

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

SECOND REGULAR SESSION-2000

Legislative Document

No. 2496

S.P. 955

In Senate, January 24, 2000

An Act to Clarify the Authority of State Environmental and Public Health Officials to Monitor and Regulate Nuclear Power Plant Decommissioning, Site Cleanup and Restoration Activities.

(EMERGENCY)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

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

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator TREAT of Kennebec.
Cosponsored by Representative SHIAH of Bowdoinham and
Senator NUTTING of Androscoggin, Representatives: COWGER of Hallowell, DUPLESSIE
of Westbrook, LaVERDIERE of Wilton, RINES of Wiscasset.

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

4
6 **Whereas,** it is crucial that the Legislature clarify the
necessary authority of state environmental and health agencies to
identify and properly oversee the cleanup of radioactive and
8 toxic contamination at the Maine Yankee nuclear power plant site
during decommissioning; and

10
12 **Whereas,** without this necessary authority neither the public
nor businesses interested in potential reuse of the Maine Yankee
site can be assured that the site meets the environmental and
14 health standards established by the State; and

16 **Whereas,** the decommissioning of the Maine Yankee nuclear
power plant is currently underway on a "fast track" and within
18 the next year the existing structure will be demolished or
shipped off site; and

20
22 **Whereas,** due to the fast-track nature of the
decommissioning, if the necessary authority of state agencies is
not clarified as soon as possible by the Legislature, the
24 decommissioning process will proceed beyond the point at which
state environmental and health agencies can adequately determine
26 that state standards have been met and public health and the
environment have been protected; and

28
30 **Whereas,** in the judgment of the Legislature, these facts
create an emergency within the meaning of the Constitution of
Maine and require the following legislation as immediately
32 necessary for the preservation of the public peace, health and
safety; now, therefore,

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

36 **Sec. 1. 22 MRSA §664, sub-§2,** as amended by PL 1997, c. 686,
38 §5, is further amended to read:

40 **2. Monitoring.** Each facility licensee shall permit
monitoring, for the purposes of this chapter, of the premises,
42 equipment and materials, including source, special nuclear and
by-product materials, in its possession or use, or subject to its
44 control and any vehicle or means of transportation used to remove
materials or equipment from the site, including, but not limited
46 to, by rail, water, roadway or air. For the purposes of this
subsection, "monitoring" means observing the conduct of
48 operations, including maintenance, quality assurance activities,
the preparation, transportation and handling of radioactive
50 waste, emissions monitoring, radiation protection and the
observation of emergency preparedness tests and drills. Nothing
52 in this chapter prohibits a State Nuclear Safety Inspector from

2 participating in licensee training activities that are scheduled
for licensee personnel.

4 For the purposes of this subsection, "monitoring" also means
6 taking analytical radiological measurements and samples to
8 provide or oversee the following: quality assurance activities;
10 the preparation, transportation and handling of radioactive
12 waste; emissions monitoring; radiation protection and
14 confirmatory studies intended to verify facility licensee
16 measurements submitted to the United States Nuclear Regulatory
18 Commission for the purposes of terminating all or a portion of
the facility license. "Monitoring" also means taking other
measurements and samples determined necessary by the commissioner
to protect public health. When required and permissible by state
and federal law, radioactive samples may be transferred from the
facility licensee to the State Nuclear Inspector Office in
accordance with facility licensee procedures.

20 **Sec. 2. 38 MRSA §1303-C, sub-§34, ¶J**, as enacted by PL 1989, c.
585, Pt. E, §4, is amended to read:

22 J. Spent filter media and residue; and

24 **Sec. 3. 38 MRSA §1303-C, sub-§34, ¶J-1** is enacted to read:

26 J-1. Construction and demolition debris or soil materials,
28 rock, bricks or concrete that are mixed with other waste or
30 otherwise contaminated, including radioactive contamination;
and

32 **Sec. 4. 38 MRSA §1305-B, sub-§1**, as enacted by PL 1999, c.
366, §1, is amended to read:

34 **1. Disposal; notice.** A person may not dispose of
36 decommissioning waste or transfer decommissioning waste to a
38 facility defined in section 1303-C, subsection 30 or 31 in this
40 State without giving notice to the municipality in which the
decommissioning waste is to be disposed of. Notice must be given
at least 5 working days before the first scheduled disposal. The
notice must include:

42 A. The type of decommissioning waste to be delivered to the
44 landfill;

46 B. The anticipated amount of decommissioning waste to be
delivered to the landfill;

48 C. The anticipated number of loads that will be delivered
50 to the landfill; and

52 D. The estimated delivery schedule of the decommissioning
waste, including dates for delivery.

