

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

SECOND REGULAR SESSION-2000

Legislative Document

No. 2688

S.P. 1084

In Senate, April 11, 2000

An Act to Establish Clean-up Standards for Decommissioning Nuclear Facilities.

(AFTER DEADLINE)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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 KILKELLY of Lincoln.
Cosponsored by Representative RINES of Wiscasset and
Senator CAREY of Kennebec, Representatives: CAMERON of Rumford, HONEY of
Boothbay, MAYO of Bath, PIEH of Bremen, TRAHAN of Waldoboro, TRIPP of Topsham.

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

Sec. 1. 38 MRSA §1451, sub-§11, as amended by PL 1989, c. 461, §1, is further 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.

A. "Low-level radioactive waste" includes radioactive material waste that is relocated and buried on the site of a nuclear facility even if such a facility meets all federal requirements for site release in existence on the effective date of this paragraph. A facility is subject to the provisions of section 1493, notwithstanding that the facility has not been approved by the United States Nuclear Regulatory Commission as a low-level radioactive waste facility.

"Low-level radioactive waste" does not include radioactive material remaining at the site of a decommissioned facility if the site meets the following enhanced state standards as determined by the department:

(1) The site has been determined by the United States Nuclear Regulatory Commission to meet the criteria for release under 10 Code of Federal Regulations, Part 20 pursuant to a license termination plan approved by that commission;

(2) The site is not used for the disposal of radioactive material generated by a facility other than the nuclear power plant;

(3) The residual radioactivity distinguishable from background radiation results in a total effective dose equivalent to an average member of the critical group of not more than 10 millirems, or 0.10 millisievert, per year, including that from groundwater sources of drinking water; and

2 (4) The residual radioactivity distinguishable from
4 background radiation in groundwater sources of drinking
6 water results in a total effective dose equivalent of
 not more than 4 millirems, or 0.04 millisievert, per
 year to the average member of the critical group.

8 A nuclear facility owner shall demonstrate compliance with
10 subparagraphs (1) to (4) using actual measurements and the
12 analytic methodology approved by the United States Nuclear
 Regulatory Commission and supplemented by modeling the
 effects of engineering controls that have been designed to
 reduce exposure.

14 In order to determine compliance with subparagraphs (1) to
16 (4), the department may require appropriate testing and
18 analysis, including, but not limited to, analysis of the
 effectiveness and integrity of engineering controls.

20 B. As used in this subsection, unless the context otherwise
 indicates, the following terms have the following meanings.

22 (1) "Average member of the critical group" means a
24 member of the critical group who is subjected to the
26 most likely exposure situation based on prudently
 conservative exposure assumptions and parameter values
 within the model calculations.

28 (2) "Critical group" means the group of individuals
30 reasonably expected to receive the greatest exposure to
32 residual radioactivity for any applicable set of
 circumstances.

34 (3) "Nuclear facility owner" means the owner of a
36 nuclear power plant or decommissioned nuclear power
 plant in the State.

38 (4) "Total effective dose equivalent" has the same
40 meaning as in 10 Code of Federal Regulations, Section
 20.1003, as in effect on January 1, 2000.

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SUMMARY

46 This bill clarifies the existing low-level waste law by
48 providing that a decommissioned nuclear facility at which the
50 radioactive material is removed only in accordance with federal
 standards is subject to approval by the voters in a statewide
 referendum. It also provides that such a facility is subject to
 referendum even if it has not been approved as a low-level waste

2 facility by the United States Nuclear Regulatory Commission. If
a facility is cleaned up to the new stricter state standards,
4 then it is not subject to a statewide referendum.