

# MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION  
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE  
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5 Legislative Document

No. 373

6  
7 H.P. 314

House of Representatives, February 1, 1983

8 On Motion of Representative Hall of Sangerville referred to the Commit-  
9 tee on Energy and Resources. Sent up for concurrence and ordered printed.

10 EDWIN H. PERT, Clerk

Presented by Speaker Martin of Eagle Lake.

Cosponsors: Representative Mitchell of Freeport, Representative Soule of  
Westport and Senator Pearson of Penobscot.

11  
12 STATE OF MAINE  
13

14 IN THE YEAR OF OUR LORD  
15 NINETEEN HUNDRED AND EIGHTY-THREE  
16

17 AN ACT to Limit the Storage of Spent  
18 Fuel at Nuclear Reactor Facilities.  
19

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

22 35 MRSA c. 269, sub-c. III-A is enacted to read:

23 SUBCHAPTER III-A

24 NUCLEAR FUEL

25 §3361. Definitions

26 As used in this subchapter, unless the context  
27 otherwise indicates, the following terms have the  
28 following meanings.

29 1. Spent fuel assembly. "Spent fuel assembly"  
30 means fuel elements which have been used in the core

1 of any operating nuclear reactor for any period of  
2 time, notwithstanding the possibility that the fuel  
3 may have some remaining useful life.

4 §3362. Allowable number

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

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

16 §3363. Prohibition; exception

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

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

28 Upon application by the operator, the Public Utili-  
29 ties Commission may grant additional 3-month excep-  
30 tions, but only upon a showing that the exception is  
31 necessary to protect the public health and safety.

32 §3364. Violations

33 Any person who fails to comply with this subchap-  
34 ter shall be subject to sanctions as specified in  
35 Title 10, chapter 3, subchapter IV.

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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 each year. Maine Yankee originally had Nuclear Regulatory Commission approval to store 318 spent fuel assemblies. The Nuclear Regulatory Commission later granted approval to store 953 spent fuel assemblies and Maine Yankee recently requested Nuclear Regulatory Commission 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.

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, away from reactor storage, elsewhere.

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