

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)




Paul R. LePage, Governor Ricker Hamilton, Acting Commissioner

Department of Health and Human Services
Commissioner's Office
221 State Street
11 State House Station
Augusta, Maine 04333-0011
Tel.: (207) 287-3707; Fax: (207) 287-3005
TTY Users: Dial 711 (Maine Relay)

August 15, 2017

MEMORANDUM

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

FROM: Ricker Hamilton, Acting Commissioner 
Department of Health and Human Services

SUBJECT: State Nuclear Safety Inspector's May and June 2017 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 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 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.

RH/klv

Enclosures

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
Nick Adolphsen, Senior Health Policy Advisor
Sheryl Peavey, Chief Operating Officer, Maine Center for Disease Control & 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

May 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:

- As part of their annual emergency plan training requirements, Maine Yankee held their annual fire and medical drill. The Wiscasset and Westport Island fire and ambulance services were called to the scene to tend to a fire in the body of a man-lift and an injured person who fell from the man-lift trying to escape when it caught on fire. There was excellent participation from both organizations including a post-drill brief that identified some improvement opportunities.
- The Colorado School of Mines received funding from the Department of Energy (DOE) and retained Maine Yankee as one of a number of prospective host sites for testing canister samples to assess the effect of normal dry storage conditions on canister materials. The test results should benefit industry relicensing and aging management programs.

National:

1. In a filing with the U.S. Securities and Exchange Commission, Vahli Inc., the parent company of Waste Control Specialists (WCS), stated that they would write-off WCS's "interim storage license application costs" as they believed that "it was no longer probable we would receive such license" from the Nuclear Regulatory Commission (NRC), increasing further doubts that they or WCS would resume the suspended license application before the NRC. WCS had filed for a consolidated interim storage license application with the NRC in April of 2016. In April of this year, WCS requested the Commission to suspend their safety and environmental licensing reviews pending a favorable federal court ruling on the sale and merger of WCS with Energy Solutions.
2. The Nevada Legislature passed a resolution expressing its strong opposition to and protested any attempts by Congress to create a repository for spent nuclear fuel and high-level radioactive waste at Yucca Mountain. The resolution was in direct response to the President's Budget that earmarked \$120 million for the resumption of the licensing of the Yucca Mountain Project. The resolution called on the President to veto any legislation and for the Secretary of Energy to abandon Yucca Mountain.
3. In anticipation of the resumption of the Yucca Mountain licensing project, the Nevada Senate approved \$1.3 million for the Agency for Nuclear Projects and \$3.4 million for the Attorney General's Office to spend fighting the expected restart of the Yucca Mountain licensing proceedings.
4. Thirty-four members of the Minnesota House of Representatives signed and forwarded a bipartisan letter to the Energy Secretary expressing their support for the resumption of the Yucca Mountain licensing proceedings. They urged funding support from the Administration and DOE to complete the licensing process. They also expressed their frustration that Minnesota ratepayers have paid nearly \$1 billion into the Nuclear Waste Fund and "have received nothing in return."
5. The DOE announced that, due to changes in budget priorities, it will no longer support its Deep Borehole Field Test and was taking steps to end the project immediately. The Deep Borehole Field Test was the first step in DOE's research to test the feasibility of using deep boreholes to dispose of certain types of defense-related high-level radioactive wastes.

6. NRC requested approval from the Office of Management and Budget to seek public input to its resumption of licensing activities at Yucca Mountain. If approved, the formal request would focus on responses from the State of Nevada, local governments and affected Indian Tribes.
7. NRC submitted their justification for their FY 2018 Budget, which included for the first time in several years a request for \$30 million to support activities related to the proposed deep geologic repository at Yucca Mountain in Nevada. Since the work associated with the repository is not fee recoverable, the NRC was requesting funding from the Nuclear Waste Fund.
8. DOE submitted their proposed budget request, based on the Administration's \$120 million allotment for FY 2018. They requested \$110 million for Yucca Mountain and \$10 million for interim storage. If \$120 million is appropriated, according to Sections 116 (c) and 118 (b) of the Nuclear Waste Policy Act, financial assistance would be disbursed with Nevada receiving \$2.089 million, affected units of local government getting \$3.493 million, the Timbisha Shoshone Tribe collecting \$194,000, Nye County receiving \$3.598 million and Clark County obtaining \$61,000.
9. The Government Accountability Office (GAO) issued a report on "Commercial Nuclear WASTE – Resuming Licensing of the Yucca Mountain Repository Would Require Rebuilding Capacity at DOE and NRC, Among Other Key Steps." GAO identified four key steps for resuming the process.
 - The Commission must receive direction to resume the licensing process. The Commission must then decide on the timeline for its completion so that other parties can identify their funding costs and obtain the necessary funding.
 - The NRC, DOE, and other non-federal parties to rebuild their organizational capabilities to include the rehiring or recruiting of legal, scientific, and other experts as well as possibly updating key documents such as the license application and environmental impact statements.
 - The NRC's Atomic Safety and Licensing Board will need to issue orders for the legal process to resume and settle the 300 or so contentions before the three-judge panel, including witness depositions and evidentiary hearings.
 - Finally, the Commission must decide whether or not to issue a construction license for the repository project.

In addition, there are two pressing legal issues that need to be resolved before a construction license can be approved, which could seriously impact the timeline to completing the licensing process. DOE may have to acquire the land and water rights from Nevada. The GAO reported that the NRC estimated it could take up to five years to complete the licensing process at a cost of \$330 million. The report was requested by the House Committee on Energy and Commerce.