MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

Legislative Document

No. 376

H.P. 289

House of Representatives, February 9, 1993

An Act to Ensure Economic Benefits from Purchases by Generators of Nuclear Power.

Reference to the Committee on Utilities suggested and ordered printed.

OSEPH W. MAYO, Clerk

Presented by Representative HOLT of Bath. Cosponsored by Senator CLEVELAND of Androscoggin and Representative: COLES of Harpswell, Senator: FOSTER of Hancock.

	Be it enacted by the People of the State of Maine as follows:
2	Sec. 1. 35-A MRSA §3131, sub-§§4-A to 4-C are enacted to read:
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	4-A. Licensee. "Licensee" means the holder of an operating
6	permit from the United States Nuclear Regulatory Commission for a
0	nuclear power plant.
8	4-B. Major retrofit. "Major retrofit" means any
10	construction, reconstruction or other activity affecting the
	physical plant of a nuclear power plant that could significantly
12	impact the ratepayers of this State, as determined by the
14	commission by rule, including the replacement of any major
14	component part of a nuclear power plant, such as a steam generator.
16	generacor.
	4-C. Nuclear power plant. "Nuclear power plant" means a
18	nuclear fission thermal power plant situated in this State.
	<u> </u>
20	Sec. 2. 35-A MRSA §3133-B is enacted to read:
22	\$3133-B. Major retrofit of nuclear power plant prohibited
22	without prior order of the commission
24	WILLIAM DE DE COMMINE DE LOS
	1. Commission approval required for major retrofit of
26	nuclear power plant. A licensee may not undertake a major
	retrofit of a nuclear power plant unless the commission has
28	issued a certificate of public convenience and necessity
	approving the major retrofit.
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	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
4.0	determines necessary. Upon request by the licensee, the
40	commission may waive the requirement that at least 2 months
4.5	advance notice be given. The commission shall rule on the
42	request for waiver within 60 days.

3. Petition for certificate of public convenience and necessity. The petition for a certificate of public convenience

and necessity must contain such information as the commission may

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by rule prescribe.

	* nearing. The Commission Sharr hord a public hearing of
2	the petition for a certificate of public convenience and
4	necessity.
-	5. Deadline for issuance of commission order. The
6	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,
10	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	
24	7. Filing fee. Upon filing a petition for a certificate of
44	public convenience and necessity, the licensee shall pay the commission an amount equal to 2/100 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.
30	The commission shall rule on the request for waiver within 30
30	<u>days.</u>
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
36	any licensee and not expended by the commission to process the petition for a certificate of public convenience and necessity
50	must be returned to the licensee.
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40	STATEMENT OF FACT
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
16	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
<i>1</i> o	raterages in this State