

AMENDED IN ASSEMBLY JUNE 26, 2013

AMENDED IN ASSEMBLY JUNE 11, 2013

AMENDED IN SENATE APRIL 22, 2013

AMENDED IN SENATE APRIL 8, 2013

AMENDED IN SENATE APRIL 1, 2013

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~~ *United States* 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~~ *United States* 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. *Because a violation of this provision would be a crime, this bill would impose a state-mandated local program.* 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 would be 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 *United States* Nuclear Regulatory Commission, the commission
10 shall require the applicant electrical corporation operating the
11 nuclear fission thermal powerplant to submit a detailed study of
12 the project needs and costs in order to assess the cost-effectiveness
13 of the continued operation of the nuclear fission thermal
14 powerplant.

1 (b) The study shall include, but is not limited to, all of the
2 following areas of concern for the relicensing period:

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

7 (2) The costs attributable to major disruptions in electrical
8 generation due to aging or major seismic events, *including any*
9 *uncompleted cost assessments required pursuant to paragraph (8)*
10 *of subdivision (a) of Section 25303 of the Public Resources Code,*
11 *that may require repair, replacement, or retrofit in excess of fifty*
12 *million dollars (\$50,000,000) at the nuclear fission thermal*
13 *powerplant.*

14 (3) ~~The costs of responding to, or mitigating for, any new state~~
15 ~~or federal for requirements that have arisen or are anticipated to~~
16 ~~become enforceable during the period of the license extension,~~
17 *retrofits, or modifications that may arise from the United States*
18 *Nuclear Regulatory Commission Near Term Risk Task Force*
19 *requirements pursuant to commission document SECY-11-0137:*
20 *Prioritization of Recommended Actions to be Taken in Response*
21 *to Fukushima Lessons Learned, as that document may be*
22 *subsequently amended.*

23 (4) Potential costs and impacts associated with current and
24 accumulating high-level radioactive waste and its ongoing storage
25 at the nuclear fission thermal powerplant ~~during the relicensing~~
26 ~~period as necessitated by changes in the United States Nuclear~~
27 *Regulatory Commission's revised Waste Confidence policy.*

28 (5) Potential costs associated with mitigation or alternatives to
29 the use of once-through cooling at the nuclear fission thermal
30 powerplant as required by ~~state or federal law~~ *revisions mandated*
31 *by the State Water Resources Control Board.*

32 (6) Potential costs associated with expanding and maintaining
33 emergency planning zones in compliance with ~~state or federal~~
34 ~~regulations~~ *the United States Nuclear Regulatory Commission's*
35 *Near Term Task Force requirements pursuant to commission*
36 *documents SECY-11-0137: Prioritization of Recommended Actions*
37 *to be Taken in Response to Fukushima Lessons Learned and*
38 *SECY-12-0025: Proposed Orders and Requests for Information*
39 *in Response to Lessons Learned From Japan's March 11, 2011,*

1 *Great Tohoku Earthquake and Tsunami, as those documents may*
2 *be subsequently amended.*

3 (7) Costs associated with achieving compliance with
4 requirements for a federal consistency certification granted by the
5 California Coastal Commission to the electrical corporation,
6 required for the relicensing of the nuclear fission thermal
7 powerplant by the ~~federal~~ *United States* Nuclear Regulatory
8 Commission.

9 (c) The commission shall make the study publicly available on
10 its Internet Web site and shall independently review the study to
11 assess the cost-effectiveness of the continued operation of the
12 nuclear fission thermal powerplant.

13 SEC. 3. No reimbursement is required by this act pursuant to
14 Section 6 of Article XIII B of the California Constitution because
15 the only costs that may be incurred by a local agency or school
16 district will be incurred because this act creates a new crime or
17 infraction, eliminates a crime or infraction, or changes the penalty
18 for a crime or infraction, within the meaning of Section 17556 of
19 the Government Code, or changes the definition of a crime within
20 the meaning of Section 6 of Article XIII B of the California
21 Constitution.