

Amendment ID: S2372-37-R1

Redraft Amendment 37

Prompt Decommissioning

Messrs. deMacedo and Wolf, Ms. Gobi and Mr. OConnor move to amend the bill by inserting before section 1 the following section:-

“SECTION A1. Chapter 10 of the General Laws is hereby amended by adding the following section:-

Section 76. (a) For the purposes of this section the following words shall have the following meanings unless the context clearly requires otherwise:

“Affiliate”, a business that directly or indirectly controls or is controlled by or is under direct or indirect common control with another business including, but not limited to, a business with whom a business is merged or consolidated, or which purchases all or substantially all of the assets of a business.

“Decommissioning”, closing and decontaminating a nuclear power station and nuclear power site including dismantling the facility, removing the nuclear fuel, coolant and nuclear waste from the site, releasing the site for unrestricted use and terminating the license; provided however, that, for the purposes of this section, SAFSTOR is not decommissioning.

“Nuclear power station”, a commercial facility that uses or used nuclear fuel to generate electric power.

“Post-closure”, 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.

“Post-closure activities”, the activities at or in connection with a nuclear power station and station site during post-closure 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.

(b) Each nuclear power station shall pay an annual post-closure funding fee of \$25,000,000 if the station is not fully decommissioned within 5 years of the time the power station ceases generating electric power. The fee shall be assessed by the executive office of energy and environmental affairs annually on the owner or affiliate of each nuclear power station on March 1 and shall be paid to the state treasurer for deposit into the Nuclear Power Station Decommissioning Trust Fund established in subsection (c). The fee shall be paid until: (i) the nuclear

power station is fully decommissioned as required under regulations promulgated by the United States Nuclear Regulatory Commission; and (ii) the executive office of energy and environmental affairs issues, after notice and an opportunity to be heard, an order finding that post-closure activities have been completed.

(c) There shall be a Nuclear Power Station Post-closure Trust Fund. The state treasurer shall serve as trustee of the fund and shall make expenditures from the fund to support decommissioning measures including: (i) payments for not less than 1 post-closure activity completed at a nuclear power station site, but only after the money in a federal decommissioning trust fund is exhausted; and (ii) payments to a person or entity named in an issuance of authorization from the executive office of energy and environmental affairs stating the amount to be disbursed and the completed post-closure activities to which the amount applies. The fund shall consist of: (i) the fee collected under subsection (b); and (ii) the interest earned on the money in the fund. Amounts credited to the fund shall not be subject to further appropriation and money remaining in the fund at the close of a fiscal year shall not revert to the General Fund.

(d) The executive office of energy and environmental affairs shall not issue authorization for payment except upon the receipt of: (i) an affidavit or declaration, executed by an entity or person responsible for completing the relevant post-closure activity at a nuclear power station under the pains and penalties of perjury, identifying completed post-closure activity with respect to which a disbursement is requested and setting forth facts establishing that each such activity has been completed and the 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.

The secretary of energy and environmental affairs shall determine the appropriate form, content and supporting information necessary for the affidavit or declaration. Money disbursed under this section 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. A false certification shall be subject to section 5B of chapter 12.

(e) The balance of the Nuclear Power Station Post-closure Trust Fund shall be returned to the owner or affiliate of the nuclear power station upon the issuance of an order, after notice and opportunity for hearing, finding that the post-closure activities at the station have been completed by the executive office of energy and environmental affairs.”; and

by inserting after section 18 the following section:-

“SECTION 18A. Section A1 shall take effect on January 1, 2017.”