
By Mr. Burke, a petition (accompanied by bill, Senate No. 842) of Edward L. Burke and Massachusetts PIRG, by David G. Burwell, for legislation relative to land use and nuclear fission power plants safety. Public Safety.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy-Six.

AN ACT RELATING TO LAND USE AND NUCLEAR FISSION POWER PLANTS SAFETY.

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. This title shall be known and may be cited as the
2 Nuclear Safeguards Act.

1 SECTION 2. The people and the Commonwealth of Massachu-
2 setts hereby find and declare that nuclear power plants can
3 have a profound effect on the planning for, and the use of,
4 large areas of the Commonwealth, as do related facilities con-
5 nected with the manufacture, transportation, and storage of
6 nuclear fuel, and the transportation, reprocessing, storage, and
7 disposal of radioactive materials from nuclear fission power
8 plants.

1 SECTION 3. The people further find and declare that sub-
2 stantial questions exist concerning the effect of nuclear fission
3 power plants on land use and land use planning, as well as on
4 public health and safety. Such questions include, but are not
5 limited to: — (a) the reliability of the performance of such
6 plants, with serious economic, security, health, and safety con-
7 sequences; (b) the reliability of the emergency safety systems
8 for such plants; (c) the security of such plants, and of sys-
9 tems of transportation, reprocessing and disposal of storage
10 of wastes from such plants, from earthquakes, other acts of
11 God, theft, sabotage, and the like; (d) the state of knowledge
12 regarding methods to store safely and adequately dispose of

13 the radio-active waste products from nuclear fission power
14 plants and related facilities; and (e) the creation by one gen-
15 eration of potentially catastrophic hazards for future genera-
16 tions.

1 SECTION 4. Chapter 164 of the General Laws is hereby
2 amended by inserting after section 69R the following seven
3 sections: —

4 *Section 69S.* A nuclear fission power plant and related facili-
5 ties may be a permitted land use in the commonwealth and its
6 waters and may be considered to be reasonably safe and
7 susceptible to rational land use planning, and may be licensed
8 by state or local agencies, and may be constructed in the com-
9 monwealth, only if all of the following conditions are met, in
10 addition to compliance with the provisions of sections sixty-
11 nine K to section sixty-nine P.

12 (a) after one year from the date of the enactment of this
13 act, the liability limits imposed by the federal government
14 have been removed and full compensation assured, either by
15 law or by waiver, as determined by a Massachusetts court of
16 competent jurisdiction and subject to the normal rights of
17 appeal, for the people and businesses of the commonwealth
18 in the event of personal injury, property damage, or economic
19 losses resulting from escape or diversion of radioactivity or
20 radioactive materials from a nuclear fission power plant, and
21 from escape or diversion of radioactivity or radioactive ma-
22 terials during the preparation, transportation, reprocessing,
23 and storage or disposal of such materials associated with such
24 plant; and

25 (b) after three years from the date of the enactment of
26 this act

27 (1) the effectiveness of all safety systems, including but not
28 limited to the emergency core cooling system, of any nuclear
29 fission power plant operating or to be operated in the common-
30 wealth is demonstrated, by comprehensively testing in actual
31 operation substantially similar physical systems, to the satis-
32 faction of the Energy Power Facilities Siting Council, subject
33 to the procedures specified in section sixty-nine V, and

34 (2) the radioactive wastes from such plant can be stored or

35 disposed of, with no reasonable chance, as determined by the
36 council, subject to the procedures specified in section sixty-
37 nine V, of intentional or unintentional escape of such waste or
38 radioactivity into the natural environment which will adversely
39 affect the land or the people of the commonwealth whether due
40 to imperfect storage technologies, earthquake or other acts of
41 God, theft, sabotage, acts of war, governmental or social in-
42 stabilities, or whatever other sources the council may deem to
43 be reasonably possible.

44 *Section 69T.* (a) If within one year from the date of the
45 enactment of this act the provisions of subsection sixty-
46 nine S (a) have not been met, then each existing nuclear
47 fission power plant and such plants under construction failing
48 to meet the conditions specified in subsection sixty-nine S (a)
49 shall not be operated at any time at more than sixty percent
50 of the original licensed core power level of such plant.

51 (b) Beginning three years from the date of the enactment
52 of this act, each existing nuclear fission plant and each such
53 plant under construction shall not be operated at any time at
54 more than sixty percent of the licensed core power level of
55 such plant and shall thereafter be derated at a rate of ten per-
56 cent per year of the licensed core power level of such plant,
57 and shall not be operated at any time in excess of such re-
58 duced core power level, unless all of the conditions enumerated
59 in section sixty-nine S are met with respect to such plant.

60 (c) The provisions of section sixty-nine S and section sixty-
61 nine T shall not apply to small-scale nuclear fission reactors
62 used exclusively for medical or experimental purposes.

63 *Section 69U.* Within one year from the date of the enact-
64 ment of this act, the council shall initiate the hearing process
65 specified in section sixty-nine V, and, within two years from
66 the date of the enactment of this act, determine whether it is
67 reasonable to expect that the conditions specified in subsection
68 sixty-nine S (b) will be met. Unless the council determines
69 that it is reasonable to expect that the conditions of subsection
70 sixty-nine S (b) will be met, nuclear fission power plants shall
71 be a permitted land use in the commonwealth only if such
72 existing plants and such plants under construction are oper-

73 ated at no more than sixty percent of their licensed core
74 power level.

75 *Section 69V.* The determinations of the council made pur-
76 suant to subsection sixty-nine S (b) and section sixty-nine U
77 shall be made only after sufficient findings.

78 (a) To ensure full public participation in the determinations
79 specified in subsection sixty-nine S (b) and section sixty-nine
80 U, the council shall also hold open and public hearings, giving
81 full and adequate notice, and an opportunity to testify, to all
82 persons and the right to cross-examine witnesses to all inter-
83 ested parties, within reasonable limits of time.

84 (b) All documents, records, studies, analyses, and testimony
85 submitted to the council in conjunction with its determina-
86 tions specified in subsection sixty-nine S (b) and section
87 sixty-nine U shall be made available to the general public at
88 no more than the cost of reproduction.

89 *Section 69W.* (a) The governor shall annually publish, pub-
90 licize, and release to the news media and to the appropriate
91 officials of affected communities the entire evacuation plans
92 specified in the licensing of each nuclear fission power plant.
93 Copies of such plans shall be made available to the public upon
94 request, at no more than the cost of reproduction.

95 (b) The governor shall propose procedures for annual re-
96 view by state and local officials of established evacuation plans,
97 with regard to, but not limited to, such factors as changes in
98 traffic patterns, population densities, and new construction of
99 schools, hospitals and industrial facilities. Opportunity for full
100 public participation in such reviews shall be provided.

101 *Section 69X.* The council shall promote and encourage the
102 development of alternative sources of electric power, including,
103 but not limited to, solar power, wind power, coal, tidal power,
104 geothermal power, and fusion power, giving regard to the fact-
105 ors of cost and feasibility of each such source of power and the
106 environmental impact associated with each such source.

107 *Section 69Y.* The council shall devise and implement, after
108 compliance with the provisions of section sixty-nine V, regu-
109 lations imposing a system of monitoring by the commonwealth
110 of the operation of nuclear fission power plants within the

111 commonwealth to ensure that such plants comply with all
112 applicable local, commonwealth and federal regulations.

1 SECTION 5. If any provision of this measure or the applica-
2 tion thereof to any person or circumstances is held invalid,
3 such invalidity shall not affect other provisions or applications
4 of the measures which can be given effect without the invalid
5 provision or application, and to this end the provisions of this
6 measure are severable.

The Commission is to ensure that such plants comply with the
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The State of New York

In SENATE, January 12, 1909.

REPORT OF THE COMMISSIONERS OF THE LAND OFFICE

IN RESPONSE TO A RESOLUTION PASSED BY THE SENATE

APRIL 18, 1908.

