



STATE OF MAINE
PUBLIC UTILITIES COMMISSION

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Testimony of the Maine Public Utilities Commission

Neither For Nor Against

LD 343, An Act to Direct the Public Utilities Commission to Seek Informational Bids Regarding Small Modular Nuclear Reactors in the State

March 13, 2025

Senator Lawrence, Representative Sachs, 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 343, 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 343 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 a modular reactor. The Commission is required to report annually, beginning January 15, 2026, to the Committee on the informational bids received. LD 343 specifies that this section is repealed when the State accepts a bid for the establishment of a small modular nuclear reactor.

While the Commission can easily issue a request for proposals in accordance with the parameters established in LD 343, we would request that the Committee consider establishing a start date for issuing the first request for bids by October 1, 2026, with the first report due by January 15, 2027, and instead of making this an annual process, consider a less frequent timeframe. 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. Additionally, as this requirement remains in effect until a contract is executed for the establishment of a small modular nuclear reactor, a less frequent timeframe for the solicitation of information would put less of a constraint on Commission resources.

The Commission also requests that some clarity be provided relating to language in LD 343 regarding the development of a contract for the establishment of a modular reactor and the acceptance of a bid. The Commission interprets LD 343 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 will be further legislation establishing a procurement process and the 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 seems that a small modular nuclear reactor would be considered a nuclear power plant; therefore, subject to the same requirements, which makes contracting for this type of facility through a competitive solicitation process challenging.

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).