

**SENATE . . . . . No. 1992**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Patrick M. O'Connor*

*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 establishing funding to provide moneys for postclosure activities at nuclear power station.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Patrick M. O'Connor</i>	<i>Plymouth and Norfolk</i>	
<i>Mike Connolly</i>	<i>26th Middlesex</i>	<i>1/28/2019</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>1/28/2019</i>
<i>Sarah K. Peake</i>	<i>4th Barnstable</i>	<i>1/29/2019</i>
<i>Joan Meschino</i>	<i>3rd Plymouth</i>	<i>1/31/2019</i>
<i>Mindy Domb</i>	<i>3rd Hampshire</i>	<i>1/31/2019</i>
<i>Michelle L. Ciccolo</i>	<i>15th Middlesex</i>	<i>1/31/2019</i>
<i>Daniel J. Ryan</i>	<i>2nd Suffolk</i>	<i>2/1/2019</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>	<i>2/1/2019</i>
<i>Rebecca L. Rausch</i>	<i>Norfolk, Bristol and Middlesex</i>	<i>2/4/2019</i>
<i>Sheila C. Harrington</i>	<i>1st Middlesex</i>	<i>2/4/2019</i>
<i>Julian Cyr</i>	<i>Cape and Islands</i>	<i>2/4/2019</i>
<i>Tami L. Gouveia</i>	<i>14th Middlesex</i>	<i>2/6/2019</i>

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By Mr. O'Connor, a petition (accompanied by bill, Senate, No. 1992) of Patrick M. O'Connor, Mike Connolly, Jack Patrick Lewis, Sarah K. Peake and other members of the General Court for legislation to establish funding to provide moneys for postclosure activities at nuclear power station. Telecommunications, Utilities and Energy.

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**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninety-First General Court  
(2019-2020)**  
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An Act establishing funding to provide moneys for postclosure activities at nuclear power station.

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

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

10           3. To reduce the risk that taxpayers, ratepayers, or utilities will experience adverse claims  
11 or 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.

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

28           “Postclosure activities”, mean all activities at or in connection with a nuclear power  
29 station and station site during postclosure, including, but not limited to, moving spent nuclear

30 fuel into dry casks, job training, site and environmental cleanup, off-site emergency planning,  
31 Safstor, and decommissioning.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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