

By Mr. Golden, a petition (accompanied by bill, Senate, No. 381) of William B. Golden, David B. Cohen, Salvatore F. DiMasi and other members of the General Court for legislation to prohibit the operation of nuclear fueled thermal power plants until a repository for radioactive waste produced by said plants has been licensed and approved. Energy.

**The Commonwealth of Massachusetts**

In the Year One Thousand Nine Hundred and Eighty-Nine.

AN ACT RELATIVE TO THE COST OF ENERGY RESOURCES.

*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 164, section 93 of the Official Edition  
2 of the General Laws is hereby amended, in line fourteen, by adding  
3 the following new paragraphs:

4 Without limiting the foregoing, no nuclear fueled thermal  
5 power plant shall be allowed to operate in Massachusetts until  
6 the Energy Facilities Siting Council, established under sec-  
7 tion 69H, finds that there has been developed and that the United  
8 States, through its authorized agency, has approved and licensed  
9 a repository for the disposal of the high level radioactive waste  
10 produced by the plant. The repository must be found to be capable  
11 of providing for the immediate acceptance and terminal disposi-  
12 tion of such waste with or without provisions for retrieval for  
13 reprocessing. If the Energy Facilities Siting Council, after public  
14 hearing conducted pursuant to section 2 of chapter 30A of the  
15 General Laws, makes a finding that there is an emergency need  
16 for electric power which cannot be obtained from any alternative  
17 energy resource, including conservation, without violating this  
18 section, the said department shall report its findings and the  
19 reasons therefor to the general court and may recommend that  
20 the provisions of this paragraph be temporarily suspended. Upon  
21 such recommendation, the department may temporarily suspend

22 the provisions of this paragraph unless within thirty legislative  
23 days either branch of the general court adopts by a majority vote  
24 of its members a resolution disaffirming the findings of the council  
25 made pursuant to this section. Any temporary suspension, as  
26 provided herein, shall be for no length of time greater than that  
27 during which an emergency need for electric power actually exists.

1 SECTION 2. If any section, portion, clause or phrase of this  
2 act is for any reason held to be invalid or unconstitutional, the  
3 remaining sections, portions, clauses and phrases shall not be  
4 affected but shall remain in full force and effect.