

MAINE STATE LEGISLATURE

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Department of Health
and Human Services

Maine People Living
Safe, Healthy and Productive Lives

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July 6, 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 January through May 2014 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 1
- 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

January 2014 Monthly Report to the Legislature

Executive Summary

The report covers activities at the Maine Yankee Independent Spent Fuel Storage Installation (ISFSI) facility, including the State's on-going environmental radiation surveillance and provides updates on the national effort to license and construct a consolidated interim storage facility and/or a permanent geologic repository for the disposal of spent nuclear fuel. Maine's goal is to move the ISFSI waste stored at Maine Yankee to one of these facilities. The report's highlights assist readers to focus on the significant activities that took place both locally and nationally during the month.

Local

- Maine Yankee notified the Nuclear Regulatory Commission (NRC) of the formation of a new intermediate holding company, Iberdrola USA Networks, Inc., in the ownership chain of Central Maine Power (CMP) Company. The new ownership chain for CMP is CMP Group, Inc., Iberdrola USA Networks, Inc., Iberdrola USA Inc., to Iberdrola, S.A. of Spain.
- Maine Yankee further notified the NRC of the completed merger and consolidation of Maine Public Service (MPS) and Bangor Hydro Electric Company (BHEC) on December 31, 2013. Both MPS and BHEC are subsidiaries of Bangor Hydro Electric Holdings, Inc., a wholly owned subsidiary of the Canadian firm Emera. With the merger, MPS no longer exists and the successor, BHEC, has been renamed Emera Maine.
- Maine Yankee notified the Department of Environmental Protection (DEP) that they had performed their annual inspection of the site as per their Environmental Covenant with DEP. They informed DEP that they had constructed a storage and maintenance building, installed electric cables for the new vehicle barrier gate, repaired a sewer line break, and had a foundation removed by CMP in their 345kV Switch Yard.
- The Director of the Maine Center for Disease Control and Prevention forwarded a response to Vermont's Department of Health Commissioner's questions on Maine's decommissioning experience and current oversight of the storage facility in Wiscasset.

National:

- The Department of Energy (DOE) and the Department of Justice (DOJ) filed with the U.S. Court of Appeals for the District of Columbia Circuit their petition for rehearing *en banc* (before the full court) on the suspension of the fee assessment to nuclear utility generators.
- The Secretary of Energy forwarded a letter to the Vice President, as President of the Senate, the DOE's "court mandated proposal" to Congress to lower the current fee paid by nuclear utilities for disposal of spent nuclear fuel to zero.
- The DOJ issued a letter to the general counsel on the three Yankees' (Yankee Atomic, Connecticut Yankee and Maine Yankee) lawsuit against the federal government informing him of the Court of Federal Claims' awards for each utility with Maine Yankee receiving \$35,760,992.

Introduction

As part of the Department of Health and Human Services' long standing oversight of Maine Yankee's nuclear activities under Title 22, Maine Revised Statutes (MRS) §666 (2), legislation was enacted in the second regular session of the 123rd and signed by Governor John Baldacci requiring that the State Nuclear Safety Inspector prepare a monthly report on the oversight activities performed at the ISFSI facility located in Wiscasset, Maine.

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 ongoing, 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 of 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. In January 2014, the report's executive summary was shortened to improve its readability.

Independent Spent Fuel Storage Installation (ISFSI)

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

There were two fire-related impairments. The first impairment was due to paper records being removed from the storage vault in preparation for removing the vault. The paper records were temporarily stored in the truck bay until they were moved to the new storage building the following month. Periodic fire rounds were instituted until the papers were removed. The second occurred during the demolition of the records vault which cracked some fire-rated sheetrock.

There was no security-related impairment or security events logged (SEI) for the month. This is the first time that there were no SEIs recorded during a month and most likely due to equipment upgrades.

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

- 1st CR: Documented that the latch on a flammable's storage locker was not working properly. The latch was repaired the same day.
- 2nd CR: Documented that the fire extinguisher inspection tags were inadvertently marked in the wrong month. A majority of the tags were replaced noting the correct month on the same day. All the tags were replaced by the end of the month.
- 3rd CR: Was written to document a fluid leak from the front axle of a tractor parked in the Storage Building. The oil on the concrete floor was cleaned up and drip pads were placed immediately. The tractor's oil seal was repaired.
- 4th CR: Was written to document that a portable media device was found to be stored in the incorrect

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.

drawer of a file cabinet. All other contents in the file cabinet were verified to be stored correctly. The device was returned to the correct location the same day.

- 5th CR: Was written as to document worm diggers trespassing on Maine Yankee property. The Local Law Enforcement Agencies were notified. The Wiscasset Police Department along with Marine Patrol responded. The individuals were found on the mud flats and were counseled to exit the area below the high tide mark to stay off Mainer Yankee property. The individuals left cooperatively. A report was filed with the NRC's Operations Center.
- 6th CR: Documented that a contract worker had a small piece of drywall debris in his eye during demolition activities. The eye was immediately flushed and the worker returned to work. The eye protection requirement was upgraded to full goggles.
- 7th CR: Documented that a computer monitor failed to display after a planned reboot occurred. The monitor was replaced and tested satisfactorily.
- 8th CR: Was written to track the results of an annual assessment of the Preventative Maintenance Program. Based on the assessment, some minor revisions to several PM's were made.
- 9th CR: Was written to document that a lost key card was found outside the Security and Operations Building. The key card was used only for equipment sign outs and was not a security access card. The procedure was changed to differentiate the two types of key cards used at the facility.
- 10th CR: Documented a licensing engineer performing an evaluation without the appropriate documentation of his qualifications on file at Maine Yankee. The engineer was qualified at Connecticut Yankee and Yankee Rowe. However, the correct documentation had not been filled out at Maine Yankee. The correct reviews and documents were completed the same day.

Other ISFSI Related Activities

1. On January 2, Maine Yankee notified the NRC of the formation of a new intermediate holding company in the ownership chain of Central Maine Power (CMP) Company. The new holding company is Iberdrola USA Networks, Inc., a new Maine Corporation. The new ownership chain for CMP is CMP Group, Inc. Iberdrola USA Networks, Inc., Iberdrola USA Inc., to Iberdrola, S.A. of Spain. The change does not affect CMP's ownership interests in Maine Yankee. The change does not result in changes to Maine Yankee's Board of Directors or involve any transfer of control, whether directly or indirectly, of Maine Yankee's license.
2. On January 6, Maine Yankee notified the NRC of a change in the Maine Yankee Board of Directors. The resignation of one Board member from Northeast Utilities resulted in the appointment of a successor. The appointment did not impact foreign ownership, control, or influence considerations as Northeast Utilities is a domestic company.
3. On January 7, Maine Yankee submitted its October 2013 chemical data for its groundwater monitoring sampling. A report will be generated after the 2014 spring and summer sampling campaigns. Maine Yankee has a thirty-year agreement with the Department of Environmental Protection (DEP) to periodically monitor the groundwater at the former industrial site for chemical contamination.
4. On January 8, Maine Yankee notified the NRC of the completed merger and consolidation of Maine Public Service (MPS) and Bangor Hydro Electric Company (BHEC) on December 31, 2013. Both MPS and BHEC are subsidiaries of Bangor Hydro Electric Holdings, Inc., a wholly owned subsidiary of the Canadian firm Emera. With the merger MPS no longer exists and the successor, BHEC, has been renamed Emera Maine. Emera Maine now has a 12% interest in Maine Yankee which allows Emera Maine to appoint one member and alternate to Maine Yankee's Board of Directors. According to Maine Yankee's Negotiation Action Plan certifications of foreign sponsor representatives were provided to the NRC in July, 2012.

5. On January 10, worm diggers trespassed on Maine Yankee property to gain access to the mud flats in Bailey Cove. The Local Law Enforcement Agencies and Marine Patrol were notified and responded. The worm diggers were counseled by the LLEA and MP and left the mud flats. According to the LLEA and MP the diggers were accessing the mud flats from the higher ground on Maine Yankee as opposed to walking the ice covered shoreline. The NRC operations Center was notified of the incident.
6. On January 27th Maine Yankee notified the DEP that they had performed their annual inspection of the site as per their Environmental Covenant with DEP. Maine Yankee informed DEP that it had constructed a storage and maintenance building in 2013. The Soil Management Plan of the Environmental Covenant was cited seven times in 2013. Three of the seven times involved the construction of the new building with a septic tank and water line. Two of the occasions were for the foundations and trenches for electric cables for the new vehicle barrier gate. The remaining two events were for repairs to a sewer line break and a foundation removal by CMP in their 345kV Switch Yard.
7. On January 29, 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 attendance at the NRC's waste confidence public meeting held in Chelmsford, Massachusetts, his participation in the national Nuclear Waste Policy Act interregional team that was tasked to formalize states recommendations to Department of Energy's (DOE) funding of individual state grants on activities pertinent to the transportation of spent nuclear fuel shipments, the status of the State's Confirmatory Summary Report on the Maine Yankee decommissioning, and his participation in Maine Yankee's annual emergency plan exercise. Maine Yankee briefed the Group on the design review for the construction of seven new offices in the Security and Operations Building in preparation for the licensing renewal of the storage casks and canisters. Maine Yankee noted that they had performed the fall sampling of the DEP required chemical sampling of the site wells with additional sampling scheduled for the spring and summer. Maine Yankee also announced the new ISFSI Manager who would be replacing the Site Vice-President who will be retiring in two weeks, but maintaining a part time, radiation consultant role at the site and the other two Yankee storage sites in New England. They also mentioned of the upcoming NRC inspection scheduled for mid-April. On the national scene, Maine Yankee informed the Group that the federal government did not appeal the latest Court decision on the Phase II lawsuits awarding Maine Yankee \$35.7 million with the remaining \$199.7 awarded to Connecticut Yankee and Yankee Atomic in Massachusetts. The Public Advocate informed the Group of the 2013 Omnibus Energy Law that directed 55% of the Phase I awards to Efficiency Maine with the remaining 45% used to reduce the utility's rates to ratepayers on their transmission and distribution costs. The Public Advocate further mentioned that the Maine Public Utilities Commission also opened an inquiry on what expenditures would reduce rates. Three organizations commented -- Central Maine Power, Emera Maine and the Office of Public Advocate. All three recommended that the funds from the award be used to reduce stranded costs.

Environmental

The State received the 2013 fourth quarter results in January from the field replacement of its thermoluminescent dosimeters (TLDs)² 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 number of high stations increased from the expected two, stations G and K, to five

² Thermoluminescent dosimeters are very small plastic like phosphors or crystals that are placed in a small plastic cage and mounted on trees, electric utility poles, etc. to absorb any radiation that impinges on the material. For a further explanation, refer to the glossary on the Radiation Program's website.

stations with the addition of stations F, L, and Q. The elevated stations averaged 31.0 milliRoentgens³ (mR). There appeared to be no rational basis for the increased number of stations. Occasionally stations trade places, but it was unusual for three extra stations to do so as compared to one station in the past. An observation was made that the overall results were higher this quarter than the previous quarter. Normally, the fourth quarter is reduced due to environmental effects such as frozen ground conditions or snow cover impeding the outgassing of the natural Radon gas in the soils. If anything, the TLD results should have been lower due to the more frigid conditions and multiple snowstorms experienced universally last fall. This is the second consecutive year that the fourth quarter TLDs results have exceeded the previous quarter's results.

There were six stations in the slightly elevated group (A, D, E, J, M, and O) with an average of 28.2 mR. Some stations continue to trade places due to background variations, except that it was surprising to see stations A and D that are usually in the normal grouping to be in the slightly elevated pairing. Three remained and three others traded places from the previous quarter. For example, besides stations A, and D, station M that was in the normal group last quarter was in the slightly elevated group this quarter. The vendor did reject one of the three element responses to one of the TLDs at station E. After performing a statistical outlier test, the State decided to accept the data and factored that into its results. The exclusion of the rejected data would have lowered station E's results to be in the normal grouping. All the deviations will be tracked over the next several quarters to see if a pattern develops. There were six stations (B, C, H, I, N, and P) in the normal group as opposed to the previous quarter's nine and they averaged 26.0 mR.

The Maine Yankee industrial site TLDs averaged 21.6 mR, which is comparable to the normally expected background radiation levels of 15 to 30 mR for the coast of Maine. Ironically, the industrial site TLD results exhibited the expected seasonal variations with the fourth quarter results being lower than the previous quarter, unlike the ISI/Sl stations. Some of the stations have background levels that are highly dependent upon tidal effects, and local geology. However, virtually all the stations display 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 14.8 mR. Although the storing of the control TLDs at HETL's pre-World War II steel vault lowers the natural background values, the 14.8 mR value for this quarter was higher than last quarter's control results of 11.8 mR. It was observed that three of the four control TLDs were very consistent. However, the fourth control exhibited a 30% decrease from the other three. This was surprising as all four controls were in the same shielded environment with no apparent reason for the disparity, except to conclude that there were problems with this control badge. Even though seasonal fluctuations were expected, the higher background from one quarter to the next in a shielded environment was very unusual. Although we have not pinpointed the cause of the fluctuations yet, there was no doubt that something was 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 December 10 three of the seven control TLDs received for the first quarter of 2014 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 7.7 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 7.7 mR was a significant decrease over the previous quarter's reported 11.9 mR transit badges, which was very troubling. After two years the State was starting to see signs of a pattern developing for the different quarters. Nevertheless, it was too early to tell if the pattern was 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

³ A milliRoentgen (mR) is a measurement of radiation exposure. For a further explanation, refer to the glossary on the Radiation Program's website.

or a few days less transit. However, the extra transit times or background fluctuations would not explain the decrease 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 25.2, 23.7, and 20.8 mR, respectively. It was noted that the Westport Island value was higher than the Edgecomb Fire Station. The Westport Island TLD has traditionally been lower than the Edgecomb Fire Station. However, one of the two TLDs had higher values when compared with the other. The difference between the TLD aggregate values at the same location usually run between 3 and 5. The difference in this case was 15 with no apparent reason.

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 crippled reactors. This year's third quarter results did not identify any unusual radioactive elements and were within historical ranges for both gross beta⁴ 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 20.1 to 46.0 femto-curies per cubic meter (fCi/m³)⁵. A composite of the six bi-weekly air filter samples was used to measure the Beryllium-7's concentration of 59.0 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 ISFSL. The State's locations are identified by letters with the highest locations for this quarter being F, G, K, L, and Q, as opposed to the historically high stations G and K.

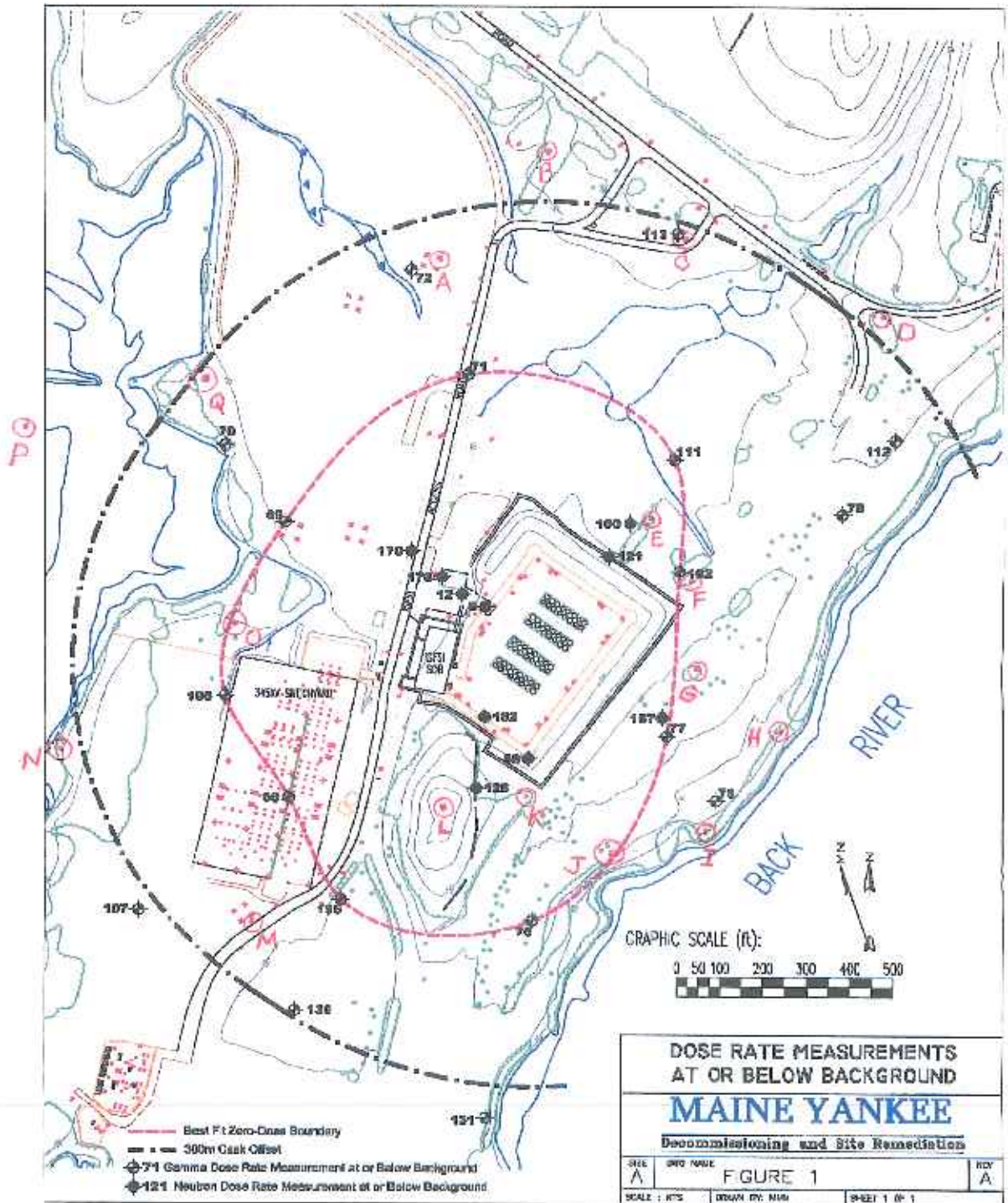
Other Newsworthy Items

1. On January 3, the DOE and the Department of Justice (DOJ) filed with the U.S. Court of Appeals for the District of Columbia Circuit their petition for rehearing and rehearing *en banc* (before the full court) on the suspension of the fee assessment to nuclear utility generators. The DOE and DOJ contended that the Court issued an inconsistent ruling, in that DOE could not utilize Yucca Mountain as a proxy for its fee determination and could not consider an alternative site in their cost assumptions. The respondents further maintained that the Court issued a flawed ruling and overstepped its bounds by violating the Nuclear Waste Policy Act in preventing the Secretary from carrying out his legal mandate under the law. The web link for the [filing](#) can be accessed by positioning the cursor over the underlined text and following the directions.
2. On January 3, the Secretary of Energy forwarded a letter to the Vice President, President of the Senate, the DOE's "court mandated proposal" to Congress to lower the current fee paid by nuclear utilities for disposal of spent nuclear fuel to zero. The Energy Secretary took issue with the Court's mandate by stipulating that the mandate was not consistent with established law. He also notified the Vice President of the Department of Justice's petition for rehearing with the full D.C. Court. He further informed the Vice President of the 90 day period before the fee adjustment would take place unless Congress passed legislation to override the fee reduction. The web link for the [letter](#) can be accessed by positioning the cursor over the underlined text and following the directions.

⁴ Gross Beta is a simple screening technique that measures the total number of beta particles emanating from a potentially radioactive sample. Refer to the glossary on the website for further information.

⁵ 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

3. On January 6, DOE responded to the House's December 2013 letter requesting responses to seven questions on information regarding the Court's mandated fee suspension, DOE's intentions to comply with the Nuclear Waste Policy Act, plans for completing the supplemental Environmental Impact Statement (EIS), and a breakdown on expenditures. DOE responded by indicating that
- they had submitted to Congress a proposal to lower the fee to zero and also indicated that they had filed for a rehearing with the full Court,
 - they will abide by the Court's and the NRC's directives, subject to the availability of funds,
 - they have commenced reviewing a technical report previously provided to the NRC on groundwater issues,
 - they have drafted a notice of intent to prepare the EIS supplement and procured the services of contractors to support this effort,
 - they would not reconstitute the Office of Civilian Radioactive Waste Management (OCRWM), they provided a breakdown of the individual activities that resulted in \$593,000 in expenditures, such as obligations to pension funds for retired Yucca Mountain workers, administration of the Nuclear Waste Fund, fee adequacy assessment, financial audits, DOJ reviews of proposed settlements on lawsuits, and maintenance of Yucca Mountain records and technical and scientific information,
 - they were under no legal requirement to provide OCRWM status reports on Nuclear Waste Fund collections but did so as a courtesy until they ceased in 2009,
 - they annually prepare a financial report on the Nuclear Waste Fund, which is audited by the DOE's Office of Inspector General, and
 - they were in the process of updating the latest information on the amount of spent fuel discharged since 2002.

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

4. On January 14, the DOJ issued a letter to the general counsel on the three Yankees' (Yankee Atomic, Connecticut Yankee and Maine Yankee) lawsuit against the federal government for their breach of contract on taking possession of the used nuclear fuel at the storage facilities in Massachusetts, Connecticut, and Wiscasset. The letter specified the Court of Federal Claims' awards for each utility with Maine Yankee receiving \$35,760,992. The letter further informed counsel that the DOJ would not appeal the judgment and requested specific information for submittal to the Judgment Fund for payment of the awards. The web link for the [letter](#) can be accessed by positioning the cursor over the underlined text and following the directions.
5. On January 16, the Canadian Nuclear Waste Management Organization notified two communities in Ontario, Arran-Elderside and Saugeen Shores, that they would no longer be considered hosts for a geologic repository for used nuclear fuel as their sites lacked the geologic criteria for a repository. Preliminary assessments at fourteen other communities in Ontario and Saskatchewan were still ongoing. Canada has adopted an Adaptive Phased Management Site Selection Process for the management of their used nuclear fuel. The approach is a three phase decision making process with nine steps to ensure that the process is adaptable when new information surfaces. The first phase involves an initial screening of host communities followed by preliminary assessments for surface and subsurface suitability. These are followed by detailed site evaluations, community decisions to withdraw or move forward with a formal agreement, to environmental assessments and regulatory reviews, to construction of a demonstration facility to confirm the site's characteristics, to issuance of an

operating license, and then construction and operation of a geologic disposal facility. The process is consent based as the host community dictates the terms and conditions under which they will host the disposal facility. The web link for the [letter](#) to the Canadian communities and the [preliminary assessment](#) can be accessed by positioning the cursor over the underlined text and following the directions.

6. On January 23, the NRC revised its review schedule for its final rule and Waste Confidence Generic Environmental Impact Statement (GEIS) by extending the schedule one month. The revision was prompted in part by the number of comments received (33,000) and the government shutdown last fall which compelled the NRC to reschedule multiple public meetings on the draft GEIS and proposed Waste Confidence Rule. The web link for the [news release](#) can be accessed by positioning the cursor over the underlined text and following the directions.
7. On January 24, the NRC issued a Memorandum and Order relative to the Nevada's request for clarification on the Commission's decision on the resumption of the Yucca Mountain licensing process and the Five Parties' reconsideration request. (The Five Parties included the states of Washington and South Carolina, Nye County, Nevada, Aiken County, South Carolina, and the National Association of Regulatory Utility Commissioners.) The Commission denied both requests on the grounds that the continued abeyance of the adjudication process would not unfairly prejudice any participant, including Nevada, and the level of detail sought by the Five Parties was not a requirement of the Appeals Court decision. The web link for the [Memorandum and Order](#) can be accessed by positioning the cursor over the underlined text and following the directions.
8. On January 24, the NRC Chair forwarded her monthly status report to the Chair of the House Committee on Energy and Commerce on the NRC staff's activities and Nuclear Waste Fund expenditures to support those activities. The report indicated the Yucca Mountain Licensing activities for December included work on the Safety Evaluation Report, loading of the Yucca Mountain licensing documents into NRC's ADAMS (a documents' database), planning and support, responses to the Commission's August Order, federal court litigation, and support/advice in NRC proceedings. December's total expenditure amounted to \$79,142 of the \$230,368 expended since the August Court decision. The report estimated the total cost for remaining activities at \$9.6 million out of the \$13 million remaining funds. In addition, the report noted that the staff had developed a project plan to address the work scope going forward. The scope would include the publishing of the remaining four volumes to the Safety Evaluation Report, the loading of the licensing documents into NRC's document database, and the DOE'S supplemental Environmental Impact Statement. The report outlined the organizational structure within NRC, the anticipated process, assumed roles and responsibilities, the steps necessary to accomplish the tasks, the formulation of teams to ensure success, and a schedule for the timely completion of the Safety Evaluation Report. The web link for the [report and project plan](#) can be accessed by positioning the cursor over the underlined text and following the directions.
9. On January 27, the D.C. Circuit Court of Appeals issued an order requesting NARUC file within 15 days a response to DOE's request for an en banc rehearing (full court) on the Court's November 2013 Order to lower the nuclear waste fee assessment to unclear utilities to zero. The court further ordered that they would not accept DOE's reply to the petitioners' response.
10. On January 28, the Director of the Maine Center for Disease Control and Prevention forwarded a one page response to Vermont's Department of Health Commissioner's questions on Maine's decommissioning experience and current oversight of the storage facility in Wiscasset. The response related Maine's legislative mandate and funding source for the decommissioning, including information on state oversight and funding oversight for the storage facility.

11. On January 29, the NRC held a public teleconference to discuss the status of the Waste Confidence Generic Environmental Impact Statement (GEIS) and rulemaking. There were 111 participants in the teleconference that included members of the public, industry, public advocacy and environmental groups, tribal and state governments, and the NRC. Questions were raised on the NRC's process for reviewing and responding to the 33,000 comments received, the schedule for the rest of the rulemaking, public involvement going forward, the applicability of the rulemaking to resumption of reactor licensing, and how site specific concerns would be addressed in the final rule. The web link for the teleconference [summary](#) can be accessed by positioning the cursor over the underlined text and following the directions.
12. On January 29, the Chair of the U.S. Nuclear Waste Technical Review Board forwarded a letter to DOE's Assistant Secretary of Nuclear Energy. The letter was in response to DOE's presentation at a Board meeting held in Washington, D.C with the intent of conveying the Board's comments and recommendations on DOE's activities discussed at the Board meeting. The letter focused on three areas sponsored by DOE's Office of Used Nuclear Fuel Disposition Research and Development. They included:
- Experiments and field demonstration of high burn-up used nuclear fuel and systems for extended dry storage,
 - Evaluation of used nuclear fuel and high-level waste inventory, waste forms and disposal options,
 - Integrating standardization of a canister system design for used nuclear fuel and high level waste.

The Board expressed concerns that, due to limited funding, tests on high burn-up fuel were limited in scope and number and involved a broad range of experimental conditions. The Board recommended that DOE conduct more tests, acquire more data from the nuclear industry on characteristics of high burn-up, develop sensors and instrumentation to monitor the storage conditions over extended periods, and establish a dry facility to open casks and canisters for inspection and examination. On disposal options the Board questioned DOE's research that characterized salt, crystalline rock, and clay/shale as exhibiting similar performance. The Board was further critical of DOE's efforts and position on deep borehole disposal and stated that they were too quick to dismiss it as a disposal option. However, the Board was heartened by DOE's efforts embracing standardization into the nuclear waste management system. The web link for the [letter](#) can be accessed by positioning the cursor over the underlined text and following the directions.

13. On January 30th the petitioner's (Nye County, Nevada, Aiken County, South Carolina, the states of Washington and South Carolina, and the National Association of Regulatory Utility Commissioners) filed an unopposed motion for voluntary dismissal. The petitioners had filed a 2012 motion with the Court, which held the earlier motion in abeyance pending the outcome of another case before the Court. The Court's 2013 Order to mandate the resumption of the Yucca Mountain licensing proceeding has rendered this earlier petition moot because the time limit for judicial review expired. Both the NRC and the State of Nevada had no objection to this motion. The web link for the [motion](#) can be accessed by positioning the cursor over the underlined text and following the directions.