

# MAINE STATE LEGISLATURE

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Date: 2/6/08

L.D. 1918  
(Filing No. H-671)

**UTILITIES AND ENERGY**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
123RD LEGISLATURE  
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 1351, L.D. 1918, Bill, "An Act To Ensure Adequate Funding for the Oversight of Spent Nuclear Fuel Storage in Maine"

Amend the bill in the emergency preamble by striking out the 4th paragraph (page 1, lines 8 and 9 in L.D.) and inserting the following:

**'Whereas,** the length of time that spent fuel will be stored in Maine and the necessary activities and associated costs to provide sufficient oversight are uncertain and require careful and coordinated review; and'

Amend the bill by striking out everything after the enacting clause and before the emergency clause and inserting the following:

'35-A MRSA §4397 is enacted to read:

**§4397. Review of oversight activities and funding; report; additional assessments**

**1. Review.** Representatives of the Office of the Public Advocate, the Department of Public Safety, the radiation control program of the Department of Health and Human Services and the Department of Environmental Protection; an independent expert in radiological and nuclear engineering selected by the Public Advocate; and a licensee operating an interim spent fuel storage facility in this State, referred to in this section as "the licensee," shall meet on a regular basis and no fewer than 4 times per calendar year:

**A.** To review activities being undertaken by the licensee, the Office of the Public Advocate, the Department of Public Safety and other agencies of State Government, including, but not limited to, the Department of Health and Human Services and the Department of Environmental Protection, with respect to ensuring:

**(1)** The protection of public health and safety at the site of the interim spent fuel storage facility; and

**(2)** Timely contract performance by the United States Department of Energy regarding the removal of spent nuclear fuel from the site;

**COMMITTEE AMENDMENT**

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COMMITTEE AMENDMENT "A" to H.P. 1351, L.D. 1918

1 B. To identify necessary activities to be undertaken by the parties in paragraph A for  
2 the next calendar year to ensure the protection of public health and safety at the site  
3 of the interim spent fuel storage facility and timely contract performance by the  
4 United States Department of Energy regarding the removal of spent nuclear fuel from  
5 the site; and

6 C. To develop recommendations regarding funding requirements to carry out the  
7 activities identified in paragraph B.

8 **2. Report.** Based on the activities conducted under subsection 1, the Office of the  
9 Public Advocate, in consultation with the Department of Public Safety, the radiation  
10 control program of the Department of Health and Human Services, the Department of  
11 Environmental Protection, the independent expert in radiological and nuclear engineering  
12 selected by the Public Advocate and the licensee, referred to in this subsection as "the  
13 consulting parties," shall prepare and submit an annual report to the joint standing  
14 committee of the Legislature having jurisdiction over utilities and energy matters no later  
15 than February 15th of each year. The report must provide a summary of the review  
16 conducted pursuant to subsection 1 and include specific recommendations regarding  
17 funding requirements for the next calendar year pursuant to subsection 1, paragraph C. If  
18 the Office of the Public Advocate and the consulting parties are unable to agree on  
19 recommendations regarding funding requirements, the consulting parties shall submit  
20 their individual recommendations in writing to the Office of the Public Advocate and the  
21 Office of the Public Advocate shall include the individual recommendations of the  
22 consulting parties in the report. The Office of the Public Advocate, with input from the  
23 consulting parties, shall determine the format of the report. To assist in the preparation of  
24 the report, the Department of Public Safety, the Department of Health and Human  
25 Services and the Department of Environmental Protection shall submit to the Office of  
26 the Public Advocate no later than December 15th of each year an annual accounting of  
27 expenditures of funds from the Interim Spent Fuel Storage Facility Oversight Fund  
28 established pursuant to section 4396.

29 **3. Authority for legislation; annual fee.** The joint standing committee of the  
30 Legislature having jurisdiction over utilities and energy matters shall review the report  
31 submitted under subsection 2, including, but not limited to, the recommendations  
32 regarding funding requirements. On the basis of its review, the committee may submit  
33 legislation to amend the level of the annual fee required of the licensee under section  
34 4395.

35 **4. Expenses.** In addition to any other fees or payments required under this  
36 subchapter, the licensee shall pay for reasonable and necessary expenses of the Office of  
37 the Public Advocate in fulfilling the requirements of this section, up to a maximum of  
38 \$15,000 for calendar year 2008 and up to a maximum of \$10,000 per year in each  
39 subsequent calendar year until the calendar year following the year the spent nuclear fuel  
40 is removed from the site.

41 **Sec. 2. Appropriations and allocations.** The following appropriations and  
42 allocations are made.

43 **EXECUTIVE DEPARTMENT**

44 **Public Advocate 0410**

H. 013

COMMITTEE AMENDMENT "A" to H.P. 1351, L.D. 1918

1 Initiative: Allocates funds received from the licensee operating a spent nuclear fuel  
2 facility in the State for expenses associated with the meeting coordination and reporting  
3 requirements of the Office of the Public Advocate pursuant to the Maine Revised  
4 Statutes, Title 35-A, section 4397. These funds are in addition to funds received from the  
5 licensee under Title 35-A, section 4395.

6			
7	<b>OTHER SPECIAL REVENUE</b>	<b>2007-08</b>	<b>2008-09</b>
8	<b>FUNDS</b>		
9	All Other	\$0	\$15,000
10			
11	OTHER SPECIAL REVENUE	\$0	\$15,000
12	FUNDS TOTAL		

13

14 **SUMMARY**

15 This amendment replaces the bill. The amendment requires representatives of the  
16 Office of the Public Advocate, the Department of Public Safety, the radiation control  
17 program of the Department of Health and Human Services and the Department of  
18 Environmental Protection; an independent expert in radiological and nuclear engineering  
19 selected by the Public Advocate; and the operator of an interim spent fuel storage facility  
20 in the State, the Maine Yankee Atomic Power Company, to meet periodically to review  
21 oversight activities being undertaken with regard to the spent nuclear fuel storage facility;  
22 to identify necessary activities and funding requirements for the next calendar year; and  
23 to prepare and submit an annual report with specific recommendations regarding funding  
24 requirements for the next calendar year to the joint standing committee of the Legislature  
25 having jurisdiction over utilities and energy matters. After reviewing the report, the  
26 committee may submit legislation to amend the level of the annual fee that the licensee is  
27 required to pay to the State to cover oversight activities. The amendment also requires  
28 the licensee to pay for reasonable and necessary expenses of the Office of the Public  
29 Advocate in coordinating the review and preparing the annual report, up to a maximum of  
30 \$15,000 in the first year and \$10,000 in subsequent years and provides for the allocation  
31 of those funds.

32 **FISCAL NOTE REQUIRED**  
33 (See attached)

**COMMITTEE AMENDMENT**



# 123rd MAINE LEGISLATURE

LD 1918

LR 2692(03)

## An Act To Ensure Adequate Funding for the Oversight of Spent Nuclear Fuel Storage in Maine

Fiscal Note for Bill as Amended by Committee Amendment "A"

Committee: Utilities and Energy

Fiscal Note Required: Yes

### Fiscal Note

	2007-08	2008-09	Projections 2009-10	Projections 2010-11
<b>Appropriations/Allocations</b>				
Other Special Revenue Funds	\$0	\$15,000	\$10,000	\$10,000
<b>Revenue</b>				
Other Special Revenue Funds	\$0	\$15,000	\$10,000	\$10,000

#### Fiscal Detail and Notes

The Office of the Public Advocate within the Executive Department will receive an additional assessment of \$15,000 in fiscal year 2008-09 and \$10,000 annually thereafter to pay for expenses associated with coordinating oversight review activities and report requirements. The bill includes an Other Special Revenue Funds allocation to the Office of the Public Advocate of \$15,000 in fiscal year 2008-09 and will require additional allocations of \$10,000 in subsequent years for the above mentioned expenses.

The additional costs to the Department of Public Safety, the Department of Health and Human Services and the Department of Environmental Protection related to attending meetings and preparing reports can be absorbed within existing resources.