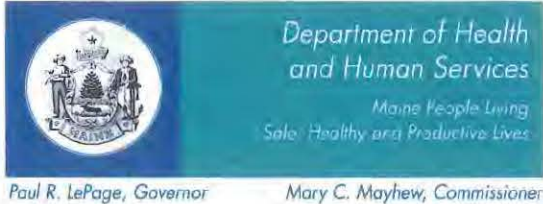


MAINE STATE LEGISLATURE

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Paul R. LePage, Governor

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May 29, 2015

MEMORANDUM

TO: Senator Michael Thibodeau, President of the Senate, and Representative Mark Eves, Speaker of the House

FROM: Mary C. Mayhew, Commissioner
Department of Health and Human Services

SUBJECT: State Nuclear Safety Inspector's October-December 2013 Monthly Reports to the Legislature on the Interim Spent Fuel Storage Facility in Wiscasset, Maine

Legislation enacted in the spring of 2008 requires the State Nuclear Safety Inspector to provide monthly reports to the President of the Senate, Speaker of the House, the U.S. Nuclear Regulatory Commission, and Maine Yankee. The reports focus on activities at the site and include highlights of the national debate on storing and disposing of the used nuclear fuel. For your convenience, highlights of local and national events are captured in the executive summary of the reports.

The enclosed reports provide the information required under Title 22 of the Maine Revised Statutes Annotated §666, as enacted under Public Law, Chapter 539, in the second regular session of the 123rd Legislature.

Should you have questions about its content, please feel free to contact Mr. Patrick J. Dostie, State Nuclear Safety Inspector, at 287-6721.

MCM/klv

Enclosure

cc: Mark Lombard, U.S. Nuclear Regulatory Commission
Monica Ford, U.S. Nuclear Regulatory Commission, Region I
J. Stanley Brown, Independent Spent Fuel Storage Installation Manager, Maine Yankee
Holly Lusk, Senior Health Policy Advisor
Kenneth Albert, Director, Maine Center for Disease Control and Prevention
Patricia W. Aho, Commissioner, Department of Environmental Protection
Timothy Schneider, Maine Public Advocate
Lieutenant Scot Ireland, Special Services Unit, Maine State Police
Nancy Beardsley, Director, Division of Environmental Health
Jay Hyland, PE, Manager, Radiation Control Program

State Nuclear Safety Inspector Office
Maine CDC – DHHS

October 2013 Monthly Report to the Legislature

Executive Summary

As part of the State's long standing oversight of Maine Yankee's nuclear activities, legislation was enacted in the second regular session of the 123rd Legislature and signed by Governor John Baldacci requiring that the State Nuclear Safety Inspector prepare a monthly report on the oversight activities performed at the Maine Yankee Independent Spent Fuel Storage Installation (ISFSI) facility located in Wiscasset, Maine.

The report covers activities at the storage facility, including the State's ongoing environmental radiation surveillance and the national debate over the licensing and construction of a geologic repository for the disposal of spent nuclear fuel. The report's highlights assist readers to focus on the significant activities that took place during the month, both locally and nationally.

Local:

- The Nuclear Regulatory Commission (NRC) forwarded a letter to Maine Yankee notifying them that the recent merger of Maine Public Service and Bangor Hydro Electric Company did not constitute a direct or indirect license transfer of Maine Yankee's federal license. Maine Public Service and Bangor Hydro combined own 12% of Maine Yankee.
- The legislatively mandated Group, representing the Department of Environmental Protection (DEP), 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 oversight of the ISFSI. The State Inspector briefed the group on his participation in the National Working Group making recommendations to the Department of Energy (DOE) on funding state grants for spent nuclear fuel shipments, the status of the State's Confirmatory Summary Report on the Maine Yankee decommissioning, and his observance of a national mock exercise of a derailed spent fuel shipment in Fort Wayne, Indiana. Maine Yankee briefed the Group on the new maintenance building that was constructed in the old staff building parking lot to allow for the construction of seven new offices in the Security and Operations Building. Maine Yankee informed the Group that it had reported to DOE the characteristics of all the spent fuel in its canisters. They also noted that the DEP required chemical sampling of the wells for the fall period would start the following week with the spring and summer testing performed next year. Maine Yankee provided an update on the national scene. The noteworthy news included the Court of Appeals recent ruling that the NRC must resume the Yucca Mountain license proceeding that it suspended two years earlier. Most of the participants in the initial licensing proceeding were urging the NRC to complete the Safety Evaluation Report on the Yucca repository. In addition, Maine Yankee expressed their hope that the Federal Court of Claims would issue its verdict before the end of the year on their second round of lawsuits against the federal government for not taking the spent fuel. Maine Yankee expected the Court to rule in their favor considering the Court's favorable ruling in their first round of lawsuits with the other two Yankee plants in New England, Connecticut Yankee and Yankee Rowe in Massachusetts. Moreover, Maine Yankee also noted that in August they filed their third round of lawsuits against the federal government.
- Maine Yankee held its annual emergency plan exercise with participation from local and state officials. The exercise involved a small single engine plane that crashed into the north berm of the ISFSI and scattered burning debris into the ISFSI causing some cask temperature sensors to read high. The scenario also included some visible chipping of a vertical concrete cask with rebar exposed and

increased radiation levels. State Police and the Wiscasset Police Department were called in and the National Guard was alerted. However, it was determined early on that this was an accident and not a terrorist attack as the pilot had issued a “Mayday” distress call just before the crash. The Wiscasset Ambulance was called in to extract the pilot.

The national highlights primarily focused on NRC and federal court activities.

National:

- The NRC filed with the U.S. Court of Appeals for the D.C. Circuit its opposition to the petitioners’ filing for a writ of mandamus and an emergency motion for preliminary injunction relief over the NRC Chairman’s decision not to recuse herself from the Yucca Mountain license proceeding. The NRC maintained that the petitioners had not complied with the Federal Rules of Appellate Procedure for seeking injunctive relief, have not demonstrated that the Chairman has pre-judged the Yucca Mountain license application, failed to prove that equitable relief was necessary, and their claim was not ripe since the Chairman had not issued any final order that affected the petitioners. On the same day the NRC also filed a notice of unavailability due to the government shutdown. However, the NRC did stipulate it would make available any or all counsel for oral argument should the Court order it.
- The NRC Chair sent letters to the Senate’s Subcommittee Chair on Clean air and Nuclear Safety and the Chair of the House’s Committee on Energy and Commerce transmitting the first monthly status report on the NRC’s activities and expenditures from the Court’s August 13 Order through the end of September. The status report indicated the following activities would be considered:
 - Completion of the Safety Evaluation Report on the Yucca Mountain license application,
 - Completion of the DOE’s supplement to their Yucca Mountain Environmental Impact Statement,
 - Resolving contentions through adjudication,
 - Reconstituting the Licensing Support Network, and
 - Restart of external litigation against the NRC.

The NRC indicated they had expended \$51,507 from mid-August through the end of September, which left \$11,004,517 in unobligated funds for the resumption of the Yucca Mountain licensing proceeding. They did note that \$2,493,290 remained unexpended but obligated and that those funds could be made available pending closeout audits of some outstanding contracts. An identical letter was sent to the Chair of the House’s Committee on Energy and Commerce.

- Six Republican Senators from the states of Alabama, Arkansas, Idaho, Louisiana, Mississippi, and Wyoming forwarded a letter to NRC Chairman Macfarlane urging the Chairman to promptly comply with the August 13 Court of Appeals Order to resume the Yucca Mountain licensing process. The Senators strongly recommended that the NRC complete the Safety Evaluation Report on the proposed repository.
- The NRC issued a news release extending the public comment period until December 20 over its proposed waste confidence rule and generic environmental study on extended storage of spent nuclear fuel. The extension was necessary to accommodate five public meetings that were cancelled due to the government shutdown.
- The D.C. Circuit Court of Appeals issued an Order denying the rehearing en banc (before the full Court) requested by the State of Nevada on the Court’s August ruling for restarting the Yucca Mountain licensing proceeding. Since the Supreme Court rarely grants a writ of certiorari, Nevada’s Chief Deputy Attorney General stated she would not appeal the Court’s denial to the Supreme Court.
- The NRC held a public meeting of its draft waste confidence generic environmental impact statement in Chelmsford, Massachusetts. The purpose of the meeting was for the NRC staff to provide an overview of the Waste Confidence draft generic environmental impact statement and proposed rule. There were 79 attendees, which included members of the public, representatives from State and local government

from Massachusetts, Maine, New Hampshire, and New York, besides members from industry and public advocacy groups. Questions raised during the public comment period addressed the three deficiencies identified by the U.S. Court of Appeals, namely indefinite storage of spent nuclear fuel, spent fuel pool leaks and fires. Numerous topics and concerns were expressed by 37 individuals during the public comment period. Some advocated for the safe storage of spent nuclear fuel and a permanent geologic repository while others supported the current rulemaking process. Most opposed nuclear power. Some proposed phasing out nuclear power and replacing it with renewable energy. Some advocated for the expedited transfer of spent fuel from pools to dry concrete casks in hardened onsite storage facilities. Others were concerned with impacts from climate change to earthquakes and tsunamis impacting coastal facilities, such as the Fukushima reactors in Japan. Some expressed opposition to the transportation of spent nuclear fuel while others expressed concern over the health effects of radiation. There was vocal opposition to local plants, especially Vermont Yankee, Pilgrim, and Seabrook.

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. In October 2011, the format of the report was changed to include an executive summary which replaced the official memorandum to the legislative leadership transmitting the report. To further streamline efforts, beginning in August, 2012, the report featured hyperlinks to documents that would normally be attached as copies to the report. The hyperlinks should facilitate the reports review with some readers focusing on the report while others who wish to explore the cited documentation can do so.

Independent Spent Fuel Storage Installation (ISFSI)

During October, the general status of the ISFSI was normal, with no instances of spurious alarms due to environmental conditions.

There was one fire-related impairment and that was due to an electrical fault in the fire suppression panel in the document room. The system was immediately taken out of service and compensatory measures initiated. Further troubleshooting revealed a panel transformer problem requiring a complete replacement of the panel. A panel was ordered.

There was one security-related impairment for the month that involved an internet connection failure due to an off-site system outage. Compensatory measures were put into place until the service provider repaired the system three days later. There were sixteen security events logged for the month. Thirteen were due to transient environmental conditions. The remaining three were security related and were cleared within one day.

There were seven condition reports¹ (CR) for the month and they are described below.

- 1st CR: Was written to document a radiation monitor losing contact multiple times. The system was monitored for several days. The system was rebooted and the condition cleared. Additional monitoring was performed over several days and the issue never re-appeared.
- 2nd CR: Documented that the attachment point on a weapon sling came apart. The unit was repaired the same day.
- 3rd CR: Documented that the wording in a security related procedure was unclear and inconsistent with other documents. Site personnel were briefed on the issue within a day. The procedure will be revised as part of the formal revision cycle.
- 4th CR: Was written to document the fire suppression problem described in the fire-related impairment above.
- 5th CR: Was written to document a backup radio found without power. The problem was a blown fuse that was replaced the same day.
- 6th CR: Documented that during a gutter inspection on the Security and Operations Building a static discharge was experienced between the building and the man lift. Work was immediately terminated. Further investigation revealed that temporary ground strap should be used whenever work is performed in proximity to the Central Maine Power switchyard.
- 7th CR: Was written to document that internet connection failure described in the security impairment above.

Other ISFSI Related Activities

1. On October 1, Maine Yankee conducted its annual emergency plan training at the Maine Emergency Management Agency (MEMA) offices with representatives from MEMA, State Police, Department of Health and Human Services, Department of Environmental Protection, and the National Guard's Civil Service Team.
2. On October 8, the NRC forwarded a letter to Maine Yankee notifying them that the recent merger of Maine Public Service and Bangor Hydro Electric Company did not constitute a direct or indirect license transfer of Maine Yankee's federal license. Maine Public Service and Bangor Hydro combined own 12% of Maine Yankee.
3. On October 8, the legislatively mandated Group, representing the Department of Environmental Protection (DEP), 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 oversight of the ISFSI. The State Inspector briefed the group on his participation in the National Working Group making recommendations to the Department of Energy (DOE) on funding state grants for spent nuclear fuel shipments, the status of the State's Confirmatory Summary Report on the Maine Yankee decommissioning, and his observance of a national mock exercise of a derailed spent fuel shipment in Fort Wayne, Indiana. Maine Yankee briefed the Group on the new maintenance building that was constructed in the old staff building parking lot to allow for the construction of seven new offices in the Security and Operations Building. Maine Yankee informed the Group that it had reported to DOE the characteristics of all the spent fuel in its canisters with more details to follow-up in the future. They also noted that the DEP required chemical sampling of the wells for the fall period would start the following week with the spring and summer testing performed next year. Maine Yankee provided an update on the national scene. The noteworthy news included the Court of Appeals recent ruling that the NRC must resume the Yucca Mountain license proceeding that it suspended two years earlier. Most of the participants in the initial licensing

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.

proceeding were urging the NRC to complete the Safety Evaluation Report on the Yucca repository. In addition, Maine Yankee expressed their hope that the Federal Court of Claims would issue its verdict before the end of the year on their second round of lawsuits against the federal government for not taking the spent fuel. Maine Yankee expected the Court to rule in their favor considering the Court's favorable ruling in their first round of lawsuits with the other two Yankee plants in New England, Connecticut Yankee and Yankee Rowe in Massachusetts. Moreover, Maine Yankee also noted that in August they filed their third round of lawsuits against the federal government.

4. On October 23, Maine Yankee held its annual emergency plan exercise with participation from local and state officials. The exercise involved a small single engine plane that crashed into the north berm of the ISFSI and scattered burning debris into the ISFSI causing some cask temperature sensors to read high. The scenario also included some visible chipping of a vertical concrete cask with rebar exposed and increased radiation levels. State Police and the Wiscasset Police Department were called in and the National Guard was alerted. However, it was determined early on that this was an accident and not a terrorist attack as the pilot had issued a "Mayday" distress call just before the crash. The Wiscasset Ambulance was called in to extract the pilot.
5. In October, the State Inspector renewed his safeguards training to maintain intact his access to Safeguards and Security Sensitive Information.

Environmental

The State received the 2013 third quarter results in October from the field replacement of its thermoluminescent dosimeters around the ISFSI and the Maine Yankee industrial site. The results from the quarterly TLD change out continued to illustrate three distinct exposure groups: elevated, slightly elevated, and normal. The high stations identified were G and K with an average of 27.6 milliRoentgens² (mR).

There were six stations in the slightly elevated group (E, F, J, L, O, and Q) with an average of 25.4 mR. Some stations continue to trade places due to background variations. Four remained and two others traded places from the previous quarter. For example, stations E and O that were in the normal group last quarter returned to the slightly elevated group this quarter. These deviations will be tracked over the next several quarters to see if a pattern develops. There were nine stations (A, B, C, D, H, I, M, N, and P) in the normal group as opposed to the previous quarter's eleven and they averaged 22.4 mR.

The Maine Yankee industrial site TLDs averaged 21.9 mR, which is comparable to the normally expected background radiation levels of 15 to 30 mR for the coast of Maine. Some of the background levels are highly dependent upon tidal effects, and local geology. However, virtually all the stations exhibit seasonal fluctuations that are affected by the out gassing of the naturally radioactive gas, Radon.

The four control TLDs that were stored at the State's Health and Environmental Testing Laboratory (HETL) in Augusta averaged about 11.8 mR. Although the storing of the control TLDs at HETL's pre-World War II steel vault lowers the natural background values, the 11.8 mR value for this quarter was higher than last quarter's control results of 10.4 mR. Even though seasonal fluctuations were expected, the high background from one quarter to the next in a shielded environment was very unusual. Discussions with the vendor were on-going. Although we have not pinpointed the cause of the fluctuations yet, there was no doubt that something was

² A milliRoentgen (mR) is a measurement of radiation exposure. For a further explanation, refer to the glossary on the Radiation Program's website.

impacting the TLDs. The controls were initially part of a program to better quantify the individual impacts of storage and transit exposures on the TLDs. However, as indicated above, they also have been instrumental in pointing out changes that would normally have not been captured if it were not for the program.

As a further application of this TLD control assessment, on September 12 three of the seven control TLDs received for the fourth quarter of 2013 were returned to the State's TLD vendor, Global Dosimetry in California, for an analysis of the transportation exposures. The initial set of results from the control TLD badges returned indicated an average of 11.9 mR for the total exposure picked up between leaving the vendor, arriving at the State and then immediately being shipped back and received by the vendor. The 11.9 mR was more than double the last quarter's reported 5.5 mR transit badges, which is very troubling. After two years the State is starting to see signs of a pattern developing for the different quarters. Nevertheless, it is too early to tell if the pattern is real. More time is needed to verify if the pattern continues. Besides seasonal and daily fluctuations in the background, modest increases or decreases could be attributed to an extra few days or a few days less transit. However, the extra transit times or background fluctuations would not explain the doubling of values for this quarter.

The field control TLDs at Ferry Landing on Westport Island, the Edgecomb Fire Station and the roof of the State's Health and Environmental Testing Laboratory read 23.7, 25.2, and 21.2 mR, respectively.

As noted in earlier reports, the State's maintains an environmental air sampler on the roof of HETL for local or national events. The air sampler was extremely instrumental during the Fukushima event in Japan over two years ago in quantifying the levels of radioactivity that was coming from the cripple reactors. This year's third quarter results did not identify any unusual radioactive elements and were within historical ranges for both gross beta³ and Beryllium-7, a naturally radioactive cosmogenic element that is produced from cosmic rays interacting with the nitrogen and oxygen atoms in the atmosphere. The gross beta results ranged from 21.3 to 47.8 femto-curies per cubic meter (fCi/m³)⁴. A composite of the six bi-weekly air filter samples was used to measure the Beryllium-7's concentration of 95.4 fCi/m³.

For informational purposes Figure 1 on page 7 illustrates the locations of the State's 17 TLD locations in the vicinity of the ISFSI. The State's locations are identified by letters with the highest location being station K this quarter as opposed to the historically high station G.

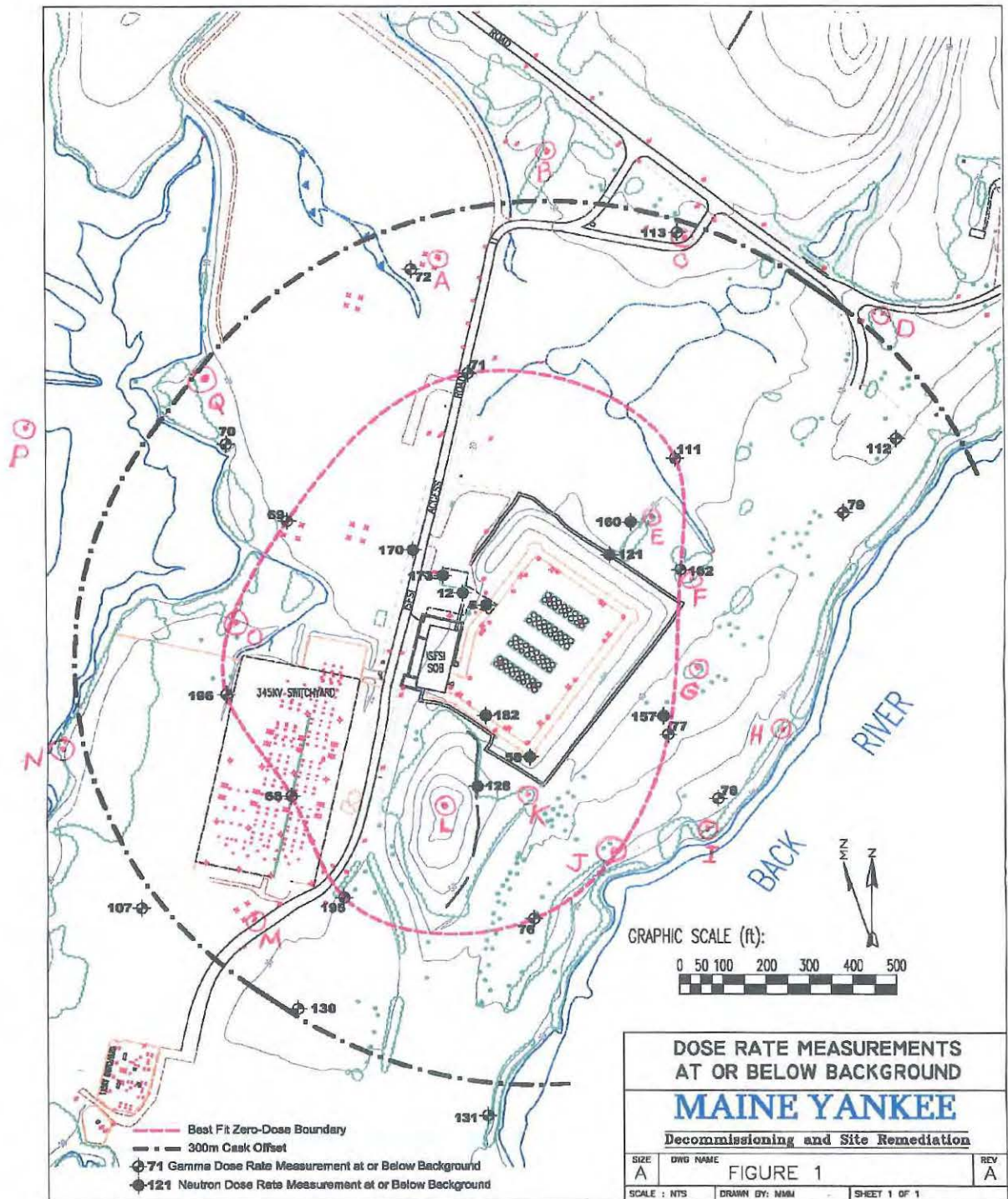
Other Newsworthy Items

1. On October 1, the petitioners (Aiken County, South Carolina, Nye County, Nevada, and the state of South Carolina) filed a response with the U.S. Court of Appeals for the District of Columbia Circuit to the NRC's motion for an extension of time to respond to the petitioners' initial filing for expedited review and preliminary injunction on the NRC Chairman's decision to not recuse herself from the resumption of the Yucca Mountain license proceeding. The petitioners provided their basis for maintaining that the NRC Chair should recuse herself and stated that the Court should act on their petition to ensure their right to an impartial adjudicator and the public's right to an impartial panel on the Yucca Mountain licensing process. The web link for the [response](#) can be accessed by positioning the cursor over the underlined text and following the directions.

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.

⁴ A fCi/m³ is an acronym for a femto-curie per cubic meter, which is a concentration unit that defines how much radioactivity is present in a particular air volume, such as a cubic meter. A "femto" is a scientific prefix for an exponential term that is equivalent to one quadrillionth (1/1,000,000,000,000,000).

Figure 1



Other Newsworthy Items

2. On October 1, the Spanish Government Agency, ENRESA, awarded Westinghouse Electric Company the main engineering services for the centralized high-level waste and spent fuel interim storage facility that will be located in central Spain. The facility could begin operation by the end of 2017. The web link for the [article](#) can be accessed by positioning the cursor over the underlined text and following the directions.
3. On October 2, the U.S. Court of Appeals for the D.C. Circuit issued an Order granting the NRC's motion for an extension of time to respond to the petitioners' motion for preliminary injunctive relief from the NRC Chair refusing to recuse herself from the Yucca Mountain licensing process. The Order also provided dates by which the petitioners and the respondents must submit their replies. The web link for the [Order](#) can be accessed by positioning the cursor over the underlined text and following the directions.
4. On October 9, the NRC Chair sent a letter to Senator Carper on amending certain provisions of the regulations governing ISFSI and making the dry cask storage licensing process more efficient. The Chair pointed to enhanced internal coordination, more frequent communications with licensees, improved tracking mechanisms and technical reviews that resulted in a new, more accelerated process for dry cask storage certificates of compliance. The web link for the [response](#) can be accessed by positioning the cursor over the underlined text and following the directions.
5. On October 9, the NRC filed with the U.S. Court of Appeals for the D.C. Circuit its opposition to the petitioners' filing for a writ of mandamus and an emergency motion for preliminary injunction relief over the NRC Chairman's decision not to recuse herself from the Yucca Mountain license proceeding. The NRC maintained that the petitioners had not complied with the Federal Rules of Appellate Procedure for seeking injunctive relief, have not demonstrated that the Chairman has pre-judged the Yucca Mountain license application, failed to prove that equitable relief was necessary, and their claim was not ripe since the Chairman had not issued any final order that affected the petitioners. The web link for the [filing](#) can be accessed by positioning the cursor over the underlined text and following the directions. On the same day the NRC also filed a notice of unavailability due to the government shutdown. However, the NRC did stipulate it would make available any or all counsel for oral argument should the Court order it. The web link for the [unavailability filing](#) can be accessed by positioning the cursor over the underlined text and following the directions.
6. On October 9-11, a Nuclear Waste Confidence and Storage Management Summit was held in Baltimore, Maryland. The following topics were presented and discussed:
 - Update on the NRC Waste Confidence Studies and Regulations
 - Prospects for Action on Waste Confidence
 - Update on Implementation of the Blue Ribbon Commission Recommendations
 - Perspectives on getting to Permanent Disposition of Spent Fuel
 - Perspectives on the Impacts of the Current State of Nuclear Waste Confidence
 - Perspectives on Consent-Based Siting of Fuel Storage
 - State Regulator Perspectives on Nuclear Fuel' Storage and Transportation
 - Dealing with Local Stakeholders' Concerns Regarding Fuel Storage and Relicensing
 - Centralized Interim Storage Issues and Progress
 - Spent Fuel Consolidation – Transportation and Other Operational Issues
 - Update on NRC Guidance on Spent Fuel Monitoring and Management
 - Implementing Enhancements to Onsite Fuel Storage Pools

The web link for the [agenda](#) can be accessed by positioning the cursor over the underlined text and following the directions.

7. On October 11, the Nuclear Waste Technical Review Board (NWTRB) issued a news release announcing the date of their next public meeting. The Board would focus on DOE's research and development activities associated with their Used Fuel Disposition Program. Some of the topics discussed would include studies on long-term storage of high burnup spent nuclear fuel and direct disposal of dry storage containers in various geologic media. The web link for the [meeting notice](#) can be accessed by positioning the cursor over the underlined text and following the directions.
8. On October 15, the petitioners (Aiken County, South Carolina, the three business leaders from the Tri-City area of Hanford, Washington, Nye County, Nevada, and the states of South Carolina and Washington, and the National Association of Regulatory Utility Commissioners) filed a response with the U.S. Court of Appeals for the D.C. Circuit on the State of Nevada's petition for rehearing en banc (before all the judges on the Appeals Court). Nevada contended that the Appeals Court ruling that the NRC's suspension of the Yucca Mountain licensing proceeding violated the Nuclear Waste Policy Act was a useless thing and, therefore, the rehearing should be granted and the initial mandamus overturned. The petitioners countered that the Court's ruling did take into consideration equitable factors that were consistent with previous Court precedent and Nevada failed to present a question of exceptional importance for the court to grant a rehearing. The web link for the [filing](#) can be accessed by positioning the cursor over the underlined text and following the directions.
9. On October 16, Nye County, Nevada, the state of South Carolina, and Aiken County, South Carolina filed their reply with the D.C. Circuit Court of Appeals to the NRC's opposition to their writ of mandamus and emergency motion for preliminary injunction. The petitioners argued that an objective observer would conclude the Chairman lacked impartiality based on her prior rejection of the federal government's modeling of the Yucca Mountain repository, the NRC failed to apply the recusal standards, the Chair's recusal decision made this ripe for adjudication, and the writ should be issued as the petitioners would suffer irreparable harm if the NRC Chairman participated in the Yucca Mountain licensing process. The web link for the [filing](#) can be accessed by positioning the cursor over the underlined text and following the directions.
10. On October 23, the NRC Chair sent a letter to the Senate's Subcommittee Chair on Clean air and Nuclear Safety transmitting the first monthly status report on the NRC's activities and expenditures from the Court's August 13 Order through the end of September. The status report indicated the following activities would be considered:
 - Completion of the Safety Evaluation Report on the Yucca Mountain license application,
 - Completion of the DOE's supplement to their Yucca Mountain Environmental Impact Statement,
 - Resolving contentions through adjudication,
 - Reconstituting the Licensing Support Network, and
 - Restart of external litigation against the NRC.

The NRC indicated they had expended \$51,507 from mid-August through the end of September, which left \$11,004,517 in unobligated funds for the resumption of the Yucca Mountain licensing proceeding. An identical letter was sent to the Chair of the House's Committee on Energy and Commerce. The web link for the [letter](#) and report can be accessed by positioning the cursor over the underlined text and following the directions.

11. On October 24, six Republican Senators from the states of Alabama, Arkansas, Idaho, Louisiana, Mississippi, and Wyoming forwarded a letter to NRC Chairman Macfarlane urging the Chairman to promptly comply with the Court's August 13th Order to resume the Yucca Mountain licensing process. The Senators strongly recommended that the NRC complete the Safety Evaluation Report on the proposed repository. The web link for the [letter](#) can be accessed by positioning the cursor over the underlined text and following the directions.

12. On October 28, the NRC issued a news release extending the public comment period until December 20 over its proposed waste confidence rule and generic environmental study on extended storage of spent nuclear fuel. The extension was necessary to accommodate five public meetings that were cancelled due to the government shutdown. The news release provided links and information on how to comment on the NRC's draft Waste Confidence Generic Environmental Impact Statement. The web link for the [news release](#) can be accessed by positioning the cursor over the underlined text and following the directions.
13. On October 28, two Representatives introduced legislation (H.R.3354) in the House's Committee on Energy and Commerce. The proposed legislation would require that spent nuclear fuel would be stored in certified dry cask storage after being cooled. The bill also specified timelines when spent fuel in pools would be required to be placed in dry casks and stored in hardened onsite storage facilities after conducting a cost benefit analysis. The bill also mandated annual reports from each facility on the amount of stored spent nuclear fuel, on how much of the fuel is stored by what method, and how much of the fuel has moved from one storage method or location to another. The web link for the [legislation](#) can be accessed by positioning the cursor over the underlined text and following the directions.
14. On October 28, the D.C. Circuit Court of Appeals issued an Order denying the rehearing en banc (before the full Court) requested by the State of Nevada on the Court's August ruling for restarting the Yucca Mountain licensing proceeding. Since the Supreme Court rarely grants a writ of certiorari, Nevada's Chief Deputy Attorney General stated she would not appeal the Court's denial to the Supreme Court. The web link for the [Order](#) can be accessed by positioning the cursor over the underlined text and following the directions.
15. On October 28, the NRC held a public meeting of its draft waste confidence generic environmental impact statement in Chelmsford, Massachusetts. The purpose of the meeting was for the NRC staff to "provide an overview of the Waste Confidence draft generic environmental impact statement and proposed rule." There were 79 attendees, which included members of the public, representatives from State and local government from Massachusetts, Maine, New Hampshire, and New York, besides members from industry and public advocacy groups. Questions raised during the public comment period addressed the three deficiencies identified by the U.S. Court of Appeals, namely indefinite storage of spent nuclear fuel, spent fuel pool leaks and fires. Numerous topics and concerns were expressed by 37 individuals during the public comment period. Some advocated for the safe storage of spent nuclear fuel and a permanent geologic repository while others supported the current rulemaking process. Most opposed nuclear power. Some proposed phasing out nuclear power and replacing it with renewable energy. Some advocated for the expedited transfer of spent fuel from pools to dry concrete casks in hardened onsite storage facilities. Others were concerned with impacts from climate change to earthquakes and tsunamis impacting coastal facilities, such as the Fukushima reactors in Japan. Some expressed opposition to the transportation of spent nuclear fuel while others expressed concern over the health effects of radiation. There was vocal opposition to local plants, especially Vermont Yankee, Pilgrim, and Seabrook. The web link for the [meeting summary](#) can be accessed by positioning the cursor over the underlined text and following the directions.