

HOUSE No. 2904

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 do 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.