

**HOUSE . . . . . No. 2904**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Mathew J. 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 protecting the taxpayers of the Commonwealth.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Mathew J. Muratore</i>	<i>1st Plymouth</i>	<i>1/17/2019</i>
<i>David Biele</i>	<i>4th Suffolk</i>	<i>2/1/2019</i>
<i>Michelle L. Ciccolo</i>	<i>15th Middlesex</i>	<i>1/31/2019</i>
<i>Mike Connolly</i>	<i>26th Middlesex</i>	<i>1/25/2019</i>
<i>William L. Crocker, Jr.</i>	<i>2nd Barnstable</i>	<i>1/23/2019</i>
<i>Josh S. Cutler</i>	<i>6th Plymouth</i>	<i>1/31/2019</i>
<i>Julian Cyr</i>	<i>Cape and Islands</i>	<i>2/1/2019</i>
<i>Viriato M. deMacedo</i>	<i>Plymouth and Barnstable</i>	<i>2/1/2019</i>
<i>Mindy Domb</i>	<i>3rd Hampshire</i>	<i>1/30/2019</i>
<i>Dylan A. Fernandes</i>	<i>Barnstable, Dukes and Nantucket</i>	<i>1/24/2019</i>
<i>Denise C. Garlick</i>	<i>13th Norfolk</i>	<i>1/31/2019</i>
<i>Susan Williams Gifford</i>	<i>2nd Plymouth</i>	<i>1/28/2019</i>
<i>Carlos González</i>	<i>10th Hampden</i>	<i>2/1/2019</i>
<i>Tami L. Gouveia</i>	<i>14th Middlesex</i>	<i>1/31/2019</i>
<i>Sheila C. Harrington</i>	<i>1st Middlesex</i>	<i>2/1/2019</i>
<i>Stephan Hay</i>	<i>3rd Worcester</i>	<i>2/1/2019</i>
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>	<i>1/31/2019</i>
<i>Steven S. Howitt</i>	<i>4th Bristol</i>	<i>1/23/2019</i>

<i>Randy Hunt</i>	<i>5th Barnstable</i>	<i>1/22/2019</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>1/25/2019</i>
<i>Joan Meschino</i>	<i>3rd Plymouth</i>	<i>1/31/2019</i>
<i>Patrick M. O'Connor</i>	<i>Plymouth and Norfolk</i>	<i>2/1/2019</i>
<i>Norman J. Orrall</i>	<i>12th Bristol</i>	<i>1/30/2019</i>
<i>Sarah K. Peake</i>	<i>4th Barnstable</i>	<i>1/28/2019</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>	<i>1/31/2019</i>
<i>David M. Rogers</i>	<i>24th Middlesex</i>	<i>1/29/2019</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>Timothy R. Whelan</i>	<i>1st Barnstable</i>	<i>1/22/2019</i>

**HOUSE . . . . . No. 2904**

By Mr. Muratore of Plymouth, a petition (accompanied by bill, House, No. 2904) of Mathew J. Muratore and others relative to the financial responsibility for nuclear power plant decommissioning. Telecommunications, Utilities and Energy.

**The Commonwealth of Massachusetts**

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

An Act protecting the taxpayers of the Commonwealth.

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to protect the taxpayers of the Commonwealth from financial responsibility for nuclear power plant decommissioning, , therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public peace, safety and health.

*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 23A of the General Laws as appearing in the 2016 Official Edition,  
2 is hereby amended by inserting the following new section:-

3 Section 68. Liability for nuclear power plant corporations

4 (a) Definitions. For the purposes of this section the following words shall have the  
5 following meaning: “Affiliate”, shall mean any business which directly or indirectly controls or  
6 is controlled by or is under direct or indirect common control of another business, including, but  
7 without limitation, any business with whom a business is merged, consolidated, de facto merged,  
8 merely continues the business of a prior business, maintains continuity of enterprise with a prior  
9 business, or which purchases all or substantially all of the assets of a business.

10           “Decommissioning”, shall mean closing and decontaminating a nuclear power station and  
11 nuclear power site, including dismantling the facility, removing all coolant and nuclear waste  
12 from the site, removing all nuclear fuel from the spent fuel pool and placing it in long term dry  
13 cask storage, releasing the site for unrestricted use, terminating the license, and receiving  
14 certification from the Department of Public Health that the site meets all state regulations  
15 regarding radiological release.

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

17           (b) It is hereby declared that lands exist in the municipalities of the commonwealth zoned  
18 for nuclear power generation that have not yet been completely decommissioned and released for  
19 unrestricted use; that each such area constitutes a serious problem, injurious and inimical to the  
20 safety, health, and welfare of the residents of the municipalities within which those lands lie; that  
21 each such area constitutes an economic liability, substantially impairs or arrests the sound growth  
22 of these municipalities, and inhibits the economic well-being of the commonwealth; that the  
23 continued existence of said lands decreases the value of private investments and threatens  
24 sources of public revenue; that redevelopment of each such area in accordance with an economic  
25 development plan for the benefit of these municipalities is necessary to retain existing industries,  
26 and attract new industries, and promote the sound economic growth of said municipalities; that  
27 the prompt decommissioning and release for unrestricted use of these parcels will be of tangible  
28 economic benefit; and for this reason, that the prompt decommissioning and release for  
29 unrestricted use of these parcels may be regulated by wholesome and reasonable orders, laws and  
30 directions for the good and welfare of the municipality and of this commonwealth.

31 (c) A sale, lease, exchange, or other disposition of assets of any corporation, its  
32 successor, or its affiliate, which holds lands currently or previously subject to license by the  
33 United States Nuclear Regulatory Commission, requires approval of the corporation's  
34 shareholders if the disposition would leave the corporation without a significant continuing  
35 business activity. If said corporation retains a business activity that represented at least 25  
36 percent of total assets at the end of the most recently completed fiscal year, and 25 percent of  
37 either income from continuing operations before taxes or revenues from continuing operations  
38 that fiscal year said corporation will be deemed to have retained a significant continuing business  
39 activity.

40 (d) When a disposition of assets becomes effective such that a corporation or its affiliate,  
41 which holds lands currently or previously subject to license by the United States Nuclear  
42 Regulatory Commission, is not deemed to have retained a significant continuing business  
43 activity as described in subsection (c), all liabilities of said corporation making the disposition of  
44 assets are vested in the acquiring corporation or its affiliate without reversion or impairment.

45 (e) When a disposition of assets to shareholders of a corporation or its affiliate, which  
46 holds lands currently or previously subject to license by the United States Nuclear Regulatory  
47 Commission, becomes effective such that said corporation or its affiliate is not deemed to have  
48 retained a significant continuing business activity as described in subsection (c), all liabilities of  
49 the corporation making the disposition of assets are vested in the shareholders of the corporation  
50 or its affiliate without reversion or impairment.

51 SECTION 2. Section 5K of Chapter 111 of the General Laws as so appearing is hereby  
52 amended by inserting the following subsections:-

53 (I) Upon the United States Nuclear Regulatory Commission's termination of the  
54 operating license for any nuclear generator located in the commonwealth no portion of the lands  
55 previously subject to said license shall be sold, transferred, leased, or considered fit for  
56 unrestricted lease until: (i) The level of residual radioactivity throughout the released portion of  
57 the site is as low as reasonably achievable as defined in 10 CFR 20.1003 and in any event is less  
58 than 10 millirem per year for all pathways and that the exposure for all drinking water pathways  
59 is less than 4 millirem per year; (ii) The department has certified that the party liable for lands  
60 previously so licensed has met the obligations outline in paragraph (i) of this subsection.

61 (J) Upon the United States Nuclear Regulatory Commission's termination of the  
62 operating license for any nuclear generator located in the Commonwealth, the department is  
63 hereby authorized to make an assessment against any corporation, its successor, or its affiliate as  
64 defined in MGL C.23A§60(a), which holds lands previously subject to license by the United  
65 States Nuclear Regulatory Commission in an amount equal to the costs incurred in the prior  
66 fiscal year by the department's radiation control program in the performance of its duties under  
67 subsection (I) of this section. The department is hereby further authorized to make a collection,  
68 based on that assessment, of monies from said corporations to defray the cost of such activities.  
69 The department shall send notice of its assessment to the corporation, its successor, or its affiliate  
70 as defined in MGL C.23A§60(a) against which the assessment is made, and said corporation, its  
71 successor, or its affiliate as defined in MGL C.23A§60(a) shall pay such assessment within 30  
72 days of the notice of the assessment. If a company subject to assessment under this section fails  
73 to pay the assessment within 30 days of the notice of the assessment, the department may refer  
74 such matter to the department of revenue for the collection of the assessment in accordance with

75 applicable enforcement provisions pursuant to chapter 62C. The amount so collected shall be  
76 deposited into the General Fund and credited to the department.

77 (K) Upon the United States Nuclear Regulatory Commission's termination of the  
78 operating license for any nuclear generator located in the Commonwealth, in the event the lands  
79 previously subject to that license to not meet the criteria established in subsection (I) of this  
80 section, the department is hereby authorized to make an assessment against any corporation, its  
81 successor, or its affiliate as defined in MGL C.23A§60(a), which holds lands previously subject  
82 to license by the United States Nuclear Regulatory Commission in an amount equal to the  
83 estimated cost of remediation of the subject lands to said standard. The department is hereby  
84 further authorized to make a collection, based on that assessment, of monies from said  
85 corporations to be held in trust against performance of the required site remediation. The  
86 department shall send notice of its assessment to the corporation, its successor, or its affiliate as  
87 defined in MGL C.23A§60(a) against which the assessment is made, and said corporation, its  
88 successor, or its affiliate as defined in MGL C.23A§60(a) shall pay such assessment within 30  
89 days of the notice of the assessment. If a company subject to assessment under this section fails  
90 to pay the assessment within 30 days of the notice of the assessment, the department may refer  
91 such matter to the department of revenue for the collection of the assessment in accordance with  
92 applicable enforcement provisions pursuant to chapter 62C. The amount so collected shall be  
93 held in trust against the remediation of said lands.

94 (L) Nothing in this section shall be construed to touch upon spent nuclear fuel held in  
95 long term dry cask storage and subject to continuing licensure by the United States Nuclear  
96 Regulatory Commission.