

State Nuclear Safety Inspector Office  
Maine CDC – DHHS

September 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 123<sup>rd</sup> Legislature 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 ongoing 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:

- Maine Yankee briefed its Community Advisory Panel on Spent Nuclear Fuel Storage and Removal at its annual meeting on new construction at the site of a new vehicle barrier gate at the ISFSI and a storage and maintenance building to allow for more office space in its Security and Operations Building. In addition, they also related their efforts at canister relicensing with the renewal of their transportation certificate until 2017, the submittal of their 40 year storage license renewal application in 2018, their involvement in extended storage issues such as the potential for chloride induced stress corrosion cracking of the stainless steel canisters in a marine environment, and their chemical sampling of 25 groundwater wells every five years. The State Inspector updated the Panel on his major activities, which, besides his annual and monthly reports to the Legislature, included the final draft of the Confirmatory Summary Report on the State's decommissioning findings, his participation in a national ad hoc group advocating funding allocations for states and tribes for spent nuclear shipment training and emergency response, neutron radiation measurements in the vicinity of the storage casks, observation of a U.S. Navy emergency exercise of a mock spent fuel shipment derailment that took place in Fort Wayne, Indiana, and explained how he identified two anomalies associated with the State's environmental radiation surveillance results of the ISFSI. Maine Yankee also honored Marge Kilkelly for her 15 years of service as the former Chair of the Panel. She is currently Senator Angus King's Senior Policy Advisor.

The national highlights primarily focused on Nuclear Regulatory Commission (NRC), Congressional, and federal court activities.

National:

- Holtec International announced that their HI-STAR 180 spent nuclear fuel transport cask withstood the impact of a missile travelling at 600 miles per hour with no breach of the containment boundary. The test was carried out as part of Switzerland's nuclear regulatory certification process and simulated the impact of an aircraft crashing on a storage cask.
- The NRC Chairman denied Nye County, Nevada's motion for the NRC Chair to recuse herself of any Yucca Mountain proceedings based on her previous public statements opposing the Yucca Mountain Project. The Chair found no basis requiring her disqualification from the licensing proceeding.

- The NRC issued a news release requesting comments on its published draft report of its Waste Confidence Generic Environmental Impact Statement (GEIS). The draft GEIS was NRC's response to the U.S. Court of Appeals June, 2012, ruling that vacated the NRC's 2010 Waste Confidence decision and cited three deficiencies that the NRC had to address. According to the Court Order the NRC must "examine the potential environmental impacts that could occur as a result of the continued storage of spent nuclear fuel" at operating or shutdown reactor sites. As part of its determination the GEIS had to address indefinite storage of the spent fuel with no geologic repository available for the disposal of spent nuclear fuel. The assessment also included an evaluation of spent fuel pool leaks and fires. The draft report assumed that every 100 years the storage facilities would require complete replacement including the storage casks and the pads the casks rest on. The report also envisioned the construction and utilization of a dry transfer system (DTS) to move the fuel as needed for inspection or repackaging. The DTS would also be replaced every 100 years. The conclusions of the draft report indicated that the environmental impacts, including the impacts from postulated accidents would be small for indefinite storage as well as for spent fuel pool leaks and fires. Small was defined as environmental effects that were not detectable or so minor that they would neither destabilize nor noticeably alter any important attribute of the resource.
- The Chair of the U.S. Nuclear Waste Technical Review Board forwarded a letter to the Chair of the House Subcommittee on Energy and Water Development responding to a question the Committee posed to him during his testimony on April 11<sup>th</sup> - "What do international and U.S. experiences tell us about consent-based siting?" The Chairman related how the Board had followed other national waste management programs, in particular those of Sweden and France, and provided five observations.
  - "Successful waste-management programs are being implemented by private, hybrid, and public organizations.
  - Successful implementing organizations emphasize a single-minded commitment to long-term safety, including, but not limited to, complying with the requirements of the regulatory authorities.
  - Successful implementing organizations place a high value on sustaining public trust and confidence and accord a high priority on doing so in their everyday choices.
  - Successful implementing organizations establish processes by which they respond to new information and circumstances.
  - Successful implementing organizations appreciate that disposing of High-Level Waste and Spent Nuclear Fuel presents operational challenges and, therefore, develop prototypes and techniques to address ahead of time those challenges."

The letter went on to highlight three other attributes. They are how an organization functions was more important than its structure, organizational culture drove organizational behavior, and how an organization addresses technical issues was important for repository development.

- The State of Nevada filed a petition for rehearing en banc (before all the judges on the Appeals Court) on the Court of Appeals' August 13 ruling that the NRC's suspension of the Yucca Mountain licensing proceeding violated the Nuclear Waste Policy Act and ordered the NRC to restart the licensing process. Nevada contended that the Court's initial ruling commanded a useless thing and, therefore, the rehearing should be granted and the initial Order overturned.
- 81 members of the House of Representatives, 50 republicans and 31 democrats, sent a letter to the NRC Chairman requesting that the Chair follow through on her commitment to make a final determination on Yucca Mountain, if ordered to do so by the courts. The Representatives also expressed their bipartisan support for the NRC to focus its resources on completing the Yucca Mountain Safety Evaluation Report.

- Twenty organizations, most of them participants in the adjudicatory proceeding on the Yucca Mountain license application, submitted their responses to the NRC's invitation on how it should continue the Yucca licensing process to ensure the most efficient use of its remaining \$11 million in appropriated funds. Except for the Department of Energy (DOE) deferring to the NRC, all of the participants unanimously agreed that the Commission should issue the staff's five volume, Safety Evaluation Report. Some of the respondents recommended reconstituting the Licensing Support Network for document reviews while more were against it. Several suggested the licensing hearings be held in Las Vegas while others preferred funding to complete the licensing review. Two organizations advocated for the Commission to restore the funds that were used to terminate the initial proceeding while some promoted the same panel of judges to rehear the case. Besides the DOE and NRC eight counties in Nevada, three states and one county, two tribes, and four organizations responded.

## 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 123<sup>rd</sup> 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](http://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, 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 September the general status of the ISFSI was normal, with no instances of spurious alarms due to environmental conditions.

There were three fire-related impairments. The first was due to various alarms being out of service due to a computer hardware issue. Compensatory measures were instituted and the computer component was replaced. The remaining two impairments occurred during a planned maintenance to upgrade an electrical transformer inside the Security and Operations Building. The first resulted in a fire suppression system for the document vault being taken out of service. The second involved a Fire Detection Panel taken out of service. Both were restored later that same day.

There was one security-related impairment for the month. It involved the computer hardware issue noted above. Compensatory measures were put into place until the system was restored. In addition, there were twelve security events logged for the month, eleven of which were transient environmental conditions and one was related to the computer hardware issue.

There were eleven condition reports<sup>1</sup> (CR) for the month and they are described below.

- 1<sup>st</sup> CR: Documented water intrusion into the Security and Operations Building following a heavy rain storm. The ground was re-graded and the leakage path was sealed.
- 2<sup>nd</sup> CR: Documented the use of an incorrect revision of a procedure. The procedure set was verified to be correct and the staff was briefed on correct revision use.
- 3<sup>rd</sup> CR: Documented the failure of an emergency exit light battery pack during testing. The battery pack was immediately replaced.
- 4<sup>th</sup> CR: Was written to document finding a wounded bird on the property. The State Game warden was called in and removed the Canadian Goose.
- 5<sup>th</sup> CR: Was written to document a computer hardware issue that was noted above under the first fire impairment. The component was replaced and returned to service.
- 6<sup>th</sup> CR: Documented a fire panel trouble alarm after the electrical transformer replacement. An investigation identified some incorrect labeling. The labeling was immediately corrected.
- 7<sup>th</sup> CR: Was written to document that the License Termination Plan (LTP) requires periodic revisions and submittals. The LTP was revised to reflect the facility's current status. The revision will be submitted per established requirements.
- 8<sup>th</sup> CR: Documented that a vendor was identified as not maintaining or training to the current revision of the procedure set. The vendor's procedure set was updated and training accomplished on the current set of procedures.
- 9<sup>th</sup> CR: Documented, via a self-assessment, that no requirement existed within the commitment tracking database for annual requalification training. All personnel were verified to be qualified in their positions. A requirement was added to the database to ensure all personnel qualifications remain current.
- 10<sup>th</sup> CR: Documented problems with the man-lift failing to rotate. The equipment vendor was dispatched to the site. The unit was repaired and tested satisfactorily.
- 11<sup>th</sup> CR: Was written to document the failure of recording equipment during a planned maintenance. The equipment was replaced from stock the same day.

#### *Other ISFSI Related Activities*

1. On September 9, Maine Yankee submitted its annual special nuclear material report to the NRC. The report identified and quantified those special materials within the used nuclear fuel that are fissionable, such as Uranium-235 and Plutonium-239.
2. On September 26, the Maine Yankee Community Advisory Panel on Spent Nuclear Fuel Storage and Removal held its annual meeting. Maine Yankee updated the Panel on the new construction of a storage and maintenance building to allow for more office space in the Security and Operations Building and a new vehicle barrier gate at the ISFSI. Maine Yankee mentioned their involvement in activities and issues revolving around extended storage of spent nuclear fuel. They also related their efforts at canister relicensing with the renewal of the transportation certificate until 2017 and the proposed 2018 submittal of their 40 year storage license renewal application. Additional information was provided on the NRC's proposed new security rules, their NRC exemption from foreign ownership, control and domination, and the chemical groundwater sampling program. The State Inspector updated the Panel on his major activities since the last meeting, which included his annual and monthly reports to the Legislature, the final draft of the Confirmatory Summary Report on the State's decommissioning findings, his participation in a national ad hoc group advocating funding allocations for states and tribes for spent nuclear shipment training and emergency response, state measurements of the neutron radiation in the

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<sup>1</sup> 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.

vicinity of the storage casks, and observed a U.S. Navy mock emergency exercise of a spent fuel shipment derailment that took place in Fort Wayne, Indiana. The State Inspector also explained how he identified two anomalies associated with the State's environmental radiation surveillance results of the ISFSI. In addition, Maine Yankee provided a national perspective that included Congress, the Administration, NRC activities, and the DOE litigation and the Federal Energy Regulatory Commission approved filings. Maine Yankee also honored Marge Kilkelly for her 15 years of service as the former Chair of the Panel. She is currently Senator Angus King's Senior Policy Advisor.

3. In September the State Inspector renewed his general employee training to maintain his unescorted access to the storage facility.

## Environmental

There is no new information to report.

## Other Newsworthy Items

1. On September 3, the Nuclear Waste Strategy Coalition (NWSC) submitted a letter to the five NRC Commissioners on their August 30 invitation on how the NRC should proceed with the restart of the Yucca licensing review. The NWSC emphasized the timely completion of the NRC staff's Safety Evaluation Report, the reimbursement of Nuclear Waste Fund monies appropriated by Congress for the licensing review but were used instead to shut down the project without congressional authorization, and the pursuit of funding to complete the Yucca Mountain licensing review. The NWSC is an ad hoc organization of state utility regulators, consumer advocates, tribal governments, local governments, electric utilities, and other government and industry experts on nuclear waste policy matters. The web link for the [letter](#) can be accessed by positioning the cursor over the underlined text and following the directions.
2. On September 4, the Nevada Governor's Agency for Nuclear Projects presented an update on Yucca Mountain and State activities to the Las Vegas City Council. The focus of the presentation was on the safety and business cases against Yucca Mountain. The safety case was predicated on four attributes that spent nuclear fuel is dangerous, the site is unsuitable, the repository design is flawed, and the transportation impacts are unacceptable. The site's unsuitability was based on corrosive water chemistry, precipitation and infiltration, earthquakes, volcanoes and erosion. The main objection to the repository design was the installation of titanium drip shields in 100 years. The unacceptable transportation impacts were due to the truck or rail shipments passing through city of Las Vegas and potentially impacting 135,000 individuals. The business case was based on the estimated construction and operating costs of \$90-\$100 billion while terminating the Yucca Mountain Project and developing another site could save \$13-\$28 billion. The web link for the [presentation](#) can be accessed by positioning the cursor over the underlined text and following the directions.
3. On September 4, Holtec International announced that their HI-STAR 180 transport cask withstood the impact of a missile travelling at 600 miles per hour with no breach of the containment boundary. The test was carried out as part of Switzerland's nuclear regulatory certification process and simulated the impact of an aircraft crashing on a storage cask. The web link for the [announcement](#) can be accessed by positioning the cursor over the underlined text and following the directions.
4. On September 4, the quarterly conference call of the Federal Energy Regulatory Commission (FERC) rate case settlement briefed participants on spent fuel storage issues. The briefing included a status update of the three Yankee companies (Maine Yankee, Connecticut Yankee, and Yankee Atomic) Phase

I, II, and III lawsuits. In the first lawsuit the U.S. Court of Appeals unanimously awarded the three Yankee Companies nearly \$160 million for the federal government's failure to take the used nuclear fuel. On May 1<sup>st</sup> each of the three Yankee Companies filed their plans on how the damage awards would be distributed. All three Public Utilities Commissions in Connecticut, Maine, and Massachusetts supported the Yankees filings before FERC. In the Phase II lawsuits, covering the period from 2003-2008, the parties were waiting for the Federal Court of Claims to issue its decision. The three Yankees filed their Phase III lawsuits for the period from 2009-2012 in mid-August and the government was expected to ask for an extension at the filing deadline in early October. The states were also briefed on the Senate's Nuclear Waste Administration Act of 2013. The proposed legislation would address the Blue Ribbon Commission's recommendations for a consent-based siting process, a new nuclear waste agency, and establish a pilot program for the priority removal of spent nuclear fuel from decommissioned reactor sites. The recent Court ruling that mandated the resumption of the NRC's Yucca Mountain license proceeding was also discussed. However, Congress was at a standstill on appropriating funds to complete the Yucca Mountain Project with the House in favor of Yucca Mountain and the Senate favoring the Blue Ribbon Commission's recommendations.

5. On September 5, the U.S. Nuclear Waste Technical Review Board (NWTRB) announced they will hold a technical workshop in November to discuss the impacts of dry storage canister designs on the future handling, storage, transportation and geologic disposal of spent nuclear fuel. The NWTRB expressed concern over repackaging spent nuclear fuel into certified transportation canisters and/or into smaller disposal containers for direct disposal into a repository. Repackaging would have significant implications on the waste management system, such as extensive handling operations, radiation exposure to workers, and at decommissioned reactor sites the need to construct another spent fuel pool or a dry transfer facility. The web link for the [announcement](#) can be accessed by positioning the cursor over the underlined text and following the directions.
6. On September 5, the NRC issued a news release on its schedule for twelve nationwide meetings on its proposed waste confidence rule and environmental impact study. The proposed rule was developed in response to the Court of Appeals ruling that struck down the NRC's updated 2010 environmental regulation on the availability of a repository beyond a reactor's licensed life. The web link for the news [release](#) can be accessed by positioning the cursor over the underlined text and following the directions.
7. On September 5, Nye County, Nevada filed a request with the NRC for a leave to reply to the State of Nevada's opposition to its motion for recusal/disqualification of the NRC Chairman Macfarlane. Nye County contended that State of Nevada's response to their recusal motion was replete with errors and created a new recusal standard. The web link for the [filing](#) can be accessed by positioning the cursor over the underlined text and following the directions.
8. On September 6, NRC Chairman Macfarlane responded to the Chair of the House's Energy and Commerce Committee August 23 letter in which the House Chair requested a response to two questions in preparation for the upcoming House Subcommittee hearing on the NRC's actions to implement the U.S. Court of Appeals decision for the NRC to resume the Yucca Mountain licensing proceeding. The NRC Chair outlined the Commission's intent to update the House Committee on a monthly basis. The NRC responses noted their August 30 Order inviting participants in the licensing process to comment on how the NRC should continue the licensing proceeding, directing the NRC staff to collect budgeting information, and will issue a schedule on the completion of the Safety Evaluation Report on Yucca Mountain pending feedback from the licensing participants. The web link for the [letter](#) can be accessed by positioning the cursor over the underlined text and following the directions.
9. On September 6, the House Committee on Energy and Commerce issued a memorandum in preparation for an upcoming Subcommittee hearing on the next steps to implementing the Nuclear Waste Policy Act. The memorandum provided a brief historical perspective on the nation's Nuclear Waste Policy

Act, its framework, and recent congressional and presidential actions leading to the current state of affairs. The memorandum identified two principal witnesses, the Chair of the NRC and the Assistant Secretary for DOE. Some of the issues for discussion included what actions DOE and NRC have taken to comply with the recent court ruling mandating the restart of the Yucca Mountain licensing proceeding, what was NRC's schedule for completing the Safety Evaluation Report, and will DOE and NRC request the necessary funding to comply with the Court's decision? The web link for the [memorandum](#) can be accessed by positioning the cursor over the underlined text and following the directions.

10. On September 9, the NRC Chairman denied Nye County, Nevada's motion for the NRC Chair to recuse herself of any Yucca Mountain proceedings based on previous public statements opposing the Yucca Mountain Project. The Chair found no basis requiring her disqualification from the licensing proceeding. Although she denied the motion, the Chair did allow Nye County leave to reply to the State of Nevada's opposition. The web link for the [filing](#) can be accessed by positioning the cursor over the underlined text and following the directions.
11. On September 10, the German technical support group, GRS, will conduct a three year research and development project on the migration of radioactive elements in a salt repository. The research will validate and refine the U.S. computer code, TOUGH2 (Transport of Unsaturated Groundwater and Heat), which was used for modeling the transport of radioactive elements in solutions and gases in rock. GRS planned on using the data from the Morsleben Repository for radioactive waste to test the code.
12. On September 10, the NRC Chair and DOE's Assistant Secretary for Nuclear Energy testified before the House Subcommittee on Environment and the Economy on their respective agency positions relative to the recent Court of Appeals ruling that the NRC resume the Yucca Mountain licensing process. Prior to their testimonies Representative Waxman, the ranking member from California, read a prepared statement calling to task the fixation of the Subcommittee with Yucca Mountain and that the Court's decision did not resolve such issues as public opposition to Yucca Mountain, consent-based siting process, or a new organization to manage the nation's stockpile. NRC Chairman Macfarlane testified to the Commission's actions pursuant to the Court's decision. She mentioned the Commission Order requesting participants' views on the how the NRC should resume the Yucca licensing process while directing the NRC staff to collect appropriate budgetary information on the remaining licensing activities. She reaffirmed the Commission's commitment to provide monthly status reports to the Committee. Assistant Secretary Lyons related that DOE will comment on how the NRC should move forward with the Yucca Mountain licensing proceeding. Dr. Lyons reaffirmed the Administration's position to develop a pilot interim storage facility for shutdown reactor sites, a larger interim storage facility and a geologic disposal facility. The web link for the [hearing](#) can be accessed by positioning the cursor over the underlined text and following the directions. Additional links are available at the hearing website for Representative Waxman's opening statement and NRC's and DOE's testimonies.
13. On September 12, the UK government launched a public consultation on how to organize a process that would lead to the selection of a site for a geologic repository for high-level radioactive waste. The Consultation was initiated after a failed attempt with two communities that initially had expressed interest in hosting a repository. After the three month consultation the public comments will be analyzed and the UK government will re-start the site selection process in 2014.
14. On September 12, the NRC issued a news release requesting comments on its published draft report of its Waste Confidence Generic Environmental Impact Statement (GEIS). The draft GEIS was NRC's response to the U.S. Court of Appeals June, 2012, ruling that vacated the NRC's 2010 Waste Confidence decision and cited three deficiencies that the NRC had to address. According to the Court Order the NRC must "examine the potential environmental impacts that could occur as a result of the continued storage of spent nuclear fuel" at operating or shutdown reactor sites. As part of its

determination the GEIS had to address indefinite storage of the spent fuel with no geologic repository available for the disposal of spent nuclear fuel. The assessment also included an evaluation of spent fuel pool leaks and fires. The draft report assumed that every 100 years the storage facilities would require complete replacement including the storage casks and the pads the casks rest on. The report also envisioned the construction and utilization of a dry transfer system (DTS) to move the fuel as needed for inspection or repackaging. The DTS would also be replaced every 100 years. The conclusions of the draft report indicated that the environmental impacts, including the impacts from postulated accidents would be small for indefinite storage as well as for spent fuel pool leaks and fires. Small was defined as environmental effects that were not detectable or so minor that they would neither destabilize nor noticeably alter any important attribute of the resource. The 585 page report is available from the NRC as NUREG-2157. The web link for the [news release](#) can be accessed by positioning the cursor over the underlined text and following the directions.

15. On September 16, the Chair of the U.S. NWTRB forwarded a letter to the Chair of the House Subcommittee on Energy and Water Development responding to a question posed to him during his testimony back on April 11. The question posed by lawmakers was “What do international and U.S. experiences tell us about consent-based siting?” The NWTRB Chair related how the Board had followed other national waste management programs and in particular those of Sweden and France. He listed five observations.

- “Successful waste-management programs are being implemented by private, hybrid, and public organizations.
- Successful implementing organizations emphasize a single-minded commitment to long-term safety, including, but not limited to, complying with the requirements of the regulatory authorities.
- Successful implementing organizations place a high value on sustaining public trust and confidence and accord a high priority on doing so in their everyday choices.
- Successful implementing organizations establish processes by which they respond to new information and circumstances.
- Successful implementing organizations appreciate that disposing of High-Level Waste and Spent Nuclear Fuel presents operational challenges and, therefore, develop prototypes and techniques to address ahead of time those challenges.”

The letter went on to highlight and expand on three other attributes. They are “how an organization functions is more important than its structure”, “organizational culture drives organizational behavior”, and “how an organization addresses technical issues is important for repository development”. The letter concluded with “some final thoughts on international differences”. The web link for the [letter](#) can be accessed by positioning the cursor over the underlined text and following the directions.

16. On September 25, the Environmental Protection Agency (EPA) highlighted their role in nuclear waste management at the Stakeholders for Nuclear Waste Reform’s monthly meeting held in Washington, D.C. The presentation focused on two key EPA initiatives, public input on EPA’s radiation regulations on nuclear facilities and updating waste disposal standards in response to the Blue Ribbon Commission’s (BRC) recommendations. Since EPA has the authority to set national radiation safety standards, the current “standards are 36 years old and do not reflect current dosimetry, technologies, and practices.” The BRC provided guidance on crucial technical and policy issues for the EPA to set new standards. The web link for the [presentation](#) can be accessed by positioning the cursor over the underlined text and following the directions.

17. On September 25, White Pine County, Nevada weighed in on NRC’s invitation to continue the Yucca Mountain licensing process. The County reaffirmed its desire to resolve its admitted contentions. However, lacking additional appropriations from Congress, White Pine County stated it would run out of funds to pursue or participate in the process on October 15, 2013. The County advocated for funding for all parties to effectively participate in the process, for the issuance of the NRC’s Safety Evaluation

Report on the Yucca Mountain Project, to schedule a case management conference for the purpose of restarting the licensing process, for the NRC to employ existing document archival systems instead of reconstituting the costly and awkward Licensing Support Network, and that the restarted proceedings be held in Las Vegas, Nevada. The web link for the [filing](#) can be accessed by positioning the cursor over the underlined text and following the directions.

18. On September 26, the State of Nevada filed a petition for rehearing en banc (before all the judges on the Appeals Court) with the Court of Appeals on their August 13 ruling that the NRC's suspension of the Yucca Mountain licensing proceeding violated the Nuclear Waste Policy Act and ordered the NRC to restart the licensing process. Nevada contended that the Court's initial ruling commanded a useless thing and, therefore, the rehearing should be granted and the initial mandamus overturned. The web link for the [petition](#) can be accessed by positioning the cursor over the underlined text and following the directions.
19. On September 26, Lincoln County, Nevada responded to the Commission's August order by and expressing their views on how the NRC should continue the licensing process and reaffirming its intent to participate in 23 of the 299 admitted contentions. Lincoln County suggested that the NRC lift all suspensions of the licensing proceeding, issue the final un-redacted version of the staff's Safety Evaluation Report, and schedule a conference in Las Vegas to restart the licensing process. The web link for the [response](#) can be accessed by positioning the cursor over the underlined text and following the directions.
20. On September 27, the U.S. Court of Appeals for the District of Columbia Circuit issued an Order compelling the NRC to submit a combined response to Nye County's petition for expedited review and emergency motion for preliminary injunction. The web link for the [Order](#) can be accessed by positioning the cursor over the underlined text and following the directions.
21. On September 27, 81 members of the House of Representatives, 50 republicans and 31 democrats, sent a letter to the NRC Chairman requesting that the Chair follow through on her commitment to make a final determination on Yucca Mountain, if ordered to do so by the courts. The Representatives also expressed their bipartisan support for the NRC to focus its resources on completing the Safety Evaluation Report. The web link for the [letter](#) can be accessed by positioning the cursor over the underlined text and following the directions.
22. On September 30, the Department of Energy (DOE) responded to the NRC's August 30 Order inviting participants in the Yucca Mountain licensing proceedings to weigh in on how the Commission should continue with the licensing process in light of the Appeals Court Order to resume the licensing process. The DOE stated it would comply with the law and estimated that it had \$15.4 million in unobligated funds to support the NRC licensing process. DOE also estimated that it had \$11.4 million in obligated funds that would have to be de-obligated to support the licensing activities. However, the agency deferred to the Commission on how best to proceed forward in its resumption of the Yucca Mountain proceedings. The web link for the [response](#) can be accessed by positioning the cursor over the underlined text and following the directions.
23. On September 30, the State of Nevada filed its response to the NRC's August 30 Order on how it should proceed with the Yucca Mountain license proceeding. Since Nevada filed with the Court of Appeals for rehearing before the entire Court, Nevada suggested that the Commission postpone the restart of the licensing proceeding until such time as the Court denies the rehearing or renders a decision on the rehearing. Nevada acknowledged, if the licensing process must move forward, then they recommended that the Licensing Support Network be reconstituted, the Safety Evaluation Report be completed, rule on any motion before the Commission relevant to the licensing proceeding prior to its suspension, appoint the same panel of judges initially on the Board, and any proceedings before the Board should be held in

Las Vegas. The web link for the [filing](#) can be accessed by positioning the cursor over the underlined text and following the directions.

24. On September 30, the Timbisha Shoshone Tribe's responded to the NRC's invitation on the restart of the Yucca Mountain proceedings. The Tribe concurred with the State of Nevada's filing with the Commission and resubmitted its motion that the Commission officially recognize the Tribal Council as the legal representative of the Timbisha Shoshone Tribe. The web link for the [response](#) can be accessed by positioning the cursor over the underlined text and following the directions.
25. On September 30, Churchill County, Esmeralda County, Landauer County, and Mineral County (the Four Nevada Counties) accepted the NRC's invitation to comment on the restart of the Yucca Mountain licensing proceeding. They recommended that the NRC immediate lift the suspension on the Yucca Mountain licensing proceeding, assign the previous three judge panel to the proceeding, issue an order for the immediate release of the NRC staff's Safety Evaluation Report as the first priority for the expenditure of funds, the Licensing Support Network not be reinstated, add all documents to the NRC's ADAMS archival system, and for the NRC to request sufficient funds from Congress to complete the licensing process. The web link for the [response](#) can be accessed by positioning the cursor over the underlined text and following the directions.
26. On September 30, the Nuclear Energy Institute (NEI) filed their response to the NRC's invitation to comment on how they should restart the Yucca Mountain licensing process. NEI recommended the NRC complete and publicize the staff's Safety Evaluation Report, generate a detailed list and timeline of all the remaining activities to complete the licensing process, estimate the necessary resources to complete the listed activities, and seek funding from Congress to complete the licensing process. The web link for the [filing](#) can be accessed by positioning the cursor over the underlined text and following the directions.
27. On September 30, the Prairie Island Indian Community responded to the NRC 's August 30 Order with eight suggestions such as lifting the suspension on the Yucca Mountain licensing proceeding, reconvening the three judge panel, ordering the NRC staff to release and publicize the Safety Evaluation Report, scheduling a case management conference, delaying the reinstatement of the Licensing Support Network, making all documents available on the NRC's ADAMS System, and submitting a budget request to Congress to complete the licensing proceeding. The web link for the [response](#) can be accessed by positioning the cursor over the underlined text and following the directions.
28. On September 30, Eureka County, Nevada submitted its response to the NRC's Order. The County advocated in order of their priority for holding a conference in Las Vegas, ensuring the conference was webcast with viewers participating remotely, restoring the Licensing Support Network, and completing the Safety Evaluation Report if funds remained. Eureka County also supported the State of Nevada's contention that the licensing process should be postponed until the D.C. Circuit rules on the State's motion for re-hearing before the entire Appeals Court Bench. The web link for the [filing](#) can be accessed by positioning the cursor over the underlined text and following the directions.
29. On September 30, the NRC staff also responded to the Commission's August 30 Order. The Staff noted that the Commission could not reach a decision until the completion of staff's safety and environmental reviews, formal discovery, litigation on admitted and any new contentions, and the Commission 's review of contested and uncontested issues. The staff recommended completing the Safety Evaluation Report (SER), the Environmental Impact Statement (EIS) Supplement and suspending the legal hearings until the SER and Supplemental EIS (SEIS) were completed and reviewed by the staff. Their concerns were that the SER and SEIS were discreet activities that could be completed in a timely fashion with the available funds remaining while averting additional loss of key personnel. The web link for the [response](#) can be accessed by positioning the cursor over the underlined text and following the directions.

30. On September 30, Nye County, Nevada, the states of South Carolina and Washington, Aiken County, South Carolina and the National Association of Regulatory Utilities Commissioners filed their consolidated response to the NRC's August 30 Order and other parties submittals. The participants requested that the NRC immediately issue the Safety Evaluation Reports, authorize the Atomic Safety and Licensing Board to proceed with the license review, preserve scarce funds by not imposing costly procedural and administrative burdens, such as reinstating the Licensing Support Network, and restore funds expended that were improperly spent on terminating the Yucca Mountain proceeding. The web link for the [filing](#) can be accessed by positioning the cursor over the underlined text and following the directions.
31. On September 30, the American Nuclear Society (ANS) responded to the Commission's appeal for comments on the resumption of the Yucca Mountain licensing proceeding. ANS offered two recommendations. The first recommended the completion of Volume 3 of the NRC staff's Safety Evaluation Report. The second suggestion was the establishment of a budget to complete the licensing project and to include that into a submittal to the White House for their Fiscal Year 2015 budget. The web link for the [response](#) can be accessed by positioning the cursor over the underlined text and following the directions.
32. On September 30, the NRC filed with the U.S. Court of Appeals for the D.C. Circuit its motion for an extension of time to respond to the writ of mandamus and emergency motion for preliminary injunction filed by Nye County, Nevada. Nye County sought the Court's review of the NRC Chair's decision not to recuse herself from the Yucca Mountain license application and to prevent the NRC Chair from taking any action on the Yucca Mountain licensing process until the Court has decided the petitioner's merits. The NRC maintained that the Court's expedited schedule was based on incorrect assumptions and rebuffed the petitioner's assertion that emergency relief was necessary. The web link for the [filing](#) can be accessed by positioning the cursor over the underlined text and following the directions.
33. On September 30, the U.S. Court of Appeals for the D.C. Circuit issued an Order mandating that the petitioners (Aiken County, South Carolina, the states of Washington and South Carolina, the business leaders from the Tri-City area near Hanford, Washington, Nye County, Nevada, and the National Association of Regulatory Utility Commissioners) respond to the State of Nevada's petition for rehearing en banc on the Court's August 13<sup>th</sup> Order to compel the NRC to restart the Yucca Mountain licensing process. The web link for the [Order](#) can be accessed by positioning the cursor over the underlined text and following the directions.
34. In the September-October issue of Radwaste Solutions, there was an article entitled, 'A Regional Approach to HLW (High-Level Waste), Spent Fuel, and TRU (Transuranic) Waste Disposal in New Mexico'. The author attempted to address the question of "what would it take to develop a spent fuel/high-level waste storage or disposal facility in southeastern New Mexico?" The article provided some historical perspective on the evolution of selected disposal sites with a primary emphasis on the Waste Isolation Pilot Plant (WIPP) in New Mexico. The article listed six physical and geologic characteristics that would make disposal in salt deposits very attractive. It elaborated on the Eddy-Lea Counties Energy Alliance and what issues the Alliance would face, such as compliance with applicable environmental requirements, licensing, recovery of spent nuclear fuel, operational health and safety, security and transportation. The web link for the [article](#) can be accessed by positioning the cursor over the underlined text and following the directions.