

# MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 969

H.P. 718 House of Representatives, March 26, 1987  
Reference to the Committee on Energy and Natural  
Resources suggested and ordered printed.

EDWIN H. PERT, Clerk  
Presented by Representative SCARPINO of St. George.  
Cosponsored by Speaker MARTIN of Eagle Lake,  
Representative MOHOLLAND of Princeton, and Senator THERIAULT  
of Aroostook.

STATE OF MAINE

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

1 AN ACT Relating to Storage and Transportation  
2 of High-level Radioactive Waste.  
3

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

6 Sec. 1. 30 MRSA §6207, sub-§10 is enacted to  
7 read:

8 10. Protective ordinances. The Passamaquoddy  
9 Tribe and the Penobscot Nation each shall have au-  
10 thority within their respective Indian territories to  
11 promulgate and enact ordinances regulating the stor-  
12 age or transportation of high-level radioactive waste  
13 to avoid interference of those activities with:

14 A. Hunting, trapping or taking of wildlife; and

1 B. Taking of fish from any pond in which any  
2 part of the shoreline or the submerged lands are  
3 within Indian territory.

4 Ordinances enacted in accordance with this subsection  
5 may not be less stringent than the applicable state  
6 laws or rules.

7 Sec. 2. 38 MRSA c. 14-A, sub-c. V is enacted to  
8 read:

9 SUBCHAPTER V

10 STORAGE AND TRANSPORTATION OF  
11 HIGH-LEVEL RADIOACTIVE WASTE

12 §1498. Storage of high-level radioactive waste

13 1. Spent nuclear fuel. Within 3 years after re-  
14 moval from the core of a nuclear reactor within the  
15 State, any spent nuclear fuel or other high-level ra-  
16 dioactive waste remaining in the State shall meet the  
17 requirements for high-level radioactive waste in this  
18 section.

19 2. Waste entering the State. Any high-level ra-  
20 dioactive waste or spent nuclear fuel entering the  
21 State is immediately subject to the requirements of  
22 this section.

23 3. Waste form. All high-level radioactive waste  
24 shall be glassified.

25 4. Packaging. All high-level radioactive waste  
26 shall be enclosed in a container which provides suf-  
27 ficient shielding so that the radiation levels at the  
28 outer surface are below regulatory concern as defined  
29 by the United States Nuclear Regulatory Commission.  
30 The container must include a barrier of teflon or  
31 other material adequate to prevent oxidation of the  
32 contents for at least 10,000 years. The container  
33 must have structural strength sufficient to withstand  
34 an external pressure of 5,000 pounds per square inch.

35 5. Storage facility. All high-level radioactive  
36 waste shall be stored in containers in an above-  
37 ground facility with sufficient strength to withstand

1 any geophysical stresses, as determined by the state  
2 geologist, which may be anticipated within a  
3 10,000-year period. The site must be chosen in an  
4 area of zero or minimal historical geophysical activ-  
5 ity as verified by the state geologist. The facili-  
6 ty must be at least 2.5 miles within the perimeter  
7 fence surrounding the site at every point. The pe-  
8 rimeter fence shall be posted with radiation hazard  
9 signs every 50 feet. The operator shall install mon-  
10 itoring equipment and continuously monitor radiation  
11 levels within the storage facility and at the perime-  
12 ter fence.

13 6. Rules. The Department of Environmental Pro-  
14 tection shall promulgate rules for the implementation  
15 and enforcement of this section.

16 §1499. Transportation of high-level radioactive  
17 waste

18 1. Air transportation. Air transportation of  
19 high-level radioactive waste, except transport of  
20 high-level radioactive waste used for national de-  
21 fense, is prohibited through the State's air space.

22 2. Sea transportation. Sea transportation of  
23 high-level radioactive waste shall be conducted in a  
24 vessel that is capable of maintaining positive  
25 buoyancy with all areas and compartments of that ves-  
26 sel flooded. High-level radioactive waste must be  
27 placed aboard in containers that meet all the re-  
28 quirements of section 1498 for storage. These con-  
29 tainers must be further contained in a spherical con-  
30 tainer capable of withstanding the pressure of 5,000  
31 feet of seawater and which are designed to withstand  
32 the corrosive effects of salt water for 10,000 years  
33 or more. Each external container must be equipped  
34 with a homing device capable of operation both in and  
35 out of the water. No vessel containing high-level  
36 radioactive waste may transit the waters of this  
37 State in weather conditions when a small craft advis-  
38 ory or more severe warning has been issued by the  
39 United States Weather Service.

40 The operator of any vessel carrying high-level radio-  
41 active waste shall advise the State Police and the  
42 Department of Marine Resources as to the approximate

1 entry date and time in waters of the State and the  
2 route to be traveled. The operator of the vessel  
3 shall inform the State Police and the Department of  
4 Marine Resources of the actual time of entry into the  
5 waters of the State and shall provide progress re-  
6 ports twice daily containing speed, course and loca-  
7 tion.

8 The vessel shall be accompanied by vessels of the De-  
9 partment of Marine Resources with a clear zone of 1/2  
10 mile maintained around the vessel. The costs of this  
11 escort shall be borne by the persons responsible for  
12 transportation of the waste.

13 Upon arrival in port, the waste shall be transferred  
14 immediately to truck or rail for direct shipment to  
15 its destination, without further transfer.

16 3. Rail transportation. High-level radioactive  
17 waste transported by rail must be enclosed in con-  
18 tainers meeting the requirements of section 1498 for  
19 storage. Each container shall be enclosed in a  
20 high-impact spherical container with a homing device  
21 capable of sustaining the designed impact stresses of  
22 the container and transmitting a signal with a range  
23 of 5 miles.

24 The train transporting the waste shall be the only  
25 vehicle on that rail line within a distance of 50  
26 miles in either direction at the time. The rail line  
27 must be in condition to allow travel at the original  
28 designed speed of the line, but all trains transport-  
29 ing waste on that line are restricted to 50% of the  
30 original maximum design speed.

31 The person providing rail transportation shall inform  
32 the State Police and the Department of Transportation  
33 of the approximate time of entry into the State and  
34 the planned route. The person providing rail trans-  
35 portation shall report to the State Police, Depart-  
36 ment of Transportation and local Civil Emergency  
37 Preparedness Agency the actual arrival of trains en-  
38 tering and exiting any municipality, plantation or  
39 unorganized township.

40 4. Highway transportation. High-level radioac-  
41 tive waste transported over the highway shall be en-

1 closed in containers meeting the requirements of sec-  
2 tion 1498 for storage. Each container shall be en-  
3 closed in a high-impact spherical container with a  
4 homing device capable of sustaining the designed im-  
5  pact and transmitting a signal with a range of 5  
6  miles.

7 High-level radioactive waste shall be transported by  
8 highway only on the Maine Turnpike, Route 95 or other  
9 limited access roads built to equal or higher stan-  
10 dards of construction. The waste shall not leave  
11 these highways, except to enter the storage site or a  
12 suitable private access road connecting to the site.

13 The company providing highway transportation shall  
14 inform the State Police and the Department of Trans-  
15 portation of the approximate time of entry into the  
16 State and the planned route. The operator shall re-  
17 port to the local police or the county sheriff, if  
18 there is no local police force, Department of Trans-  
19 portation and local Civil Emergency Preparedness  
20 agency the actual arrival of vehicles entering and  
21 exiting any municipality, plantation or unorganized  
22 township.

23 All traffic on the Maine Turnpike or any other high-  
24 way in the same direction of travel or transport  
25 shall be stopped 2 1/2 minutes prior to and 2 1/2  
26 minutes after entry of any vehicle carrying  
27 high-level radioactive waste onto the road. The  
28 waste vehicle shall be escorted by 3 State Police ve-  
29 hicles, one 5 minutes ahead, one 5 minutes behind and  
30 one traveling with the vehicle.

31 5. Rules. The Department of Transportation, the  
32 Department of Marine Resources and the State Police  
33 shall promulgate rules necessary to implement and en-  
34 force this section.

35 Sec. 3. Effective date; tribal approval. Sec-  
36 tion 1 of this Act shall not be effective in the  
37 Penobscot Indian Territory unless, within 60 days of  
38 the adjournment of the Legislature, the Secretary of  
39 State receives written certification by the governor  
40 and council of the Penobscot Nation that the nation  
41 has agreed to the provisions of this Act pursuant to  
42 the United States Code, Title 25, Section 1725(e)(1),

1. copies of which shall be submitted by the Secretary  
2 of State to the Secretary of the Senate and the Clerk  
3 of the House, provided that in no event shall this  
4 Act become effective until 90 days after adjournment  
5 of the Legislature.

6 Section 1 of this Act shall not be effective in  
7 the Passamaquoddy Indian Territory unless, within 60  
8 days of the adjournment of the Legislature, the Sec-  
9 retary of State receives written certification by the  
10 Joint Tribal Council of the Passamaquoddy Tribe that  
11 the tribe has agreed to the provisions of this Act  
12 pursuant to the United States Code, Title 25, Section  
13 1725(e)(1), copies of which shall be submitted by the  
14 Secretary of State to the Secretary of the Senate and  
15 the Clerk of the House, provided that in no event  
16 shall this Act become effective until 90 days after  
17 adjournment of the Legislature.

18 STATEMENT OF FACT

19 This bill places strict requirements on the stor-  
20 age and transportation of high-level radioactive  
21 waste in order to protect the people of the State and  
22 authorizes the Penobscot Nation and the Passamaquoddy  
23 Tribe to promulgate ordinances to protect their hunt-  
24 ing, trapping and fishing.

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