



STATE OF MAINE
PUBLIC UTILITIES COMMISSION

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Testimony of the Maine Public Utilities Commission

Neither for Nor Against

**LD 1549, An Act to Direct the Public Utilities Commission to Seek
Informational Bids Regarding Small Modular Nuclear Reactors in
the State**

April 20, 2023

Senator Lawrence, Representative Zeigler, and Distinguished Members of the Joint Standing Committee on Energy, Utilities, and Technology (Committee), my name is Deirdre Schneider, testifying neither for nor against LD 1549, An Act to Direct the Public Utilities Commission to Seek Informational Bids Regarding Small Modular Nuclear Reactors in the State on behalf of the Public Utilities Commission (Commission).

LD 1549 requires, by October 1st of each year, the Commission to annually issue a request for informational bids regarding operation in the State of a small modular nuclear reactor. This bill requires the bids to include the costs of establishing a modular reactor in the State, the proposed location of the reactor, the time needed to establish a reactor, the annual operational costs of a reactor and any other information the Commission determines is necessary. It specifies the bids are not binding on the State or the party submitting the bid but may be used to inform and develop a contract for the establishment of modular reactor. The Commission is required to report annually, beginning January 15, 2024, to the Committee on the informational bids received. LD 1549 specifies that this section is repealed on January 1, 2034, or when the State accepts a bid for the placement of a small modular nuclear reactor, whichever occurs first.

While the Commission can easily issue a request for proposals in accordance the parameters established in LD 1549, we would request that the Committee consider establishing a start date for issuing the first request for bids by October 1, 2024, with the first report due by January 15, 2025. Depending on when the Legislature adjourns, there is a possibility this law will not be in effect by October 1st if enacted, and even if it is, the time allotted for issuing the first round of requests for informational bids may be insufficient.

The Commission also requests that some clarity be provided relating to language in LD 1549 regarding the development of a contract for the establishment of a modular reactor and the acceptance of a bid. The Commission interprets LD 1549 to only require informational bids and through our annual reporting, if the Committee is interested in pursuing a contract for a small modular nuclear reactor, there would be further legislation establishing a procurement process, what factors the Commission would be required to consider when evaluating a particular bid and details regarding the contracting requirements. If there is any intent that the Commission could contract for a modular reactor through

the informational bidding process, the bill may need to be amended to provide further details on that process.

Lastly, it is important to note that the Division of Environmental Health under the Maine CDC, through an agreement with the U.S. Nuclear Regulatory Commission, has the authority to license the possession and use of radioactive materials within the State. The Commission's authority is limited to the decommissioning¹ of a nuclear power plant² and certification of a nuclear power plant in accordance with the laws relating to spent fuel and high-level waste requirements. Maine law also requires that prior to the construction of any nuclear power plant, the question of approving that construction must be submitted to the voters. It is not entirely clear that a small modular nuclear reactor would be subject to the same requirements, or if existing law needs to be amended to incorporate this type of small modular reactors.

I would be happy to answer any questions or provide additional information for the work session.

¹ 35-A M.R.S. chapter 43, subchapter 3

² "Nuclear power plant" or "plant" means a nuclear fission thermal power plant situated in this State – 35-A M.R.S. § 4352(9).