

## **Health and Human Services Committee**

**LB 430**

**February 10, 2017**

**Judy Martin**

**Deputy Director, Division of Public Health**

**Department of Health and Human Services**

Good afternoon, Senator Riepe, and members of the Health and Human Services Committee. My name is Judy Martin (J-U-D-Y-M-A-R-T-I-N) and I am the Deputy Director of the Division of Public Health for the Department of Health and Human Services (DHHS). I am here to testify in a neutral capacity to LB 430. This bill would modify the Radiation Control Act to exempt a nuclear power plant that is undergoing decommissioning from paying an annual fee to the Department.

The fees are used to cover the Department's costs in preparing for and responding to radiological emergencies that impact the public and the environment beyond a plant's boundary. Some preparation costs, such as developing and maintaining procedures, staff training, equipment purchases, maintenance and calibration are shared by both plants. Some costs are plant specific, such as participation in federally evaluated exercises to demonstrate that our capability to respond is sufficient to protect the public. While DHHS has no position on this bill at this time, we would like to take this opportunity to share the following technical issues.

LB 430 currently provides that a nuclear power plant that has initiated permanent decommissioning and that has implemented a permanent defueled emergency plan under the Nuclear Regulatory Commission's rules is exempt from the DHHS emergency response fee. DHHS supports AM 176 lines 1-14, which more clearly states that a power plant would be exempt from the fee only when an event at the plant could no longer cause the public and the environment to be exposed to radiation outside of the plant boundary.

Finally, LB 430 as it is written does not address that the fee for the remaining plant would need to be increased to cover the part of the Department's costs that are currently shared by two nuclear power plants. Without an adjustment, the single fee would be insufficient to cover the Department's costs. In AM 176 lines 15-20, that is being offered, the amount of the increase of the remaining power plant's fee is not sufficient to cover the agency's costs.

We have met with representatives from Ft. Calhoun Station and Cooper Nuclear Station to discuss LB 430's impact on DHHS and our suggestions for alternative language.

I appreciate the opportunity to testify before you regarding LB 430. I'm happy to answer any questions you may have.