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**§ 1326. Limited Exemption for Specific Types of U.S. Department of Energy Approved Small Modular Nuclear Power Reactors (SMR's) When Used Solely for the Purpose of Electric Power Generation.**

This chapter shall not apply to radioactive materials used in the building, operation and maintenance of SMR reactors or later versions utilizing passive, modular designs and used solely for the generation of electrical power and meeting all criteria of safety certifications by the Nuclear Regulatory Commission (NRC), the United States Department of Energy and its Nuclear Regulatory subdivisions, including Los Alamos National Laboratory (LANL) Technology Program in conjunction with Hyperion Power Generation or any other U.S. licensed company, and which pose no known public health hazards equal to or less than fossil fuel power plants; provided, however, that any radioactive waste or left-over material from such use shall not be dumped in the Commonwealth or its nuclear and chemical free zone and shall not be stored for more than a reasonable period of time within which to ship such waste or left-over material to a licensed disposal or recharging facility outside of the Commonwealth.

**Source:** PL 17-10 § 6 (July 28, 2010), modified.

**Commission Comment:** The Commission changed "it's" to "its" and changed "LANL" to "Los Alamos National Laboratory (LANL)" pursuant to 1 CMC § 3806(g).

Public Law 17-10 (effective July 28, 2010) included severability and savings provisions and the following:

Section 1. Short Title. This Act may be referred to as "The Nuclear and Chemical Free Zone Amendment Act of 2010".

Section 2. Findings and Purpose. The Commonwealth Legislature finds that it is in the best interest of the residents of the Commonwealth of the Northern Mariana Islands to amend "The Nuclear and Chemical Free Zone Act of 1983" in order to meet the public demands for more environmentally friendly and much cheaper power generation for the years to come and for the next generations of young CNMI residents. The Legislature further finds that it is necessary to allow for the deployment of new and safer nuclear power technology, which has significantly changed the safety, classification, and economic feasibility through the utilization of Small Modular nuclear power Reactors (SMRs).

This modern nuclear technology has had significant recent improvements and technological advances, which have resulted in certain types of small reactors and power plants that utilize passive minimal reactions in "nuclear batteries". These "batteries" maintain eco-friendly controls and other exceptional safety measures, along with the elimination of dependency of usually high-priced foreign fossil fuel, excessive costs of spare parts and continuous breakdowns, and expensive temporary and semi-permanent repairs. These specific small nuclear reactors and power plants meet or exceed all safety requirements of any power plant, including diesel and coal. Furthermore, they could be paid for with available U.S. grants and approximately the same CUC's costs of

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a year's worth of fossil fuels, parts and maintenance costs, and the "nuclear battery" would last another nine years without any more "excessive fuel or parts' costs." This translates to long lasting, dependable, and inexpensive power bills, which should encourage a major social and business boost for the Commonwealth.

These specific SMR reactors and power plants are "economical" to install and operate, compared to the outrageous costs of fossil fuel plants, and would result in a significant economic benefit to the CNMI without any compromise in the safety, health, and well-being of its citizens. Additionally, U.S. certified pre-fabricated and modular designs of these reactors result in drastically reduced onsite construction, which reduces the possibility of construction mishaps or exposure to toxins of any type.

Furthermore, these reactors are more environmentally friendly than other power generation techniques, and there are no radioactive emissions from these buried modular reactors, including greenhouse (global warming) gasses. These specific reactors are designed to eliminate the nuclear waste and by-products of the larger fission-type reactors. The SMR spends its fuel internally and "empties" the battery, and then the battery capsule is returned to the factory for another 10-year recharge. The cost of the re-charge may be covered by further U.S. grants and a long range, minimally built-in "recharge fee".

In retrospect, United States nuclear power generation has had a successful power application history for over fifty years, and the technology has been remarkably safe in that there have been no fatalities within the United States attributable to any commercial nuclear power reactor accident.

This remarkable nuclear safety record should be compared to the severe problems of fossil fuel power generation that endangers a safe living environment, causes civil unrest, economic turmoil, and foreign dependency, which has resulted in major socio-economic problems and life-shattering unemployment, resulting in social unrest and major criminal activities of theft, assaults, and even deaths.

Therefore, it is the purpose of this Act to amend the "The Nuclear and Chemical Free Zone Act of 1983," to allow for the modern deployment of economically feasible power generation technology, which has been designed and developed by the U.S. Department of Energy's famed Los Alamos National Laboratory (LANL) in New Mexico. Through the commercialization program at LANL's Technology Transfer Division, Hyperion Power Generation was awarded the exclusive license to utilize the intellectual property and develop a product (SMR) that will benefit the U.S./CNMI economy and global society as a whole.

Finally, President Barack Obama has just announced a 54 billion dollar endorsement for nuclear power generation in the U.S, and the Commonwealth needs to act now to allow this type of safe and modern nuclear power generation, and not be left behind.