Department of Health and Human Services
Maine People Living Safe, Healthy and Productive Lives
Paul R. LePage, Governor
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January 29, 2014

MEMORANDUM

TO: Senator Justin Alfond, President of the Senate, and Representative Mark Eaves, Speaker of the House

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

SUBJECT: State Nuclear Safety Inspector's May 2013 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 focuses on activities at the site and includes highlights of the national debate on storing and disposing the used nuclear fuel. For your convenience highlights of local and national events are captured in the executive summary to the report.

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.

MCM/klv

Enclosure

cc: Mark Lombard, U.S. Nuclear Regulatory Commission
Monica Orendi, U.S. Nuclear Regulatory Commission, Region I
James Connell, Site Vice President, Maine Yankee
Holly Lusk, Senior Health Policy Advisor
Sheila Pinette, DO, Director, Maine Center for Disease Control and Prevention
Patricia W. Aho, Commissioner, Department of Environmental Protection
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Nancy Beardsley, Director, Division of Environmental Health
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State Nuclear Safety Inspector Office
Maine CDC – DHHS

May 2013 Monthly Report to the Legislature

Executive Summary

As part of the State's long standing oversight of Maine Yankee's nuclear activities, 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 Maine Yankee Independent Spent Fuel Storage Installation (ISFSI) facility located in Wiscasset, Maine.

The report covers activities at the storage facility, including the State's on-going environmental radiation surveillance and the national debate over the licensing and construction of a geologic repository for the disposal of spent nuclear fuel. The report's highlights assist readers to focus on the significant activities that took place during the month, both locally and nationally.

LOCAL:

- The Nuclear Regulatory Commission (NRC) granted an exemption to Maine Yankee on specific requirements of its revised 2011 Emergency Planning Final Rule. The 2011 rule was based on an operating nuclear power plant and not a stand-alone ISFSI. The NRC concluded that Maine Yankee's "compliance with the Emergency Plan requirements in effect before the effective date of the Emergency Plan Final Rule provided "an adequate basis for an acceptable state of emergency preparedness," and that Maine Yankee's Emergency Plan in combination with arrangements made with offsite response agencies provided "reasonable assurance that adequate protective measures could and would be taken in the event of a radiological emergency" at the site.

The national highlights primarily focused on federal court decisions, agency activities, and a congressional legislative initiative.

National:

- The Florida Public Service Commission and the Florida Office of Public Counsel filed a friends of the court brief and an addendum with the U.S. Court of Appeals for the D.C. Circuit in support of the National Association of Regulatory Commissioners', the Nuclear Energy Institute's and sixteen nuclear power utilities' lawsuit against the Department of Energy. The lawsuit was over the Secretary of Energy's determination of the adequacy of the Nuclear Waste Fund fee. Annually, nuclear utilities are assessed $750 million. The petitioners contend that the Energy Secretary's continued fee assessment was woefully inadequate in light of a $28 billion dollar surplus in the Nuclear Waste Fund and no federal repository program for the geologic disposal of used nuclear fuel.
- New Mexico's Representative Pearce unveiled House legislation that would allow the Waste Isolation Pilot Plant in Carlsbad to accept wastes with similar characteristics as the waste it currently handles from all federal agencies instead of just the Department of Energy. The legislation, if enacted, could avert looming job losses at the federal site in Carlsbad, which is also promoting hosting the storage of the nation's used or spent nuclear fuel.

- The petitioners from Aiken County, South Carolina, the states of Washington and South Carolina, the three business leaders from the Hanford area in Washington, Nye County, Nevada, and the National association of Regulatory Utility Commissioners filed a motion with the U.S. Court of Appeals for the District of Columbia Circuit to lift the Court's August 3, 2012 abeyance order and proceed to judgment on the Yucca Mountain license application by issuing a writ of mandamus compelling the Nuclear Regulatory Commission to restart the Yucca Mountain license proceedings.
- Four senators issued a discussion draft last month of comprehensive nuclear waste management legislation for disposing of the nation's high-level nuclear waste. The senators were seeking comment from stakeholders on the discussion draft and eight policy and technical questions. The draft legislation would establish a new federal agency with a single administrator and an Oversight Board. It would also institute a consent-based approach to the siting of a consolidated interim storage or a repository facility. The legislation would create a linkage between storage and a repository such that if progress towards a repository was not being made, then shipments to a storage facility would cease. The proposed bill would form a new Working Capital Fund into which the fees collected would be deposited and available for use without further appropriation. However, the current existing balance of about $28 billion in the Nuclear Waste Fund would be subject to appropriation. Several national organizations (Nuclear Energy Institute, Nuclear Waste Strategy Coalition, National Council of State Legislatures, Decommissioning Plant Coalition, U.S. Nuclear Infrastructure Council, Energy Communities Alliance, and National Association of Regulatory Utility Commissioners) including the State of Massachusetts expressed their concerns over the four senators draft legislative proposal. Most preferred a federal charter organization instead of a new federal agency, most opposed the prescriptive approach to legislate consent based criteria in place of allowing states and host communities developing their own criteria, some strongly opposed the settling of current lawsuits on strictly government terms creating an unfair advantage, most advocated for assurance that the fees paid by consumers were used for their intended purpose of disposing of the used nuclear fuel and not for balancing the federal budget, and finally, most supported the proposed legislation's concept of a pilot consolidated storage facility giving priority to permanently shutdown nuclear plants.

Introduction

As part of the Department of Health and Human Services' responsibility under Title 22, Maine Revised Statutes Annotated (MRSA) §666 (2), as enacted under Public Law, Chapter 539 in the second regular session of the 123rd Legislature, the foregoing is the monthly report from the State Nuclear Safety Inspector.

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 on-going, 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.

Independent Spent Fuel Storage Installation (ISFSI)

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

There were no fire-related or security-related impairments for the month. However, there were eight security events logged for the month. Six involved transient environmental conditions. One was for a missing key card and the last one was for not initiating a report in a timely manner.

There were nineteen condition reports[1] (CR) for the month and they are described below.

1st CR: Addressed the loss of signal from one fence line monitor. The monitor was immediately reset and functioned correctly
2nd CR: Documented an alarm not clearing. The panel was immediately reset and the alarm point returned to normal.
3rd CR: Was written to document the uneven motion on the man-lift turntable.
4th CR: Was security-related and therefore, unavailable for public disclosure.
5th CR: Documented a battery pack on an emergency exit light failing its surveillance testing. The battery was immediately replaced.
6th CR: Was written to document a sink hole that appeared in an area that was recently paved. The contractor was notified and the hole was repaired.
7th CR: Documented damage to a gate stop. The stop was replaced.
8th CR: Documented a logging error associated with the emergency exit light battery failing its surveillance.
9th CR: Was written to document a discrepancy in the electronic backup of files. The back-up was repeated and checked.
10th CR: Documented an electrical breaker problem with the man-lift..
11th CR: Documented another man-lift issue.
12th CR: Was written to document the several man-lift issues. The man-lift has been repaired but is not in use. The unit will be replaced next year.
13th CR: Documented an expired employee badge.
14th CR: Documented a labeling discrepancy on a security storage cabinet. The labeling was corrected on the same shift.
15th CR: Was written to document the finding of a fluorescent light bulb broken. The bulb was disposed of properly.
16th CR: Documented a small anti-freeze spill to the pavement. The spill was immediately cleaned up upon discovery.
17th CR: Was written to track improvement items from the fire and medical drill.
18th CR: Documented a security officer reporting for duty without his key card. Apparently, the key card was left at home.
19th CR: Documented a gate support being struck by the man-lift. There was no damage to the gate support.

Other ISFSI Related Activities

1. On May 2nd the Nuclear Regulatory Commission (NRC) granted an exemption requested by Maine Yankee to specific requirements of the NRC's revised Emergency Planning Regulations. The NRC exempted Maine Yankee from 26 specific provisions of its revised 2011 Emergency Planning Final Rule. The 2011 rule was based on an operating nuclear power plant and not a stand-alone ISFSI. The

[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.

NRC noted that Maine Yankee's "compliance with the Emergency Plan requirements in effect before the effective date of the Emergency Plan Final Rule demonstrated reasonable assurance of adequate protection of the public's health and safety." Consequently, the NRC staff concluded that Maine Yankee's Emergency Plan provided "an adequate basis for an acceptable state of emergency preparedness," and that their Plan along with arrangements with offsite response agencies provided "reasonable assurance that adequate protective measures could and would be taken in the event of a radiological emergency" at the site.

2. On May 8th the Nuclear Regulatory Commission sent a letter to Maine Yankee granting an amendment to their license changing the title of their Physical Security Plan in their current license to the "Maine Yankee Independent Spent Fuel Storage Installation Physical Security Plan". The original license condition contained three separate documents that encompassed not only physical security but also Maine Yankee's Contingency Plan and the Guard Training and Qualification Plan. All three plans were consolidated into one plan covering all three aspects.

3. On May 22nd Maine Yankee conducted its annual fire and medical drill. The drill scenario involved a fire in the truck bay of the Security and Operations Building with a worker overcome by smoke inhalation. The Wiscasset and Westport Island Fire Departments responded along with the Wiscasset Ambulance and the Local Law Enforcement Agencies. Fire hoses were run and fire attack teams were deployed in full gear. It was noted that there was an improved communication between the fire and ambulance crews. The debrief after the drill between the participants and observers was very positive.

Environmental

There is no new information to report this month.

Other Newsworthy Items

1. In May the Board of Directors of the Nuclear Energy Institute issued a position statement on an "integrated used nuclear fuel management strategy". The strategy outlined six elements that proposed a) a new organization dedicated solely for the high level waste, b) access to the annual Nuclear Waste Fund collections and balance, c) completion of the Yucca Mountain license proceedings, d) establishing a consolidated storage facility with priority given to decommissioned reactor sites, e) perform research and development of technologies that will reduce the volume, heat and toxicity of the fuel cycle, and f) supporting the Nuclear Regulatory Commission's establishment of a temporary storage rule. The web link for the filing can be accessed by positioning the cursor over the underlined text and following the directions.

2. On May 2nd the Nuclear Waste Strategy Coalition held its bi-weekly conference call to update its membership on the litigation before the U.S. D.C. Circuit Court of Appeals for restarting the Yucca Mountain licensing proceedings and suspension of the nuclear generating fee for the Nuclear Waste Fund. There were no new decisions by the Court. The Coalition did note the upcoming Senate hearings on the nomination of Dr. Ernie Moniz for Energy Secretary and the nomination of the Chairman of the Nuclear Regulatory Commission, Dr. Allison Macfarlane, to a five year term. Dr. Moniz's nomination was expected to have bipartisan support. The Coalition reminded everyone of the impending May 24th deadline to comment on the Senate's draft Nuclear Waste Administration Act of 2013 proposal.

3. On May 3rd the Florida Public Service Commission and the Florida Office of Public Counsel filed a friends of the court brief and an addendum with the U.S. Court of Appeals for the D.C. Circuit in support of the National Association of Regulatory Commissioners', the Nuclear Energy Institute's and

sixteen nuclear power utilities' lawsuit against the Department of Energy. The lawsuit was over the Secretary of Energy's determination of the adequacy of the Nuclear Waste Fund fee. Annually, nuclear utilities are assessed $750 million. The petitioners contend that the Energy Secretary's continued fee assessment was woefully inadequate in light of a $28 billion dollar surplus in the Nuclear Waste Fund and no federal repository program for the geologic disposal of used nuclear fuel. The web link for the filing can be accessed by positioning the cursor over the underlined text and following the directions.

4. On May 7th-9th the Nuclear Energy Institute held its annual Used Fuel Management Conference. The main topic of discussion was policy issues affecting used nuclear fuel management. Over the remaining two days, the conference focused on several breakout sessions over such topics as consolidated interim storage and disposal, storage and transportation licensing issues, Fukushima update, waste confidence and extended storage, operating experiences, high burnup fuel, used fuel research and development, transportation readiness, and licensing process improvements.

5. On May 9th the Nuclear Energy Institute testified before the House's Appropriations Subcommittee on Energy and Water Development. Although NEI'S testimony covered ten main ideas, they raised the used nuclear fuel management program as one that needed sufficient funds to complete the licensing of the proposed Yucca Mountain repository. In addition, they also advocated for the establishment of a new organization solely dedicated to the management of the back end of the nuclear fuel cycle, for creating one or more consolidated storage facilities besides developing a repository, and ensuring access to the annual collections and balance in the Nuclear Waste Fund. The web link for the testimony can be accessed by positioning the cursor over the underlined text and following the directions.

6. On May 9th New Mexico's Representative Pearce unveiled House legislation that would allow the Waste Isolation Pilot Plant in Carlsbad to accept wastes with similar characteristics as the waste it currently handles from all federal agencies instead of just the Department of Energy. The legislation, if enacted, could avert looming job losses at the federal site in Carlsbad, which is also promoting hosting the storage of the nation's used nuclear fuel. The web link for the legislation can be accessed by positioning the cursor over the underlined text and following the directions.

7. On May 14-16th the State attended the annual National Transportation Stakeholders Forum held in Buffalo, New York. The meeting was hosted by the Northeast High-Level Radioactive Waste Transportation Task Force, of which the State is a member. The Task Force is a subsidiary of the Council of State Governments Eastern Regional Conference. The first day involved the four regional conferences holding their respective business meetings in preparation for the national working group sessions late that afternoon. The State was a member of the national working group that was discussing and preparing recommendations on future funding allocations for spent fuel shipments. The second day centered on the Department of Energy's strategy to manage and dispose of used nuclear fuel. The strategy incorporated some of the recommendations of the President's Blue Ribbon Commission. Other topics of discussion were the Canadian spent fuel shipment update and the Waste Isolation Pilot Plant transuranic (elements heavier than uranium) shipments. The remainder of the day focused on presentations from the Department of Energy's Office of Nuclear Energy on the national transportation plan redevelopment, rail transportation issues such as infrastructure, equipment and inspections protocol, and preliminary route selections for stranded fuel shipments to a pilot interim storage site. The Nuclear Regulatory Commission spoke on their waste confidence rulemakings and issues, interim and long term storage, and disposal issues. The web link for the agenda can be accessed by positioning the cursor over the underlined text and following the directions.

8. On May 20th Senator Murphy from Connecticut sent a letter to the four Senate co-sponsors that drafted legislation, Nuclear Waste Administration Act of 2013, to address the nation's nuclear waste program. Senator Murphy applauded the four Senators for initiating a bipartisan proposal to reform the nation's nuclear program by creating a new management organization to establish a consent based approach to

storing and disposing of used nuclear fuel. The Senator also expressed appreciation that his State's decommissioned reactor site at Haddam Neck would be among those receiving first priority for their stranded nuclear fuel. The web link for the letter can be accessed by positioning the cursor over the underlined text and following the directions.

9. On May 20th the Nuclear Regulatory Commission issued a press release on their final rule amending the security requirements for spent nuclear fuel in transit. Since September 9, 2011, the NRC imposed special Orders on spent nuclear fuel shipments. The final rule established acceptable performance standards and objectives for the protection of such shipments from theft, diversion, or radiological sabotage. The details of the security amendments are protected as safeguards information and therefore, not available for public disclosure. However, the measures resulted in enhancements in preplanning and coordination with states and local law enforcement agencies, improved communications among movement control personnel, required armed escorts throughout the shipment route, developed normal and contingency response procedures, and more thorough background checks of persons involved with the shipment. The web link for the press release and Federal Register can be accessed by positioning the cursor over the underlined text and following the directions.

10. On May 22nd the Michigan State Senate issued a resolution, SR 58, memorializing the U.S. Congress to fully address the State's concerns over the proposed underground limestone repository in Ontario, Canada. The resolution raised several water quality issues that could impact the Great Lakes, especially Lake Michigan. The resolution called not only on the U.S. Congress but also the Canadian Government to address the issues it raised. The web link for the resolution can be accessed by positioning the cursor over the underlined text and following the directions.

11. On May 23rd the Sustainable Fuel Cycle Task Force sent a letter to Energy Secretary Moniz urging him to motivate the Department of Energy (DOE) to develop a geologic repository and a consolidated interim storage facility, and implement a consensus siting process, all as recommended by the President's Blue Ribbon Commission. The science panel expressed concern that the DOE is not spearheading efforts to create a consensus host agreement with potential host communities. The panel suggested a government or industry grant process to support interested states and communities. The web link for the letter can be accessed by positioning the cursor over the underlined text and following the directions.

12. On May 23rd Lake Barrett sent a letter to the Senate Committee on Energy and Natural Resources raising six points on the Draft Nuclear Waste Administration Act of 2013 at the bequest of the four co-sponsors of the draft legislation to address the nation's nuclear waste management program. The first point addressed the completion of the licensing process for Yucca Mountain. The second raised the issue of moving forward to have a consensus sited second geologic repository while the third point tackle the siting of a the consolidated interim storage facility. The fourth opposed the Senate's version of creating a new government organization. The fifth opposed the prescriptive consent agreements outlined in the draft legislation and stated that consent agreements should be developed by the parties involved. Finally, the last comment opposed the Senate's version of trying to settle the lawsuits against the federal government solely on government terms. Additional comments were provided on eight specific questions that the Senate Committee requested pertaining to the draft legislation. The web link for the letter can be accessed by positioning the cursor over the underlined text and following the directions

13. On May 23rd the Nuclear Waste Strategy Coalition held its second bi-weekly conference call to update its membership on the litigation before the US Court of Appeals for the D.C. Circuit for restarting the Yucca Mountain licensing proceedings and suspension of the nuclear generating fee for the Nuclear Waste Fund. There were no new decisions by the Court. The Coalition did note the recent confirmation of Dr. Ernie Moniz as Energy Secretary and the upcoming Senate hearings on the nomination of the Chairman of the Nuclear Regulatory Commission, Dr. Allison Macfarlane, to a five year term. His

nomination was expected to have bipartisan support. The Coalition reminded everyone of the May 24th deadline to comment on the Senate's draft Nuclear Waste Administration Act of 2013 proposal. The Coalition also circulated their draft response for the proposed legislation and asked members for their feedback.

14. On May 24th the Attorney General and President of the Senate for the State of Massachusetts sent a letter to the four Senators who co-sponsored the proposed legislation, Nuclear Waste Administration Act of 2013. They support the legislation with modifications. They agree on the siting requirements for a consent based approach, but would mandate a provision for a National Environmental Policy Act review. The State recommended that the link between temporary storage and a geologic repository be removed so as not to impede temporary storage until a repository is sited. They also suggested that the Administrator of the new organization accept title of the nuclear waste in any prior approved package. The final comment was on the current litigation claims against the federal government's breach of contract for failure to accept the nuclear waste in 1998. The State opposed the requirement to settle lawsuits prior to the federal government accepting the used nuclear fuel as creating an unfair advantage for the federal government. The web link for the letter can be accessed by positioning the cursor over the underlined text and following the directions.

15. On May 24th the Nuclear Energy Institute (NEI) sent a letter to the four Senators co-sponsoring legislation to manage the nation's high-level radioactive waste under the Nuclear Waste Administration Act of 2013. In the letter the NEI outlined an integrated used nuclear fuel management strategy with six elements. They proposed and elaborated at length on a) a new organization dedicated solely for the high level waste, b) access to the annual Nuclear Waste Fund collections and balance, c) completion of the Yucca Mountain license proceedings, d) establishing a consolidated storage facility with priority given to decommissioned reactor sites, e) perform research and development of technologies that will reduce the volume, heat and toxicity of the fuel cycle, and f) supporting the Nuclear Regulatory Commission's establishment of a temporary storage rule. NEI strongly supported a new organization governed by a board of directors with a chief executive officer hired by the board as opposed to a single Administrator. NEI also commented on the explicit questions posed as part of the discussion on the proposed legislation and provided comments on specific sections of the draft legislation. The web link for the letter can be accessed by positioning the cursor over the underlined text and following the directions.

16. On May 24th the Nuclear Waste Strategy Coalition (NWSC) sent a letter to the four Senators co-sponsoring legislation to manage the nation's nuclear waste stockpile. The NWSC listed five main comments and expanded on those. They were the establishment of permanent disposal along with completing the Yucca Mountain license review, ensuring consumer payments are used for their intended purpose and not balance the U.S. budget, reforming the management of the country's nuclear waste program, providing for consolidated storage with priority for shutdown reactor fuel and high-level radioactive waste, and facilitating the transport of used nuclear fuel and high-level radioactive waste. The NWSC also commented on the eight specific questions raised by the Senate Committee for their consideration. The web link for the letter can be accessed by positioning the cursor over the underlined text and following the directions.

17. On May 24th the Decommissioning Plant Coalition (DPC) sent a letter to the four co-sponsors of the Nuclear Waste Administration Act of 2013. The letter listed six comments with the first supporting the proposed legislation's concept of a pilot consolidated storage facility giving priority to permanently shutdown nuclear plants. The DPC expressed concern over the proposed legislation's unilateral mandate of a settlement prior to receiving access to a consolidated interim storage facility. The DPC opposed the prescriptive approach to legislate consent based criteria and instead preferred to allow the host communities and states to develop their own guidelines. The DPC advocated for the removal and disposal of Greater-Than-Class-C waste as part of the federal government's responsibility. The DPC was supportive of the proposed legislation's prevention of levying new fees for permanently shutdown

reactors and was encouraged by the legislation's authorizing withholding of further nuclear utility payments should the federal government's nuclear waste program be at a standstill. The web link for the letter can be accessed by positioning the cursor over the underlined text and following the directions.

18. On May 24th the petitioners from Aiken County, South Carolina, the states of Washington and South Carolina, the three business leaders from the Hanford area in Washington, Nye County, Nevada, and the National association of Regulatory Utility Commissioners filed a motion with the U.S. Court of Appeals for the District of Columbia Circuit to lift the Court's August 3, 2012 abeyance order and proceed to judgment on the Yucca Mountain license application by issuing a writ of mandamus compelling the Nuclear Regulatory Commission to restart the Yucca Mountain license proceedings. The web link for the motion can be accessed by positioning the cursor over the underlined text and following the directions.

19. On May 24th the National Council of State Legislatures (NCSL) commented on the Nuclear Waste Administration Act of 2013 discussion draft. The letter raised five topics for discussion and expanded on each. They included consent based siting, nuclear waste administration, interim storage linkages, working capital fund, and nuclear waste transportation. In addition, the NCSL provided a joint policy directive as part of their comments from their Environment and Transportation and Agriculture Standing Committees. The joint policy directive discussed their positions on low level waste, high level waste and used fuel management, transportation of radioactive waste and used nuclear fuel, defense-generated transuranic waste, and federal facilities cleanup. The web link for the letter can be accessed by positioning the cursor over the underlined text and following the directions.

20. On May 24th the U.S. Nuclear Infrastructure Council (NIC) sent a letter to the four co-sponsors of the discussion draft of comprehensive nuclear waste legislation. The NIC provided their comments into three groupings such as general comments, responses to the eight specific questions requested by the co-sponsors and specific issues to ensure effective legislative reform. The general comments focused on the creation of a new federal agency and their position that a federally chartered corporation would be more effective, their opposition to the prescriptive approach proposed by the draft legislation and opted for more flexibility in negotiations for willing hosts, and emphatically opposed the settling of current lawsuits on government terms. NIC raised specific issues expressing concerns over the proposed legislation's civil service protections to the Administrator and his appointees, the lack of expertise for board members, the availability of the "corpus" or balance of the Nuclear Waste Fund, and funding for defense nuclear waste. The web link for the letter can be accessed by positioning the cursor over the underlined text and following the directions.

21. On May 24th the Energy Communities Alliance (ECA) submitted their comments on the discussion draft of comprehensive nuclear waste legislation to the Senate Committee on Energy and Natural Resources. The ECA offered seven recommendations with a special emphasis on expanding the role of local governments in the proposed legislation to include representation on the board, addressing transportation impacts, indemnifying local governments for any accidents, disposing of legacy wastes from Department of Energy sites, involving local governments throughout the entire decision-making process, limiting political influence on nuclear waste management decisions, and reflecting the terms and conditions under which a community will agree to host a nuclear waste facility. The ECA also commented on the eight discussion questions raised by the Senate Committee. The web link for the letter can be accessed by positioning the cursor over the underlined text and following the directions.

22. On May 24th the National Association of Regulatory Utility Commissioners (NARUC) sent a letter to the four cosponsors of the discussion draft on comprehensive nuclear waste legislation. NARUC urged adoption of the President's Blue Ribbon Commission of a federal corporation to manage the nation's nuclear waste, be represented on the board of directors for the new organization and any oversight bodies, endorsed changes to the existing funding mechanism, especially access to the corpus of the

Nuclear Waste Fund, urged progress towards a permanent disposal site and strongly support review of the Yucca Mountain license application. In addition, NARUC also responded to the eight questions posed by the discussion draft. The web link for the letter can be accessed by positioning the cursor over the underlined text and following the directions.

23. On May 28th the U.S. Nuclear Waste Technical Review Board (NWTRB) sent a letter to the Assistant Secretary of Nuclear Energy providing feedback on his presentation to the NWTRB on how the Department of Energy (DOE) will implement their strategy to manage and dispose of the nation's used nuclear fuel. The letter highlighted the technical and scientific activities currently underway at the DOE. They include

    a) the evaluation of direct disposal of the used nuclear fuel storage containers in different geologic media,
    b) an assessment of the types and design features of back-filled engineered barriers,
    c) the suitability of the different geologic media for waste isolation,
    d) the appraisal of thermal effects and options available for diverse geologic media,
    e) the formation of cooperative agreements with foreign countries on nuclear waste management, and
    f) the promotion of a research and development plan for deep borehole disposal.

    The Board was also acutely interested in the DOE's work on the direct disposal of used nuclear fuel containers presently in use to minimize the impacts of repackaging the fuel for transportation and/or disposal. The web link for the letter can be accessed by positioning the cursor over the underlined text and following the directions.

24. On May 28th the Nuclear Waste Technical Review Board (NWTRB) also sent a letter to the Department of Energy's (DOE) Senior Advisor for Environmental Management. The letter raised issues with the high-level waste forms at the Hanford site in Washington. The topics included the classification of the different waste streams, vitrification (process of changing wastes into glass) as a complex-wide management strategy and its variability at different national sites, and vitrification technology development of differing waste forms and its relevance to long term performance of the glass in geologic media. The letter also noted comments from tribal, state and public organizations and their issues. Lastly, the Board applauded the inclusion of a first ever, technical poster session at one of its public meetings as a success and was encouraged at organizing similar events at future meetings. The web link for the letter can be accessed by positioning the cursor over the underlined text and following the directions.

25. On May 29th the Nuclear Regulatory Commission (NRC) responded to the petitioners' motion to lift the abeyance order. The NRC took no position on the petitioners' motion except to say the motion was unnecessary and would not respond to the petitioners' arguments unless directed to do so by the Court. The web link for the response can be accessed by positioning the cursor over the underlined text and following the directions.

26. On May 29th the Nuclear Regulatory Commission (NRC) held a public teleconference to discuss the status of the waste confidence draft generic environmental impact statement and rulemaking. The NRC staff provided an overview of the process and status of the project. The bulk of the meeting centered on the general public's concerns, questions, and issues. They included whether the Waste Confidence activities would be concluded within the published schedule, the number and location of the draft Generic Environmental Impact Statement (GEIS) public meetings, the concern on how the draft GEIS and proposed rule will be completed at the same time, the relationship of the National Environmental Policy Act and other legislation to the rule, clarification of the schedule for public release of the Commission Review Draft documents, notification of a state petition regarding scoping, questions about

the Scoping Summary Report, background information on the staff of the NRC's Waste Confidence Directorate , and a question regarding use of information from adjudicatory hearings for the draft GEIS.

27. On May 30th the Energy Communities Alliance sent a letter to Energy Secretary Moniz congratulating him on his confirmation as Secretary. The letter offered seven recommendations that the Secretary should initiate to ensure the Department of Energy's success with local communities. One of the seven recommendations was on nuclear waste disposal. They stressed the importance of recognizing the Nuclear Waste Policy Act, of providing essential resources at the local, state and regional level to drive the formation of a repository program that incorporates consolidated interim storage and consent-based siting, and finally, of creating a disposal timeline for the federal government's high-level waste and used nuclear fuel. The web link for the letter can be accessed by positioning the cursor over the underlined text and following the directions.

Other Noteworthy Items

1. On February 11th the Commissioner's Court of Loving County, Texas passed a resolution supporting the opportunity to host an interim storage facility for used nuclear fuel within their borders. The resolution also called for the County to work with AFCI Texas, LLC, the State of Texas and the Department of Energy to negotiate any hosting agreement for not only a storage facility but also for a recycling, reprocessing, or research facility. The web link for the resolution can be accessed by positioning the cursor over the underlined text and following the directions.