

MAINE STATE LEGISLATURE

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April 30, 2018

MEMORANDUM

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

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

SUBJECT: State Nuclear Safety Inspector's January, February and March 2018 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

Enclosure

cc: Michael Layton, 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, Acting Senior Health Policy Advisor
Dr. Bruce Bates, Director, Maine Center for Disease Control and Prevention
Paul Mercer, Commissioner, Department of Environmental Protection
Barry Hobbins, 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

January 2018 Monthly Report to the Legislature

The report covers activities at the Maine Yankee Independent Spent Fuel Storage Installation (ISFSI) facility, 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 either locally, nationally or, at times, internationally during the month.

Local:

- Three earthquakes that registered 1.8, 1.9, and 2.6 on the Richter Scale were detected near Richmond, Maine. The 2.6 earthquake was centered about 3 miles southeast of Richmond and was felt at the Maine Yankee storage facility in Wiscasset 13 miles from the earthquake. Immediately, the security staff performed an inspection of the spent fuel casks. No damage or movement of the casks was observed. Management performed another inspection the following day to confirm the initial findings.
- The Town of Wiscasset approved a resolution that would request Maine's delegation to support House and Senate versions of the Stranded Act of 2017 that would provide a payment to communities storing spent nuclear fuel. If the proposed legislation became law, Wiscasset would be expected to receive an annual grant of about \$8.1 million. Other incentives for a nuclear affected community include a new, one-time homebuyer tax credit of 10% of the purchase price of the home up to \$8,000 and a new market tax credit equal to 39% of the total investment over a period of seven years.
- Maine Yankee notified the Nuclear Regulatory Commission (NRC) of a merger between Western Massachusetts Electric Company and NSTAR Electric Company. Since they are both domestic companies, then there was no need to invoke Maine Yankee's Negation Action Plan for foreign ownership, control or influence. However, there was a change in the Board of Directors. A Central Maine Power representative resigned their Board position and a new representative was appointed. Since Central Maine Power is a foreign sponsored company, Maine Yankee executed the Certification of Foreign Sponsor Representative "to ensure Central Maine Power will not exert control, domination, or influence over operational, safety, or security matters at Maine Yankee."
- Maine Yankee responded to an inquiry from the Maine Department of Environmental Protection on its historical use of aqueous film-forming foam (AFFF), which may have contained polyfluoroalkyl substances. Maine Yankee researched their historical archives and noted that three AFFF systems were installed in the early 1980s in the Turbine Building to address oil storage tanks. The AFFF systems were never actuated to extinguish a fire at the site.
- Maine Yankee submitted three documents to the DEP on the termination of groundwater monitoring and other changes. They included an amendment to the DEP Compliance Order, an amendment to the Environmental Covenant that involved an updated Media Management Plan that will replace the existing Soil Management Plan, and termination of the Resource Conservation and Recovery Act's Corrective Action Trust Agreement. Maine Yankee requested that DEP review and comment on the documents prior to their providing a notice to the public for comment on the proposed termination of the groundwater monitoring program at the site.

National:

- The Dry Cask Storage Act of 2018 was introduced to amend the Nuclear Waste Policy Act of 1982 by expanding the emergency planning zones around a storage facility to that of an operating nuclear power plant. The legislation also proposed the transfer of all spent nuclear fuel that has been stored seven or more years

in wet storage pools to dry cask storage. In addition, there are provisions for the NRC to give grants to owners to help defray some of the costs.

- The J. F. Lehman & Company, VALHI, and Waste Control Specialists (WCS) issued press releases announcing the sale of WCS to an affiliate of J. F. Lehman. WCS operates one of two commercially available low-level radioactive waste disposal sites in the U.S. In 2016 WCS submitted a license application to the Nuclear Regulatory Commission (NRC) for a consolidated interim storage (CIS) facility. The NRC suspended the review in 2017, at WCS' request, pending the sale of WCS. With the sale confirmed, the nuclear industry is waiting to see if J. F. Lehman will request the NRC to resume WCS's suspended license application to construct a CIS facility at its waste site in Texas.
- The Council of State Governments Eastern Regional Conference and the Midwestern Office, the Southern States Energy Board, and the Tribal Radioactive Materials Transportation Committee, representing seventeen tribes nationally, expressed grave concerns over a recent decision by the Department of Energy (DOE) to cancel future planning meetings with the states and tribes due to financial and national policy uncertainty. Their letters re-emphasized the utmost importance of continued collaboration to not only ensure public health and safety, but to continue the planning for the eventual removal of spent nuclear fuel from shutdown reactor sites. All four organizations urged the DOE to seriously reconsider their decision.
- Citizen's Oversight in California petitioned the NRC to improve nuclear waste storage safety. They contend that the NRC allows indefinite storage of spent nuclear fuel, but only mandate a 40-year design life. The organization submitted 39 contentions and proposed that the NRC adopt a "Hardened, Extended-life, Local, Monitored, Surface (HELMS) storage concept with a design life of 1,000 years at all spent fuel storage facilities across the country. The HELMS proposal also includes a dual-wall concept with the spent fuel canister being a three-inch-thick container as opposed to the current design of ½ to 5/8 inches.
- The U.S. Nuclear Infrastructure Council sent a letter to the Secretary of Energy criticized the Secretary for not establishing the legally mandated Office of Civilian Radioactive Waste Management when it reorganized the DOE, clearly undercutting "assurances that the Department will be a proactive steward of the waste management program." The Council stated that a much clearer signal that the Secretary was serious would have been to re-establish the Office, nominate a director, and use the estimated \$10 million in carryover funds to prepare for the restart of the Yucca Mountain Licensing process.
- The Director of the Nevada Agency for Nuclear Projects forwarded his comments on his take of the Nuclear Waste Policy Amendments Act of 2017 to the Nevada Congressional delegation. He raised several concerns on the proposed legislation. First, the legislation would change the limit of nuclear waste that would be stored at Yucca Mountain from 70,000 to 110,000 metric tons. It would also allow a monitored retrievable storage facility in Nevada when the current law prohibits such a facility. It would accelerate the licensing process by providing certain land and water rights that DOE currently does not have. He raised concerns over weekly shipments of spent nuclear fuel over 50 years or more through Las Vegas. The bill does not guarantee the proposed monetary incentives to the State for hosting the repository and did not provide any inflationary allowances. The Director noted that the program funding was inadequate in addressing the first ten years of operation and questioned funding over the 120 to 130-year operating life for the Yucca Mountain repository.
- The Nuclear Waste Strategy Coalition (NWSC) and the National Association of Regulatory Utility Commissioners (NARUC) issued press releases on the 20-year anniversary of the federal government's failure to act on nuclear waste was no cause for celebration, but a call for action. DOE defaulted on its responsibility to remove and dispose of the nation's spent nuclear fuel and high-level radioactive waste. Both highlighted the ever-increasing federal liability for inaction, currently more than \$5 billion dollars in court-awarded damage settlements. "Millions of electric customers have paid for a solution and all US taxpayers continue to pay for the government's inaction." Both urged Congress to act with NARUC advocating for funding reform while NWSC pressed for completion of the Yucca Mountain licensing review, enactment of pilot consolidated interim storage for stranded nuclear fuel, and preparation for spent fuel shipments.