

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

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Legislative Document

No. 1694

H. P. 1454

House of Representatives, April 22, 1977

Referred to the Committee on Public Utilities. Sent up for concurrence and 1,800 ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Greenlaw of Stonington.

Cosponsors: Mr. Davies of Orono and Miss Brown of Bethel.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-SEVEN

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**AN ACT to Establish a Fund to Insure the Safe and Proper Decommissioning  
of Nuclear Energy Generating Facilities**

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Be it enacted by the People of the State of Maine, as follows:

35 MRSA c. 267, sub-c. II is enacted to read:

**SUBCHAPTER II**

**NUCLEAR ENERGY DECOMMISSIONING FUND**

§ 3411. Purpose

The Legislature finds that the general welfare and safety of the public requires the costly decommissioning of nuclear energy generating facilities at the end of the useful life or licensing period of these facilities. Since there is a fund administered by the State for the protection of the Maine coast from oil pollution, the Legislature also finds it is in the public interest to establish a fund to ensure proper and safe decommissioning of nuclear energy generating facilities.

§ 3412. Definitions

As used in this subchapter, unless the context otherwise indicates, the following words shall have the following meanings.

1. Committee. "Committee" means Nuclear Energy Decommissioning Committee

2. Decommissioning fund. "Decommissioning fund" shall mean the Nuclear Energy Decommissioning Fund.

§ 3413. Nuclear Energy Decommissioning Committee

1. Appointment. There is hereby established a Nuclear Energy Decommissioning Committee for each nuclear power generating facility to be composed of 9 members as follows: 2 persons selected by the municipal officers of the municipality in which the facility is located, one person representing the firm or corporation owning the largest share of the facility, one person appointed by the Chairman of the Public Utilities Commission to represent the Public Utilities Commission, one person appointed by the Commissioner of Human Services to represent the Department of Human Services, one person appointed by the Director of the State Planning Office to represent the State Planning Office, one person appointed by the Chairman of the Human Rights Commission to represent the Human Rights Commission, one person appointed by the regional planning commission of the region in which the facility is located, and one person appointed by the Governor to represent the general public. The committee shall appoint a chairman from one of their members who shall serve for 2 years.

2. Tenure. Each member of the Nuclear Energy Decommissioning Committee shall be appointed to a term to last for the duration of the nuclear energy facility. Any vacancies shall be filled by the appointing authorities specified in this subchapter.

3. Meetings. Each Nuclear Energy Decommissioning Committee shall meet at least once annually and as often as the committee deems necessary. The chairman of each committee or 4 members of each committee together may call a meeting.

Members of Nuclear Energy Decommissioning Committees shall be compensated for expenses only, to be derived from the Nuclear Energy Decommissioning Fund as provided in this subchapter.

§ 3414. Nuclear Energy Decommissioning Committee duties

1. Establish decommissioning procedure. Each committee shall establish a decommissioning plan and procedure to be followed pursuant to the termination of the use of each nuclear energy generating facility and which shall include the date of termination of operation of each facility. The decommissioning plan and procedure shall be established within 2 years from the creation of each committee.

A. Each committee may hold public hearings to determine the procedure and plan to be adopted.

B. Each committee shall consult with the United States Nuclear Regulatory Commission, the Maine Department of Environmental Protection and any other organization it deems necessary prior to the creation and implementation of a decommissioning plan and procedure.

2. Establish cost of decommissioning. Each committee shall study and establish the cost of decommissioning the nuclear energy generating facility

which shall include the rate of inflation, cost of committee hearings and meetings, surveillance of the site following decommissioning and any other costs the committees find desirable and necessary. Each committee shall forward this information to the Public Utilities Commission which shall use the information to determine the amount of the Nuclear Energy Decommissioning Fund for each facility as provided in this subchapter. The decommissioning committees may revise their cost estimates from time to time as they deem necessary. Revisions shall be forwarded to the Public Utilities Commission.

3. Supervision of decommissioning. Following termination of operation of the facility, each committee shall supervise decommissioning and shall report its progress to the Public Utilities Commission in a manner determined by the Public Utilities Commission.

4. Analysis of data. A detailed analysis of the methods and data used by the committee to establish a decommissioning plan and procedure and the cost of decommissioning shall be made available to the general public.

#### § 3415. Nuclear Energy Decommissioning Fund

1. Role of the Public Utilities Commission. The Public Utilities Commission shall determine from the report of the committees the amount of the decommissioning fund for each facility which shall be deposited in separate accounts to be administered by the Treasurer of State. The Public Utilities Commission shall assess each nuclear energy generating facility for the operating life span of each facility to cover the total cost of decommissioning. The assessments herein provided shall be considered ordinary business expenses to be included in rates charged to users.

2. Role of the Treasurer of State. The Treasurer of State shall administer the Nuclear Energy Decommissioning Funds and shall review and supervise the expenditures from these funds. The Treasurer of State may refuse to expend moneys from these funds considered to be inappropriate by him in cooperation with the Public Utilities Commission.

The Treasurer of State may invest the moneys in the decommissioning fund in accordance with the laws of the State governing the investment of funds of savings banks, as enumerated in Title 9.

#### STATEMENT OF FACT

The purpose of this amendment is to prepare Maine citizens for the decommissioning of nuclear energy generating facilities. Each facility has an operating life cycle after which measures must be taken to decommission the facility. This bill provides for that process without imposing a burden upon the nuclear utilities. The cost of decommissioning is spread out over the life cycle of the plant, which will ease the financial burden borne by users at the time of decommissioning. A separate decommissioning account administered by the Treasurer of State will be maintained for decommissioning the facility to ensure that the funds are available at the time they are needed.

A decommissioning committee will study and formulate a decommissioning plan and procedure for each facility. The committee will establish the cost of decommissioning, which the Public Utilities Commission will use to assess nuclear power facilities. Decommissioning assessments shall be considered normal business expenditures by the PUC.