

# MAINE STATE LEGISLATURE

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Paul R. LePage, Governor Ricker Hamilton, Acting Commissioner

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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 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.

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

June 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:

- The Chief Nuclear Officer of Maine Yankee, as the Chairman of the Decommissioning Plant Coalition representing eleven shutdown plants across the country, sent a letter to the Chair and Ranking Member of the House Subcommittee on Environment expressing his support and appreciation on the Subcommittee's efforts to break the congressional stalemate on nuclear waste policy and advance legislation on managing the nation's spent nuclear fuel and high-level radioactive waste. He welcomed the provisions of the proposed legislation that would move the Yucca Mountain licensing process forward and allow the Secretary of Energy to contract with commercial organizations to store the nation's waste. He expressed his concerns over the legislation's proposed linkage on storage to an "up or down" vote by the Nuclear Regulatory Commission's (NRC) on the Yucca Mountain license application. Finally, he strongly urged the Subcommittee to move forward on a pilot project to consolidate and store the spent nuclear fuel and high-level waste from decommissioned sites, such as Maine Yankee.

National:

1. For the first time in several years, the NRC Chair officially requested before the Senate Appropriations Committee \$30 million and staff to review the expected restart of the Yucca Mountain license application. Since the work associated with the repository is not fee recoverable, the NRC was requesting funding from the Nuclear Waste Fund.
2. The State of Nevada filed with the U.S. Court of Appeals for the Fifth Circuit a motion to dismiss Texas' lawsuit against the federal government. The Texas lawsuit sought to force the NRC to speed-up its Yucca Mountain licensing process and end the Department of Energy's (DOE) consent-based siting initiative. Nevada argued that Texas' lawsuit had no likelihood of success and Texas' demands to release all necessary Nuclear Waste Fund money as usurping congressional powers and forcing judicial review over policy choices that the Courts are excluded from.
3. The NRC Chair transmitted to the Chair of the House Energy and Commerce Committee the Commission's monthly status report on Yucca Mountain activities. The report highlighted the staff's continued updating of knowledge management reports that cover technical topics in pre-closure and post-closure safety assessments, climate and hydrology. The report also noted NRC's attorneys' continued litigation work on Texas' lawsuit to force the NRC to complete the Yucca Mountain proceedings.
4. The NRC issued a memorandum and order on the Waste Control Specialists' (WCS) license application to construct and operate a consolidated interim storage facility. The Commission granted WCS and the Commission's staff request to withdraw the public's opportunity for a hearing request on WCS license application suspension request. Although Beyond Nuclear, Sierra Club, and Sustainable Energy and Economic Development, as joint petitioners, did not object to WCS' and the staff's withdrawal request, they did seek seven additional measures. The Commission:

- Denied the petitioners request to compel WCS to resubmit a new application containing all the revision it has made since its original license submittal,
  - Agreed that the petitioners' counsel be notified should WCS request a restart of the staff's review of their suspended application,
  - Denied the petitioners request to publish a new notice until such time the Commission rules on the petitioners' motion to dismiss WCS' application on the grounds that it lacks jurisdiction,
  - Denied the petitioners request to extend the comment period on submitting hearing requests from 60 to 120 days,
  - Denied the petitioners request to extend the 10 day period to 20 days for requesting access to sensitive unclassified non-safeguards information,
  - Agreed with the petitioners request to inform the public that the current environmental review and scoping work are also suspended, and
  - Agreed with the petitioners to reopen the period for submitting scoping comments on the environmental impact statement, but declined their request for a 120 day comment period.
5. The U.S. District Court for the District of Delaware ruled in favor of the Justice Department's civil antitrust lawsuit to block the merger of WCS of Texas and EnergySolutions of Utah. The two firms operate the only two commercially available low-level waste disposal facilities in the U.S. In April of this year WCS requested the NRC to suspend their safety and environmental licensing reviews pending a favorable federal court ruling on the sale and merger of WCS with EnergySolutions. With the merger blocked, the resumption of WCS's license application for a Consolidated Interim Storage Facility is in jeopardy. WCS was considering whether or not to appeal.
6. The Nuclear Waste Strategy Coalition (NWSC) sent a letter to the Chair and Ranking Member of the House Committee on Energy and Commerce thanking them for their consideration of the proposed Nuclear Waste Policy Amendments Act of 2017. The letter noted that the proposed legislation addressed many of the Coalition's priorities, including completion of the Yucca Mountain Repository license application review, implementation of pilot consolidated interim storage for stranded reactor fuel, funding and governance reforms, and preparations for transportation. The NWSC is an ad hoc organization representing the collective interests of member state utility regulators, state consumer advocates, state energy and radiation control officials, tribes, and local governments, electric utilities with operating and shutdown nuclear reactors, and other public and private sector experts on nuclear waste policy matters.
7. The House Committee on Energy and Commerce overwhelmingly voted 49-4 to advance the Nuclear Waste Policy Amendments Act of 2017 as a positive step in moving forward the stalled Yucca Mountain repository in Nevada. The proposed legislation would:
- Reform the Nuclear Waste Fund to protect ratepayers
  - Provide for consolidated storage options
  - Beneficially engage local stakeholders and provide financial incentives
  - Assist the licensing process by setting a time limit on NRC decision and transfers Nevada land for the project
  - Strengthen DOE management and organization
  - Integrate federal nuclear waste management activities
  - Fulfill federal government responsibilities by taking ownership once the waste is accepted for transport
  - Protect national security priorities