

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

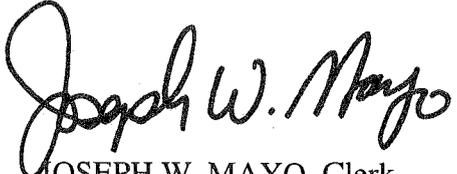
No. 578

H.P. 428

House of Representatives, January 28, 1997

**An Act to Prohibit Retrofits of Nuclear Power Plants without Permission
of the Public Utilities Commission.**

Reference to the Committee on Utilities and Energy suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative BERRY of Livermore.

Cosponsored by Representatives: KONTOS of Windham, SAXL of Portland, TOWNSEND of Portland, Senators: CLEVELAND of Androscoggin, MICHAUD of Penobscot.

2 Be it enacted by the People of the State of Maine as follows:

4 Sec. 1. 35-A MRSA §3131, sub-§§4-A to 4-C are enacted to read:

6 4-A. Licensee. "Licensee" means the holder of an operating
8 permit from the United States Nuclear Regulatory Commission for a
nuclear power plant.

10 4-B. Major retrofit. "Major retrofit" means any
12 construction, reconstruction or other activity with a total cost
14 of more than \$100,000,000 affecting the physical plant of a
nuclear power plant that could significantly impact the
ratepayers of this State, as determined by the commission by
rule, including the replacement of any major component part of a
nuclear power plant, such as a steam generator.

16 4-C. Nuclear power plant. "Nuclear power plant" means a
18 nuclear fission thermal power plant situated in this State.

20 Sec. 2. 35-A MRSA §3133-B is enacted to read:

22 §3133-B. Major retrofit of nuclear power plant prohibited
24 without prior order of the commission

26 1. Commission approval required for major retrofit of
28 nuclear power plant. A licensee may not undertake a major
retrofit of a nuclear power plant unless the commission has
issued a certificate of public convenience and necessity
approving the major retrofit.

30 2. Notice of intent to file. The licensee shall file with
32 the commission, no less than 2 months in advance of submitting a
petition for a certificate of public convenience and necessity
34 for a proposed major retrofit, a notice of the licensee's intent
to file the petition. The notice must inform the commission of
36 the nature of the proposed major retrofit. After receiving the
notice, the commission may, by rule or otherwise, require the
38 petitioner to make available such additional information as it
determines necessary. Upon request by the licensee, the
40 commission may waive the requirement that at least 2 months'
advance notice be given. The commission shall rule on the
42 request for waiver within 60 days.

44 3. Petition for certificate of public convenience and
46 necessity. The petition for a certificate of public convenience
and necessity must contain such information as the commission may
48 by rule prescribe.

2 4. Hearing. The commission shall hold a public hearing on
the petition for a certificate of public convenience and
necessity.

4
6 5. Deadline for issuance of commission order. The
commission shall issue its order granting or denying a
certificate of public convenience and necessity within 12 months
8 after the petition is filed.

10 6. Certificate of public convenience and necessity. The
following provisions apply to the issuance of an order granting
12 or denying a certificate of public convenience and necessity.

14 A. In its order, the commission shall make specific
findings with regard to the need for a major retrofit and
16 whether the major retrofit is a prudent investment,
considering the potential impact of the investment on
18 ratepayers in this State. If the commission finds that a
need exists and the investment is prudent, it shall issue a
20 certificate of public convenience and necessity for the
major retrofit.

22 7. Filing fee. Upon filing a petition for a certificate of
24 public convenience and necessity, the licensee shall pay the
commission an amount equal to 12/100 of 1% of the estimated cost
26 of the proposed major retrofit. The licensee may request, at the
time of the filing of notice of its intent to file the petition,
28 that the commission waive all or a portion of the filing fee.
The commission shall rule on the request for waiver within 30
30 days.

32 Filing fees paid under this subsection must be segregated,
apportioned and expended by the commission for the purposes of
34 this section. Any portion of the filing fee that is received from
any licensee and not expended by the commission to process the
36 petition for a certificate of public convenience and necessity
must be returned to the licensee.

38

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SUMMARY

42 This bill requires any licensee of the United States Nuclear
Regulatory Commission who proposes to invest in a major retrofit
44 of a nuclear power plant to first obtain a certificate of public
convenience and necessity from the Public Utilities Commission.
46 The certificate establishes the need for the retrofit and the
prudence of the investment, considering the potential impact on
48 ratepayers in this State.