

MAINE STATE LEGISLATURE

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L.D. 1584

(Filing No. H-605)

STATE OF MAINE
HOUSE OF REPRESENTATIVES
114TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1141, L.D. 1584, Bill, "An Act to Protect the People of Maine from Exposure to Radioactive Waste"

Amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

Sec. 1. 38 MRSA §1451, sub-§11, as enacted by PL 1983, c. 381, §9, is amended to read:

11. Low-level radioactive waste. "Low-level radioactive waste" means radioactive material that is not high-level radioactive waste, spent nuclear fuel, transuranic waste or by-product material, as defined in the United States Code, Title 42, Section 2014(e)(2), the Atomic Energy Act of 1954, Section 11(e)(2); and that the United States Nuclear Regulatory Commission, consistent with existing law, classifies as low-level radioactive waste. Low-level radioactive waste also includes any radioactive material that is generated through the production of nuclear power and that the United States Nuclear Regulatory Commission classified as low-level radioactive waste as of January 1, 1989, but which may be classified as below regulatory concern after that date.

Sec. 2. 38 MRSA §1483 is enacted to read:

§1483. Regulation of disposal or storage of low-level radioactive waste classified by the Nuclear Regulatory Commission as below regulatory concern

To the extent permitted under federal law, no low-level radioactive waste generated through the production of nuclear power that the United States Nuclear Regulatory Commission

1 classified as low-level radioactive waste as of January 1, 1989,
2 but which may be classified as below regulatory concern after
3 that date, may be stored or disposed of in this State at other
4 than a low-level radioactive waste storage or disposal facility
5 licensed by the Nuclear Regulatory Commission, except as
6 permitted under federal law as of January 1, 1989. Unless
7 required under federal law, the State does not assume
8 responsibility or ownership over these wastes by retaining
9 jurisdiction over their storage and disposal.

11 **Sec. 3. 38 MRSA §1503, sub-§5,** as enacted by PL 1987, c. 530,
12 §4, is amended to read:

13

14 **5. Low-level radioactive waste.** "Low-level radioactive
15 waste" means radioactive material that is not high-level
16 radioactive waste, spent nuclear fuel, transuranic waste or
17 by-product material, as defined in the United States Code, Title
18 42, Section 2014(e)(2), the United States Atomic Energy Act of
19 1954, Section 11 (e)(2), and that the United States Nuclear
20 Regulatory Commission, consistent with existing law, classifies
21 as low-level radioactive waste. Low-level radioactive waste also
22 includes any radioactive material generated through the
23 production of nuclear power that the United States Nuclear
24 Regulatory Commission classified as low-level radioactive waste
25 as of January 1, 1989, but which may be classified as below
26 regulatory concern after that date.

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STATEMENT OF FACT

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32 This amendment prohibits the storage or disposal in Maine of
33 radioactive waste generated by the production of nuclear power,
34 deregulated or otherwise, at any solid, liquid or hazardous waste
35 facilities except at licensed low-level radioactive waste
36 facilities.

37

38 Sections 1 and 3 include in the definition of "low-level
39 radioactive waste" the waste generated by nuclear power plants
40 that is now regulated by the Nuclear Regulatory Commission but
41 that in the future may be classified as below regulatory
42 concern. This is intended to cover wastes that are radioactive
43 as a result of the process of nuclear power generation rather
44 than wastes that are radioactive because of natural processes.
45 For example, wastes from landscaping the grounds of the Maine
46 Yankee nuclear power plant that may have background levels of
47 radioactive contamination would not be included in this category.

49

Section 2 requires that in Maine this low-level radioactive

COMMITTEE AMENDMENT "A" to H.P. 1141, L.D. 1584

- 1 waste is to be disposed of at a low-level radioactive waste
storage or disposal facility. It also stipulates that by
3 regulating the waste the State does not assume ownership or
responsibility for that waste.

Reported by the Committee on Energy and Natural Resources
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