

SENATE BILL NO. 291

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SIXTH LEGISLATURE - SECOND SESSION

BY SENATORS HUGGINS, Menard

Introduced: 2/22/10

Referred: Resources, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to nuclear facilities and nuclear energy production and the
2 transportation of nuclear waste material; amending the definition of 'power project' or
3 'project' as it relates to rural and statewide energy programs and the Alaska Energy
4 Authority; amending the definition of 'alternative energy system' as it relates to the
5 conservation of energy and materials; and providing for an effective date."

6 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

7 * **Section 1.** AS 18.45.020 is amended to read:

8 **Sec. 18.45.020. United States licenses or permits required.** A person may
9 not manufacture, construct, produce, transfer, acquire, or possess a special nuclear
10 material, by-product material, special nuclear material facility, by-product material
11 facility, production facility, or utilization facility, or act as an operator of a production
12 facility or utilization facility, wholly within the state without first obtaining a license
13 or permit for the activity in which the person proposes to engage from the Nuclear

1 Regulatory Commission if the commission requires a license or permit to be obtained
2 by persons proposing to engage in the activities.

3 * **Sec. 2.** AS 18.45.025(a) is amended to read:

4 (a) A person may not construct a nuclear fuel production facility, **nuclear**
5 **utilization or** utilization facility, reprocessing facility, or nuclear waste disposal
6 facility in the state without first obtaining a permit from the Department of
7 Environmental Conservation to construct the facility on land designated by the
8 legislature under (b) of this section.

9 * **Sec. 3.** AS 18.45.025(b) is amended to read:

10 (b) The legislature shall designate by law the land in the state on which a
11 nuclear fuel production **facility**, nuclear utilization **facility**, nuclear reprocessing
12 **facility**, or nuclear waste disposal facility may be located. In designating the land in
13 the state on which

14 **(1) a nuclear utilization facility or utilization facility may be**
15 **located, the legislature shall act in the interest of regulating the economics of**
16 **nuclear energy;**

17 **(2)** a nuclear fuel production **facility**, [NUCLEAR UTILIZATION,]
18 nuclear reprocessing **facility**, or nuclear waste disposal facility may be located, the
19 legislature shall act to protect the public health and safety.

20 * **Sec. 4.** AS 18.45.025(c) is repealed and reenacted to read:

21 (c) The Department of Environmental Conservation shall adopt regulations
22 governing the issuance of permits required by (a) of this section. However, a permit
23 may not be issued until the municipality with jurisdiction over the proposed facility
24 site has approved the permit.

25 * **Sec. 5.** AS 42.45.990(4) is amended to read:

26 (4) "power project" or "project" means a plant, works, system, or
27 facility, together with related or necessary facilities and appurtenances, including a
28 divided or undivided interest in or a right to the capacity of a power project or project,
29 that is used or is useful for the purpose of

30 (A) electrical or thermal energy production [OTHER THAN
31 NUCLEAR ENERGY PRODUCTION];

1 (B) waste energy utilization and energy conservation; or

2 (C) transmission, purchase, sale, exchange, and interchange of
3 electrical or thermal energy, including district heating or interties;

4 * **Sec. 6.** AS 44.83.990(6) is amended to read:

5 (6) "power project" or "project" means a plant, works, system, or
6 facility, together with related or necessary facilities and appurtenances, including a
7 divided or undivided interest in or a right to the capacity of a power project or project,
8 that is used or is useful for the purpose of

9 (A) electrical or thermal energy production [OTHER THAN
10 NUCLEAR ENERGY PRODUCTION];

11 (B) waste energy utilization and energy conservation; or

12 (C) transmission, purchase, sale, exchange, and interchange of
13 electrical or thermal energy, including district heating or interties;

14 * **Sec. 7.** AS 46.11.900(1) is amended to read:

15 (1) "alternative energy system"

16 (A) means a source of thermal, mechanical, or electrical energy
17 that is not dependent on oil or gas [OR A NUCLEAR FUEL] for the supply of
18 energy for space heating and cooling, refrigeration and cold storage, electrical
19 power, mechanical power, or the heating of water;

20 (B) includes

21 (i) an alternative energy property as defined by 26
22 U.S.C. 48(a)(3)(A); and

23 (ii) a method of architectural design and construction
24 that provides for the collection, storage, and use of direct radiation from
25 the sun;

26 * **Sec. 8.** AS 18.45.027 is repealed.

27 * **Sec. 9.** This Act takes effect immediately under AS 01.10.070(c).