

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE
4

5 Legislative Document

No. 522

6
7 S.P. 167

In Senate, February 1, 1983

8 Received by the Secretary of the Senate on February 1, 1983. Referred to
9 the Committee on Energy and Natural Resources, and ordered printed
pursuant to Joint Rule 14.

10 JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator Carpenter of Aroostook.

Cosponsors: Representative Diamond of Bangor and Senator Wood of
York.

11
12 STATE OF MAINE
13

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

17 AN ACT to Create the Nuclear Activity
18 Consent Law.
19

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

22 10 MRSA c. 3, sub-c. V is enacted to read:

23 SUBCHAPTER V

24 NUCLEAR ACTIVITY CONSENT LAW

25 §221. Compliance with subchapter

26 No person may conduct any of the following activ-
27 ities or make application for any permit, license or
28 authorization to conduct the activity from any state
29 or municipal authority without having first complied
30 with the requirements of this subchapter:

1 1. Reactor. Construction of a nuclear power
2 reactor;

3 2. Spent fuel. Construction or operation of a
4 spent-fuel processing facility;

5 3. Waste repository. Construction or operation
6 of a radioactive waste repository or storage facil-
7 ity; or

8 4. Storage. Construction or operation of a
9 facility for the away-from-reactor storage of spent
10 fuel.

11 §222. Notice to department

12 Any person subject to the provisions of section
13 221 shall give notice of the proposed activity to the
14 Department of Environmental Protection on suitable
15 forms supplied by the department. The notice shall
16 describe the specific nature of the proposed activity
17 and the manner in which the conditions imposed by
18 section 223 are, or will be, met.

19 §223. Conditions

20 No proposal for which a notice has been given
21 under section 222 is eligible for submission to the
22 Legislature under section 225 unless:

23 1. Liability. No legal limits exist regarding
24 the rights of a person or group of persons to bring
25 suit for and recover full and just compensation from
26 the designers, manufacturers, distributors, owners
27 or operators of the proposed activity for damages
28 resulting from the existence or operation of the ac-
29 tivity, and that no legal limits exist regarding the
30 total compensation which may be required from the
31 designers, manufacturers, distributors, owners or
32 operators of the activity for damages resulting from
33 the existence or operation of that activity;

34 2. Safety. The effectiveness of all safety sys-
35 tems, including, but not limited to, the emergency
36 core cooling systems of the proposed activity, has
37 been demonstrated, to the satisfaction of the board,
38 by the comprehensive laboratory testing of substan-

1 tially similar physical systems in actual operation;

2 3. Containment. The radioactive materials from
3 the proposed activity can be contained with no
4 reasonable chance, as determined by the board, of
5 intentional or unintentional escape or diversion of
6 these materials into the natural environment in such
7 manner as to cause substantial or long-term harm or
8 hazard to present or future generations due to imper-
9 fect storage technologies, earthquakes or other acts
10 of God, theft, sabotage, acts of war or other social
11 instabilities, or whatever other causes the board may
12 deem to be reasonably possible, at any time during
13 which these materials remain a radiological hazard;
14 and

15 4. Bond. The owner of the proposed activity has
16 posted with the board a bond totaling not less than
17 30% of the total capital cost of the activity, as
18 estimated by the board, to pay for the decommission-
19 ing of the activity and the decontamination of any
20 area contaminated with radioactive materials due to
21 the existence or operation of the activity in the
22 event the owner fails to pay the full costs of that
23 decommissioning and decontamination. Excess bond, if
24 any, shall be refunded to the owner upon demonstra-
25 tion, to the satisfaction of the board, that the site
26 and environs of the activity pose no radiological
27 danger to present or future generations, and that
28 whatever other conditions the board may deem reason-
29 able have been met.

30 §224. Financial responsibility

31 Nothing in section 223 may be construed as
32 relieving the owner of a nuclear facility from full
33 financial responsibility for the decommissioning of
34 the facility and decontamination of any area contami-
35 nated with radioactive materials as a result of the
36 existence or operation of that facility at any time
37 during which the materials remain a radiological
38 hazard.

39 §225. Notice to Legislature; resolve; approval
40 necessary

1 ties are built and operated in this State. The
2 facilities covered in the bill are new nuclear reac-
3 tors, spent-fuel processing facilities, radioactive
4 waste repositories and away-from-reactor spent fuel
5 storage facilities.

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