State Nuclear Safety Inspector Office

April 2011 Monthly Report to the Legislature

Introduction

As part of the Department of Health and Human Services' responsibility under Title 22, Maine Revised Statutes Annotated (MRSA) §666 (2), as enacted under Public Law, Chapter 539 in the second regular session of the 123rd Legislature, the foregoing is the monthly report from the State Nuclear Safety Inspector.

The State Inspector's individual activities for the past month are highlighted under certain broad categories, as illustrated below. Since some activities are periodic and on-going, there may be some months when very little will be reported under that category. It is recommended for reviewers to examine previous reports to ensure connectivity with the information presented as it would be cumbersome to continuously repeat prior information in every report. Past reports are available from the Radiation Control Program's web site at the following link: www.maineradiationcontrol.org and by clicking on the nuclear safety link in the left hand margin.

Commencing with the January 2010 report the glossary and the historical perspective addendum are no longer included in the report. Instead, this information is available at the Radiation Control Program's website noted above. In some situations the footnotes may include some basic information and may redirect the reviewer to the website.

Independent Spent Fuel Storage Installation (ISFSI)

During April the general status of the ISFSI was normal. There were no instances of spurious alarms due to environmental conditions.

There were no fire or security related impairments in April. There were, however, eight security events logged (SEL) for the month. Of the seven issued, five were for the snowstorm on April 1st. One of the SELs addressed the temporary loss of communication with their off-site security feed during a computer maintenance activity. Communications were restored and satisfactorily tested the same day. The second involved the failure of one camera, which was replaced and tested satisfactorily the same day. The last SEL was for a detector that failed during routine testing. The detector was repaired and retested within two hours.

There were five condition reports[1] (CR) for the month of April and they are described below.

1st CR: Involved security information which can not be disclosed to the public.
2nd CR: Documented a fire detection zone alarm. There was no fire. The instruments were cleaned and satisfactorily retested the same day.
3rd CR: Documented the loss of signal from their off-site security contractor as noted in the SEL above.
4th CR: Issued to track recommendations from a review of training modules.
5th CR: Addressed a drain cover that was cracked by construction paving equipment. The damaged cover was repaired the next day.

[1] A condition report is a report that promptly alerts management to potential conditions that may be adverse to quality or safety. For more information, refer to the glossary on the Radiation Program's website.

Other ISFSI Related Activities

1. On April 6th Maine Yankee submitted two annual reports to the Nuclear Regulatory Commission. By design there are no gaseous or liquid releases from the ISFSI. Therefore, there was no radioactivity to report in its Annual Effluent Release Report. In addition, there were no solid waste shipments from the ISFSI site to describe in the Effluent Release Report. The second document, the Annual Radiological Environmental Operating Report, explains the environmental monitoring program. Since there are no effluent releases from the casks, Maine Yankee is only required to monitor the direct radiation exposure from the facility, which it does with passive devices, called thermoluminescent dosimeters (TLDs)[2]. There are nine TLD stations in the vicinity of the ISFSI and one control station at the Wiscasset Fire Station. All nine stations were comparable to or slightly higher than the control station. However, there was one station that was noticeably higher than the other eight ISFSI stations. This location has been consistently high since March of 2005. Due to its distance from the bermed area of the ISFSI, the values are higher than expected and could be due to its proximity to naturally higher background radiation, such as a ledge outcrop.

2. On April 11th Maine Yankee submitted a letter to the Department of Environmental Protection (DEP) signifying they had conducted their annual site inspection as per their Environmental Covenant Agreement with the DEP. The letter indicated that the Soil Management Plan was used once to support the modification of the security fence. Maine Yankee contracted with Ransom Environmental to take samples and analyze for any chemical contamination. No chemical contamination of the excavated soils was found.

3. On April 12th the legislatively mandated oversight group, representing the Department of Environmental Protection, the State Police, the Public Advocate, the Department of Health and Human Services' Radiation Control Program and Maine Yankee, met for its quarterly meeting to discuss the State's and Maine Yankee's activities pertinent to the overseeing of the ISFSI. Maine Yankee requested the status of the State's East Access Road survey and the solar powered radiation detector units on-site. The State noted that the road survey will be performed this spring and that the assessment of the solar powered units will take place this fall. Further discussions centered on the State Police's upgrading of its response activities and how that could benefit the security of the storage facility.

Environmental

The State's first quarter TLDs results were not available at report time. However, as mentioned in last month's report, the following information represents the State's fallout monitoring efforts from the Fukushima incident in Japan. Normally, the air filters are collected on a biweekly basis from the roof of the Health and Environmental Testing Laboratory (HETL) and first tested for gross beta[3]. At the end of each calendar quarter all the air filters are assembled as one sample, a composite, and are analyzed for gamma radiation. The gamma energy peaks on the graph are like fingerprints pointing to specific radioactive elements.

After being notified by the University of Maine in Orono and the Portsmouth Naval Shipyard in Kittery that they were picking up radioactive Iodine in their air filters, the State directed the HETL to pull the State's air filter on the top of its roof and analyze the specimen for radioactive elements. The sample confirmed the

[2] Thermoluminescent Dosimeters (TLD) are very small, passive radiation monitors requiring laboratory analysis. For a further explanation, refer to the glossary on the Radiation Program's website.

[3] Gross Beta is a simple screening technique that measures the total number of beta particles emanating from a potentially radioactive sample. High values would prompt further analyses to identify the radioactive species. Refer to the glossary on the website for further information.

presence of radioactive Iodine-131[4] in minute concentrations. The Table below lists the State's findings as well as those from the University of Maine and the Portsmouth Naval Shipyard.

Iodine-131 Sampling Results from the Fukushima Incident

Table 1 - AIR

All units are in pCi per cubic meter (pCi/m^3)[5]

DATE	Orono	Augusta	Kittery
3/22/2011	0.01		0
3/23/2011			0.087
3/24/2011		0.015	0.027
3/25/2011			0.019
3/26/2011		0.032	
3/28/2011		0.041	0.028
3/29/2011	0.019	0.000	0.05
3/30/2011		0.040	0.045
3/31/2011		0.085	0.036
4/1/2011	0.014		0
4/4/2011		0.053	0.055
4/5/2011			0.025
4/6/2011		0.000	0
4/7/2011	0.030		0.03
4/8/2011		0.023	
4/11/2011	0.011	0.022	
4/13/2011		0	
4/15/2011		0	
4/20/2011		0	
4/27/2011		0	

After the initial find on the air filters the State increased its sampling efforts to daily before slowly increasing the time period between the sampling runs back to its normal bi-weekly frequency on April 27th. The average daily radon background lung dose from outdoor air in the U.S. is about 2.7 mrem[6] per day. The radiation dose consequence for the Iodine-131 from Fukushima was very minor. Based on the highest Fukushima value found in Maine air, 0.087 pCi/m^3, the calculated radiological lung dose for one day for an adult male weighing about 154 pounds would approximate 0.000006 mrem, or less than a second of exposure from the natural radon background. The thyroid dose for one day to the same individual would amount to 0.0027 mrem. This is considerably less than the 100,000 to 200,000 mrem a person would receive from a thyroid uptake study using Iodine-131.

The State's Iodine values were comparable to what New England and what other states have measured with the higher values being detected in the western states. The highest Iodine value of 2.42 pCi/m^3 in the nation was found in Dutch Harbor, Alaska. In all the states the predominant radioactive element from Fukushima was Iodine-131. However, in Nome, Alaska they also detected seven other radioactive elements in the air. They

[4] Radioactive elements are usually represented by their chemical names and corresponding mass numbers, which represent the number of protons and neutrons in the nuclei of atoms.

[5] A pCi/m^3 is an acronym for a pico-curie per cubic meter, which is a concentration unit that defines how much radioactivity is present in a unit volume of air measured in meters. A pico is a scientific prefix for an exponential term that is equivalent to one trillionth (1/1,000,000,000,000).

[6] A mrem is a conventional unit of dose equivalent that describes how much radiation energy was absorbed by a person's body and qualified by the types of particles or rays that deposited the energy.

were Cesium-134, Cesium-136, Cesium-137, Iodine-132, Tellurium-129^{m}, Tellurium-129 and Tellurium-132. Some of the western states, like California, Washington and Idaho, also detected some of these elements.

Table 2 illustrates the types of precipitation that was sampled in Maine. The highest precipitation finding of 37.4 pCi/L was comparable to what the other New England states found. Their values ranged from 2.5 to 47 pCi/L, whereas the western states detected higher concentrations of Iodine-131 ranging up to 390 pCi/L.

Table 2 - PRECIPITATION

All units are in picocuries per liter (pCi/L)[7]

DATE	Orono	Augusta	Type
3/23/2011	0		Snow
3/23/2011	0		Snow
4/1/2011		9.34	Snow
4/5/2011		37.4	Rain
4/6/2011		12.2	Rain
4/11/2011		4.79	Rain
4/13/2011		0	Rain
4/20/2011		0	Rain

The calculated thyroid dose for a day for ingesting the highest concentration of 37.4 would have been around 0.065 mrem for an adult drinking a little over one quart of rainwater.

The drinking water was tested as part of the State's quarterly surveillance of the Portsmouth Naval Ship Yard and the nuclear power station in Seabrook, New Hampshire. No radioactive Iodine -131 was detected as indicated in Table 3.

Table 3 - DRINKING WATER

All units are in picocuries per liter (pCi/L)

DATE	Bangor	Kittery		
3/30/2011	0			pCi/l
3/31/2011		0	Maximum Concentration Level for Iodine-131 in Drinking Water	3

From March 25th through April 4th no radioactive Iodine was found in 70 drinking water samples taken in 38 states across the U.S. as part of the Environmental Protection Agency's radiological sampling network.

The seaweed near Fort McCleary was also tested as part of the State's quarterly surveillance of the Portsmouth Naval Shipyard and Seabrook. Since seaweed is an excellent bio-accumulator of most elements, as expected, the State identified Iodine-131 at a concentration of 59.2 pCi/kg[8]. However, finding radioactive Iodine-131 in seaweed is not unusual at Fort McCleary. In the past the State normally finds this radioactive element during the summer months during the tourist season. Some have had recent thyroid scans or uptakes as part of medical procedures using radioactive Iodine to evaluate their thyroids. Their urinations are usually processed at a municipal wastewater treatment system, which eventually empties its treated water into the ocean. As

[7] A pCi/L is an acronym for a pico-curie per liter, which is a concentration unit that defines how much radioactivity is present in a unit volume, such as a liter. A pico is a scientific prefix for an exponential term that is equivalent to one trillionth (1/1,000,000,000,000).
[8] A pCi/kg is an acronym for a pico-curie per kilogram, which is a concentration unit that defines how much radioactivity is present in a unit mass, such as a kilogram. A kilogram is equivalent to 2.2 pounds.

previously mentioned, seaweed easily absorbs and incorporates the Iodine. What is unusual is that the Iodine-131 was detected early, before the tourist season, which implies that it was probably from the Fukushima incident.

Maine Yankee Decommissioning

The preliminary working draft of the Confirmatory Summary Report is still under review.

Groundwater Monitoring Program

On April 29th Maine Yankee submitted its 2010 cost summary report for the radiological groundwater monitoring program. The summary indicated that $495,500 of the $500,000 agreed upon program costs was spent. The expectation is that the $500,000 will be exceeded with the closure of twelve wells this spring or summer. Under an Agreement between Maine Yankee and the Department of Environment Protection four of the sixteen wells will remain open as part of the chemical testing that will continue at periodic intervals for the next 24 years.

The State commenced its review of the fifth and final groundwater report. The massive report contains 3399 pages of raw data. To date the review has covered 201 pages of the 3965 page report. The report's review will be completed in May. The report indicated that several radioactive elements were sporadically detected over the year in some of the wells. The man-made radioactive elements identified included tritium, a form of heavy hydrogen (Hydrogen-3[9]), Iron-55, Cobalt-57, Cobalt-60, Nickel-63, Zinc-65, Strontium-90, Zirconium-95, Cerium-141, Cesium-137 and Plutonium-238. Other radioactive species were also identified. They were the natural radioactive elements of Beryllium-7, Potassium-40, Thallium-208, Lead-214, Bismuth-214 and Actinium-228. Nine of the fourteen wells tested had Strontium-90 in minute concentrations. The results ranged from 2.71 to 8.35 pCi/L. None of the wells exceeded the administrative limit of 2 mrem that was established under the Radiological Groundwater Monitoring Agreement between the State and Maine Yankee. The findings demonstrated that Maine Yankee complied with the State's 4 mrem groundwater pathway dose to the public.

Other Newsworthy Items

1. On April 1st the Attorney General's Office from the State of Washington filed with the U.S. Court of Appeals for the District of Columbia in behalf of the petitioner's, (the states of Washington and South Carolina, Aiken County South Carolina, the three business leaders from the Tri-City area near Hanford Washington, and the National Association of Regulatory Utility Commissioners), provided supplemental information to their March 22nd oral arguments to counter the questions raised by the Court. A copy of the letter is attached.

2. On April 5th Nye County, Nevada sent a letter to Department of Energy's Dr. Peter Lyons taking exception to his comment to the House Appropriations' Subcommittee on Energy and Water Development that Yucca Mountain did not have local support. The letter alluded to several other Nevada counties supporting the Yucca Mountain Project. The letter included past resolutions, even the original 1975 resolution that was passed urging the federal government "to choose the Nevada Test Site for the storage and processing of nuclear material". Copies of the letter and resolutions are attached.

[9] Tritium or Hydrogen-3 is unusual in that it is also a naturally occurring radioactive element that is produced from cosmic interactions in the earth's atmosphere.

3. On April 6th the Nuclear Waste Strategy Coalition (NWSC) held its bi-monthly conference call to update its members on the congressional budgetary activities for the FY 2011 Continuing Resolution and FY 2012 appropriations. The update discussed the litigation status on the Department of Energy's Nuclear Waste Fund fees. It also included the Blue Ribbon Commission's recently released interim report on what the Commission heard as key points in its public meetings. Further updates were provided on the Nuclear Regulatory Commission's (NRC) Atomic Safety and Licensing Board's Orders, Volume III of the NRC's Safety Evaluation Report and the U.S. Court of Appeals hearing on oral arguments. The NWSC is an ad hoc group of state utility regulators, state attorneys general, electric utilities and associate members representing 47 stakeholders in 31 states, committed to reforming and adequately funding the U.S. civilian high-level nuclear waste transportation, storage, and disposal program.

4. On April 6th counsels for the Nuclear Regulatory Commission and the Department of Energy filed a letter with the U.S. Court of Appeals for the District of Columbia Circuit stating that the petitioners' (Aiken County South Carolina, et al.) request should be dismissed for their "failure to challenge a final agency action". A copy of the letter is attached.

5. On April 8th the Department of Energy (DOE) filed with the Nuclear Regulatory Commission's Atomic Safety and Licensing Board a motion to dismiss one of the Nuclear Energy Institute's (NEI) safety contentions. This contention was initially dismissed by the Board on December 14, 2010 and subsequently challenged by NEI. On the same day the DOE filed with the Board its motion to dismiss four of Nevada's safety contentions on purely legal grounds.

6. On April 10th-14th an international high-level radioactive waste management conference was held in Albuquerque, New Mexico. Although the topics were many and varied, most focused on geologic repositories, natural analogs, engineered barriers, radiological pathway models and model uncertainties. However, some sessions were devoted to technical issues in dry storage, international experience in dry interim storage and the Department of Energy's program for long term storage. The international storage session featured presentations from France, Germany and Japan. One of the highlights was a special session devoted to Sweden's reaching a milestone in their nuclear waste management program – a license application for a repository at Fosmark.

7. On April 11th the Nuclear Regulatory Commission's (NRC) Atomic Safety and Licensing Board issued an Order to the parties involved in the Yucca Mountain License proceedings. Since the Administration's funding proposals for FY 2012 stipulated no funding for the preservation of the Yucca Mountain documents at the NRC after September 30th, the Board then directed the parties to preserve all their documents in "PDF" format and submit them electronically to the NRC's Office of the Secretary.

8. On April 12th the Office of Senate Majority Harry Reid issued a website letter to all Nevadans indicating that "Yucca Mountain is dead". The Senator took this opportunity to relate how he thwarted the House's efforts in slipping in a rider on the appropriations bill to fund the Yucca Mountain Project. A copy of the letter is attached.

9. On April 16th the Department of Energy (DOE) filed with the Nuclear Regulatory Commission's Atomic Safety and Licensing Board a supplement to their motion to dismiss one of the Nuclear Energy Institute's safety contentions. The purpose of the supplement was to notify the Board that the DOE's efforts to resolve the issues the Board raised in its April 8th motion were unsuccessful.

10. On April 18th the Nuclear Regulatory Commission's (NRC) Staff filed with the NRC's Atomic Safety and Licensing Board its response to the Department of Energy's motion to dismiss four of Nevada's safety contentions. The Staff agreed to the full dismissal of two of the safety contentions and two in part. On the same day the Staff also filed with the Board its support for the Department of Energy's motion to dismiss one of the Nuclear Energy Institute's safety contentions.

11. On April 18th the State of Nevada filed with the Nuclear Regulatory Commission's Atomic Safety and Licensing Board a response opposing the Department of Energy's (DOE) motion to dismiss four of Nevada's safety contentions. The filing took issue with the positions taken by DOE and provided information to support their safety contentions.

12. On April 18th the Nuclear Energy Institute (NEI) filed with the Nuclear Regulatory Commission's Atomic Safety and Licensing Board a motion to dismiss one Nevada safety contention. The purpose of the filing was to reserve NEI's right to appeal.

13. On April 19th the Chair of the Maine Yankee Community Advisory Panel (CAP) on Spent Nuclear Fuel Storage and Removal sent a letter to the Co-Chairs of the Blue Ribbon Commission's (BRC) Subcommittee on Transportation and Storage on their portion of the BRC's report "What We've Heard". The letter commended the Subcommittee for capturing the CAP's core principles, but was disappointed that the Subcommittee did not make the removal of spent nuclear fuel from single-unit, decommissioned reactor sites to a centralized storage facility a priority, which was a central theme at the August 10, 2010 BRC Subcommittee meeting in Wiscasset. A copy of the letter is attached.

14. On April 20th the Nuclear Waste Strategy Coalition (NWSC) held a conference call to update its members on the congressional activities for the FY 2011 Continuing Resolution, FY 2012 appropriations and the House of Representatives' actions on Yucca Mountain Project. The update also included the Blue Ribbon Commission's recently released interim report on what the Commission heard as key points in its public meetings and the Administration's re-nomination of Nuclear Regulatory Commissioner William Ostendorff to a second five year term.

15. On April 20th the Director of the Nuclear Waste Program Office for the National Association of Regulatory Utility Commissioners sent a letter to the Co-Chairs of the Blue Ribbon Commission (BRC) providing personal comments on the BRC's "What We Heard" report issued in March. The comments covered the following topics of interests:

    - program governance and execution,
    - approach to siting,
    - reactor and fuel cycle technologies,
    - transport and storage of used/spent nuclear fuel and high-level wastes,
    - disposal system for high-level waste, and
    - Nuclear Waste Fund and fee

16. On April 21st the Department of Energy (DOE) filed with the Nuclear Regulatory Commission's (NRC) Atomic Safety and Licensing Board a motion requesting clarification of the Board's April 11th Order to "PDF" all the Yucca Mountain license documents and to provide electronic versions to the NRC Secretary. The DOE requested the Board to allow "PDF/A" formatting for the documents and to provide the NRC Secretary with high capacity external drives as opposed to hundreds of DVDs.

17. On April 21st the Nuclear Regulatory Commission (NRC) Staff filed a motion with the NRC's Atomic Safety and Licensing Board to stay the Board's April 11th Order. Unless a stay is issued, the

Staff maintained that it will be irreparably harmed and contrary to the public's interest. On the same day the Staff also filed with the Board a request to leave to file a motion for reconsideration and a motion for reconsideration of the Board's April 11th Order. The Staff's filing was a separate request for a stay of the effectiveness of the Order or a housekeeping stay pending resolution of its motion. The separate motions outlined the compelling circumstances for the Board to reconsider its Order.

18. On April 21st the Acting Executive Director of the State of Nevada's Agency for Nuclear Projects sent a letter to Representative John Shimkus, Chair of the House's Committee on Energy and Commerce, requesting two representatives from Nevada accompany him and other Representatives from the Committee on his planned site tour of the Yucca Mountain facility on April 26th. A copy of the letter is attached.

19. In April the Decommissioning Plant Coalition sent a letter to the Co-Chairs of the Blue Ribbon Commission's (BRC) Subcommittee on Transportation and Storage commenting on the Commission's interim report, "What We Heard". The letter expressed concern that the report failed to capture the importance of shipping spent nuclear fuel and Greater Than Class C waste from decommissioned reactor sites to a centralized storage facility "on a **priority** basis". The letter cataloged numerous organizations and individuals supporting this approach. A copy of the letter is attached.

20. On April 22nd the U.S. Nuclear Waste Technical Review Board issued a news release that they will hold a workshop on waste streams for various nuclear fuel cycle options. A copy of the news release is attached.

21. On April 25th the State of Nevada filed with the Nuclear Regulatory Commission's Atomic Safety and Licensing Board its intent to take oral depositions from two consultants on their knowledge respective to six separate Nevada safety contentions that were admitted to the Yucca Mountain license proceedings. A copy of their letter is attached.

22. On April 25th the Nuclear Regulatory Commission's (NRC) Staff filed with the NRC's Atomic Safety and Licensing Board their certification of no additional witnesses for Phase I contentions of the National Environmental Policy Act.

23. On April 26th the Massachusetts Institute of Technology released a report on the nuclear fuel cycle recommending regional centralized storage sites for 100 years starting with used nuclear fuel from decommissioning reactor sites. The report suggested the spent fuel should be placed in medium-term repositories using dry casks and above ground silos. The report recommended storage over reprocessing since the existing uranium supply was adequate and long term storage would maintain the reprocessing option. A copy of a news release is attached.

24. On April 26th the Director of the Nuclear Waste Program Office for the National Association of Regulatory Utility Commissioners sent a second letter to the Blue Ribbon Commission noting an oversight from his earlier April 20th letter of the need to emphasize the priority nature of removing spent nuclear fuel from decommissioned reactor sites to a centralized interim storage facility. A copy of the letter is attached.

25. On April 26th the Joint Timbisha Shoshone Tribal Group filed with the Nuclear Regulatory Commission's Atomic Safety and Licensing Board their certifications of no additional party or other witnesses to their status as intervenors in the Yucca Mountain license proceedings.

26. On April 27th the State of Nevada and Clark County, Nevada filed with the Nuclear Regulatory Commission's Atomic Safety and Licensing Board their certifications of no additional party or other witnesses to their status as intervenors in the Yucca Mountain license proceedings.

27. On April 27th the Executive Director of the U.S. Nuclear Infrastructure Council and a former Deputy Assistant to the Secretary of Energy concluded that the April 26th Massachusetts Institute of Technology report was a recipe for inaction. Although there were some commendable findings, his response raised five concerns, one of which was the report's assurance of a century-long supply of uranium. He countered that currently, "other nations are moving aggressively to lock-up future sources of supply". A copy of the article is attached.

28. On April 27th the U.S. Nuclear Waste Technical Review Board held a meeting in Amherst, New York to discuss the management and disposition of West Valley Demonstration Project's nuclear wastes. West Valley was the site of the nation's only commercial venture to reprocess spent nuclear fuel. The meeting focused on the decommissioning of the site, the vitrification (embedding in a glassy matrix) and the storage of the high-level liquid wastes. A copy of the agenda is attached.

29. In April the U.S. Nuclear Waste Technical Review Board issued a report on deep borehole disposal of spent nuclear fuel and high-level waste. The report discussed safety, capacity, technical feasibility and challenges, and international investigations. A copy of the report is attached.

Other Related Topics

1. On March 4th the Congressional Research Service issued a report, entitled "Closing of Yucca Mountain: Litigation Associated with Attempts to Abandon the Planned Nuclear Waste Repository". The report provided a historical legal summary of:
    - the Administration's budgets to defund and terminate the Yucca Mountain Project,
    - the Department of Energy's initiatives to withdraw their Yucca Mountain license application and to reprogram congressional appropriations for closure of the project,
    - the appointment of and directives provided to the Blue Ribbon Commission,
    - the Nuclear Regulatory Commission's licensing proceedings and the halting of those proceedings,
    - the subsequent litigation in the D.C. Circuit Court of Appeals over the license withdrawal and the suspension of the Nuclear Waste Fund fee, and
    - the congressional reaction to the proposed termination of the Yucca Mountain facility.

2. On March 8th the Nuclear Energy Institute (NEI) filed with the U.S. Court of Appeals for the DC Circuit a motion to leave and intervene in support of the federal government against the states of Connecticut, New York and Vermont lawsuit. The states' filed their lawsuit in February over the federal government's implementation of the Nuclear Regulatory Commission's Waste Confidence Decision Update and Temporary Storage Rule claiming the rules would violate the Atomic Energy Act, the Administration Procedures Act and the National Environmental Policy Act. The motion provided numerous reasons why the NEI has a clear interest and how they would be affected.

3. On March 10th the Chair and three members of the House Committee on Science, Space, and Technology responded to Chairman Jaczko's March 4th letter refusing to release an unredacted copy of the Nuclear Regulatory Commission's Volume III of the Safety Evaluation Report (SER) on Yucca Mountain because it was a preliminary draft as opposed to a circulated draft. The four

members repeated their call to Chairman Jaczko to release the SER and to respond to six questions that focused mostly on the SER. A copy of the letter is attached.

4. On March 23rd U.S. Government Accountability Office issued a report entitled: "DOE NUCLEAR WASTE: Better Information Needed on Waste Storage at DOE Sites as a Result of Yucca Mountain Shutdown". The Department of Energy (DOE) is responsible for managing and storing its own and the Department of Defenses' used nuclear fuel and high-level waste in five states. The report evaluated:

    1. the termination of the Yucca Mountain Project and its impact on the agreements DOE has with five states,
    2. the impacts on the DOE's and the Navy's operations and costs to store the waste; and
    3. the DOE's and the Navy's plans for mitigating the potential effects.

    Two of the states have legal deadlines for the federal waste to be removed from the DOE sites. If the milestones were not met then the government would face significant penalties, up to $75,000 per day, or $27.4 million annually. If a repository's opening was delayed 20 years beyond the January 1, 2035 deadlines, then the analysis showed that DOE would need nearly $1 billion in additional funds in order to extend storage at the DOE sites. The Navy's greatest concern was if Idaho decided to suspend the Navy's shipment of their spent fuel. A suspension would interfere with the Navy's ability to refuel its nuclear warships. The report recommended that the "DOE (1) assess existing nuclear waste storage facilities and the resources and information needed to extend their useful lifetimes and (2) identify any additional research needed to address DOE's unique needs for long-term waste storage".

5. In March the Board of Eureka County Commissioners issued a report entitled: "Lessons Learned: Summary of Findings and Recommendations for the Blue Ribbon Commission on America's Nuclear Future". The report listed four major concerns the County believed resulted in the federal government's failure at Yucca Mountain. They were:

    a) Public trust and confidence were not established and sustained,
    b) Adequacy of funding was limited or restricted hindering effective participation in decisions,
    c) Government information was not accurate and publicly accessible, and
    d) Government failed to respond to transportation and emergency response concerns.

    Each major concern was further subdivided into more specific concerns. For example, under public trust and confidence, the concerns were divided into four subcategories: congressional action, fairness of the Department of Energy's actions, lack of clarity in procedures for redress of concerns, and distortion of the National Environmental Policy Act (NEPA) process. Each subcategory usually had additional specifics with recommendations. The Board recommended that the Blue Ribbon Commission endorse an approach "that

    - respects the local governments and the host State,
    - encourages volunteer siting,
    - promotes a coordinated and transparent NEPA process,
    - considers the challenges of transportation and emergency response to be integral to the project,
    - recognizes the broadened involvement of parties in the licensing process, and
    - supports on-going, publicly accessible, responsible stewardship of public information related to the repository program, adapting to new technology for the life of the project."