

AMENDED IN SENATE APRIL 8, 2013

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SENATE BILL

No. 418

Introduced by Senator Jackson
(Principal coauthor: Senator Block)
(Principal coauthor: Assembly Member Atkins)

February 20, 2013

An act to add Section 1091.5 to the Public Utilities Code, relating to energy.

LEGISLATIVE COUNSEL'S DIGEST

SB 418, as amended, Jackson. Energy: nuclear fission powerplants.

(1) Under existing law, the Public Utilities Commission, commonly known as the PUC, has regulatory authority over public utilities, including electrical corporations, as defined. The Public Utilities Act prohibits any electrical corporation from beginning the construction of, among other things, a line, plant, or system, or of any extension thereof, without having first obtained from the PUC a certificate that the present or future public convenience and necessity require or will require that construction. A violation of the act, or an order, decision, rule, direction, demand, or requirement of the PUC is a crime.

Existing federal law requires an operator of a nuclear fission thermal powerplant to obtain from the federal Nuclear Regulatory Commission a license for the operation of the powerplant.

This bill would enact the Nuclear Energy Planning and Responsibility Act and would require the PUC to require an applicant electrical corporation applying for ratepayer funding, or reopening an existing application for ratepayer funding, for the relicensing of a nuclear fission thermal powerplant with a generation capacity of 50 megawatts or

greater by the federal Nuclear Regulatory Commission, to submit a detailed study of the project needs and costs in order to assess the cost-effectiveness of the continued operation of the nuclear fission thermal powerplant. The bill would require the PUC to *make the study available on its Internet Web site and to independently review the study* to assess the cost-effectiveness of the continued operation of the nuclear fission thermal powerplant. Because a violation of this provision is a crime, this bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
 State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. This act shall be known, and may be cited, as the
 2 Nuclear Energy Planning and Responsibility Act.

3 SEC. 2. Section 1091.5 is added to the Public Utilities Code,
 4 to read:

5 1091.5. (a) Upon application to the commission for ratepayer
 6 funding, or reopening of an existing application for ratepayer
 7 funding, for the relicensing of a nuclear fission thermal powerplant
 8 with a generation capacity of 50 megawatts or greater by the federal
 9 Nuclear Regulatory Commission, the commission shall require
 10 the applicant electrical corporation operating the nuclear fission
 11 thermal powerplant to submit a detailed study of the project needs
 12 and costs in order to assess the cost-effectiveness of the continued
 13 operation of the nuclear fission thermal powerplant.

14 (b) The study shall include, but is not limited to, all of the
 15 following areas of concern:

16 (1) The effect of the nuclear fission thermal powerplant on
 17 system reliability and the affordable supply of electricity, including
 18 planned provisions for emergency operations and unplanned
 19 shutdowns as well as the costs of replacement power.

20 (2) The costs attributable to major disruptions in electrical
 21 generation due to aging or major seismic events that may require

1 repair, replacement, or retrofit in excess of fifty million dollars
2 (\$50,000,000) at the nuclear fission thermal powerplant.

3 (3) The costs of responding to, or mitigating for, any new federal
4 requirements that have arisen or are anticipated to become
5 enforceable during the period of the license extension.

6 (4) Potential state and local costs and impacts associated with
7 current and accumulating high-level radioactive waste and its
8 ongoing storage at the nuclear fission thermal powerplant.

9 (5) Potential state and local costs associated with mitigation or
10 alternatives to the use of once-through cooling at the nuclear fission
11 thermal powerplant as required by state or federal law.

12 (6) Potential state and local costs associated with expanding
13 and maintaining emergency planning zones.

14 (7) Costs associated with achieving compliance with
15 requirements for a federal consistency certification granted by the
16 California Coastal Commission to the electrical corporation,
17 required for the relicensing of the nuclear fission thermal
18 powerplant by the federal Nuclear Regulatory Commission.

19 (c) The commission shall *make the study publicly available on*
20 *its Internet Web site and shall* independently review the study to
21 assess the cost-effectiveness of the continued operation of the
22 nuclear fission thermal powerplant.

23 SEC. 3. No reimbursement is required by this act pursuant to
24 Section 6 of Article XIII B of the California Constitution because
25 the only costs that may be incurred by a local agency or school
26 district will be incurred because this act creates a new crime or
27 infraction, eliminates a crime or infraction, or changes the penalty
28 for a crime or infraction, within the meaning of Section 17556 of
29 the Government Code, or changes the definition of a crime within
30 the meaning of Section 6 of Article XIII B of the California
31 Constitution.