

---

---

# A BILL FOR AN ACT

RELATING TO NUCLEAR ENERGY.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that limitless resources  
2 exist to generate electricity from alternative energy sources;  
3 however, Hawaii remains dependent on imported fossil fuels for  
4 eighty per cent of its energy generation. The vast majority of  
5 electricity in Hawaii is generated in diesel and fossil fuel-  
6 powered facilities. This dependence on imported fuel results in  
7 Hawaii's residents paying electric rates that are one hundred to  
8 two hundred per cent higher than the national average. This  
9 dependence on imported fuels handicaps the economic growth of  
10 the State and makes the economy of the State vulnerable to  
11 unpredictable and volatile external energy market forces.

12           The legislature finds that nuclear energy is a safe and  
13 efficient alternative to fossil fuels. Nuclear energy is used  
14 to produce electricity in many areas of the mainland United  
15 States. Nuclear power is also widely used in many countries  
16 throughout Europe and Asia. In fact, since 1973, France has  
17 constructed fifty-eight nuclear power facilities that provide  
18 almost ninety per cent of that country's electricity. The



1 legislature further finds that nuclear power generation  
 2 facilities already exist in Hawaii in the form of the United  
 3 States Navy's nuclear powered vessels berthed at Pearl Harbor.  
 4 The legislature further finds that the opportunity exists to  
 5 safely use nuclear energy to generate electricity for the public  
 6 and end or at least substantially reduce Hawaii's dependence on  
 7 expensive polluting fossil fuels.

8       The purpose of this Act is to direct the department of  
 9 business, economic development, and tourism to develop the  
 10 proposed legislation and rules necessary to establish an  
 11 appropriate permitting process to enable the construction and  
 12 operation of nuclear energy generation facilities in Hawaii.

13       SECTION 2. Chapter 196, Hawaii Revised Statutes, is  
 14 amended by adding a new section to be appropriately designated  
 15 and to read as follows:

16       "§196-       Nuclear energy generation facilities. (a) No  
 17 later than January 1, 2012, the department shall develop  
 18 procedures for licensing, siting, and permitting the  
 19 construction and operation of nuclear energy generation  
 20 facilities in the State. These procedures shall take into  
 21 account the requirements of article XI, section 8 of the  
 22 Constitution of the State of Hawaii, the health and safety of



1 the residents of the State, compliance with the Energy  
2 Reorganization Act of 1974 (Public Law 93-4338), as amended, and  
3 regulations adopted by the Nuclear Regulatory Commission, and  
4 the preservation and conservation of the natural environment of  
5 the State.

6 (b) The department shall develop procedures for the  
7 disposal, storage, or reprocessing of radioactive waste material  
8 produced in nuclear energy generation facilities in the State.

9 (c) The department shall seek input and recommendations  
10 from other county, state, and federal agencies in the  
11 development of procedures under this section.

12 (d) The director shall adopt rules, pursuant to chapter  
13 91, necessary for the implementation of this section.

14 (e) As used in this section:

15 "Department" means the department of business, economic  
16 development, and tourism.

17 "Director" means the director of business, economic  
18 development, and tourism.

19 "Nuclear energy generation facility" or "facility" means a  
20 new nuclear fission power plant or facility located in the State  
21 with the capacity to produce from nuclear fissile material at  
22 least two hundred megawatts of electricity. The term includes



# H.B. NO. 1

1 any of the following associated with the initial permitting and  
2 construction of the facility:

3 (1) The land parcel on which the facility is situated;

4 (2) Any nuclear energy production structure or equipment;

5 (3) Any energy transmission line from the facility to a

6 public utility's electricity transmission or

7 distribution system;

8 (4) Any on-site infrastructure; and

9 (5) Any on-site building, structure, other improvement, or

10 equipment necessary for the production of electricity,

11 transmission of the electricity, or any accommodation

12 for employees of the facility."

13 SECTION 3. The department of business, economic  
14 development, and tourism shall issue progress reports to the  
15 legislature no later than twenty days prior to the convening of  
16 the regular sessions of 2010 and 2011, and a final report to the  
17 legislature of its findings, recommendations, proposed  
18 legislation, and proposed rules no later than twenty days prior  
19 to convening of the regular session of 2012.

20 SECTION 4. New statutory material is underscored.





# H.B. NO. 1

1 SECTION 5. This Act shall take effect upon its approval.

2

INTRODUCED BY:

  
\_\_\_\_\_  


JAN 21 2009



**Report Title:**

Nuclear Energy

**Description:**

Directs the department of business, economic, development, and tourism to develop a permitting process for nuclear energy generation facilities in Hawaii.

