

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

Legislative Document

No. 173

H.P. 132

House of Representatives, January 26, 1993

An Act Directing the Maine Low-level Radioactive Waste Authority to Commence a Technical Analysis of the Maine Yankee Site.

(EMERGENCY)

Reference to the Committee on Energy and Natural Resources suggested and ordered printed.

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative MICHAUD of East Millinocket.

Cosponsored by Senator PEARSON of Penobscot, Representatives ANDERSON of Woodland, GOULD of Greenville, GWADOSKY of Fairfield, JACQUES of Waterville, LORD of Waterboro, Senators DUTREMBLE of York, LUDWIG of Aroostook.

Emergency preamble. Whereas, Acts of the Legislature do not
2 become effective until 90 days after adjournment unless enacted
as emergencies; and

4
Whereas, the Maine Low-level Radioactive Waste Authority
6 has examined 20,000,000 acres of the State at various levels of
detail to find technically suitable locations for the storage or
8 disposal of low-level radioactive waste generated within the
State; and

10
Whereas, the authority has identified a number of suitable
12 locations to date that meet appropriate exclusionary and
avoidance criteria at the level of detail thus far applied; and

14
Whereas, the Maine Yankee Atomic Power Company site located
16 in Wiscasset, Maine has already received preliminary technical
analysis for location of a disposal or storage facility, and is
18 one of the remaining candidate sites; and

20
Whereas, the Maine Yankee site may be uniquely qualified
because it is historically where much of the low-level wastes in
22 Maine are generated and stored, so that use of this site would
reduce the need to transport much of Maine's low-level
24 radioactive waste over Maine roads; and

26
Whereas, the Maine Yankee site is already a licensed
location for nuclear materials in the State and it is desirable
28 to minimize the number of nuclear sites in the State; and

30
Whereas, the costs of detailed technical analysis of all
remaining sites would be extraordinary and will be borne in
32 significant portion by Maine ratepayers; and

34
Whereas, these costs may be entirely unnecessary if the
Wiscasset site is found to be suitable; and

36
Whereas, the Maine Yankee site would also maximize
38 utilization of security, technical expertise and personnel, and
monitoring systems that already exist for Maine Yankee; and

40
Whereas, in the judgment of the Legislature, these facts
42 create an emergency within the meaning of the Constitution of
Maine and require the following legislation as immediately
44 necessary for the preservation of the public peace, health and
safety; now, therefore,

46
Be it enacted by the People of the State of Maine as follows:

48
Sec. 1. 38 MRSA §1527, sub-§§2-A to 2-C are enacted to read:

50

2 2-A. Site selection. On or before 60 days after the
3 effective date of this subsection, the authority shall suspend
4 its site selection process. Subsequently, the authority shall
5 characterize the geotechnical conditions of the site at the Maine
6 Yankee Atomic Power Company in Wiscasset. On the basis of this
7 characterization, the authority shall determine the technical
8 feasibility of constructing an engineered storage or disposal
9 facility on natural or engineered soils at the Wiscasset location
10 to meet or exceed all applicable state and federal requirements.
11 If the authority determines that the Wiscasset location is a
12 technically feasible site for the storage or disposal of
13 low-level radioactive waste, the authority shall notify the
14 President of the Senate, the Speaker of the House of
15 Representatives and the Department of Environmental Protection of
16 its intent to construct and operate a low-level radioactive waste
17 storage or disposal facility, as appropriate at the Wiscasset
18 location subject to the provisions of this chapter and chapter
19 14-A. If the Wiscasset location is found not technically
20 feasible for the construction of an engineered storage or
21 disposal facility on natural or engineered soils for low-level
22 radioactive wastes, the authority shall notify the President of
23 the Senate and the Speaker of the House of Representatives of
24 this finding and resume its investigation of the remaining
25 locations previously identified.

26 2-B. New and renewed options prohibited. After the
27 effective date of this section and except as otherwise provided
28 in this subsection, the authority may not acquire, renew or
29 extend any options for the purchase of real estate unless it
30 determines that it is not technically feasible to construct an
31 engineered storage or disposal facility on natural or engineered
32 soils at the Wiscasset location described in subsection 2-A.
33 This subsection does not apply to that location.

34 2-C. Interstate agreements. The authority may not store or
35 dispose of low-level radioactive waste in the State if the State
36 has concluded an agreement with any other state or group of
37 states, for storage or disposal of that low-level radioactive
38 waste outside of the State.

39 Sec. 2. Local referendum requirement not affected. Passage of
40 this Act does not constitute the final selection of a low-level
41 radioactive waste disposal site for the purposes of the Maine
42 Revised Statutes, Title 38, section 1527, subsection 3.

43 Emergency clause. In view of the emergency cited in the
44 preamble, this Act takes effect when approved.

2 STATEMENT OF FACT

4 The efforts of the Maine Low-level Radioactive Waste
6 Authority over the past 5 years have resulted in the
8 identification of a carefully screened group of potentially
10 suitable sites for a state-owned disposal facility for low-level
12 radioactive waste. The purpose of this bill is to avoid the
considerable costs of continued technical evaluation of these
potential sites and the associated burden of these costs on the
State's electric ratepayers by determining whether, in fact, one
site can be demonstrated to meet state and federal requirements.

14 This bill directs the Maine Low-level Radioactive Waste
16 Authority to suspend its current site selection process in order
18 to conduct a detailed technical feasibility analysis of a storage
20 and disposal facility for low-level radioactive waste at the site
22 it has identified in Wiscasset, Maine. If the Authority finds
24 that this site is suitable and meets all state and federal
26 health, safety and environmental standards, it shall report its
findings to the Legislature and shall initiate the design and
permitting process under state law. This process requires
approval by the federal Nuclear Regulatory Commission, the
Department of Environmental Protection, the Maine Legislature,
60% of the voters of the host municipality casting ballots in a
local referendum and a majority of the those Maine citizens
voting in a statewide referendum.

28 If the Authority finds that the Wiscasset site is not
30 suitable, it shall report its findings to the Legislature and
32 resume its investigation of the previously identified alternative
sites.