

**SENATE . . . . . No. 1836**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Julian Cyr*

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to responsible emergency planning at nuclear power plants.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Julian Cyr</i>	<i>Cape and Islands</i>	
<i>Timothy R. Whelan</i>	<i>1st Barnstable</i>	<i>1/24/2017</i>
<i>Sarah K. Peake</i>	<i>4th Barnstable</i>	<i>1/31/2017</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>	<i>1/31/2017</i>
<i>Dylan Fernandes</i>	<i>Barnstable, Dukes and Nantucket</i>	<i>1/31/2017</i>
<i>Thomas J. Calter</i>	<i>12th Plymouth</i>	<i>2/3/2017</i>

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By Mr. Cyr, a petition (accompanied by bill, Senate, No. 1836) of Julian Cyr, Timothy R. Whelan, Sarah K. Peake, Denise Provost and other members of the General Court for legislation relative to responsible emergency planning at nuclear power plants. Telecommunications, Utilities and Energy.

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**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninetieth General Court  
(2017-2018)**  
\_\_\_\_\_

An Act relative to responsible emergency planning at nuclear power plants.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1           Section 5K of chapter 111 of the General Laws, as appearing in the 2014 Official Edition,  
2 is hereby amended by striking subpart (E) and replacing with the following:

3           (E) The department is hereby authorized to make assessments against the owners or  
4 operators of each existing and proposed nuclear power plant in the commonwealth, or  
5 sufficiently near the commonwealth that it could pose potential health risks to the  
6 commonwealth's residents in the event of an incident, in an amount equal to the costs incurred in  
7 the prior fiscal year by the department's radiation control program in the performance of its  
8 duties under this section. Such assessments may be made against active facilities, or inactive  
9 facilities that harbor by-product material, special nuclear material, nuclear fuel, spent nuclear  
10 fuel, or other nuclear material in a spent fuel pool or other storage structure. The department is  
11 hereby further authorized to make a collection, based on that assessment, of monies from said  
12 owners or operators of nuclear power plants to defray the cost of such activities. For active

13 facilities, said amount shall not exceed \$180,000 per annum, per facility; for inactive facilities  
14 that harbor by-product material, spent nuclear material, nuclear fuel, spent nuclear fuel, or other  
15 nuclear material in a spent fuel pool or other storage structure, said amount shall not exceed  
16 \$250,000 per annum, per facility. The collection may be expended for any active or inactive  
17 facility described above, including, but not be limited to, facilities located in the town of Rowe  
18 and in the town of Plymouth, and in Seabrook, New Hampshire. The department shall send  
19 notice of its assessment to the individual company against which the assessment is made, and  
20 said company shall pay such assessment within 30 days of the notice of the assessment;  
21 provided, however, that such company shall have a reasonable opportunity to submit objections  
22 concerning said assessment to the department for review. If, after completion of such review, the  
23 department determines the assessment is valid, the department shall issue a demand for such  
24 assessment, and the company against which such assessment is made shall pay such assessment  
25 immediately. If a company subject to assessment under this section fails to pay the assessment  
26 within 30 days of the notice of the assessment, or fails to pay the demand for assessment upon  
27 completion of the final review, whichever occurs later, the department may refer such matter to  
28 the department of revenue for the collection of the assessment in accordance with applicable  
29 enforcement provisions pursuant to chapter 62C. The amount so collected shall be deposited into  
30 the General Fund and credited to the department.