

# MAINE STATE LEGISLATURE

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L.D. 1416

(Filing No. H- 338)

STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
113TH LEGISLATURE  
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1053, L.D. 1416, Bill, "AN ACT to Establish a State Nuclear Safety Program for Commercial Nuclear Power Facilities in the State."

Amend the Bill by striking out all of the title and inserting in its place the following:

'AN ACT to Establish a State Nuclear Safety Inspection and Monitoring Program for Commercial Nuclear Power Facilities in the State.'

Further amend the Bill by striking out everything after the enacting clause and inserting in its place the following:

'Sec. 1. 22 MRSA c. 159-A is enacted to read:

CHAPTER 159-A

STATE NUCLEAR SAFETY PROGRAM

§661. Public policy

In the interests of the public health and welfare of the people of this State, it is the declared public policy of this State that the operation of nuclear power facilities licensed to operate in the State shall be accomplished in a manner consistent with protection of the public health and safety and in compliance with the environmental protection policies of this State. It is the purpose of this chapter, in conjunction with sections 671 to 690; Title 25, sections 51 and 52; Title 37-B, section 951; and Title 35, sections 3331 to 3393, to exercise the jurisdiction of the State to the maximum extent permitted by the United States Constitution and federal law and to

COMMITTEE AMENDMENT "A" to H.P. 1053, L.D. 1416

1 establish in cooperation with the Federal Government  
2 a State Nuclear Safety Inspector Program for the on-  
3 site monitoring, regulatory review and oversight of  
4 the operations of commercial nuclear power facilities  
5 within the State which hold an operating license is-  
6 sued by the United States Nuclear Regulatory Commis-  
7 sion. Nothing in this chapter may be construed as an  
8 attempt by the State to regulate radiological health  
9 and safety reserved to the Federal Government by rea-  
10 son of the United States Atomic Energy Act of 1954,  
11 as amended.

12 §662. Definitions

13 As used in this chapter, unless the context oth-  
14 erwise indicates, the following terms have the fol-  
15 lowing meanings.

16 1. Commercial nuclear power facility or facili-  
17 ty. A "commercial nuclear power facility" or "facili-  
18 ty" means a utilization facility situated in this  
19 State which holds an operating permit or license is-  
20 ssued by the United States Nuclear Regulatory Commis-  
21 sion.

22 §663. State Nuclear Safety Inspector

23 There is established within the Department of Hu-  
24 man Services the State Nuclear Safety Inspector Of-  
25 ice administered by a State Nuclear Safety Inspec-  
26 tor. The State Nuclear Safety Inspector shall be a  
27 classified employee, subject to the Civil Service  
28 Law.

29 1. Qualifications. The State Nuclear Safety In-  
30 spector shall be an individual knowledgeable in the  
31 field of commercial nuclear power production and  
32 shall possess, at a minimum, a master's degree with  
33 major work in nuclear, mechanical, electrical or  
34 chemical engineering and have at least 3 years expe-  
35 rience in nuclear operations.

COMMITTEE AMENDMENT "A" to H.P. 1053, L.D. 1416

1           2. Duties. The State Nuclear Safety Inspector  
2 shall serve as an on-site nuclear safety inspector of  
3 commercial nuclear power facilities and on-site stor-  
4 age and transportation of nuclear waste.

5           3. Staff. The State Nuclear Safety Inspector  
6 shall employ such other personnel as may be necessary  
7 to carry out the purposes of this chapter.

8           §664. Responsibility of nuclear power plant licens-  
9 ees.

10           The responsibility of nuclear power plant licens-  
11 ees is as follows.

12           1. Records. Each nuclear power plant licensee  
13 shall permit the inspection and copying, for the pur-  
14 poses of this chapter, of its books and records,  
15 maintained in any form, provided that books and  
16 records that are privileged as a matter of law, pro-  
17 prietary, security-related, or restricted by federal  
18 law, shall not be open to inspection. Subject to the  
19 approval of the Nuclear Regulatory Commission and of  
20 the nuclear power plant licensee, access to books and  
21 records which are proprietary, security-related or  
22 restricted by federal law may be granted, if the  
23 State Nuclear Safety Inspector, on behalf of the  
24 State, enters into a nondisclosure agreement. For  
25 purposes of this section, proprietary information in-  
26 cludes personnel records, manufacturers' proprietary  
27 information, licensee proprietary information and  
28 trade secrets, as defined by Title 26, section 1711,  
29 subsection 12.

30           2. Monitoring. Each nuclear power plant licens-  
31 ee shall permit monitoring, for the purposes of this  
32 chapter, of the premises, equipment and materials,  
33 including source, special nuclear and by-product ma-  
34 terials, in its possession or use, or subject to its  
35 control. For the purposes of this subsection, moni-  
36 toring means observing the conduct of operations, in-  
37 cluding maintenance, quality assurance activities,

1 the preparation, transportation and handling of ra-  
2 dioactive waste, emissions monitoring, radiation pro-  
3 tection and the observation of emergency preparedness  
4 tests and drills. Nothing in this chapter prohibits a  
5 State Nuclear Safety Inspector from participating in  
6 licensee training activities which are scheduled for  
7 licensee personnel.

8       3. Access. The licensee shall provide the State  
9 Nuclear Safety Inspector with unescorted access to  
10 the plant at all times and on an identical basis as  
11 that provided to licensee personnel with unescorted  
12 access clearance, provided that the State Nuclear  
13 Safety Inspector complies with the licensee's appli-  
14 cable access control measures for security,  
15 radiological protection, personal safety and fitness  
16 for duty. The State Nuclear Safety Inspector shall be  
17 subject to and comply with such continuing security  
18 procedures and periodic medical testing which is ap-  
19 plicable to all licensee employees as may be required  
20 to retain unrestricted facility access.

21       4. On-site facilities. Any nuclear power plant  
22 licensee, upon the request of the commissioner, shall  
23 provide rent-free space, including all necessary  
24 utility and janitorial services, for the exclusive  
25 use of the State Nuclear Safety Inspector. The office  
26 shall be convenient to and have full access to the  
27 nuclear power facility and shall provide the State  
28 Nuclear Safety Inspector with privacy.

29       5. Fees. Each nuclear power plant licensee  
30 whose operations are monitored under this chapter  
31 shall pay to the permanent fund established by chap-  
32 ter 160, section 680, subsection 7, for allocation to  
33 the Department of Human Services, the full cost of  
34 the on-site inspection program, including the cost to  
35 the State of personnel and fringe benefits.

36 \$665. United States Nuclear Regulatory Commission  
37 activities.

COMMITTEE AMENDMENT "A" to H.P. 1053, L.D. 1416

1           The State Nuclear Safety Inspector shall take all  
2 reasonable steps to cooperate with any on-site resi-  
3 dent inspectors employed by the United States Nuclear  
4 Regulatory Commission in a manner which enables these  
5 employees to fulfill their responsibilities under  
6 federal law and regulation. Subject to the approval  
7 of the United States Nuclear Regulatory Commission  
8 and of the licensee, and pursuant to Title 25, sec-  
9 tion 51, the State Nuclear Safety Inspector shall ob-  
10 serve United States Nuclear Regulatory Commission in-  
11 spections, meetings and audits as they pertain to the  
12 safety of the licensee's operations and procedures.

13 §666. Responsibilities of the State Nuclear Safety  
14 Inspector.

15           The responsibilities of the State Nuclear Safety  
16 Inspector are as follows.

17           1. Damages to public health and safety. In the  
18 event the State Nuclear Safety Inspector has reason  
19 to believe that any activity poses a danger to public  
20 health and safety, and after notifying the operator  
21 of the facility and the United States Nuclear Regula-  
22 tory Commission, the inspector shall immediately no-  
23 tify the Governor, the Commissioner of Human Services  
24 and the State Nuclear Safety Advisor within the State  
25 Planning Office. This provision should not be con-  
26 strued as precluding the State Nuclear Safety Inspec-  
27 tor from discussing his concerns with the United  
28 States Nuclear Regulatory Commission or others before  
29 making a determination that any activity poses a dan-  
30 ger to public health and safety.

31           2. Reports. The State Nuclear Safety Inspector,  
32 with the cooperation of the Director of Health Engi-  
33 neering, shall prepare a report of his activities  
34 under this chapter to be submitted January 1st of  
35 each year to the State Nuclear Safety Advisor and the  
36 Legislature. The State Nuclear Safety Inspector shall  
37 prepare monthly reports for the State Nuclear Safety  
38 Advisor, the President of the Senate and the Speaker

1 of the House, with copies to the United States Nuclear  
2 Regulatory Commission and the licensee.

3 3. Confidential and privileged information. The  
4 State Nuclear Safety Inspector shall keep confidential  
5 and privileged the identity of any person providing  
6 communications which, in the opinion of the  
7 State Nuclear Safety Inspector, support a presumption  
8 of unsafe operation of a commercial nuclear power facility  
9 or which indicate any violation of the  
10 licensee's operating license issued by the United  
11 States Nuclear Regulatory Commission, unless the request  
12 for confidentiality is waived or withdrawn by  
13 such person. The safety inspector shall make all prudent  
14 efforts to investigate the basis for any related  
15 allegation of unsafe or improper operation and shall  
16 cooperate to the extent feasible with the United  
17 States Nuclear Regulatory Commission personnel in  
18 this effort. Any information brought to the attention  
19 of the state inspector which involves the safety of  
20 the plant or a possible violation of United States  
21 Nuclear Regulatory Commission regulations shall be  
22 immediately brought to the attention of the United  
23 States Nuclear Regulatory Commission and the licensee.  
24

25 §667. Liability

26 Notwithstanding any provisions to the contrary  
27 which are otherwise established by the Maine Tort  
28 Claims Act, the State shall be liable for the negligent  
29 acts or omissions of the State Nuclear Safety  
30 Inspector, or any personnel under his direct supervision  
31 and control, which occur on the site of a commercial  
32 nuclear power facility and which result in  
33 property damage, bodily injury, death or regulatory  
34 penalties.

35 Sec. 2. 22 MRSA §673, sub-§3-A is enacted to  
36 read:

37 3-A. Commercial nuclear power facility or facil-

COMMITTEE AMENDMENT "A" to H.P. 1053, L.D. 1416

1 ity. A "commercial nuclear power facility" or "facil-  
2 ity" means a utilization facility situated in this  
3 State which holds an operating permit or license is-  
4 ssued by the United States Nuclear Regulatory Commis-  
5 sion.

6 **Sec. 3. 22 MRSA §674, sub-§4, ¶¶H and I, as en-**  
7 **acted by PL 1983, c. 345, §§13 and 14, are amended to**  
8 **read:**

9 H. Encourage, participate in, or conduct  
10 studies, investigations, training, research and  
11 demonstrations relating to control of sources of  
12 radiation; and

13 I. Collect and disseminate information relating  
14 to control of sources of radiation, including:

15 (1) Maintenance of a file of all license  
16 applications, issuances, denials, amend-  
17 ments, transfers, renewals, modifications,  
18 suspensions and revocations;

19 (2) Maintenance of a file of registrants  
20 possessing sources of radiation requiring  
21 registration under this Act and any adminis-  
22 trative or judicial action pertaining there-  
23 to; and

24 (3) Maintenance of a file of all of the de-  
25 partment's rules relating to regulation of  
26 sources of radiation, pending or promul-  
27 gated, and proceedings thereon;

28 **Sec. 4. 22 MRSA §674, sub-§4, ¶¶J and K are en-**  
29 **acted to read:**

30 J. Establish and maintain a continuous radiation  
31 monitoring system to record the radioactive lev-  
32 els of gaseous and liquid discharges from any  
33 commercial nuclear power facility operating in  
34 the State; and



COMMITTEE AMENDMENT "A" to H.P. 1053, L.D. 1416

1           K. Establish and maintain an off-site monitoring  
2           network to provide continuous monitoring of gamma  
3           radiation levels within the vicinity of any com-  
4           mercial nuclear power facility operating in the  
5           State. Portable off-site monitoring devices  
6           shall be made available to members of the public  
7           to establish a network of volunteer monitors who  
8           shall report to the department their finds. For  
9           this purpose, the department shall make Geiger  
10           Rate meters available to 50 volunteer monitors.  
11           In addition to the placement of Geiger Rate me-  
12           ters, the department shall place 20 Gamma Scin-  
13           tillation Detection Devices in homes of members  
14           of the public who volunteer to participate in the  
15           program. The volunteers with Gamma Scintillation  
16           Detection Devices shall also be provided with  
17           2-way radios so they can report their findings in  
18           the case of emergency. All volunteers will as-  
19           sist the department in its continuous monitoring  
20           network. All off-site monitoring devices shall  
21           be geographically distributed throughout the sur-  
22           veillance area to provide the most effective mon-  
23           itoring network. The department shall adopt  
24           rules to provide for the selecting of the  
25           volunteers, the appropriate and accurate use of  
26           the meters and devices and the method and fre-  
27           quency of reporting to the department and other  
28           procedures necessary to implement the program.

29           **Sec. 5. 22 MRSA §674, sub-§5, as enacted by PL**  
30           **1983, c. 345, §§13 and 14, is amended to read:**

31           5. Coordination. ~~The~~ In consultation with the  
32           State Nuclear Safety Advisor in fulfillment of his  
33           duties pursuant to Title 25, sections 51 and 52, the  
34           commissioner shall serve as the coordinator of radia-  
35           tion activities among the Bureau of Civil Emergency  
36           Preparedness, Department of Public Safety, Department  
37           of Human Services and Department of Environmental  
38           Protection. The commissioner shall:

COMMITTEE AMENDMENT "A" to H.P. 1053, L.D. 1416

1 A. Consult with and review regulations and pro-  
2 cedures of the agencies and federal law to assure  
3 consistency and to prevent unnecessary duplica-  
4 tion, inconsistencies or gaps in regulatory re-  
5 quirements; and

6 B. Review, prior to promulgation, the proposed  
7 rules of all agencies of the State relating to  
8 use of control of radiation, to assure that these  
9 rules are consistent with the Maine Administra-  
10 tive Procedure Act, Title 5, chapter 375, and  
11 rules of other agencies of the State. The review  
12 shall be completed within 15 days.

13 If the commissioner determines that proposed rules  
14 are inconsistent with rules of other agencies of the  
15 State or federal law, he shall consult with the agen-  
16 cies involved in an effort to resolve these inconsis-  
17 tencies. In the event no inconsistency is reported  
18 within 15 days, the proposed rules shall be presumed  
19 consistent for the purposes of this subsection. Upon  
20 notification by the commissioner that the inconsis-  
21 tency has not been resolved, the Governor may find  
22 that the proposed rules or parts thereof are incon-  
23 sistent with rules of other agencies of the State or  
24 the Federal Government and may issue or order to that  
25 effect, in which event the proposed rules or parts  
26 thereof shall not become effective. The Governor  
27 may, in the alternative, upon a similar determina-  
28 tion, direct the appropriate agency or agencies to  
29 amend or repeal existing rules to achieve consistency  
30 with the proposed rules.

31 Sec. 6. 22 MRSA §676, sub-§4, as enacted by PL  
32 1983, c. 345, §§13 and 14, is amended to read:

33 4. Radioactive waste. The Department of Environ-  
34 mental Protection shall coordinate management of and  
35 shall serve as liaison point of contact with the  
36 United States Nuclear Regulatory Commission for  
37 high-level and low-level radioactive wastes, in con-  
38 sultation with the State Nuclear Safety Advisor in

1 fulfillment of his duties pursuant to Title 25, sec-  
2 tions 51 and 52, and the State Nuclear Safety Inspec-  
3 tor in fulfillment of his duties pursuant to chapter  
4 159-A.

5 **Sec. 7. 22 MRSA §680, sub-§7**, as enacted by PL  
6 1983, c. 345, §§13 and 14, is repealed and the fol-  
7 lowing enacted in its place:

8 7. Permanent fund. All fees shall be paid to  
9 the Treasurer of State to be maintained in a perma-  
10 nent fund and used to carry out the purposes of this  
11 chapter and chapter 159-A.

12 **Sec. 8. 22 MRSA §682, sub-§1**, as enacted by PL  
13 1983, c. 345, §§13 and 14, is amended to read:

14 1. Authorized. The department or its duly autho-  
15 rized representatives may enter at all reasonable  
16 times upon any private or public property for the  
17 purpose of determining whether or not there is com-  
18 pliance with or violation of the provisions of this  
19 Act and the rules issued thereunder, except that en-  
20 try into areas under the jurisdiction of the Federal  
21 Government or its duly designated representative  
22 shall be subject to section 684 and Title 25, sec-  
23 tions 51 and 52, which are incorporated by reference  
24 as provisions of this chapter.

25 **Sec. 9. 25 MRSA §51**, as amended by PL 1971, c.  
26 592, §37, is further amended to read:

27 §51. Agreements

28 The Governor, the Department-of-Health-and-Well-  
29 fare-and-the-Bureau-of-State-Police, or any person,  
30 department or agency designated by the Governor De-  
31 partment of Human Services and other state agencies  
32 designated in Title 22, section 676, in consultation  
33 with the State Nuclear Safety Advisor, in fulfillment  
34 of his duties pursuant to section 52, shall have au-  
35 thority to enter into agreements, understandings or

COMMITTEE AMENDMENT "A" to H.P. 1053, L.D. 1416

1 arrangements with any other department or agency of  
2 this State, any federal agency, state, political sub-  
3 division or person to provide for mutual aid plans,  
4 emergency plans, evacuation plans and their implemen-  
5 tation, memoranda of understanding and any other  
6 agreements deemed necessary to protect public and  
7 property in this State from hazards or dangers from  
8 radiation, radioactive materials, nuclear materials  
9 or the occurrence of a radiological incident as a re-  
10 sult of the presence of, release of or emissions from  
11 radioactive materials, radioactivity or nuclear mate-  
12 rials in this State. The hazards or dangers referred  
13 to in this section shall be only those arising from  
14 the peaceful use, transportation or storage of nucle-  
15 ar or atomic materials.

16 Sec. 10. 25 MRSA §52 is enacted to read:

17 §52. State Nuclear Safety Advisor

18 1. State Nuclear Safety Advisor position estab-  
19 lished. There is established within the State Plan-  
20 ning Office a State Nuclear Safety Advisor position,  
21 which shall be an unclassified, confidential posi-  
22 tion. The State Nuclear Safety Advisor shall be an  
23 individual knowledgeable in the field of nuclear pow-  
24 er production.

25 2. Duties. The State Nuclear Safety Advisor  
26 shall have the following duties:

27 A. To advise the Governor and the Legislature on  
28 issues pertaining to the safe operation of nucle-  
29 ar facilities and the safe transportation and  
30 storage of nuclear waste;

31 B. To consult with other agencies of State Gov-  
32 ernment or Federal Government whose activities  
33 pertain to the issues in paragraph A;

34 C. To review and evaluate and to advise the Gov-  
35 ernor and the Legislature on activities conducted

COMMITTEE AMENDMENT "A" to H.P. 1053, L.D. 1416

1 by other states to inspect and monitor the safe  
2 operation of nuclear facilities and the safe  
3 transportation and storage of nuclear waste; and

4 D. To prepare a report of his activities under  
5 this section to be submitted January 15th of each  
6 year to the Governor and the Legislature.

7 For purposes of this section, "commercial nuclear  
8 power facility" or "facility" means a utilization fa-  
9 ility situated in this State which holds an operat-  
10 ing permit or license issued by the United States Nu-  
11 clear Regulatory Commission.

12 3. Fees. Each nuclear power plant licensee  
13 whose operations are monitored under this section  
14 shall pay to the permanent fund established by chap-  
15 ter 160, section 680, subsection 7, for allocation to  
16 the State Planning Office, the full cost of the State  
17 Nuclear Safety Advisor, including the personnel costs  
18 and fringe benefits.

19 Sec. 11. 37-B MRSA \$960, as reallocated by PL  
20 1983, c. 816, Pt. B, §14, is repealed and the follow-  
21 ing enacted in its place:

22 §960. Emergency planning area

23 The emergency planning area is identified as fol-  
24 lows.

25 1. Primary Emergency Planning Zone. The Primary  
26 Emergency Planning Zone shall be designated by the  
27 Bureau of Civil Emergency Preparedness by rule as the  
28 zone where specific evacuation plans are required to  
29 protect from radiation exposure by the inhalation  
30 pathway. Unless changed by rule, the Primary Emer-  
31 gency Planning Zone shall be the Emergency Planning  
32 Zone contained in the existing Emergency Radiological  
33 Preparedness Plan, with approximately a 10-mile radi-  
34 us around any nuclear power plant. The Primary Emer-  
35 gency Planning Zone shall be compatible with applica-

COMMITTEE AMENDMENT "A" to H.P. 1053, L.D. 1416

1 ble federal laws and regulations.

2 1-A. Secondary Emergency Planning Zone. The  
3 Secondary Emergency Planning Zone shall be designated  
4 by the Bureau of Civil Emergency Preparedness, by  
5 rule, as the zone beyond the Primary Emergency Plan-  
6 ning Zone where protective action plans, pursuant to  
7 the State's police powers, are required:

8 A. To further protect the health and safety of  
9 the State's citizens from exposure or other po-  
10 tential dangers in that zone; and

11 B. To protect the State's economic interests.

12 The Secondary Emergency Planning Zone shall extend  
13 from the Primary Emergency Planning Zone to an area  
14 with at least a 19-mile radius around any nuclear  
15 power plant.

16 2. Ingestion Pathway Zone. The Ingestion  
17 Pathway Zone shall be designated by the Bureau of  
18 Civil Emergency Preparedness, by rule, as the zone  
19 where protective action plans are required relative  
20 to the food chain. The Ingestion Pathway Zone shall  
21 extend from the Primary Emergency Planning Zone to an  
22 area with at least a 50-mile radius centered on any  
23 nuclear power plant.

24 Sec. 12. Allocation. There is allocated from  
25 the permanent fund established by the Maine Revised  
26 Statutes, Title 22, section 680, subsection 7, the  
27 following funds, to carry out the purposes of this  
28 Act.

29 1987-88 1988-89

30 EXECUTIVE DEPARTMENT

31 State Planning Office

32 Positions (1) (1)

COMMITTEE AMENDMENT "A" to H.P. 1053, L.D. 1416

1	Personal Services	\$36,600	\$51,240
2	All Other	5,000	5,000
3	Capital Expenditures	1,500	
4			
5	Total	<u>\$43,100</u>	<u>\$56,240</u>

6 Provides funds for  
 7 the State Nuclear  
 8 Safety Advisor.

9 HUMAN SERVICES,  
 10 DEPARTMENT OF

11 Bureau of Health Engineering

12	Positions	(1)	(1)
13	Personal Services	\$ 40,600	\$56,240
14	All Other	18,350	22,800
15	Capital Expenditures	93,200	10,400
16			
17	Total	<u>\$152,150</u>	<u>\$89,440</u>

18 Provides funds for  
 19 the State Nuclear  
 20 Safety Inspector,  
 21 part-time clerical  
 22 support and the cap-  
 23 ital items required  
 24 by Section 4 of this  
 25 Act.

26 FISCAL NOTE

27 This bill allocates \$195,250 in fiscal year  
 28 1987-88 and \$145,680 in fiscal year 1988-89 from the  
 29 dedicated revenue account for nuclear monitoring es-  
 30 tablished by the Maine Revised Statutes, Title 22,  
 31 section 680. This account is funded by fees charged  
 32 to Maine Yankee. In addition, there may be a future  
 33 cost to this dedicated account due to the allowance

COMMITTEE AMENDMENT "A" to H.P. 1053, L.D. 1416

1 for additional personnel that may be hired, if neces-  
2 sary, at the Department of Human Services. There is  
3 also a potential future cost to the General Fund sub-  
4 ject to the amount of additional planning needed to  
5 develop action plans for the Secondary Emergency  
6 Planning Zone.'

7 STATEMENT OF FACT

8 This amendment replaces the original bill.

9 Sections 1, 2 and 5 thru 10 of this amendment  
10 amend the Radiation Protection Act, and the Gover-  
11 nor's statutory powers in a radioactive emergency, to  
12 provide for on-site state monitoring of the Maine  
13 Yankee Atomic Power Plant. The State Nuclear Safety  
14 Inspector located in the Department of Human Services  
15 will regularly advise the Governor of dangers to the  
16 public health and safety and will report periodically  
17 to the Governor and the Legislature concerning his  
18 inspection activities. The on-site monitoring will be  
19 carried out by an engineer with knowledge and experi-  
20 ence in the area of nuclear power employed by the  
21 State. The State shall be responsible for any negli-  
22 gent acts of the State Nuclear Safety Inspector on  
23 the site of the nuclear power plant. This amendment  
24 also establishes the position of the State Nuclear  
25 Safety Advisor, located in the State Planning Office,  
26 to advise the Governor and the Legislature and to  
27 consult with off-site state agencies concerning the  
28 operation of nuclear facilities and the safe trans-  
29 portation and storage of nuclear waste. He shall also  
30 review, evaluate and report on other state-initiated  
31 nuclear safety activities. The cost of the program  
32 will be paid for through an assessment on the Maine  
33 Yankee Atomic Power Company. To the extent that any  
34 nuclear plant operations violate the Radiation Pro-  
35 tection Act, this bill incorporates the civil and  
36 criminal penalties of that Act.



COMMITTEE AMENDMENT " " to H.P. 1053, L.D. 1416

1 Sections 3 and 4 of this amendment concern on-  
2 site and off-site monitoring. First, the amendment  
3 requires the Department of Human Services, which is  
4 designated in current law as the State Radiation Control  
5 Agency, to establish an independent on-site radiation  
6 monitoring system to monitor and record radioactive  
7 emissions from a nuclear power facility operating  
8 in Maine. The system will continuously  
9 transmit this information to the department's Augusta  
10 office.

11 The Nuclear Regulatory Commission has estimated  
12 that there is a 50/50 chance of a serious accident  
13 occurring at a nuclear power plant in the United  
14 States before the year 2000. This probability in-  
15 creases with the age of any individual plant and,  
16 with the increased probability of an accident, there  
17 is an increased need for vigilance. This bill pro-  
18 vides the State with independent access to timely and  
19 accurate information which will be needed in order to  
20 set policy and manage any emergency which may arise.  
21 The costs of the monitoring program are to be covered  
22 by generator fees established by the department under  
23 existing law.

24 The objectives of the remote monitoring system  
25 are threefold: Early warning of nuclear reactor  
26 events having a potential off-site impact; fast-risk  
27 analysis of reactor systems; and a rapid verification  
28 of a radioactive release to the environment. Each of  
29 these objectives plays an essential role in assuring  
30 the ability to recommend prompt off-site protection.

31 Section 4 of this amendment also requires the De-  
32 partment of Human Services, which is designated in  
33 current law as the State Radiation Control Agency, to  
34 establish an off-site system to monitor gamma radia-  
35 tion around nuclear power facilities located in the  
36 State. Nuclear power plants produce radioactive ma-  
37 terials which emit gamma radiation. The monitoring  
38 system will warn of elevated radiation levels and  
39 track their flow. Such a system will provide an in-

COMMITTEE AMENDMENT "A" to H.P. 1053, L.D. 1416

1 dependent source of information to supplement the  
2 present information provided by the generating facil-  
3 ity, which is not always timely or accurate. The in-  
4 formation such a monitoring system could provide  
5 would be instrumental in any fast-developing emergen-  
6 cy situation.

7 It is the intent of this amendment that the re-  
8 quired off-site monitoring system be implemented by  
9 expanding the existing network of volunteer monitor-  
10 ing. Additional radiation monitoring instruments  
11 would be provided to volunteer monitors in the Emer-  
12 gency Planning Zone who will maintain the instru-  
13 ments, perform periodic checks of their operation and  
14 report to the Department of Human Services.

15 In addition, section 11 of this amendment estab-  
16 lishes a Secondary Emergency Planning Zone covering a  
17 19-mile radius from the nuclear plant. Within this  
18 zone the State may make plans to provide for the  
19 health and safety of its citizens. This Secondary  
20 Emergency Planning Zone complements, but does not  
21 conflict with, the existing Primary Emergency Plan-  
22 ning Zone, which covers a 10-mile radius and the In-  
23 gestion Pathway Zone which covers a 50-mile radius.  
24 The Secondary Emergency Planning Zone is being cre-  
25 ated to provide state health and safety planning  
26 within a more realistic area. During the Chernobyl  
27 nuclear disaster over 135,000 people were evacuated  
28 from a 19-mile radius surrounding that nuclear plant.

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6/12/87 (Filing No. H-338)