FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document **No. 1203**

H. P. 1007 House of Representatives, March 10, 1981

Referred to the Committee on Energy and Natural Resources. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative J. Martin of Eagle Lake.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-ONE

AN ACT to Limit the Storage of Spent Fuel at Nuclear Reactors.

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

35 MRSA c. 269, sub-c. II is enacted to read:

SUBCHAPTER II

NUCLEAR FUEL

§ 3361. Definition

As used in this subchapter, unless the context otherwise indicates, the following term has the following meaning.

1. Spent fuel assembly. "Spent fuel assembly" means fuel elements which have been used in the core of any operating nuclear reactor for any period of time, notwithstanding the possibility that the fuel may have some remaining useful life.

§ 3362. Allowable number

The allowable number of spent fuel assemblies shall be specified by rule, by the Public Utilities Commission prior to initial operation of any nuclear power plant at a level which will ensure that on-site storage will only be used for temporary storage of spent fuel, and not as a substitute for permanent disposal elsewhere, but in no case shall the allowable number be greater than 3 times the number of fuel assemblies in a full core load for the plant.

For the Maine Yankee Atomic Power Plant, the allowable number shall be 953 spent fuel assemblies.

§ 3363. Prohibition; exception

1. Prohibition. The storage of more than the allowable number of assemblies at the site of any nuclear reactor is prohibited.

2. Exception. In the event that, in the judgment of the operator of a nuclear power plant, it becomes necessary to remove part or all of the fuel from the core for maintenance purposes, and no substitute fuel is placed in the core, the allowable number may be exceeded by the necessary amount for a time of 3 months or less. The operator shall report such action immediately to the Public Utilities Commission.

Upon application by the operator, the Public Utilities Commission may grant additional 3-month exceptions, but only upon a showing that the exception is necessary to protect the public health and safety.

§ 3364. Violations

Any person who fails to comply with this subchapter shall be subject to sanctions as specified in Title 10, sections 201 to 203.

STATEMENT OF FACT

The original concept of the operation of Maine Yankee Atomic Power Plant was that spent fuel would only be stored on site for a period of several months after refueling.

Failure of the Federal Government to provide for disposition of spent fuel has resulted in the storage on-site of all spent fuel generated by Maine Yankee. The full core contains 217 assemblies, of which 72 or 73 are replaced per year. Maine Yankee originally had Nuclear Regulatory Commission approval to store 318 spent fuel assemblies. The NRC later granted approval to store 953 spent fuel assemblies and Maine Yankee recently requested NRC approval to store 2,551 spent fuel assemblies in the existing spent fuel pool. It is also possible that an additional pool could be constructed to store any number of spent fuel assemblies.

To permit storage of large numbers of spent fuel assemblies at Maine Yankee is an invitation to the Federal Government to establish a regional spent fuel storage site in the State. Storage of large numbers of spent fuel assemblies at Maine Yankee could result in a situation where it will be safer and cheaper to store the spent fuel permanently in Maine rather than elsewhere.

Further, a large increase in radioactive inventory represents a needless increase in the threat to health of Maine citizens. It also could lead to a large unanticipated financial burden on the State, if there are further delays in the national permanent radioactive waste program, or if unforeseen problems develop in spent fuel storage.

The storage of spent fuel at Maine Yankee should be limited to 953 assemblies, which will meet plant needs through 1987-88, although full core discharge capacity will be lost in 1984-85. This should give adequate lead time for development of away from reactor storage elsewhere.