

SENATE No. 1798

The Commonwealth of Massachusetts

PRESENTED BY:

Daniel A. Wolf

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 stations.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
Daniel A. Wolf	Cape and Islands	
Sarah K. Peake	4th Barnstable	
Michael O. Moore	Second Worcester	
Thomas J. Calter	12th Plymouth	
Peter V. Kocot	1st Hampshire	
Chris Walsh	6th Middlesex	
Timothy R. Madden	Barnstable, Dukes and Nantucket	
Anne M. Gobi	Worcester, Hampden, Hampshire and Middlesex	
Josh S. Cutler	6th Plymouth	
Denise Provost	27th Middlesex	
Brian R. Mannal	2nd Barnstable	
Kathleen O'Connor Ives	First Essex	11/6/2015

SENATE No. 1798

By Mr. Wolf, a petition (accompanied by bill, Senate, No. 1798) of Daniel A. Wolf, Sarah K. Peake, Michael O. Moore, Thomas J. Calter and other members of the General Court for legislation to establish funding to provide moneys for postclosure activities at nuclear power stations. Telecommunications, Utilities and Energy.

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

An Act establishing funding to provide moneys for postclosure activities at 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 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 Safestor 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 safestor, and decommissioning.

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

34 1. The fee shall be assessed on the owner(s) or affiliate(s) of each nuclear power station
35 on March 1 of each year and shall be paid to the state treasurer.

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

39 (d) There shall be established and set up on the books of the commonwealth a postclosure
40 trust fund for each nuclear power station.

41 1. All revenues received by the state treasurer under this section from an owner or
42 affiliate of a nuclear power station shall be deposited into the station's trust fund.

43 2. Each trust fund shall be administered by the state treasurer. All balances in the fund at
44 the end of the fiscal year shall be carried forward. Interest earned shall remain in the fund.

45 (e) Moneys from a trust fund created under this section shall be disbursed only in
46 accordance with this subsection.

47 1. The disbursement will pay for one or more postclosure activities completed at a
48 nuclear power station site. If the disbursement is for a postclosure activity at the station that is
49 part of decommissioning, all moneys otherwise set aside to pay for the activity, including

50 moneys contained in a decommissioning trust fund established under federal law, must be
51 exhausted before any disbursement from the trust fund.

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

56 (f) The executive office of energy and environmental affairs shall not issue authorization
57 under subsection

58 (e) except on receipt of (i) an affidavit or declaration, executed by an entity or person
59 responsible for completing the relevant postclosure activity at a nuclear power station under the
60 pains and penalties of perjury, identifying any completed postclosure activity with respect to
61 which any disbursement is requested and setting forth facts establishing that each such activity
62 has been completed and all costs incurred by the nuclear power station owner with respect to
63 each such activity and (ii) verification of the facts in the affidavit or declaration by the executive
64 office of energy and environmental affairs or another appropriate state agency.

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

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

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

77 SECTION 2. This act shall take effect on January 1, 2016.