

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 783

H. P. 632

House of Representatives, February 26, 1979

Referred to the Committee on Public Utilities. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Davies of Orono.

Cosponsor: Mrs. Huber of Falmouth.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

**AN ACT to Require the Public Utilities Commission to Study the Safe and Proper
Decommissioning of Nuclear Generating Facilities in Maine.**

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

Sec. 1. Purpose and findings. The Legislature finds that the general welfare and the safety of the public of the State of Maine requires the safe and proper decommissioning of nuclear energy generating facilities located within the State at the ends of the useful life or licensing period of these facilities. The Legislature further finds measures required for the safe and proper decommissioning of these facilities may be substantial and the cost of these measures may also be substantial. Additional costs may be incurred subsequent to the useful life of the facilities when the facilities are no longer capable of producing revenue to defray those costs. Unless suitable and proper arrangement for the defrayal of these costs are made during the useful life of these facilities, there is substantial risk that these substantial costs will be borne by persons rather than beneficiaries served by these facilities.

Sec. 2. Investigation by Public Utilities Commission. The Public Utilities Commission is hereby directed to investigate and study the subject matter of the safe and proper decommissioning of nuclear powered generating facilities located within the State and subject to the jurisdiction of the State and the Public Utilities Commission. This study shall include the following subject matters:

A. Need for decommissioning of nuclear powered generating facilities located within the State, including the number and size of those facilities, the time within which they need to be decommissioned and the risk if they are not promptly decommissioned;

B. The procedures available to effect the decommissioning, including alternative procedures, techniques, technology, resources needed and affect upon the environment;

C. Overall cost of the decommissioning, including capital investment associated with the decommissioning, expenses, inflation and interest factors, soundness of estimates and other relevant data;

D. Method of funding the decommissioning expense, including the determination of class of customer upon whom the burden should fall, methods of allocating cost burden between shareholders and rate payers, capitalization versus expense charges, development of fund during estimated useful life of facility to provide part or all of cost upon decommissioning, financial responsibility for decommissioning, including appropriate bonding options and the like; and

E. Such other matters and considerations as the Public Utilities Commission shall deem appropriate in providing to the Legislature a full and accurate picture of the subject matter of decommissioning of these facilities, the attendant costs and appropriate methods to recover the costs.

Sec. 3. Report by the Public Utilities Commission. The Public Utilities Commission shall complete the study within the limits of the resources and powers available to it and within the confines of its present budgetary allowances, and shall present its report on or before January 1, 1981, for the 110th Legislature. This report shall address each of the matters set forth above and shall include proposed legislation in proper draft form and regulations to be enacted by the Legislature and adopted by the commission, respectively, to effectuate such course of action as the commission may recommend in that report.

STATEMENT OF FACT

This bill directs the Public Utilities Commission to study the problem of decommissioning of nuclear generating facilities that are located within the State and to propose to the Legislature a program to provide for a safe and proper decommissioning of these facilities at the ends of their useful lives. Recent information developed by the United States Nuclear Regulatory Commission has indicated that the costs and expenses associated with decommissioning of spent nuclear power plants may be substantial owing to the high degree of precautions that must be taken to insure the safety of all that may be affected by this activity. The commission is directed, among other things, to study what these costs are and how they should be recovered, whether by the ratepayers who utilized the power generated from the plant that will be decommissioned or from some other source. The intent of the bill is to focus attention on this matter now so that appropriate measures can be taken so that the burden of this cost and anticipated expense will not be thrust upon the State.