

SENATE No. 1948

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 the prompt decommissioning of nuclear power stations.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Julian Cyr</i>	<i>Cape and Islands</i>	
<i>Sarah K. Peake</i>	<i>4th Barnstable</i>	<i>1/29/2019</i>
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>	<i>1/29/2019</i>
<i>Angelo L. D'Emilia</i>	<i>8th Plymouth</i>	<i>2/1/2019</i>

SENATE No. 1948

By Mr. Cyr, a petition (accompanied by bill, Senate, No. 1948) of Julian Cyr, Sarah K. Peake, Jonathan Hecht and Angelo L. D'Emilia for legislation relative to the prompt decommissioning of nuclear power stations. Telecommunications, Utilities and Energy.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 1837 OF 2017-2018.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

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, as appearing in the 2012 Official Edition,
2 is hereby amended by inserting after section 74 the following new section:-

3 Section 75. Funding To Provide Moneys For Postclosure Activities At Nuclear Power
4 Stations

5 (a) The purposes of this section include the following:

6 To encourage the productive use of a site once a nuclear power station on the site ceases
7 to generate electricity.

8 To diminish any negative impacts to the commonwealth from having unavailable for long
9 periods a site that is well-suited and situated for other beneficial activities.

10 To reduce the risk that taxpayers, ratepayers, or utilities will experience adverse claims or
11 costs resulting from a shortage of available funds for postclosure activities at a nuclear power
12 station.

13 (b) Definitions. For the purposes of this section the following words shall have the
14 following meanings:

15 “Affiliate”, shall mean any business which directly or indirectly controls or is controlled
16 by or is under direct or indirect common control with another business, including, but without
17 limitation, any business with whom a business is merged or consolidated, or which purchases all
18 or substantially all of the assets of a business.

19 “Decommissioning”, shall mean closing and decontaminating a nuclear power station and
20 nuclear power site, including dismantling the facility, removing all nuclear fuel, coolant and
21 nuclear waste from the site, releasing the site for unrestricted use, and terminating the license.

22 Safstor is not decommissioning for the purposes of this section.

23 “Nuclear power station”, shall mean any commercial facility that uses or used nuclear
24 fuel to generate electric power; provided that this definition shall not apply to inactive facilities
25 that store all spent nuclear fuel and high-level radioactive waste in dry cask storage systems
26 licensed by the Nuclear Regulatory Commission.

27 “Postclosure”, shall mean the period beginning when a nuclear power station has ceased
28 generating electric power and ending when the nuclear power station and station site have been
29 completely decommissioned.

30 “Postclosure activities”, mean all activities at or in connection with a nuclear power
31 station and station site during postclosure, including, but not limited to, moving spent nuclear
32 fuel into dry casks, job training, site and environmental cleanup, off-site emergency planning,
33 Safstor, and decommissioning.

34 “Postclosure Trust Fund”, means a fund established by the State Treasurer for receiving
35 monies received from Owners(s) and Affiliates(s) of a Nuclear Power Station pursuant to this
36 Section.

37 (c) There is hereby established an annual postclosure funding fee of \$25,000,000 on each
38 nuclear power station in the commonwealth.

39 1. The fee shall be assessed on the owner(s) or affiliate(s) of each nuclear power station
40 on March 1 of each year and shall be paid to the state treasurer and deposited into the Postclosure
41 Trust Fund.

42 2. In addition to the fee established in section (c)(1), the owner(s) or affiliate(s) of each
43 nuclear power station shall also pay to the state treasurer any monies recovered by any of them
44 from the Department of Energy for spent fuel management costs from DOE shall be placed in
45 the Postclosure Trust Fund.

46 2. Assessment of the fee shall cease if, after notice and an opportunity to be heard, the
47 executive office of energy and environmental affairs issues an order finding that all postclosure
48 activities have been completed.

49 (d) There shall be established and set up on the books of the commonwealth a Postclosure
50 Trust Fund for each nuclear power station.

51 1. All revenues received by the state treasurer under this section from an owner or
52 affiliate of a nuclear power station shall be deposited into the station's Postclosure Trust Fund..

53 2. Each Postclosure Trust Fund shall be administered by the state treasurer. All balances
54 in the fund at the end of the fiscal year shall be carried forward. Interest earned shall remain in
55 the fund.

56 (e) Moneys from a Postclosure Trust Fund created under this section shall be disbursed
57 only in accordance with this subsection.

58 1. The disbursement will pay for one or more postclosure activities completed at a
59 nuclear power station site. If the disbursement is for a postclosure activity at the station that is
60 part of decommissioning, all moneys otherwise set aside to pay for the activity, including
61 moneys contained in a decommissioning trust fund established under federal law, must be
62 exhausted before any disbursement from the trust fund.

63 2. On issuance of authorization from the executive office of energy and environmental
64 affairs stating the amount to be disbursed and the completed postclosure activities to which the
65 amount applies, the state treasurer shall disburse such amount to the entity or person named in
66 said authorization.

67 (f) The executive office of energy and environmental affairs shall not issue authorization
68 under subsection (e) except on receipt of (i) an affidavit or declaration, executed by an entity or
69 person responsible for completing the relevant postclosure activity at a nuclear power station
70 under the pains and penalties of perjury, identifying any completed postclosure activity with
71 respect to which any disbursement is requested and setting forth facts establishing that each such
72 activity has been completed and all costs incurred by the nuclear power station owner with

73 respect to each such activity and (ii) verification of the facts in the affidavit or declaration by the
74 executive office of energy and environmental affairs or another appropriate state agency.

75 1. The secretary of energy and environmental affairs shall determine the appropriate
76 form, content, and supporting information necessary for such affidavit or declaration.

77 2. Any moneys disbursed under this subsection in reliance on a false certification to the
78 secretary of energy and environmental affairs may be recovered from the entity or person
79 receiving the disbursement, with interest, through an action by the attorney general. Any such
80 false certification is a false statement or claim under section 5B of chapter 12 of the General
81 Laws.

82 (g) The balance of a nuclear power station's Postclosure Trust Fund under this section,
83 including the interest that may have accumulated within the fund, shall be returned to the
84 owner(s) or affiliate(s) of the nuclear power station on issuance by the executive office of energy
85 and environmental affairs, after notice and opportunity for hearing, of an order finding that all
86 postclosure activities at the station have been completed.

87 SECTION 2. This act shall take effect on January 1, 2020.