

**HOUSE . . . . . No. 1765**

**The Commonwealth of Massachusetts**

PRESENTED BY:

*Mathew Muratore*

*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:	DATE ADDED:
<i>Mathew Muratore</i>	<i>1st Plymouth</i>	<i>1/18/2017</i>
<i>Timothy R. Whelan</i>	<i>1st Barnstable</i>	
<i>Sarah K. Peake</i>	<i>4th Barnstable</i>	
<i>David T. Vieira</i>	<i>3rd Barnstable</i>	
<i>Thomas J. Calter</i>	<i>12th Plymouth</i>	
<i>James M. Cantwell</i>	<i>4th Plymouth</i>	
<i>William L. Crocker, Jr.</i>	<i>2nd Barnstable</i>	
<i>Dylan Fernandes</i>	<i>Barnstable, Dukes and Nantucket</i>	
<i>Susan Williams Gifford</i>	<i>2nd Plymouth</i>	
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>	
<i>Carmine L. Gentile</i>	<i>13th Middlesex</i>	
<i>Josh S. Cutler</i>	<i>6th Plymouth</i>	
<i>Steven S. Howitt</i>	<i>4th Bristol</i>	
<i>Bradford R. Hill</i>	<i>4th Essex</i>	
<i>David F. DeCoste</i>	<i>5th Plymouth</i>	
<i>Randy Hunt</i>	<i>5th Barnstable</i>	
<i>Natalie Higgins</i>	<i>4th Worcester</i>	
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>	

<i>Kimberly N. Ferguson</i>	<i>1st Worcester</i>	
<i>Kathleen O'Connor Ives</i>	<i>First Essex</i>	
<i>Angelo L. D'Emilia</i>	<i>8th Plymouth</i>	
<i>Keiko M. Orrall</i>	<i>12th Bristol</i>	
<i>Joseph D. McKenna</i>	<i>18th Worcester</i>	
<i>Susannah M. Whipps</i>	<i>2nd Franklin</i>	
<i>Michael S. Day</i>	<i>31st Middlesex</i>	
<i>Mike Connolly</i>	<i>26th Middlesex</i>	
<i>Ryan C. Fattman</i>	<i>Worcester and Norfolk</i>	
<i>Hannah Kane</i>	<i>11th Worcester</i>	
<i>Denise Provost</i>	<i>27th Middlesex</i>	
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>	
<i>Julian Cyr</i>	<i>Cape and Islands</i>	
<i>Peter V. Kocot</i>	<i>1st Hampshire</i>	
<i>Nick Collins</i>	<i>4th Suffolk</i>	

**HOUSE . . . . . No. 1765**

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By Mr. Muratore of Plymouth, a petition (accompanied by bill, House, No. 1765) of Mathew Muratore and others relative to the decommissioning of nuclear power stations. Telecommunications, Utilities and Energy.

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**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.”