

SENATE No. 1837

The Commonwealth of Massachusetts

PRESENTED BY:

Viriato M. deMacedo

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 the prompt decommissioning of nuclear power stations.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Viriato M. deMacedo</i>	<i>Plymouth and Barnstable</i>	
<i>Sarah K. Peake</i>	<i>4th Barnstable</i>	<i>1/31/2017</i>
<i>Mathew Muratore</i>	<i>1st Plymouth</i>	<i>1/31/2017</i>
<i>James M. Cantwell</i>	<i>4th Plymouth</i>	<i>1/31/2017</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>	<i>1/31/2017</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>1/31/2017</i>
<i>Jack Lewis</i>	<i>7th Middlesex</i>	<i>1/31/2017</i>
<i>Thomas J. Calter</i>	<i>12th Plymouth</i>	<i>2/2/2017</i>
<i>Patrick M. O'Connor</i>	<i>Plymouth and Norfolk</i>	<i>2/2/2017</i>
<i>Mike Connolly</i>	<i>26th Middlesex</i>	<i>2/2/2017</i>
<i>Walter F. Timilty</i>	<i>Norfolk, Bristol and Plymouth</i>	<i>2/2/2017</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>	<i>2/2/2017</i>
<i>Kathleen O'Connor Ives</i>	<i>First Essex</i>	<i>2/3/2017</i>
<i>Ryan C. Fattman</i>	<i>Worcester and Norfolk</i>	<i>2/3/2017</i>
<i>Josh S. Cutler</i>	<i>6th Plymouth</i>	<i>2/3/2017</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>	<i>2/3/2017</i>
<i>John H. Rogers</i>	<i>12th Norfolk</i>	<i>2/3/2017</i>
<i>Elizabeth A. Malia</i>	<i>11th Suffolk</i>	<i>2/3/2017</i>

<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>2/3/2017</i>
<i>Julian Cyr</i>	<i>Cape and Islands</i>	<i>2/7/2017</i>
<i>Dylan Fernandes</i>	<i>Barnstable, Dukes and Nantucket</i>	<i>2/7/2017</i>

SENATE No. 1837

By Mr. deMacedo, a petition (accompanied by bill, Senate, No. 1837) of Viriato M. deMacedo, Sarah K. Peake, Mathew Muratore, James M. Cantwell and other members of the General Court for legislation relative to the prompt decommissioning of nuclear power stations. Telecommunications, Utilities and Energy.

The Commonwealth of Massachusetts

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

An Act relative to the prompt decommissioning of nuclear power stations.

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 1. Chapter 10 of the General Laws is hereby amended by adding the
2 following section:-

3 Section 76. (a) For the purposes of this section the following words shall have the
4 following meanings unless the context clearly requires otherwise:

5 “Affiliate”, a business that directly or indirectly controls or is controlled by or is under
6 direct or indirect common control with another business including, but not limited to, a business
7 with whom a business is merged or consolidated, or which purchases all or substantially all of
8 the assets of a business.

9 “Decommissioning”, closing and decontaminating a nuclear power station and nuclear
10 power site including dismantling the facility, removing the nuclear fuel, coolant and nuclear

11 waste from the site, releasing the site for unrestricted use and terminating the license; provided
12 however, that, for the purposes of this section, SAFSTOR is not decommissioning.

13 “Nuclear power station”, a commercial facility that uses or used nuclear fuel to generate
14 electric power.

15 “Post-closure”, the period beginning when a nuclear power station has ceased generating
16 electric power and ending when the nuclear power station and station site have been completely
17 decommissioned.

18 “Post-closure activities”, the activities at or in connection with a nuclear power station
19 and station site during post-closure including, but not limited to, moving spent nuclear fuel into
20 dry casks, job training, site and environmental cleanup, off-site emergency planning, SAFSTOR
21 and decommissioning.

22 (b) Each nuclear power station shall pay an annual post-closure funding fee of
23 \$25,000,000 if the station is not fully decommissioned within 5 years of the time the power
24 station ceases generating electric power. The fee shall be assessed by the executive office of
25 energy and environmental affairs annually on the owner or affiliate of each nuclear power station
26 on March 1 and shall be paid to the state treasurer for deposit into the Nuclear Power Station
27 Decommissioning Trust Fund established in subsection (c). The Nuclear Power Station
28 Decommissioning Trust Fund shall not be used to pay the full amount or any portion of the fee.
29 The fee shall be paid until: (i) the nuclear power station is fully decommissioned as required
30 under regulations promulgated by the United States Nuclear Regulatory Commission; and (ii) the
31 executive office of energy and environmental affairs issues, after notice and an opportunity to be
32 heard, an order finding that post-closure activities have been completed.

33 (c) There shall be a Nuclear Power Station Post-closure Trust Fund. The state treasurer
34 shall serve as trustee of the fund and shall make expenditures from the fund to support
35 decommissioning measures including: (i) payments for not less than 1 post-closure activity
36 completed at a nuclear power station site, but only after the money in a federal decommissioning
37 trust fund is exhausted; and (ii) payments to a person or entity named in an issuance of
38 authorization from the executive office of energy and environmental affairs stating the amount to
39 be disbursed and the completed post-closure activities to which the amount applies. The fund
40 shall consist of: (i) the fee collected under subsection (b); and (ii) the interest earned on the
41 money in the fund. Amounts credited to the fund shall not be subject to further appropriation and
42 money remaining in the fund at the close of a fiscal year shall not revert to the General Fund.

43 (d) The executive office of energy and environmental affairs shall not issue authorization
44 for payment except upon the receipt of: (i) an affidavit or declaration, executed by an entity or
45 person responsible for completing the relevant post-closure activity at a nuclear power station
46 under the pains and penalties of perjury, identifying completed post-closure activity with respect
47 to which a disbursement is requested and setting forth facts establishing that each such activity
48 has been completed and the costs incurred by the nuclear power station owner with respect to
49 each such activity; and (ii) verification of the facts in the affidavit or declaration by the executive
50 office of energy and environmental affairs or another appropriate state agency.

51 The secretary of energy and environmental affairs shall determine the appropriate form,
52 content and supporting information necessary for the affidavit or declaration. Money disbursed
53 under this section in reliance on a false certification to the secretary of energy and environmental
54 affairs may be recovered from the entity or person receiving the disbursement, with interest,

55 through an action by the attorney general. A false certification shall be subject to section 5B of
56 chapter 12.

57 (e) The balance of the Nuclear Power Station Post-closure Trust Fund shall be returned to
58 the owner or affiliate of the nuclear power station upon the issuance of an order, after notice and
59 opportunity for hearing, finding that the post-closure activities at the station have been completed
60 by the executive office of energy and environmental affairs.”; and

61 by inserting after section 18 the following section:-

62 “SECTION 18A. Section 1 shall take effect three months following the passage of this
63 Act.”