HOUSE DOCKET, NO. 1384 FILED ON: 1/16/2013

HOUSE . . . . . No. 2046

The Commonwealth of Massachusetts

PRESENTED BY:

Sarah K. Peake and Ann-Margaret Ferrante

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 passage of the accompanying:

An Act relative to radiological air monitoring.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Sarah K. Peake	*4th Barnstable*
Ann-Margaret Ferrante	*5th Essex*
Peter V. Kocot	*1st Hampshire*
Daniel A. Wolf	*Cape and Islands*
Randy Hunt	*5th Barnstable*
Timothy R. Madden	*Barnstable, Dukes and Nantucket*
Cory Atkins	*14th Middlesex*
Daniel B. Winslow	*9th Norfolk*
Bruce E. Tarr	*First Essex and Middlesex*

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By Representatives Peake of Provincetown and Ferrante of Gloucester, a petition (accompanied by bill, House, No. 2046) of Sarah K. Peake, Ann-Margaret Ferrante and others for legislation to authorize the Department of Public Health to enhance radiological air monitoring through an additional assessment to certain power plants. Public Health.

The Commonwealth of Massachusetts

An Act relative to radiological air monitoring.

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

SECTION 1. Subsection E of Section 5K of Chapter 111 of the General Laws is hereby amended by striking the text of the section and inserting in place thereof the following:

The department is hereby authorized to make assessments against (i) the operator of each existing and proposed nuclear power plant in the commonwealth and (ii) electric companies in the commonwealth which own, in whole or in part, or purchase power from the Seabrook nuclear power plant and/or Vermont Yankee nuclear power plant to defray costs incurred by the department's radiation control program in the performance of its duties under this section. Costs that shall include, but not be limited to, the purchase, installation, maintenance of real-time radiological air monitoring station to be located in Massachusetts communities impacted by: Pilgrim, including Cape Cod; Vermont Yankee, including Berkshire county and Seabrook Nuclear Power Stations, including Essex county. With respect to the fiscal year in which this section becomes effective, the department is authorized to make assessments in the amount of not less than $400,000 with respect to each of such nuclear power plants. With respect to subsequent fiscal years, the department is authorized to make assessments in amounts that, in the aggregate, are equal to the costs incurred in the prior fiscal year by the department's radiation control program in the performance of its duties under this section. The department is hereby further authorized to make a collection, based on such assessments, of monies from said operators of nuclear power plants to defray the cost of such activities. The department shall send notice of its assessment to the individual company against which an assessment is made, and said company shall pay such assessment within 30 days of the notice of the assessment; provided, however, that such company shall have a reasonable opportunity to submit objections concerning said assessment to the department for review. If, after completion of such review, the department

24 determines the assessment is valid, the department shall issue a demand for such assessment, and
25 the company against which such assessment is made shall pay such assessment immediately. If a
26 company subject to assessment under this section fails to pay the assessment within 30 days of
27 the notice of the assessment, or fails to pay the demand for assessment upon completion of the
28 final review, whichever occurs later, the department may refer such matter to the department of
29 revenue for the collection of the assessment in accordance with applicable enforcement
30 provisions pursuant to chapter 62C. The amount so collected shall be deposited into the General
31 Fund and credited to the department.