

MAINE STATE LEGISLATURE

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

COMMITTEE AMENDMENT "A" to H.P. 1388, L.D. 1660, Bill,
"AN ACT to Require that Certain Conditions be Met Prior to
Certification of any Nuclear Power Plant by the Public Utilities
Commission."

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

'10 MRSA c. 4 is enacted to read:

CHAPTER 4

REQUIREMENTS FOR CERTIFICATION OF NUCLEAR POWER
PLANTS BY THE PUBLIC UTILITIES COMMISSION

§ 251. Definitions

As used in this chapter, unless the context otherwise indicates,
the following words and phrases shall have the following meanings.

1. Commission. "commission" means the Public Utilities
Commission.
2. Construction. "Construction" means the installation of
permanent equipment or structures.
3. High level nuclear wastes. "High level nuclear wastes"
means those aqueous wastes resulting from the operation of the
first cycle of the solvent extraction system or equivalent and the
concentrated wastes of the subsequent extraction cycles or equivalent
in a facility for reprocessing irradiated reactor fuel. High level
nuclear wastes shall include spent fuel assemblies prior to fuel
reprocessing or as a waste in any form after fuel reprocessing.

4. Nuclear power plant. "nuclear power plant" means a nuclear fission thermal power plant.

5. Technology or means for the disposal of high-level nuclear waste. "Technology or means for the disposal of high-level nuclear waste" means a method for the permanent and terminal disposal of high-level nuclear waste. It shall not necessarily require that facilities for the application of such technology and means be available at the time the commission makes its findings. Such disposition shall not necessarily preclude the possibility of an approved process for retrieval of such waste.

§ 252. Requirements prior to certification of nuclear power plants by the Public Utilities Commission

No construction shall commence on a nuclear power plant after the effective date of this Act, until the Public Utilities Commission has complied with the provisions of this chapter.

§ 253. Power to certify

The commission shall not certify any nuclear power plant until both of the following conditions are met:

1. Commission finding of United States identification and approval of technology. The commission finds that the United States, through its authorized agency, has identified and approved a demonstrated technology or means for the disposal of high-level nuclear waste; and

2. Proposal for disposal is in compliance. The disposal of high-level nuclear waste proposed for any nuclear power plant to be certified according to this chapter is in full compliance with the technology approved by the authorized agency of the United States Government.

§ 254. Certification of individual nuclear power plant

If the conditions of section 253 have been met, and if the commission has the power to certify nuclear power plants, it may certify an individual nuclear power plant, if:

1. Waste storage facilities operational. Specific facilities with adequate capacity to contain nuclear waste are in actual operation or will be in operation at the time the nuclear power plant being certified requires the means for the disposal of high-level nuclear waste; and

2. Off-site storage. Any necessary storage of nuclear fuel is in an off-site location to the extent necessary to provide continuous on-site full core reserve storage capacity.

§ 255. Commission action if power to grant certificates not granted

If the conditions of section 253 have not been met, and the commission does not have the power to certify nuclear power plants, it may continue to receive and process applications for certification but may not certify a nuclear power plant. Any other governmental entity which grants necessary permits, licenses, approvals or authorizations for entry on or use of land for construction of a nuclear power plant may process and grant those permits, licenses, approvals or authorizations, subject to the commission's granting of certification under this chapter.

Statement of Fact

The intent of this amendment is to more clearly define some of the technical terms used in the bill and to remove the State Legislature as the final authority to approve or disapprove nuclear waste disposal systems. According to this amendment, the certification of a nuclear power plant is dependent upon the commission's finding that the United States, through its authorized agency, has identified and approved a demonstrated technology for the disposal of high-level nuclear waste.

Reported by the Committee on Public Utilities.

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of the House.
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