

# MAINE STATE LEGISLATURE

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# 118th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1997

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Legislative Document

No. 578

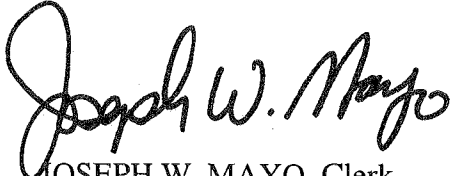
H.P. 428

House of Representatives, January 28, 1997

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

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

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

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

## 40 SUMMARY

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