Department of Health and Human Services
Maine People Living Safe, Healthy and Productive Lives
Paul R. LePage, Governor
Mary C. Mayhew, 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 (800) 606-0215

June 16, 2016

MEMORANDUM

TO: Senator David Woodsome and Representative Mark Dion, Co-Chairs of the Joint Standing Committee on Utilities, Energy and Technology

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

SUBJECT: 2015 Report of Oversight Activities and 2016 budget of the Interim Spent Fuel Storage Facility Oversight Fund.

Legislation enacted in the spring of 2008 requires the Radiation Control Program in the Department of Health and Human Services to provide an annual summary review of activities conducted regarding the public health and safety of the interim spent fuel storage facility and timely performance of the US. Department of Energy regarding the removal of spent fuel. The report must be submitted annually to the Joint Standing Committee on Utilities, Energy and Technology.

The enclosed report provides the information required under Title 22 of the Maine Revised Statutes §670, 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 Jay Hyland, Program Manager, Radiation Control Program, at 287-5677.

MCM/klv

Enclosure

cc: Kathleen Newman, Deputy Chief of Staff, Governor's Office
Sheryl Peavey, Chief Operating Officer, Maine CDC
Paul Mercer, Commissioner, Department of Environmental Protection
Eric Bryant, Maine Office of the Public Advocate
Lt. Scott Ireland, Department of Public Safety
J. Stanley Brown, Maine Yankee Atomic Power

Department of Health and Human Services

Maine People Living Safe, Healthy and Productive Lives

Paul R. LePage, Governor

Mary C. Mayhew, Commissioner

2015 Report of Oversight Activities and Funding

of the
The Interim Spent Fuel Storage Facility Oversight Fund

prepared for
Joint Standing Committee on Energy, Utilities and Technology
Pursuant to 22 MRSA §670
June 16, 2016

2015 Report of Oversight Activities and Funding
of the
The Interim Spent Fuel Storage Facility Oversight Fund

EXECUTIVE SUMMARY

The Radiation Control Program, Maine CDC, DHHS has prepared the following report which details the costs and activities conducted under the Interim Spent Fuel Storage Facility Oversight Fund (the Fund) for calendar year 2015. The reporting parties are the Department of Health and Human Services, the Department of Environmental Protection, the Office of Public Advocate, the Department of Public Safety, and Maine Yankee (the Oversight Group). Each of the organizations represented on the group has reported their specific activities over the year.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Radiation Control Program, Maine CDC

The Oversight Group is tasked with state oversight of the Independent Spent Fuel Storage Installation (ISFSI) which is the facility in Wiscasset where all the spent nuclear fuel (SNF) and greater than class C (GTCC) radioactive waste from the decommissioned Maine Yankee plant are stored. The Fund is a non-lapsing state fund paid by Maine Yankee in quarterly installments as established by 22 MRS §668.

The Maine CDC's Radiation Control Program (RCP) was charged with the financial oversight of the Fund and for holding regular meetings of the Oversight Group as defined in 22 MRS §670. The Oversight Group met four times during 2015 (January 13, April 14, July 14, October 14).

The RCP's program manager performed the following activities that are budgeted to account for 18% of his time:

- Reviewing the State Nuclear Safety Inspector's monthly reports and annual report.
- Conducting billing and disbursement of Fund monies in accordance with the budget.
- Participating in bi-weekly conference calls with the Nuclear Waste Strategy Coalition.
- Participating in quarterly conference calls regarding the Federal Energy Regulatory Commission rate case settlements and interim spent fuel storage alternatives.
- Attending the annual meeting with Maine Yankee Citizen's Advisory Panel.
- Preparation of the Annual Report to Legislature of the Oversight Group.
- Attending quarterly meetings of the Oversight Group.
- Maintaining the RCP's website.
- Reviewing quarterly environmental radiation samples for the monitoring of environmental contamination and exposure at the Maine Yankee site and other background locations.

The State Nuclear Safety Inspector whose salary is paid by the Fund, reimbursed the Fund for time spent assisting the x-ray inspection program, and is included in the income column on the budget sheet, attached to the end of this report, referenced as "REIMBURSEMENT FROM OTHER PROGRAM." The State Nuclear Safety Inspector's vacation and sick time earned, but not taken after 2014 will remain in the Fund

up to the maximum limit of accrued time until it is used. Any new earned time for 2015 will be added to the account up to the maximum time allowed.

Office of Nuclear Safety

The State Nuclear Safety Inspector (SNSI) was established by Title 22 Chapter 159-A to conduct monitoring, regulatory review, and oversight of the Maine Yankee Facility. This chapter also requires the SNSI to provide monthly reports, an annual report of activities, and an annual report regarding revenues and expenditures to the Legislature. The monthly reports and the annual activities reports can be found at: www.maineradiationcontrol.org.

Legislative Mandates

- Submitted monthly reports describing SNSI activities to the Legislature for the periods covering September through December 2014 and January through October of 2015.
- Participated in the quarterly meetings of the oversight group overseeing the Maine Yankee site.
- Submitted the annual accounting report of all revenues received and disbursed from the Interim Spent Fuel Storage Facility Oversight Fund to the Joint Standing Committee of the Legislature having jurisdiction.
- Provided current and projected activities' reports for inclusion in the Radiation Control Program's Annual Oversight and Funding Report to the Joint Standing Committee of the Legislature.
- Submitted SNSI's 2014 Annual Activities Report.

Radiological Environmental Monitoring Program

- Maintained the consolidation of the Maine Yankee environs, ISFSI and Bailey Cove thermo-luminescent dosimetry (TLD) programs into one TLD program monitoring the ISFSI.
- Performed quarterly TLD field replacements around the ISFSI to measure ambient radiation levels.
- Maintained an on-going assessment program to better quantify the impact of transit and storage exposures associated with the State's TLDs employed around the ISFSI. Discussions undertaken with the vendor that processes the State's environmental radiation dosimeters to minimize storage impacts and determine storage exposure for control badges in steel vault at the Health and Environmental Testing Laboratory. We were seeing effects on our monitors that implied an increased radioactive dose was received but not apparently from Maine Yankee.
- Continued discussions with Maine Yankee on the State's fourth quarter TLD control results as part of an on-going initiative to resolve anomalies in the State's environmental radiation surveillance program and compared results with Maine Yankee evaluations.

Decommissioning

- Submitted final draft of the Confirmatory Summary Report for internal review.

Independent Spent Fuel Storage Installation (ISFSI)

- Reviewed shift, security status reports on the ISFSI's daily operations.
- Attended and observed security shift turnover briefs.
- Participated in the annual Emergency Plan training and exercise.
- Maintained training and background checks for site and security clearance access and safeguards qualifications for security sensitive information.
- Met with Maine Yankee to discuss cask relicensing efforts and their aging management program.
- Reviewed and commented, when appropriate, on Maine Yankee submittals to the U.S. Nuclear Regulatory Commission on exemption requests to their regulations, Emergency Plan, Off-Site Dose Calculation Manual, Annual Radiological Environmental Operating Report, Annual Effluent Release Report, Annual Decommissioning Funding Assurance Status Report, Annual Special Nuclear Material Report and Annual Individual Monitoring Report on personnel exposure.

Other Noteworthy Activities

- Participated in the international emergency exercise at the Canadian Point Lepreau Nuclear Power Station in New Brunswick.
- Participated in quarterly Federal Energy Regulatory Commission rate case settlement briefings on the litigation status of Maine Yankee's, Connecticut Yankee's and Yankee Rowe's (Massachusetts) lawsuits against the U.S. Department of Energy.
- Participated in periodic briefs as the State's representative to the Northeast High Level Radioactive Waste Transportation Task Force (NEHLRWTTF), an affiliate of the Council of State Governments, Eastern Regional Conference.
- Attended the Department of Energy's annual National Transportation Stakeholders Forum (NTSF) as the State's representative.
- Represented the State at the annual and semi-annual meetings of the NEHLRWTTF and briefed counterparts on the state's radiological activities.
- Participated in several conference calls as one of two representatives from the NEHLRWTTF to the newly formed 180 (c) Interregional Team that encompasses the four national regional groups. The purpose of the Team is to formalize state recommendations to the Department of Energy on procedures implementing Section 180 (c) of the Nuclear Waste Policy Act to include the development of a national funding allocation formula governing technical assistance to states and tribes for training public safety officials on safe transportation and emergency response functions on spent fuel shipments within their borders. The Team has been working on a Policy Implementation Exercise with the Department of Energy to better formulate the State's funding needs for training local responders.
- Participated in conference calls and webinars of the NTSF Ad-Hoc Working Group on Communications. Presently, the Department of Energy is looking to the Communications Group to comment on informational material prior to its dissemination to the public.
- Participated in conference calls and webinars of the NTSF Working Group on Rail Shipments and commented on advantages of barging spent nuclear fuel for Maine.

- Participated in bi-monthly Nuclear Waste Strategy Coalition conference calls on the national and congressional issues raised with the Obama Administration's opposition to the geologic repository at Yucca Mountain in Nevada and the de-facto imposition of long term storage of spent nuclear fuel and high level waste at existing operating and decommissioned reactor sites.
- Participated in periodic conference calls as an advisor to the national Conference of Radiation Control Program Director's Committee on Low Level Radioactive Waste Management.

State Nuclear Safety Inspector Projected Activities for 2016

1. Complete the annual oversight fund report to the Legislature.
2. Provide an annual activities summary to the Radiation Control Program for inclusion in the Program's annual report to the Legislature.
3. Provide an annual report to the Legislature on the State Nuclear Safety Inspector's activities for the previous calendar year.
4. Submit monthly reports to the Legislature and other interested parties.
5. Maintain tracking system on invoices to better reflect actual expenditures.
6. Review daily security operations reports from the ISFSI for trends, issues, condition reports, etc.
7. Review and comment, if appropriate, on Maine Yankee's five annual reports to the U.S. NRC or any other correspondence with the NRC.
8. Attend and observe security shift debriefs.
9. Issue the Confirmatory Summary Report.
10. Participate in the biennial NRC inspection of the ISFSI, or any other NRC inspection.
11. Participate in the annual Maine Yankee emergency plan training and exercise.
12. Provide an annual update to local representatives on the Maine Yankee Community Advisory Panel on the State's activities.
13. Advise senior state officials on any spent fuel storage issues that may impact public health and safety.
14. Maintain an appropriate independent environmental surveillance program of the Maine Yankee environs and assess the public health impact from ISFSI operations.
15. Resolve environmental radiation exposure for TLD controls stored at the State's Health and Environmental Testing Laboratory.
16. Complete the neutron survey of the ISFSI environs and provide a summary of the State's results to Maine Yankee.
17. Act as the State's radiation expert to the Department of Environmental Protection on radiation issues.
18. State representative to the Council of State Governments Eastern Regional Conference's NEHLRWTTF on spent fuel and high level waste shipments.
19. NEHLRWTTF representative to the Section 180(c) Interregional Team on a national spent fuel and high-level waste transportation funding plan.
20. Participate in the NTSF's Ad-Hoc Working Group on all communications related to spent fuel shipments.
21. Participate in the NTSF's Working Group on Rail and Routing of spent nuclear fuel.
22. Participate in the Energy Department's public outreach on Consent-Based Siting for interim consolidated storage or geologic disposal of spent nuclear fuel.

23. Function as national advisor to the Conference of Radiation Control Program Director's Committee on Low-Level Radioactive Waste Management.
24. Remain current on national and international research efforts on the storage and disposition of spent nuclear fuel.
25. Assess the appropriateness of maintaining the State's two solar powered environmental radiation detectors on Bailey Point and the old west Forebay Dike.
26. Dispose of the remaining twelve decommissioning soil samples in storage to an appropriate hazardous waste facility.
27. Ensure all the data, analyses and reports issued by the State's decommissioning consultant are captured in a retrievable format for archiving.
28. Collaborate with State Archives in developing a storage and retrieval system for historical operating and decommissioning information on Maine Yankee.
29. Forward appropriate State Nuclear Safety Inspector's files (several hundred boxes) to State Archives.
30. Request from Maine Yankee gamma survey information on the in-core instrument sump and surveyed buildings and appropriate ISOCS information for remediation or final status release.
31. Complete printing and binding of all photos of the Maine Yankee decommissioning.
32. Evaluate the distribution of radioactive environmental contaminants from the site characterization and marine sediment/tidal study samples.
33. Consider developing a timetable for issuing special technical summary reports covering historical operational and decommissioning events at Maine Yankee.
34. Consider developing a review schedule for Maine Yankee's final status survey release reports and engineering calculations.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RCRA Chemical Sampling of Groundwater

This monitoring program started in September 2005 and is scheduled to terminate 30 years from that date. Baseline monitoring was conducted from 23 wells (reduced to 21 wells after June 2008) on a quarterly basis during the months of September, December, March and June for a three year period that ended with the submittal of the *Third Annual Report of Groundwater Monitoring of Bailey Point, September 2007 – June 2008, With Three-Year Monitoring Overview and Trend Analysis, Wiscasset, Maine, December 16, 2008.* Additional chemical monitoring is to be conducted three times per year every fifth year until 2033, and three times per year for the final two years (2034 and 2035). The RCRA groundwater monitoring event at Maine Yankee occurred during the period October 2013 to September 2014. The monitoring report, *Fifth Year Groundwater Monitoring Report of Bailey Point, October 2013-September 2014 with Baseline Monitoring Overview and Trend Analysis, Wiscasset, Maine, Revision 0, January 26, 2015* has been submitted to the Department and has been reviewed.

Maine Yankee proposed changes to their RCRA monitoring plan in a document titled *Maine Yankee Groundwater Monitoring Review and Proposed Plan Revisions, Bailey Point, Wiscasset, Maine, June 19, 2015.* The Department reviewed the proposal, and based on Maine Yankee's Consent Order, developed a counterproposal that has been reviewed by Maine Yankee's consultant, Robert G. Gerber. Final agreement on the Department's counter proposal remains to be completed.

Radiological Sampling of Groundwater

The last radiological sampling was conducted in March and June of 2010. Due to laboratory issues, some data were compromised. Maine Yankee agreed to resample and analyze in late 2010 in order to obtain complete and accurate data. The laboratory and compromised data issues were addressed to the satisfaction of Maine's State Nuclear Safety Inspector's in Maine Yankee's final radiological sampling report, *Annual Groundwater Monitoring of Bailey Point, September 2009 – October/November2010, Wiscasset, Maine, Rev. 1.* As stated in a December 5, 2011, letter from Harold Nilsson (Maine DEP) to James Connell (Maine Yankee), the State considers the report acceptable, and all groundwater radiological monitoring tasks at Maine Yankee to be satisfactorily completed.

Natural Resource Damage Assessment

Montsweag Brook continues to recover various stream and riparian habitats resulting from the 2010 dam removal.

Anticipated Activities

- **Project Manager (Harold Nilsson):** Project orientation, attend meetings, coordinate communications with Department staff, Maine Yankee personnel and DHHS, coordinate review of technical data by Department staff, monitor financial accounts, prepare correspondence.

- **Project Geologist (Rob Peale):** Review and comment on groundwater monitoring issues.

- **Project Chemist (Kelly Perkins):** Review and comment on technical issues. Monitor quality assurance for analytical data.

- **Database Manager (Tracy Krueger):** Configure analytical data for the Department's EGAD database.

- **Environmental Supervisor (Stacy Ladner):** Project orientation, assist Project Manager.

- **Division Director (Scott Whittier):** Assist Environmental Supervisor and Project Manager.

- **Clerical Support (varied):** Clerical personnel support for copying, mailing, phone communications.

DEPARTMENT OF PUBLIC SAFETY

In 2015, the State Police and Maine Yankee facility personnel continued to maintain and improve their relationship through intelligence sharing initiatives. During this time period State Police-Maine Information and Analysis Center (MIAC) assisted Maine Yankee with various suspicious activity reports that needed further investigation or notifications to proper agencies. The State Police's close ties to local law enforcement agencies and the FBI made this an important function of Maine's designated Fusion Center (MIAC) and in assisting Maine Yankee and promoting collaboration.

In the past, the Tactical Team has trained with Maine Yankee security personnel and identified vulnerabilities that have led to improvements made at the facility. The Tactical Team will continue to schedule another joint training in 2016. This will continue to enhance the relationship with both units and assist leadership in knowing what to expect, should they respond to an incident.

The Department of Public Safety is following the replacement plan for equipment that was developed and approved by the Oversight group to use the funding designated for this purpose from the Fund. This plan is used to support and maintain the tactical response capability of the Tactical Team. The plan details the periodic equipment purchases that are necessary to replace outdated equipment that no longer provides the protection to the wearer due to its finite shelf life. This replacement cycle includes only equipment that is directly related to the protection of public health and safety in the event that the State Police respond to an incident at the ISFSI.

The Fusion Center continues to monitor classified and unclassified intelligence and threat streams and can identify items that may affect Maine Yankee. This information is shared with Maine Yankee when appropriate. Periodic updates are provided at quarterly meetings on issues that impact Maine. As mentioned earlier, Maine Yankee is also now notifying Fusion Center staff when they encounter any suspicious incidents that occur at or around their facility. This past year the MIAC was notified by the Maine Yankee Shift Supervisor of multiple suspicious activities at the facility which allowed the MIAC to make proper notifications and initiate investigations. This cooperation and teamwork will enhance our relationship going forward.

Representatives of the MIAC have attended the Maine Yankee Oversight Group quarterly meetings this past year to familiarize the group with the Fusion Center's purpose and available resources. The representatives were able to familiarize staff at Maine Yankee with the Fusion Center and its capabilities and foster open communication. This relationship will continue to grow and mature as staff becomes more experienced and relationships continue to develop at both facilities. The MIAC participated in the annual communications exercise and the notifications worked properly. Department of Public Safety staff will continue to train with Maine Yankee staff in 2016 to further enhance response capabilities, familiarize staff with the facility and develop relationships.

MAINE YANKEE ATOMIC POWER COMPANY

Spent Nuclear Fuel Removal/Disposal Update

Spent Nuclear Fuel Removal: the Federal Government's Obligation

As required by contract and the Nuclear Waste Policy Act (NWPA), the U.S. Department of Energy (DOE) was scheduled to begin removing spent nuclear fuel (SNF) and Greater than Class C waste (GTCC waste) from Maine Yankee by the end of January 1998. As a Nuclear Regulatory Commission (NRC) licensee it is Maine Yankee's responsibility to safely and securely store the SNF and GTCC waste in accordance with all applicable regulations until the government fulfills its obligations. The current annual cost to ratepayers for Maine Yankee's Independent Spent Fuel Storage Installation (ISFSI) is on the order of $10 million. That annual cost could increase resulting from evolving regulations and additional requirements on the company.

Given the uncertainty over federal policy for the removal of SNF and GTCC waste, this material could remain stored at Maine Yankee for decades. When the Federal Government fulfills its obligation to remove the SNF and GTCC waste, the ISFSI will be decommissioned and Maine Yankee will close; when that will occur is unknown.

US Department of Energy (DOE) Litigation

Phase I Cases

At the end of the first round of litigation against the government for its failure to honor its contract obligations, in February 2013, the Federal Government paid the three Yankee companies (Connecticut Yankee, Maine Yankee, and Yankee Atomic) nearly $160 million in damages for the costs related to the government's failure to begin removing SNF from the three Yankee sites by January 1998. These Phase I litigation damages represented damages through 2001 for Connecticut Yankee and Yankee Atomic and through 2002 for Maine Yankee. Maine Yankee received approximately $81.7 million in the Phase I case.

The Federal Energy Regulatory Commission (FERC) approved a filing effective July 1, 2013 following the award of the Phase I damages that accepted an agreement reached between the three Yankee Companies and state utility regulators in Connecticut, Maine and Massachusetts that have historically intervened in the companies' FERC rate cases. That agreement detailed an approach for applying the Phase I damages proceeds and future damages awards that best serves the interests of the ratepayers in their state. In accordance with that agreement, the Maine Yankee Phase I proceeds were disbursed over a three year period.

Phase II Cases

In November 2013, U.S. Court of Federal Claims Judge James F. Merow issued a ruling that awarded Connecticut Yankee, Yankee Atomic, and Maine Yankee approximately $235.4 million in total damages for the costs that Connecticut Yankee and Yankee Atomic incurred from January 1, 2002 through December 31, 2008, and that Maine Yankee incurred from January 1, 2003 through December 31, 2008. In the Phase II case Maine Yankee received approximately $35.8 million. The government did not appeal the November 2013 ruling and the Phase II proceeds were disbursed in spring 2014 consistent with the provisions of the July 2013 FERC Order.

Phase III Cases
In August 2013, the three Yankee companies filed a third round of litigation in the U.S. Court of Federal Claims for continuing damages for the years 2009-2012. The trial took place in Washington, D.C. June 30-July 1, 2015. Initial post-trial briefing concluded on October 28, 2015. On November 17, 2015, Judge Merow asked the parties to file additional post-trial briefings which are scheduled to be complete February 5, 2016. Oral argument on the additional briefings is scheduled for February 19, 2016. Unless additional briefing is requested, the case will be ready for decision by Judge Merow following the oral argument.

The ongoing litigation between the three companies and the DOE is being conducted in phases as an earlier U.S. Federal Appeals Court decision ruled that utility companies, such as the three Yankee companies, cannot receive damage awards for costs that have not yet been incurred. As a result, the three companies have, and expect to continue to litigate with the DOE every several years to request damages for costs incurred by their ratepayers, while recognizing that the DOE may challenge the prudence and appropriateness of all expenditures.

National Nuclear Waste Issue Status
Congress Remains Divided on SNF Management Policy
In December 2015, the President signed into law an omnibus appropriations bill to fund the Federal Government until the end of September 2016. The bill does not include funding for the proposed geologic repository at Yucca Mountain, Nevada or to implement consolidated interim storage (CIS), so the policy impasse on this issue continues as it has for the past several years.

Bipartisan Support for a Pilot Consolidated Interim Storage Project
The priority removal of SNF from permanently shutdown sites without a reactor, like Maine Yankee, to a pilot CIS facility in a volunteer host community following a consent-based process has bipartisan support, including fromthe Maine congressional delegation. And while there have been some positive developments this past year, most notably a site in West Texas and another in Southeast New Mexico indicating they intend to apply this year for a NRC license to construct a CIS facility and have held pre-application meetings with the NRC, CIS cannot be implemented until Congress reforms the nuclear waste management program to allow it to move forward.

In January 2013, DOE issued its "Strategy for the Management and Disposal of Used Nuclear Fuel and High Level Radioactive Waste." The strategy milestones include development of a pilot CIS facility with priority for shutdown reactor fuel, followed by a larger consolidated storage facility and a repository. The pilot concept would serve as a first step by which the Federal Government can begin meeting its contractual and statutory obligation to remove the SNF and GTCC waste while pursuing the longer term objective of a geologic repository.

The pilot CIS concept has been proposed in the Senate's Nuclear Waste Administration Act of 2015 (S. 854), the Senate's FY-2016 Energy & Water Development Appropriations bill (H.R. 2028), and the Interim Consolidated Storage Act of 2015 (H.R. 3643) introduced in the House at the end of September 2015, co-sponsored by Rep. Pingree and Rep. Poliquin.

Senator Collins and Senator King are also supportive of the concept. There are provisions in the Senate Energy & Water bill (H.R. 2028) and the House bill (H.R. 3634) that would allow DOE to store SNF at private facilities such as those proposed in Texas and New Mexico.

DOE Activities in Support of 2013 Strategy Document

DOE continues activities in support of the agency's 2013 strategy document within its existing authority and budget such as gathering information from the shutdown sites like Maine Yankee about available transportation modes, site infrastructure and routes to prepare for the eventual shipment of SNF and GTCC waste. For example, SNF and GTCC Waste could be shipped from Maine Yankee by rail or barge. In August 2015 DOE also awarded a contract to Areva for the design and fabrication of the rail car that will be used to ship SNF.

In late December 2015, DOE announced it is initiating a consent-based siting process that began with a public meeting in Washington, DC January 20, 2016. DOE is seeking comments from the public about what should be included in a consent-based siting process for both CIS and geologic disposal repositories. DOE plans to hold a series of meetings in the coming months. The comment period ends June 15, 2016, and will be followed by a DOE report on the comments they receive.

NRC Review of the Yucca Mountain License Application

During 2015 the NRC continued its review of the Yucca Mountain license application with previously appropriated funds as mandated by the U.S. Court of Appeals for the D.C. Circuit in August 2013. The NRC completed the 5 Volume Yucca Mountain Safety Evaluation Review (SER) report in January 2015. The SER contains the staff's finding that the repository post closure requirements could be met, including the 1 million year standard. The staff also concluded that the agency should not authorize construction of the proposed repository because the applicant (DOE) has not acquired ownership or jurisdiction over the land where the repository operations area would be or the necessary water rights.

In August 2015 the NRC released "a draft environmental impact statement supplement on the effects of a permanent repository for spent nuclear fuel and high-level radioactive waste at Yucca Mountain." The supplement describes the affected environment with respect to the groundwater flow path from the repository and finds the impact would be small. The NRC held a series of public meeting on the document last fall.

Remaining previously appropriated funds are insufficient for NRC to continue the Yucca Mountain license application review beyond what has been completed to date.

House Support for Yucca Mountain

In May 2015, the House approved the Energy & Water Development Appropriations Subcommittee FY 2016 appropriations bill. The bill supports the Yucca Mountain repository, providing $150 million for the Nuclear Waste Disposal program and $25 million for the NRC to continue the adjudication of DOE's Yucca Mountain License application. As noted above, the December 2015 omnibus appropriations bill does not contain funding for Yucca Mountain.

Several hearings were held in the House this past fall examining issues associated with SNF policy including Yucca Mountain and CIS. SNF legislation may be introduced this year by Rep. Shimkus (R- IL) who is Chairman of the House Environment and Economy Subcommittee. Rep. Shimkus is a strong supporter of Yucca Mountain. The House bill language is expected to look similar to a 2008 Bush administration bill that sought to address Yucca Mountain obstacles such as land and water rights - it may also include provisions addressing consolidated interim storage.

Senate Minority Leader Harry Reid Continues Opposition to Yucca Mountain
Though he is retiring from the Senate, Minority Leader Harry Reid (D-NV) continues to be an effective opponent to Yucca Mountain. How the dynamics of the SNF policy discussion will change after the next election and following Senator Reid's retirement remains to be seen.

The State of Maine, Maine Yankee and other stakeholders working together
During 2015 the focus was on building support for reforming the spent nuclear fuel program, especially the proposal to establish a pilot project for the removal of SNF and GTCC waste from decommissioned reactor sites to a CIS facility. Maine Yankee will continue working with others in 2016 in an effort to overcome the impasse between the Senate and House on this issue. Maine Yankee appreciates the active involvement and support of many state and regional stakeholders.

Since the early 1990s the State and Maine Yankee have been members of the Nuclear Waste Strategy Coalition. The NWSC is a diverse national group. Its mission: "To reform and adequately fund the U.S. civilian high-level nuclear waste transportation, storage, and disposal program in a manner that ensures timely and safe waste removal from operating and decommissioned nuclear power plants and that protects ratepayers' substantial investment in the program." The State and Maine Yankee participate in regular conference calls and other activities of the NWSC that include state utility regulators, attorneys general offices, municipalities, tribal representatives and electric utilities.

On a quarterly basis the State of Maine and Maine Yankee participate in a meeting of New England policy makers called the Interim Storage Alternatives Effort. This initiative is part of the FERC settlement agreements for Maine Yankee, Connecticut Yankee, and Yankee Rowe. Its purpose is to share information and to identify interim SNF storage alternatives outside New England.

Maine Yankee is a member of the Decommissioning Plant Coalition which is comprised of the New England decommissioned plants, and decommissioned plants in Michigan, Wisconsin, Illinois, and California. The DPC is active in Washington, DC representing the unique interests of shutdown plants whose only function now is the safe storage of SNF and GTCC waste until the Federal Government fulfills its commitment to remove this material. Wayne Norton, President and CEO of Connecticut Yankee and Yankee Atomic and Chief Nuclear Officer of Maine Yankee, is the chair of the DPC.

Maine Yankee also continues to benefit from the input of its Community Advisory Panel (CAP) which has been in place since 1997. Of note, at its September 2015 meeting, the CAP

decided to send a letter to the New England congressional delegation urging meaningful action in this session of congress to overcome the policy impasse on the SNF issue and in support of the priority removal of SNF to CIS from shutdown sites like Maine Yankee. At the invitation of Maine Yankee CAP Chair Dr. W. Donald Hudson, Jr., the chairs of the community advisory panels in Connecticut, Massachusetts, and Vermont joined him in signing the November 16 letter.

For more information on the status of SNF removal/disposal go to www.maineyankee.com.

ESTIMATED POST DECOMMISSIONING OVERSIGHT EXPENDITURES AND BUDGETED TRANSFERS FROM ACCOUNT 014-10A-2440-03

Calendar Year 2016			DEP 014-06A-1790-14	DHHS Safety Inspector 014-10A-2440-03	OPA 01407H041004	PUS STATE POLICE 014-16A-9513-04	DHHS DEH RCP 014-10A-2445-03	TOTAL	INCOME
DEP - Radiological Program			$ 2,932.00					$ 2,932.00	
OPA - Nuclear Safety Advisor								$ -	
OPA- All Other								$ -	
DHHS - RCP							$ 21,980.05	$ 21,980.05	
DHHS - Safety Inspector				$ 130,780.39				$ 130,780.39	
DHHS - Contractor and Independent Expert								$ -	
								$ -	
DPS - equipment						$ 15,132.00		$ 15,132.00	
Sub - total			$ 2,932.00	$ 130,780.39	$ -	$ 15,132.00	$ 21,980.05	$ 170,824.44	
DICAP - (DHHS=$12,000/FTE)	DEP=	0.13742	$ 402.92	$ 12,000.00			$ 1,769.62	$ 14,172.54	
Sta - cap rates OPA		0.006391			$ -			$ -	
Sta - cap rates DEP - Envir. Prot.		0.03038	$ 89.07					$ 89.07	
Sta - cap rates DHHS - ME CDC		0.04068		$ 5,320.15			$ 894.15	$ 6,214.29	
Sta - cap rates DEP - State Police		0.01677				$ 253.76		$ 253.76	
Total Est. Sta-cap Exp.			$ 491.99	$ 17,320.15	$ -	$ 253.76	$ 2,663.77	$ 20,729.67	
TOTALS			**$ 3,423.99**	**$ 148,100.54**	**$ -**	**$ 15,385.76**	**$ 24,643.82**	**$ 191,554.11**	
BALANCE CARRIED FORWARD									$ 59,654.30
REIMBURSEMENT FROM OTHER PROGRAM	(014-10A-2447-03, Radiological Health)								$ 29,972.60
CY 2016 FIRST QUARTER			$ 856.00	$ 37,025.13		$ 3,846.44	$ 6,160.95	$ 47,888.53	$ 35,000.00
CY 2016 SECOND QUARTER			$ 856.00	$ 37,025.13	$ -	$ 3,846.44	$ 6,160.95	$ 47,888.53	$ 35,000.00
CY 2016 THIRD QUARTER			$ 856.00	$ 37,025.13	$ -	$ 3,846.44	$ 6,160.95	$ 47,888.53	$ 35,000.00
CY 2016 FOURTH QUARTER			$ 856.00	$ 37,025.13	$ -	$ 3,846.44	$ 6,160.95	$ 47,888.53	$ 35,000.00
							TOTALS	$ 191,554.11	$ 229,626.90