

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 927

H.P. 676

House of Representatives, March 21, 1995

**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.

A handwritten signature in black ink that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative ADAMS of Portland.

Cosponsored by Representatives: BERRY of Livermore, BRENNAN of Portland, CHARTRAND of Rockland, ETNIER of Harpswell, FITZPATRICK of Durham, GREEN of Monmouth, HATCH of Skowhegan, HEESCHEN of Wilton, JONES of Bar Harbor, RICHARDSON of Portland, SAMSON of Jay, SHIAH of Bowdoinham, STEVENS of Orono, TOWNSEND of Portland, TREAT of Gardiner, VOLENIK of Sedgwick, Senator: CLEVELAND of Androscoggin.

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:

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

8 4-B. Major retrofit. "Major retrofit" means any
10 construction, reconstruction or other activity with a total cost
of more than \$100,000,000 affecting the physical plant of a
12 nuclear power plant that could significantly impact the
ratepayers of this State, as determined by the commission by
14 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
nuclear power plant. A licensee may not undertake a major
28 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
necessity. The petition for a certificate of public convenience
46 and necessity must contain such information as the commission may
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
22 major retrofit.

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
38 must be returned to the licensee.

40 STATEMENT OF FACT

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.