until the next legislative session, scheduled to begin in January 2001. Under current law, the Authority is required to site a low-level radioactive waste disposal facility in Hudspeth County. Given the TNRCC's rejection of a proposed disposal site in that county in October 1998, such an endeavor faces major obstacles. The Authority is therefore considering siting an assured isolation facility, which would not be affected by the Hudspeth County location requirement. The Authority is also preparing for the merger into TNRCC, although it is not clear whether the transition must take place by September of this year or by September of 2000. The merger would not affect the licensing process for an assured isolation facility, since such a facility would be regulated by the Texas Department of Health.

Assured Isolation Facility

On November 23, Envirocare of Texas filed a license application with the Texas Department of Health (TDH) for a Class III storage facility for low-level radioactive waste, to be located in Ward County, Texas. The application calls for the acceptance of waste for 40 years, followed by another 500 years of active monitoring and maintenance. Envirocare of Texas is referring to their project as an "assured isolation" facility. The TDH has only issued one license to date to Waste Control Specialists. This license had a 300,000 cubic foot cap regardless of whether the waste was there for storage or processing. Envirocare is seeking a much greater cap and is solely for storage. The full permit processing is expected to take a minimum of 18-24 months to complete. The Texas Attorney General's opinion is that the facility would comply with the Compacts to manage and provide for disposal of LLW. However, assured isolation would not currently satisfy the state's obligation under the compact to permanently dispose of the waste.

SOUTH CAROLINA

Background

The task force prepared its report at the request of South Carolina Governor Jim Hodges (D), who created the task force by executive order in June of this year. Hodges had charged the task force with providing the people of South Carolina and the South Carolina General Assembly with a roadmap to discontinuance of South Carolina's role as the nation's nuclear dumping ground, and recommending actions to ensure that future disposal needs of South Carolina low-level radioactive waste generators are met.

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Events in 1999

South Carolina regulators in 1999 determined that the potential remaining disposal capacity at the low-level radioactive waste disposal facility in Barnwell is only about half of previous estimates. After reevaluating the unused acreage at the site, the state Department of Health and Environmental Control found that approximately 17.4 acres are not suitable for disposal due to shallow ground water levels and other geo-hydrological conditions. That leaves about 16.6 acres of potentially suitable land, with an estimated disposal capacity of 3,172,010 cubic feet. Assuming an annual disposal rate of 300,000 cubic feet, this capacity will be sufficient for 10 years.

What impact this finding may have on the state's policy regarding access to the disposal site is not yet clear. On June 10, Governor Jim Hodges (D) announced that he is appointing a Nuclear Waste Task Force to provide "a road map to discontinuance of South Carolinas role as the nation's nuclear dumping ground" and to recommend "actions to ensure that the future disposal needs of South Carolina low-level radioactive waste generators are met." The Governor's remarks during his announcement indicate that he believes these goals could be achieved through several options, including "going it alone" or joining a compact.. In his executive order establishing the task force, Governor Hodges directed that a subset of its membership serve as a South Carolina Compact Delegation, which is to "meet with officials of regional nuclear waste disposal compacts, officials of other states, and other parties to determine terms under which South Carolina's interests can be served through affiliation with a regional compact ..." The delegation reported its findings to the task force on September 15, 1999, and the task force reported its findings and recommendations to the Governor and to the General Assembly on November 1, 1999.

During the legislative session that ended in early June, bills were introduced to rejoin the Southeast Interstate low-level Radioactive Waste Management Compact or to eliminate access for out-of-state generators. Neither measure was adopted, but they will likely be addressed during the second session, beginning in January 2000.
On December 15, the South Carolina Nuclear Waste Task Force adopted its final report, which recommends that the Governor of South Carolina immediately enter into negotiations with the Atlantic Compact to define the terms and conditions for South Carolina's membership in the compact. Under the proposal, the Atlantic Compact would become the new name for the current Northeast Compact upon South Carolina's membership.

The task force's recommendation was delivered to the Governor immediately after the meeting. The full report will be presented to the Governor as soon as revisions adopted at the meeting have been incorporated. State legislation to implement the task force's recommendation is expected to be introduced after the General Assembly convenes in mid-January 2000.

The recommendation was unchanged since its initial adoption by the task force on December 9. At that meeting, state Representative Joel Lourie (D) introduced a resolution containing the recommendation. It was adopted unanimously, as was an amendment introduced by the two state legislators who represent Barnwell County, Senator Brad Hutto (D) and Representative Lonnie Hosey (D). Their amendment seeks to ensure that operation of the disposal site under a compact arrangement provides significant economic benefits to the Barnwell community. The resolution does not include any schedule for discontinuation of access for out-of-region generators. However, South Carolina officials have indicated that such access could be significantly reduced within one year of enactment and discontinued entirely within 5-8 years.

Joining the Atlantic Compact was the only option considered by the group at the December 9 meeting. Other options previously studied and considered by task force include:

1. Joining the Southeast Compact;

2. Operation of the low-level radioactive waste disposal facility at Barnwell by a consortium of utilities;
3. A ban on shallow land burial of waste combined with a hold-for-decay facility at Barnwell for non-utility waste; and
4. A proposal under which the current facility operator, Chem-Nuclear Systems, would reserve some capacity at Barnwell for South Carolina generators and continue to use the remaining capacity for generators from other states.

The resolution was incorporated into the task force's proposed final report, which in turn was adopted with amendments during the task force's meeting on December 15.

MAINE YANKEE ATOMIC POWER COMPANY

Background

The Maine Yankee atomic power plant is located in Wiscasset, Maine. The official power rating for the plant was approximately 900 MW, and throughout its operating life, the plant remained the largest single generating unit in Maine. The plant last produced electricity in December 1996. The shutdown, which was initially triggered by problems identified with nuclear fuel, was extended as other problems, which also served to delay the restart, were discovered. Beleaguered by a recent extended outage to perform steam generator repairs, and the results of an Independent Safety Assessment[1], which led to the emplacement of a new management team, Maine Yankee's ownership[2] initiated a search for new owner-operators for the plant. Meanwhile, preparations to bring the plant back on-line continued. The search for a new owner was concluded in August of 1997, when Maine Yankee formally closed the plant, filing a "cessation of operations" statement with the US Nuclear Regulatory Commission. Soon after, the company announced its plans to begin a prompt decommissioning and dismantlement of the plant.

Per a decision made by the owners of Maine Yankees, the decommissioning of Maine Yankee was put to a competitive bid process. The process was facilitated by a "site characterization," a survey of the environs and plant systems and structures, intended to determine the extent of hazardous and radioactive contamination on the site. The site characterization, performed by GTS-Duratek, Inc., began in the fall of 1997and was completed in the spring of 1998.

In August 1998, Maine Yankee announced that Stone & Webster Engineering Corporation (SWEC) of Boston, MA, had been selected as the general contractor for the "Decommissioning and decontamination of Maine Yankee." The contract, in the amount of $250 million, also allows SWEC an option for redeveloping the site with a gas fired generation unit. The project is scheduled for completion in 2004.

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[1] The "Independent Safety Assessment," which was undertaken at the insistence of the King administration, was a review key safety systems of the plant by NRC expert staff with State participation. The report concluded that Maine Yankee's performance was "Average or below average with a declining trend".

[2] Maine Yankee's ownership consists of the following: Central Maine Power Co., 38 percent; New England Power Co., 20 percent; Northeast Utilities, 20 percent *; Bangor Hydro-Electric Co., 7 percent; Maine Public Service Co., 5 percent; Cambridge Electric Light Co., 4 percent; Montaup Electric Co., 4 percent; and Central Vermont Public Service Corp., 2 percent.

No Nuclear Power Plant of Maine Yankee's size has been decommissioned, and as is here explained, there are a number of novel aspects to Maine Yankee's decommissioning proposal that merit close scrutiny.

Spent Nuclear Fuel

Ironically, as it is currently planned, the vast majority of the radioactivity at Maine Yankee site is expected to remain there long after the clean-up work undertaken by SWEC is completed. The highly radioactive spent nuclear fuel, which is currently stored in the spent fuel pool, is to one day be removed from the site by the US Department of Energy (DOE).

The DOE, who defaulted its contractual obligation to remove spent fuel by December 1998, is not expected to remove any fuel before 2020. To address the continuing need to store fuel on site, an analysis of spent fuel storage options was undertaken by Maine Yankee. Maine Yankee has concluded that, by its analysis, leaving the spent fuel in the spent fuel pool would ultimately be more expensive than the alternative. That alternative, the construction and operation of an Independent Spent Fuel Storage Installation (ISFSI, a.k.a. "dry cask" facility), would have lower operating expenses than maintaining the spent fuel pool as a result of the passive cooling mechanisms.

Within the NRC's licensing rules, Maine Yankee has two licensing options available, under which it could construct and operate an ISFSI. The two options are:

- A specific license per 10 CFR 72
- A general license per 10 CFR 50

Under 10 CFR 72, Maine Yankee would be, in effect, applying for a new license to store spent fuel in the proposed dry cask facility. The process provides opportunities for public participation through a hearing process. The general license granted under 10 CFR 50[3], was originally promulgated to accommodate operating plants who potentially faced an early shut downs due to a lack of spent fuel storage capacity. Under this option the license for the ISFISI itself is automatically granted, public participation is addressed through informational meetings and through the licensing process for the dry casks themselves. Maine Yankee has selected the general license option.

The construction of such a facility is also subject to Maine regulation under the Department of Environmental Protection's (DEP) site development law. On August 29, 1999, The Maine Board of Environmental Protection (BEP) voted to accept the recommendation of DEP staff to assume jurisdiction over the ISFSI and to "pursue what jurisdiction [they] may have". Shortly thereafter, Maine Yankee's attorneys filed a suit in the federal court requesting a summary judgement, asserting that the BEP's jurisdiction is preempted by federal law not only on radiological grounds, but on all bases for regulation by the BEP. Maine Yankee also requested a stay of the BEP's proceedings, this request was granted by the BEP. Legal actions concerning the federal court proceeding continue.

Oversight

The NRC, which derives its authority to regulate nuclear power from the Atomic Energy Act of 1954 and its subsequent amendments, remains the lead federal agency for regulation and oversight of plant activities. In July 1998, the NRC discontinued its staffing of a full time on-site "resident" inspector, and instead performs inspections through site visits by inspectors based either at NRC Region I headquarters (near Philadelphia, PA) or from NRC headquarters in Rockville, MD. In 1999, the scope of NRC inspection activities has general meant one or more inspectors would be at the Maine Yankee plant site for three to five days once per month. The NRC has announced its intention to increase its level of inspection activities in CY 2000 to cover the removal of large components such as the steam generators and reactor pressure vessel.

[3] 10 CFR 50 is the body of rules that govern the NRC's licensing of Nuclear Power facilities.

The State of Maine provides for direct oversight of plant activities principally through the staffing two resident inspectors at the plant site. These individuals work under the auspices of the Department of Human Services, Bureau of Health, Division of Health Engineering (DHE), and are charged with maintaining the State's radiological monitoring program, in additional to inspecting or reviewing all health and safety aspects of Maine Yankee's decommissioning. Through a written agreement with the NRC, all identified health or safety concerns must be reported to the NRC and Maine Yankee. Additional State inspection activities are also conducted by the DEP, who have regulatory authority over hazardous materials, solid waste, and site development. These have generally been closely coordinated with the resident inspectors, who have had a high level of involvement with many of DEP's permitting processes as they are applied to Maine Yankee.

The Governor's office monitors decommissioning progress through the formation of the "Maine Yankee Working Group", which is made up of representatives from the various departments who have oversight over the decommissioning, inclusive of the resident inspectors. The Governor's office has also formed a "technical advisory panel" (TAP), a group that consists of four university professors who are experts in various aspects of the radiological sciences, to perform expert level reviews on specific projects as needed.

Maine Yankee has recently challenged the State's oversight role, by way of a letter dated July 7, 1999, from the company's attorney, informing the Department of Human Services that "Short of a court order", Maine Yankee will not allow any sampling or other radiological measurements performed by the State inspectors.

"Rubblization"

In Maine Yankee's recent submittal to the NRC of its License Termination Plan (LTP), Maine Yankee lays out its method for meeting the NRC's criterion for license termination of "25 millirem total effective dose equivalent (TEDE) per year to the average member of the critical group plus ALARA." Maine Yankee intends to meet the 25 millirem per year release criterion by cleaning the dome to a pre-specified level of radioactivity on surfaces, and reduce the containment dome and other structures to rubble. The rubble is then modeled, using restrictive, but possible future occupancy scenarios. A second, less detailed portion of Maine Yankee's LTP proposes to "go beyond regulatory requirements." This is to be achieved by combining a flowable fill with the slightly contaminated concrete rubble, which according to the plan, will reduce the modeled doses to below 10 millirem per year TEDE and below 4 millirem per year from the drinking water pathway.

The flowable fill aspect of the LTP has received the approval, in concept, of the Governor's Technical Advisory Panel (TAP). The TAP will be able to provide a thorough review when specific details of the flowable fill proposal are provided.

Current Legislation

LD 2496, "An Act to Clarify the Authority of State Environmental and Public Health Officials to Monitor and Regulate Nuclear Power Plant Decommissioning, Site Cleanup and Restoration Activities" is the only Maine Yankee related legislation this session. Details on this bill may be received from the Office of Legislative Information. They may be reached at (207) 287-1692.

HIGH LEVEL RADIOACTIVE WASTE

Background

High-level radioactive waste (HLW) consists primarily of nuclear fuel rods from commercial nuclear power plants and is called "spent nuclear fuel." Radioactive waste that results from the commercial reprocessing of spent nuclear fuel also falls under the NRC's definition of HLW. Reprocessing extract isotopes from spent fuel that can be used again as reactor fuel. Commercial reprocessing is currently not practiced in the US although it has been allowed in the past. There are significant quantities of HLW from the defense reprocessing and commercial nuclear programs at Department of Energy (DOE) facilities, such as Hanford, Washington, Savannah River, South Carolina, and West Valley, New York, that must also be included in any HLW disposal plans.

Legislative Requirements

US policies governing the permanent disposal of HLW are defined by the Nuclear Waste Policy Act of 1982 (NWPA), the Nuclear Waste Policy Amendments Act (NWPAA) of 1987, and the Energy Policy Act of 1992. These acts specify that HLW will be disposed of underground, in a deep geologic repository.

The NRC is one of three Federal agencies under the acts with a role in the disposal of spent fuel and other HLW. DOE is responsible for determining the suitability of the proposed disposal site as well as developing, building, and operating the geologic repository. The U.S. Environmental Protection Agency (EPA) will develop environmental standards to evaluate the safety of the geologic repository proposed by DOE. NRC will license the repository after determining whether DOE's proposed repository site and design comply with EPA's standards and with NRC's implementing regulations found in 10 CFR Part 60.

YUCCA MOUNTAIN

Background

Congress, in the NWPAA designated Yucca Mountains, Nevada as the single candidate site for characterization as a potential geologic repository. This does not mean Yucca Mountain has been selected for a repository, but it will be the only site thoroughly examined at this time. Site characterization involves field, laboratory exploration, and research to establish the geologic conditions at the site, and the ranges of those conditions. It includes surface-based mapping, exploratory drilling, and construction of an underground exploratory studies facility, essentially a large tunnel excavated at the location and in the rock where the actual repository would be.

Following site characterization, DOE is required by NWPA to prepare a recommendation of a potential site as a candidate for a geologic repository. This will be either Yucca Mountain or another site if Yucca Mountain is determined to be unsuitable. This recommendation, which DOE will submit to the President and then to Congress, is to include the preliminary comments of NRC concerning the extent to which site characterization and the waste form proposal for the recommended site seem sufficient for inclusion in any potential license application.

If the site is approved by the President and Congress, NWPA specifies that licensing of a geologic repository will occur in three phases. In the first phase, following site characterization, DOE would apply to the NRC for authorization to construct a geologic repository. Once a construction authorization request is submitted, by law, NRC will have three years to perform its review, conduct a public hearing, and reach a

construction authorization decision by an independent Licensing Board. To comply with this schedule, NRC is already reviewing DOE's site characterization activities and investigations to identify and resolve potential licensing issues. However, during the licensing proceeding itself, all issues, including those previously resolved, can potentially be reopened by the Licensing Board and become issues of contention during the hearing.

In the second phase, as construction of the repository nears completion, DOE will request a license to receive HLW. If NRC grants that license, DOE will begin placing HLW into the repository. In the third phase, when the repository is full, DOE will apply for a license amendment to decommission and permanently close the disposal facility.

Finally, Congress is considering legislation to establish new disposal standards for a geologic repository and for the development of a centralized, interim storage facility for HLW.

WASTE ISOLATION PILOT PROGRAM

Background

The Waste Isolation Pilot Plant (WIPP) became the nation's first operating underground repository for defense-generated transuranic radioactive waste on March 26, 1999. U.S. Department of Energy's Carlsbad Area Office administers the WIPP project and it's associated programs.

Located in southeastern New Mexico, the WIPP is designed to demonstrate the safe, permanent disposal of radioactive transuranic waste left from the production of nuclear weapons. Project facilities include excavated rooms 2,150 feet (almost one-half mile) underground in an ancient, stable salt formation.

The mission of DOE's Carlsbad Area Office is to protect human health and the environment by opening and operating WIPP for safe disposal of transuranic waste and by establishing an effective system for management of transuranic waste from generation to disposal.

Transuranic waste consists of clothing, tools, rags, residues, debris and other such items contaminated with small amounts of radioactive elements -- mostly plutonium. These elements are radioactive, man-made, and have an atomic number greater than uranium -- thus transuranic (beyond uranium).

Transuranic waste began accumulating in the 1940s with the beginning of the nation's nuclear weapons program. A synthetic byproduct of the nuclear weapons program, this waste remains radioactive for thousands of years. Sound environmental practice requires this material to be permanently isolated, protecting human health and the environment for future generations.

Congress declared that DOE must not allow commercial or high-level waste at WIPP -- only defense-related transuranic waste.

As early as the 1950s, the National Academy of Sciences recommended disposal of radioactive waste in stable geologic formations, such as deep salt beds. Government scientists searched for an appropriate site during the 1960s, testing the area of southeastern New Mexico in the 1970s. In 1979, Congress authorized the WIPP. DOE constructed the facility 26 miles east of Carlsbad, New Mexico, during the 1980s.

In late 1993, DOE created the Carlsbad Area Office to lead the nation's transuranic waste disposal efforts. The Carlsbad Area Office coordinates the transuranic program at waste-generating sites and national laboratories. For program and policy direction, the manager reports to the DOE Assistant Secretary for

Environmental Management in Washington, D.C., and receives administrative support from DOE's Albuquerque Operations Office.

WIPP is a critical step toward solving the nation's nuclear waste problem. WIPP is setting the standard for cost-effective, safe, and environmentally sound deep geologic disposal of defense-related radioactive waste. It is the benchmark for the disposal of other categories of nuclear waste. Current temporary storage facilities were never intended to provide permanent environmentally sound disposal. WIPP is essential to reducing risks to public health, workers, and the environment posed by wastes that are now stored at 10 major DOE sites and 13 other locations across the country. The nation must meet its responsibility to solve this problem so it won't be passed to future generations.

It has received approval from the Environmental Protection Agency (EPA), and meets all requirements necessary to dispose of transuranic radioactive waste.

Proven environmentally safe, the DOE used laboratory and field tests, along with computer modeling, to demonstrate WIPP's validity as a permanent disposal solution. The EPA certified in May 1998 WIPP's ability to protect the environment and human health, while assuring continued compliance through periodic recertification.

Providing safe transportation is vital. WIPP's transuranic waste transportation system is setting the standard for safety. WIPP trucks, operated by highly trained drivers, will carry transuranic waste in Nuclear Regulatory Commission-certified containers. Each shipment will be monitored by a satellite tracking system. The trucks meet the highest federal transportation standards and will follow procedures for inclement weather, safe parking, and notification to the states, tribal and local responders. WIPP-specific training of state, tribal, and local emergency response personnel is a key element of this safe transportation system.

Oversight

Numerous organizations are involved with the WIPP program, including the EPA, which is responsible for certifying whether radioactive and hazardous material disposal requirements are met; the state of New Mexico, which regulates the handling of the hazardous components of mixed wastes (waste that contains both radioactive and hazardous materials); and the Environmental Evaluation Group, an independent technical oversight group that participates in and comments on various WIPP issues and activities. Several other agencies, committees, and panels monitor progress at the WIPP and contribute to the project's development through regulation, review, and comment at the state and federal levels.

Regulatory Compliance

The Secretary of Energy notified Congress May 13, 1998, that the WIPP had received certification from the EPA and could begin transuranic waste disposal operations.

In 1997, the Department submitted its application for certification to the EPA. The Energy Department's application for EPA certification of the WIPP included substantial scientific analyses and documentation.

Mixed waste, which contains both hazardous and radioactive components, is regulated under the Resource Conservation and Recovery Act (RCRA). The Energy Department first applied for a RCRA permit in May 1995. The New Mexico Environment Department has issued a draft Hazardous Waste Permit for the WIPP in 1998. A final permit is expected in late1999.

APPENDIX A: FINANCIAL REPORTS

Radioactive Waste Fund and ACORWD
Financial Report for Calendar Year (CY) 1999

Income

Note: bills assessed annually by 1 Sept. Payments may be made quarterly during the state's Fiscal Year
Bills sent out based on 1998 generated waste will all be received by 1 April 2000

Generators		Billed FY2000	Received CY1999
Bowdoin College		$112.00	$112.00
Foundation for Blood Research		$100.00	$100.00
Idexx Labs		$191.00	$191.00
Hycor Biological		$1,516.00	$0.00
University of Southern Maine		$100.00	$100.00
The Mt Desert Island Bio Lab		$559.00	$559.00
Maine Yankee Atomic Power Co.		$112,733.00	$56,366.50
University of New England		$100.00	$100.00
Immunotech		$100.00	$100.00
University of Maine		$113.00	$113.00
Registration fees		$0 .00	$220.56
	Total	$115,624.00	**$57,962.06**

Expenditures in CY1999

Expenses personnel	Amount	
3000 Personal services	$37,764.48	
3890 ACORWD perdiem	$1,760.00	
	Total	**$39,524.48**

Expenses Overhead		
4000 Contractual services-professional services not by state	$1,682.29	
4200 Travel expenses in-state	$200.74	
4300 Travel expenses out-of-state	$2,731.51	
4500 Utilities-telephone services	$568.00	
4600 Rents	$3,697.35	
4700 Repairs-computer maint. Agreement	$284.20	
4800 Insurance-on equipment	$162.00	
4900 General operating expenses	$7,047.58	
4970 ACORWD mileage	$351.12	
4980 ACORWD travel expense	$118.60	
5000 Employee training expenditures	$675.00	
5300 Technology expenditures	$855.35	
5600 Other supplies	$437.02	
8500 Transfers to general fund-STACAP	$835.89	
	Total	**$19,646.65**

Budget projected for Fiscal Year 2000

Item	Amount	
Acct. negative carryover	$34,826.00	
salary/benefits	$38,631.76	
admin overhead	$14,771.85	
rent/power	$3,593.29	
telephone	$1,052.42	
computer service	$1,179.60	
computer hardware	$1,401.00	
comm./supplies	$2,959.06	
Sta. Cap	$1,257.77	
training/travel	$9,760.34	
service fees (one time)	$5,900.00	
	total	**$115,333.09**

APPENDIX B: LOW-LEVEL WASTE GENERATORS IN MAINE

NAME	LICENSE#	ACTIVITY	UNITS	VOL.(Cu. Ft.)	Billed
BOWDOIN COLLEGE	05205	0.00003	Curies	15.00	$ 112
FOUNDATION FOR BLOOD RESEARCH	05335	0.000002	Curies	7.50	$ 100
IDEXX LABORATORIES, INC.	05453	0.016	Curies	25.49	$ 191
HYCOR BIOMEDICAL INC.	05823	0.15	Curies	202.50	$ 1,516
UNIV OF SOUTHERN MAINE	05825	0.000008	Curies	0.08	$ 100
MT DESERT ISLAND BIOLOGICAL LAB	09623	0.003	Curies	75.00	$ 559
MYAPC	11601	1051	Curies	7397.00	$ 112,733
UNIV OF NEW ENGLAND	31815	0.0000008	Curies	7.00	$ 100
IMMUNNOTECH	5255	0.000088	Curies	0.50	$ 100
UNIVERSITY OF MAINE	19827-01	0.02	Curies	15	$ 113
	Total activity	1051.1891	Total vol.	7745.07	$ **115,624**

APPENDIX C: ACORWD LIST OF APPOINTMENTS

Status/Name	Termination Date	Representing
Active – Bob Demkowicz Dept. of Environmental Protection State House Station # 17 Augusta, ME 04333 287-7680 FAX: 287-2814 287-7681 bob.a.demkowicz@state.me.us	Seat 1	Department of Environmental Protection Commissioner or Designee
Active - Clough Toppan, P.E., Director Division of Health Engineering 10 State House Station Augusta, ME 04333-010 287-5686 FAX: 287-4172 e-mail: clough.toppan@state.me.us	Seat 2	Department of Human Services Commissioner or Designee
Active - Dr. Robert Marvinney State Geologist 22 State House Station Augusta, ME 04333-0022 287-2801 FAX: 287-2353 e-mail: robert.marvinney@state.me.us	Seat 3	Maine State Geologist or Designee
Active - Jaime Mallon Maine Yankee Atomic Power Plant 321 Old Ferry Road Wiscassett, ME 04578 882-5643 FAX: 882-2353 email: mallonj@myapc.com	December 31, 2000 Term expires Dec 31st of even numbered years. Seat 4	Representing a Maine Nuclear Power Plant Appt. by Governor
Active - Steven Keegan 32 Morrell's Mill Road North Berwick, ME 03096 283-7000 FAX:	December 31, 1999 Term expires Dec 31st of even numbered years. Seat 5	Radioactive Material Licensee Representative Appt. by Senate President
Active - Joseph Blinick, PhD Maine Medical Center 22 Bramhall Street Portland, ME 04102 871-4325 FAX: e-mail: blinij@mail.mmc.org	December 31, 2001 Term expires Dec 31st of odd numbered years. Seat 6	Radioactive Material Licensee Representative. Representing Maine Medical Center Appt. by Speaker of the House
Active - Sharon Treat Senator, State of Maine 28 Kingsbury Street Gardiner, ME 04345 582-6702 FAX: 588-0458 e-mail: streat@powerlink.net	December 6, 2000 Term expires the first Wednesday in December of even numbered years Seat 7	State of Maine Appt. by President of the Senate. Belonging to Political Party holding the largest number of seats in the Senate
Active - Richard Carey (Chair) Senator, State of Maine PO Box 474 Belgrade, ME 04917 495-3333,	December 6, 2000 Term expires the first Wednesday in December of even numbered years seat 8	State of Maine. Appt. by President of the Senate. Belonging to Political Party holding the largest number of seats in the Senate
Active - Norman Ferguson Senator, State of Maine Box 36, Howard Pond Road Hanover, ME 04237 364-7641 FAX:	December 6, 2000 Term expires the first Wednesday in December of even numbered years Seat 9	State of Maine Appt. by President of the Senate. Belonging to Political Party holding the 2nd largest number of seats in the Senate

vacant	Term expires the first Wednesday in December of even numbered years Seat 10	State of Maine Appt. by Speaker of the House. Belonging to Political Party holding the largest number of seats in the House.
Active – David Shiah Representative, State of Maine 17 Dunn Farm Lane Bowdoinham, ME 04008 666-5902 e-mail: dshiah@horton.col.k12.me.us	December 6, 2000 Term expires the first Wednesday in December of even numbered years Seat 11	State of Maine Appt. by Speaker of the House. Belonging to Political Party holding the largest number of seats in the House
Active – Charles Laverdiere Representative, State of Maine PO Box 670 Wilton, ME 04294 Office #: 645-4963 645-5330 FAX: 645-2017 e-mail: repccl@somtel.com	December 2, 1998 (reappointing) Term expires the first Wednesday in December of even numbered years Seat 12	State of Maine Appt. by Speaker of the House. Belonging to Political Party holding the 2nd largest number of seats in the House. **NOTE: will be moved to seat 10**
Active - Ron Ouellette Physics Consultants INC 194 Ashmont St. Portland, ME 04103 773-1313 v-mail: 872-1453 e-mail: rono@ime.net	December 31, 1999 (reappointing) Term expires Dec 31st of odd numbered years. Seat 13	Public Member with knowledge of and interest in the management of radioactive materials and waste. Appt. by Governor
Active-June Meres 376 Bigelow Hill Road Norridgewock, ME 04957 e-mail: meresjc@mint.net 634-3376	December 31, 2000 Term expires Dec 31st of even numbered years. Seat 14	Public Member with knowledge of and interest in the management of radioactive materials and waste. Appt. by Governor
Active-John Chester (resigned Fall 99) (Position needs to be from locality with Nuclear power plant and must rep a local Advisory Group)	Term expires December 31st of odd numbered years Seat 15	Public member with Knowledge of and interest in the management of radioactive materials and waste. Appt. by Senate President
Active – James Mitchell 52 Birch Point Road Freeport, Maine 04332 207-865-6516 email: jmitch8564@aol.com	December 31, 1998 (reappointing) Term expires December 31st of even numbered years Seat 16	Public Member with Knowledge of and interest in the management of radioactive materials and waste Appt. by Speaker of the House
Active - Don Hudson, Ph.D. Chewonki Foundation 485 Chewonki Neck Road Wiscassett, ME 04579 882-7323 FAX: 882-4074 e-mail: dhudson@chewonki.org	December 31, 2000 Term expires December 31st of even numbered years Seat 17	Representing Environmental Advocacy Organization Appt. by Speaker of the House