

# MAINE STATE LEGISLATURE

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April 25, 2017

**MEMORANDUM**

**TO:** Senator Michael Thibodeau, President of the Senate, and Representative Sara Gideon, Speaker of the House

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

**SUBJECT:** State Nuclear Safety Inspector's March 2017 Monthly Report 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 report emphasizes local and national highlights on the storing and disposing of used nuclear fuel.

The enclosed report provides 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 123<sup>rd</sup> 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  
David Sorenson, Senior Health Policy Advisor  
Sheryl Peavey, Chief Operating Officer, ME Center for Disease Control and Prevention  
Paul Mercer, Commissioner, Department of Environmental Protection  
Timothy Schneider, Maine Public Advocate  
Lieutenant Scott 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

March 2017 Monthly Report to the Legislature

The report covers activities at the Maine Yankee Independent Spent Fuel Storage Installation (ISFSI) facility, including the State's ongoing 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 highlights the significant activities that took place locally and nationally during the month and at times internationally.

Local:

- Maine Yankee submitted to the Maine Department of Environmental Protection (DEP) its records for the abandonment of 14 monitoring wells in 2016 that were part of its chemical monitoring of the site in accordance with a 30-year Agreement with DEP. Five additional legacy wells were also abandoned. All 19 wells met DEP's guidance for well abandonment. The next scheduled groundwater sampling of the seven remaining wells will take place in 2018.
- Maine Yankee submitted to the Nuclear Regulatory Commission (NRC) its Decommissioning Funding Assurance Status Report and a Funding Status Report for Managing Irradiated (Spent Nuclear) Fuel. The Decommissioning Fund estimated the decommissioning of the storage facility in 2035 would cost about \$22.1 million in current dollars and that \$32.4 million was now available. According to the Funding Status Report, the Fund had accrued \$116.9 million to date and \$187.9 million would be required through 2036 to safeguard the spent fuel. The decommissioning funds are segregated from the larger funds used for the ongoing management of the spent nuclear fuel. Maine Yankee also has at its disposal several methods by which it could obtain additional funds should that be necessary.

National:

- Texas' Attorney General filed a lawsuit in the U.S. Court of Appeals for the 5<sup>th</sup> circuit against the U.S. Department of Energy (DOE) and its Secretary, the NRC and its Chairman, the NRC's Atomic Safety and Licensing Board and its three Judges on the Board, and the Department of the Treasury and its Secretary. The lawsuit would force the NRC to have an up or down vote on the licensing of the Yucca Mountain Project and to stop the DOE from spending any more funds on consent-based siting.
- President Trump's Administration submitted its Fiscal Year 2018 Budget. The President's Budget requested \$120 million to restart the Yucca Mountain licensing activities and to start a strong interim storage program.
- Nevada's two Senators forwarded a letter to DOE's Secretary and the Director of the Office of Management and Budget expressing their opposition to the White House's proposed 2018 Budget funneling \$120 million to restart the Yucca Mountain licensing proceedings. They noted the Nevada Governor's opposition and the potential cost of over \$1.6 billion to the federal government to force this project on Nevada.
- The Director of Nevada Agency for Nuclear Projects informed the Legislative Subcommittee on Energy of the State's plan to legally and fully settle its allowed 218 contentions on the Yucca Mountain Project and propose to submit up to 50 new contentions based on new information since the 2009 licensing proceedings and NRC's supplemental Environmental Impact Statement. Nevada's contentions challenge site suitability, disposal concept, hot repository concept, groundwater impacts, Native American cultural impacts, and transportation assumptions and accidents. Nevada estimated that over 400 hearing days would be needed to adjudicate 250 contentions, not including time for discovery, motions, and appeals, resulting in a licensing proceeding lasting four to five years and costing DOE \$1.66 billion to defend its license application, \$330 million for the NRC and \$50 million for Nevada to fight the Project. The cost and time projections do not include the remaining 81 contentions from eleven other intervenors. The Director requested \$7.2 million over the next two years from Nevada lawmakers to fight the restart of the Yucca Mountain proceedings.



- The NRC informed the public that it was providing additional opportunities to comment on Waste Control Specialists' (WCS) license application for an interim spent fuel storage facility in west Texas by extending the comment period to nearly the end of April on the NRC's scope of their Environmental Impact statement for the proposed storage facility.
- The Chair of the House's Energy and Commerce Committee and the Chair of the House's Subcommittee on Environment sent a letter to the newly confirmed Secretary of Energy, Rick Perry, the former Governor of Texas, proposing several recommendations on managing the nation's nuclear waste. They suggested that the Secretary re-establish the Office of Civilian Radioactive Waste Management as mandated by the Nuclear Waste Policy Act, reassess the decision to create a defense-waste only repository, provide funding to assist the State of Nevada and the Nye County Commission, and support Congressional efforts to allow interim storage facilities.
- Nevada Governor Sandoval vowed to defeat the Yucca mountain restart. The Governor was quoted as saying "Nevada will oppose any federal government effort to dump nuclear waste here. We will leave no stone unturned as we pursue all viable options to defeat this ill-conceived project, including litigation." The Governor reiterated his opposition following a surprise visit with the newly confirmed Secretary of Energy.
- Holtec International announced that it had submitted a regulatory application to the NRC to house 10,000 canisters of spent nuclear fuel at its HI-Store Consolidated Interim Storage facility on a 1,000 acre site between Hobbs and Carlsbad, New Mexico. The facility will store the spent nuclear fuel from any U.S. nuclear power plant below ground. The NRC is expected to take three to four years to rule on issuing a construction license for the Holtec facility. Holtec now joins Waste Control Specialists of Texas as two private vendors vying to store the nation's spent nuclear stockpile.
- Even though resolutions do not hold legal weight, San Antonio's City Council and the Bexar County Commissioner's both adopted resolutions opposing spent nuclear fuel shipments through their communities.
- The NRC released its final report on a "Compendium of Spent Fuel Transportation Package Response Analyses to Severe Fire Accident Scenarios." The report summarized accident studies on transportation fires involving trucks and railcars. The report analyzed four real-world accident scenarios, three of which were truck related accidents. They were the Baltimore tunnel fire, the Caldecott Tunnel Fire, the MacArthur Maze accident, and the Newhall Pass accident. Even though there were no documented cases of accidents involving spent nuclear fuel, it was found that the main factor driving a potential radioactive release was not the fire itself, but the hindrance of getting the internal decay heat out of the package during the fire and post-fire cooldown. According to the analyses performed, the cask packages would not lose their shielding characteristics and "be extremely robust in their response to severe, real-world accident scenarios."

### International:

- The United Kingdom placed its first dry storage cask inside a Building at its Sizewell's nuclear power plant in Suffolk County, England, about 100 miles northeast of London. The cask employs several enhanced features such as a designed 100 year life, a double walled canister for better confinement, as compared to the single wall design used globally, its own impact limiters in case of a crane failure, an exterior shell of the canister that is eddy current tested as a benchmark for future aging management surveillances, and an extra amount of shielding in the cask which reduces the radiation escaping to only a small fraction of the cosmic radiation around us. The cask is manufactured here in the U.S. at Holtec's Pittsburgh plant.