SENATE DOCKET, NO. 1081 FILED ON: 2/11/2021

SENATE . . . . . No. 2207

The Commonwealth of Massachusetts

PRESENTED BY:

Susan L. Moran

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:	
Susan L. Moran	*Plymouth and Barnstable*	
Sarah K. Peake	*4th Barnstable*	*2/23/2021*
Timothy R. Whelan	*1st Barnstable*	*2/26/2021*
Michael O. Moore	*Second Worcester*	*3/9/2021*
James B. Eldridge	*Middlesex and Worcester*	*4/27/2021*
Julian Cyr	*Cape and Islands*	*12/7/2021*

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By Ms. Moran, a petition (accompanied by bill, Senate, No. 2207) of Susan L. Moran, Sarah K. Peake, Timothy R. Whelan and Michael O. Moore for legislation relative to the prompt decommissioning of nuclear power stations. Telecommunications, Utilities and Energy.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. *1948* OF 2019-2020.]

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Second General Court
(2021-2022)

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:

SECTION 1. Chapter 10 of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by inserting after section 74 the following new section:-

Section 75. Funding To Provide Moneys For Postclosure Activities At Nuclear Power Stations

(a) The purposes of this section include the following:

To encourage the productive use of a site once a nuclear power station on the site ceases to generate electricity.

To diminish any negative impacts to the commonwealth from having unavailable for long periods a site that is well-suited and situated for other beneficial activities.

To reduce the risk that taxpayers, ratepayers, or utilities will experience adverse claims or costs resulting from a shortage of available funds for postclosure activities at a nuclear power station.

(b) Definitions. For the purposes of this section the following words shall have the following meanings:

"Affiliate", shall mean any business which directly or indirectly controls or is controlled by or is under direct or indirect common control with another business, including, but without limitation, any business with whom a business is merged or consolidated, or which purchases all or substantially all of the assets of a business.

"Decommissioning", shall mean closing and decontaminating a nuclear power station and nuclear power site, including dismantling the facility, removing all nuclear fuel, coolant and nuclear waste from the site, releasing the site for unrestricted use, and terminating the license.

Safstor is not decommissioning for the purposes of this section.

"Nuclear power station", shall mean any commercial facility that uses or used nuclear fuel to generate electric power; provided that this definition shall not apply to inactive facilities that store all spent nuclear fuel and high-level radioactive waste in dry cask storage systems licensed by the Nuclear Regulatory Commission.

"Postclosure", shall mean the period beginning when a nuclear power station has ceased generating electric power and ending when the nuclear power station and station site have been completely decommissioned.

"Postclosure activities", mean all activities at or in connection with a nuclear power station and station site during postclosure, including, but not limited to, moving spent nuclear fuel into dry casks, job training, site and environmental cleanup, off-site emergency planning, Safstor, and decommissioning.

"Postclosure Trust Fund", means a fund established by the State Treasurer for receiving monies received from Owners(s) and Affiliates(s) of a Nuclear Power Station pursuant to this Section.

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

1. The fee shall be assessed on the owner(s) or affiliate(s) of each nuclear power station on March 1 of each year and shall be paid to the state treasurer and deposited into the Postclosure Trust Fund.

2. In addition to the fee established in section (c)(1), the owner(s) or affiliate(s) of each nuclear power station shall also pay to the state treasurer any monies recovered by any of them from the Department of Entergy for spent fuel management costs from DOE shall be placed in the Postclosure Trust Fund.

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

(d) There shall be established and set up on the books of the commonwealth a Postclosure Trust Fund for each nuclear power station.

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

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

(e) Moneys from a Postclosure Trust Fund created under this section shall be disbursed only in accordance with this subsection.

1. The disbursement will pay for one or more postclosure activities completed at a nuclear power station site. If the disbursement is for a postclosure activity at the station that is part of decommissioning, all moneys otherwise set aside to pay for the activity, including moneys contained in a decommissioning trust fund established under federal law, must be exhausted before any disbursement from the trust fund.

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

(f) The executive office of energy and environmental affairs shall not issue authorization under subsection (e) except on receipt of (i) an affidavit or declaration, executed by an entity or person responsible for completing the relevant postclosure activity at a nuclear power station under the pains and penalties of perjury, identifying any completed postclosure activity with respect to which any disbursement is requested and setting forth facts establishing that each such activity has been completed and all costs incurred by the nuclear power station owner with

respect to each such activity and (ii) verification of the facts in the affidavit or declaration by the executive office of energy and environmental affairs or another appropriate state agency.

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

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

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

SECTION 2. This act shall take effect on January 1, 2020.