

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
108TH LEGISLATURE  
FIRST REGULAR SESSION

(Filing No. H-601)

COMMITTEE AMENDMENT "A" to H.P. 892, L.D. 1100, Bill,  
"AN ACT Regulating the Transportation of Radioactive Materials  
in the State of Maine."

Amend the Bill by striking out all of the title and  
inserting in its place the following: 'AN ACT Regulating  
the Transportation of Radioactive Materials of Commercial  
Nuclear Power Plants within the State of Maine.'

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

'10 MRSA c. 3, sub-c. V is enacted to read:

SUBCHAPTER V

TRANSPORTATION OF RADIOACTIVE MATERIALS

§211. Definitions

1. Commissioner. "Commissioner" shall mean the  
Commissioner ~~←~~ of Transportation.

2. High-level, intermediate-level and low-level  
radioactive wastes. "High-level, intermediate-level and low-  
level radioactive wastes" shall have the same meaning as  
defined by the United States Nuclear Regulatory Commission.

3. Radioactive materials. "Radioactive materials" shall  
mean fuel rods, reactor fuel, spent fuel rods and high-level,  
intermediate-level and low-level radioactive wastes.

§212. Duties of the Department of Transportation

The Commissioner ~~←~~ of Transportation  
shall establish:

1. Rules and regulations. Within 180 days of the

effective date of this subchapter, and after consultation with the Commissioner of Public Safety, ~~←~~ Commissioner of Environmental Protection, Director of the Bureau of Health, Director of the Bureau of Civil Emergency Preparedness and Director of the State Planning Office, promulgate rules and regulations to insure the safe ground transportation of radioactive materials to or from commercial nuclear power plants within or outside the State of Maine. These regulations shall apply only to shipments of radioactive materials in transit within this State, ~~←~~                      ~~→~~ These regulations shall not apply to the transport of radioactive materials outside the State of Maine or within the site boundary of a commercial nuclear power site. Such regulations shall include, but not be limited to, provisions specifying:

- A. The permissible routes of the transportation of such material which shall avoid densely populated areas to the maximum extent possible;
- B. The security to be accorded such material while it is in transit, which shall include the presence at all times of a police escort and a professionally qualified radioactivity monitoring team;
- C. The weather conditions under which such material may be safely transported; and
- D. Emergency action plans to be initiated in the event of an accident; and

2. Permits. Within 180 days of the effective date of this subchapter, develop an application form for permits to transport radioactive materials on the ground within this State, such applications to contain, but not be limited to:

- A. The name of the shipper or carrier;
- B. The type and quantity of radioactive material to be transported, including the exact chemical composition of such material, thermal characteristics and radioactive inventory expressed in curies;
- C. The mode of transportation to be employed;
- D. The date, time and exact route of the proposed shipment; and
- E. A full description of the transport vehicle and shipping containers.

Upon receipt of a completed application the commissioner shall act thereon within 3 days, excluding Saturdays, Sundays and holidays. If he finds that the proposal is consistent with the regulations required by this section and otherwise will not endanger the public health, safety and welfare, he shall grant the permit. If he determines that the permit may be granted only if certain modifications are made in the proposal to conform to the regulations required by this section, and to protect the public health, safety and welfare, he may grant the permit subject to appropriate conditions. If he

finds that the proposal is not consistent with the regulations required by this section or will endanger the public health, safety and welfare, he shall deny the permit.

§213. Costs of security

Any person securing a permit from the commissioner pursuant to section 212 shall reimburse any public agency incurring expenses to assist such person in satisfying the conditions of such permit.

§214. Prohibitions

1. Transport by air. No person shall transport radioactive material by air within this State,

2. Transport on the ground. No person shall transport radioactive material on the ground in this State without a permit therefor issued by the Commissioner of Transportation.

§215. Penalties; injunctions

Any person who violates any of the provisions of, or who fails to perform any duty imposed by, this subchapter or who violates any order, permit, rule or regulation issued or promulgated pursuant to this subchapter, shall be guilty of a Class D crime, and in addition thereto may be enjoined in a civil action by a court of competent jurisdiction from continuing such violation.'

Statement of Fact

The intent of this amendment is to more clearly define

radioactive materials, to exclude radioactive materials used in hospitals and the paper industry from the provisions of the bill and to provide regulation of the transportation of nuclear power plant fuels in Maine whether these fuels are being delivered to Maine power plants or plants outside the State.

Reported by the Minority of the Committee on Transportation.

Reproduced and distributed under the direction of the Clerk of the House.  
6/14/77

(Filing No. H-601)