

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
115TH LEGISLATURE  
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 369, L.D. 523, Bill, "An Act to Amend the Spent Fuel and High-level Radioactive Waste Requirements"

Amend the bill by striking out the title and substituting the following:

'An Act to Ensure a Continuous and Economical Supply of Electricity for Maine Consumers'

Further 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. 35-A MRSA §4371, as enacted by PL 1987, c. 141, Pt. A, §6, is repealed.

Sec. 2. 35-A MRSA §4371-A is enacted to read:

§4371-A. Short title; findings

1. Short title. This subchapter is known and may be cited as the "Spent Fuel and High-level Radioactive Waste Requirements Act."

2. Findings. The Legislature makes the following findings:

A. The permanent disposal of radioactive waste from nuclear power plants throughout the United States has proven to be a problem not susceptible to an easy technological solution;

B. Although the Federal Government has assumed responsibility for developing such a solution, it has to date been unable to do so;

2           C. Because such a solution has not been found, the problem  
4           of finding a permanent means of disposal of radioactive  
6           nuclear waste could lead to unpredictably high costs, and it  
          is likely that some or all of these costs will be passed on  
          to ratepayers and consumers of electricity in the State;

8           D. The Federal Government, through its authorized agency,  
10          has licensed commercial nuclear power plants throughout the  
          country on a plant-by-plant basis to temporarily store  
          radioactive waste on site within certain limits;

12          E. Unless a permanent solution to the waste storage problem  
14          is reached, commercial nuclear power plants will have no  
16          place to store additional radioactive nuclear waste  
          generated by them once the temporary storage limits on each  
          plant imposed by the Federal Government are reached;

18          F. If a nuclear power plant has no place to store its  
20          radioactive nuclear waste, it will be obliged to cease  
22          operations and the electric utility or utilities that  
24          utilize or purchase power will be obliged to obtain  
          substitute power elsewhere. An urgent need to obtain  
          substitute power elsewhere could also lead to unpredictably  
26          high costs, which will be passed on to ratepayers and  
          consumers of electricity in the State; and

28          G. These facts require that before any nuclear power plant  
30          is constructed or before any existing nuclear power plant be  
          allowed to continue to operate, the commission must ensure  
32          that the full costs of the permanent and interim disposal of  
          radioactive nuclear waste are known so that a determination  
34          can be made whether the production of electricity by nuclear  
          power plants is the most economical method of providing  
          electric power for the State's consumers in the long term.  
36          In addition, this determination must be made far enough in  
38          advance of the exhaustion of the interim storage capacity of  
          any generating nuclear power plant in the State to permit  
          the purchasers of its power to find additional and  
40          economical sources of power in the event that no solution to  
          the permanent storage problem is found to exist or that such  
42          a solution is not cost-effective.

44          Sec. 3. 35-A MRSAs §§4377, 4378 and 4379 are enacted to read:

46          §4377. Commission determination of interim storage capacity of  
          existing nuclear power plants

48                   By July 1, 1992, the commission shall determine the date on  
50          which the temporary storage capacity, as established by the  
          Federal Government through its authorized agency, of radioactive  
52          waste for each nuclear power plant now operating in the State

will, through normal commercial operations, be exhausted. In making its determination, the commission shall consider the storage capacity necessary to accommodate the complete discharge of the core of the reactor. The commission may subsequently amend its determination at any time required by a change in circumstances.

**§4378. Commission determination of permanent storage capacity of nuclear power plants**

No later than 3 years in advance of the date determined by the commission pursuant to section 4377, the commission shall determine whether the owner of each nuclear power plant now operating in the State has made provision for the permanent storage of its radioactive waste in a manner approved by the Federal Government through its authorized agency. If the commission determines that the owner of the nuclear power plant has not made storage provision, it shall order the owner to cease operations of the plant on the date established pursuant to section 4377 until storage provisions are made and are operational. If the commission determines that the owner of the nuclear power plant has made storage provisions, it shall evaluate the costs of disposal, costs of alternative sources of energy and all costs associated with the closing of the nuclear power plant, including but not limited to the costs to the State of any legal claims resulting from the closing. It shall further determine whether, considering these costs, the continued production of electricity by the nuclear power plant is the most economical method of providing the amount of electricity generated for the State's consumers. If the commission finds that such continued production is not the most economical method, it shall either order the owner to cease operations of the plant on the date established pursuant to section 4377 or order that the power generated by the plant may not be sold to any consumer within the State after that date. The commission may subsequently amend any order issued under this section at any time required by a change in circumstances.

**§4379. Filing fee; waiver requests**

By July 1, 1992, each nuclear power plant operating in the State shall pay a fee of \$100,000 to the Public Utilities Commission. Upon a determination by the Public Utilities Commission under section 4378 that a nuclear power plant has made provisions for the permanent storage of its radioactive waste, that nuclear power plant shall immediately pay a fee of \$300,000 to the Public Utilities Commission and shall pay an additional \$300,000 fee to the Public Utilities Commission no later than 12 months after such a determination is made. A nuclear power plant may request that the commission waive all or part of the fees established in this section. The commission shall rule on a

request for a waiver within 30 days of that request. The commission may use any fees collected under this section or for the purposes set forth in sections 4377 and 4378. Fees collected but not expended must be refunded to the nuclear power plant.

Sec. 4. Allocation. The following funds are allocated from Other Special Revenue funds to carry out the purposes of this Act.

1992-93

PUBLIC UTILITIES COMMISSION

Public Utilities - Administrative Division

All Other	\$100,000
Provides funds for consulting services and legal fees needed to make determinations regarding the operation of Maine Yankee.	

FISCAL NOTE

1992-93

APPROPRIATIONS/ALLOCATIONS

Other Funds	\$100,000
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REVENUES

Other Funds	\$100,000
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This bill requires the Public Utilities Commission to make several rulings and recommendations regarding the operation of Maine Yankee. In fiscal year 1992-93, the commission will incur additional costs of approximately \$100,000 for outside consulting services and legal fees. A filing fee to be paid by Maine Yankee will provide the dedicated revenue required to cover these additional costs. There will also be significant future costs to the Public Utilities Commission beyond the 1992-93 biennium of approximately \$600,000. This additional cost will also be covered by filing fees to be paid by Maine Yankee.'

STATEMENT OF FACT

This amendment is the minority report of the Joint Standing Committee on Energy and Natural Resources. This amendment changes the title of the bill and replaces the entire bill. The amendment requires the Public Utilities Commission, PUC, to make

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2 a factual determination by July 1, 1992 as to the date at which  
the temporary high-level radioactive waste storage facility at  
4 the Maine Yankee nuclear power plant will reach its maximum  
capacity. The amendment also requires the PUC to make a factual  
6 determination, no later than 3 years before the high-level  
storage facility reaches its maximum capacity, as to whether the  
8 Federal Government has made provisions for permanent storage of  
that waste. If the determination by the PUC is that the Federal  
10 Government has not made provisions for permanent storage of the  
high-level radioactive waste, the amendment requires the PUC to  
12 order Maine Yankee to cease operations until such provisions are  
made by the Federal Government. If the PUC's determination is  
14 that the Federal Government has made provisions for long-term  
storage of high-level radioactive waste, the PUC is required to  
16 undertake an economic evaluation of the costs of such provisions,  
the costs of all alternative sources of energy and all costs  
18 associated with closing Maine Yankee. If the economic analysis  
concludes that continued operation of Maine Yankee is not the  
20 most economic power supply option for the State, the PUC is  
required to either order Maine Yankee to cease operations or  
22 order that electricity generated at Maine Yankee may not be sold  
to any person in the State.

24 This amendment requires that Maine Yankee pay \$100,000 to  
Public Utilities Commission by July 1, 1992 and an additional  
26 \$600,000 to the Public Utilities Commission upon a determination  
pursuant to the bill that Maine Yankee has made provisions for  
28 permanent disposal of its wastes. These fees may be used only  
for costs associated with the bill. The amendment also strikes  
30 the appropriation section, adds an allocation section and adds a  
fiscal note.

Reported by the Minority of the Committee on Energy and Natural Resources.  
Reproduced and distributed under the direction of the Clerk of the  
House.

(5/16/91)

(Filing No. H-343)