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State Nuclear Safety Inspector's 2011 Report

On the

Interim Spent Fuel Storage Facility Oversight Fund

to the

Joint Standing Committee on Utilities, Energy and Technology

In the interests of the public's health and welfare, legislation was enacted in the second regular session of the 123rd Legislature and signed by Governor John Baldacci in the spring of 2008, re-establishing a state nuclear safety inspector (SNSI) program for the monitoring, regulatory review and oversight of the Maine Yankee Independent Spent Fuel Storage Installation in Wiscasset, Maine. The legislation went into effect on June 29, 2008.

As part of that legislation an Interim Spent Fuel Storage Facility Oversight Fund, referred to as "the fund", was created as a non-lapsing fund for oversight activities performed by various state agencies, including the Maine Center for Disease Control's Radiation Control Program, the Health and Environmental Testing Laboratory of the Department of Health and Human Services, the Department of Environmental Protection, the Department of Public Safety and the Office of the Public Advocate.

The legislation required the State Nuclear Safety Inspector to prepare an annual accounting of all the funds received into and all disbursements out of the Interim Spent Fuel Storage Facility Oversight Fund to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters by the first Monday in February of each year, or February 6th this year.

The fund accounting period is for the calendar year 2011. The subsequent tables provide the information required under Title 22 of the Maine Revised Statutes Annotated (MRSA) §668, as enacted under Public Law, Chapter 539, in the second regular session of the 123rd Legislature.

Table 1 below exhibits the 2011 revenues received for the Interim Spent Fuel Storage Facility Oversight Fund. Maine Yankee pays a quarterly assessment of $55,000 to the Fund based on an annual fee of $220,000. However, Maine Yankee's 2010 fourth quarterly payment was not received until January 7, 2011, which accounts for why there are five quarterly payments in 2011. A relatively new charge to the Fund is the Department Indirect Cost Allocation Plan (DICAP). The DICAP is defined as a charge to other than general fund appropriation accounts using a percentage assessment against actual expenditures representing the proportional value of indirect benefits received within the department or agency. The DICAP is considered negative revenue. In addition, there was an adjustment for funds that were inappropriately coded to a separate account prior to June 30, 2007. Those funds were transferred back to the State Nuclear Safety Inspector's account last year.

Table 1 - Revenues

Funds Received	
Quarterly Payments from Maine Yankee	$275,000.00
DICAP Transfer	-$7,685.00
Adjustment to prior year balance/unallocated	$3,341.47
Total Fund Revenue:	$270,656.47

Table 2 lists the breakdown of disbursements and expenditures from the Fund and is based primarily on available cash reports. There are three items that warrant some additional explanation. First, last year it was noted that several agencies had not received their previous allotments for the previous fiscal years 2008 through 2010. Over $207,000 was disbursed from the Fund to resolve these past discrepancies. Since the Department established an automated process to disburse funds to the appropriate agencies on a quarterly basis, the $207,000 also included the oversight agencies' 2011 allotments. Second, nearly half of the Health and Environmental Testing Laboratory costs were attributable to the State's monitoring of the air, drinking water, snow, rain and seaweed for radioactivity from Japan's Fukushima nuclear accidents last March. Finally, the Statewide Cost Allocation Plan (STA-CAP) is a charge to Federal Expenditures Fund, Federal Block Grant Fund, Other Special Revenue Funds or other fund accounts using a percentage assessment against the aggregate of monthly actual expenditures for each class and object codes from 3110 through 5999. The Oversight Fund is from dedicated revenues and would therefore be considered a Special Revenue Fund.

Table 2 – Disbursements and Expenditures

Disbursements from the Fund:	$332,195.35
Disbursements to State Nuclear Safety Inspector (SNSI) Office	
SNSI Salary and Benefits	$110,267.24
Transportation Expenses	$278.96
Office Rental, Computers, Utilities, Supplies and Postage	$7,165.02
Sub-Total	$117,711.22
Disbursements to Other State Agencies	
Department of Environmental Protection	$54,822.42
Department of Public Safety	$75,872.35
Department of Health and Human Services' (Administrative Overhead)	$76,421.19
Sub-Total	$207,115.96
Other Expenditures	
Health and Environmental Testing Laboratory Services for the State's Environmental Monitoring Program	$2,028.00
Global Dosimetry Environmental Radiation Devices	$1,100.00

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Health and Environmental Testing Laboratory Services for the State's Environmental Monitoring Program		$2,028.00
Global Dosimetry Environmental Radiation Devices		$1,100.00
Environmental Radiation Monitor Expenses		$180.04
Nuclear Waste Strategy Coalition Dues		$1,000.00
Transfer to General Fund STACAP		$3,060.13
	Sub-Total	$7,368.17

Table 3 below lists the Fund balance at the end of the 2011 calendar year. In 2010 there was an adjustment of $1857.97 due to incorrect coding that was subtracted from the expenditure total. However, as part of the adjustment, there was an unknown expense of $47.96. The source of the expense was later ascribed to an energy retailer, Noble Americas Energy Solution, which was part of the electricity bill for the environmental radiation monitors. Consequently, this amount will be subtracted from the 2010 account balance to correct the balance going forward.

It was noted by Maine Yankee in previous oversight meetings that there was no accounting for the State Nuclear Safety Inspector's accrued vacation and sick leave The computed amount, which is separately listed as an expense, will be maintained as a minimum balance in the account to ensure its proper disbursement should there be a future separation in employment. Presently, there is an ample balance in the account.

Table 3 - Account Balance

Account Balance as of 12/31/10		$146,717.96
Calendar Year 2010 Adjustment for Incorrect Coding		- $47.96
Corrected Year End Balance for 2010		$146,670.00
Revenue Received		$270,656.47
Expenditures		$332,195.35
Account Balance as of 12/31/11	Sub-Total	$85,131.12
SNSI's Accrued Earned Time (Maintain as a minimum balance)		- $34,245.04
Available Balance as of 12/31/11		$50,886.08

The calendar year 2012 allocations to the various state agencies providing oversight were previously determined and outlined in the Radiation Control Program's 2010 Oversight Activities Report to the Joint Standing Committee on Utilities and Energy. Further details on how past stranded costs will be addressed will be discussed in the Radiation Control Program's 2011 Oversight Activities Report to the Legislature.

Patrick J. Dostie 2/3/12

Patrick J. Dostie/ Date
State Nuclear Safety Inspector