

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

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

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the oversight of interim spent fuel storage in Maine is critical to the health and safety of the people of Maine; and

Whereas, sufficient funding for the performance of radiation and environmental monitoring, security and safety-related activities is necessary for the performance of that oversight; and

Whereas, the length of time that spent fuel will be stored in Maine and the costs associated with overseeing that spent fuel are increasing; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 35-A MRSA §4395, sub-§2, as enacted by PL 2005, c. 254, Pt. A, §2, is amended to read:

2. Calendar years 2006 and 2007. Calendar years 2006 and 2007, \$360,000 per year; and

Sec. 2. 35-A MRSA §4395, sub-§3, as enacted by PL 2005, c. 254, Pt. A, §2, is repealed.

Sec. 3. 35-A MRSA §4395, sub-§4, as enacted by PL 2005, c. 254, Pt. A, §2, is amended to read:

4. Calendar years 2008 to 12th month. Calendar years ~~2009~~2008 to the 12th month of the year following the year the spent nuclear fuel is removed from the site, ~~\$170,000~~\$360,000 multiplied by the inflation index per year. For the purposes of this subsection, "inflation index" means the Consumer Price Index as defined in Title 36, section 5402, subsection 1 for the calendar year ending on the December 31st immediately preceding the year in which the payment is due, divided by the Consumer Price Index for the prior calendar year. The commission annually shall publish the indexed assessment due pursuant to this subsection.

Sec. 4. 35-A MRSA §4395, as enacted by PL 2005, c. 254, Pt. A, §2, is amended by adding a new 2nd paragraph to read:

Beginning August 15, 2007 and every 5 years thereafter, in addition to the annual fixed fees required by this section, a licensee operating an interim spent fuel storage facility in this State shall make a lump-sum payment to the State to pay for costs associated with the replacement of depreciated or obsolete capital equipment in the amount of \$500,000, multiplied by the inflation index. A licensee shall continue

to make this additional payment until the spent nuclear fuel is removed from the licensee's site. For the purposes of this paragraph, "inflation index" means the Consumer Price Index as defined in Title 36, section 5402, subsection 1 for the calendar year ending on the December 31st immediately preceding the year in which the payment is due, divided by the Consumer Price Index for the calendar year 5 years prior to the year in which the payment is due. By March 15, 2012 and every 5 years thereafter, the commission shall publish the indexed payment due pursuant to this paragraph.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

SUMMARY

Current law establishes an assessment on a licensee operating an interim spent nuclear fuel storage facility in this State; the assessment is scheduled to decrease from \$360,000 per year to \$296,667 for calendar year 2008 and to \$170,000 beginning in 2009 until all spent nuclear fuel is removed from the State.

This bill maintains the assessment at \$360,000 per year until the end of the calendar year in which all spent nuclear fuel is removed from the State. The assessment is indexed to the rate of inflation.

This bill also, beginning August 15, 2007 and every 5 years thereafter, imposes an additional assessment of \$500,000, also indexed to the rate of inflation, on a licensee operating an interim spent fuel storage facility in this State to pay for costs associated with the replacement of depreciated or obsolete capital equipment. Once the spent nuclear fuel is removed from the facility, the additional payments are no longer required.