

HOUSE No. 5200

By Mr. Healy of Charlemont, petition of Jonathan L. Healy for legislation to further regulate the construction and operation of nuclear power plants. Energy.

The Commonwealth of Massachusetts

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

AN ACT FURTHER REGULATING THE CONSTRUCTION AND OPERATION OF NUCLEAR POWER PLANTS.

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 21D of the General Laws is hereby
2 amended by adding the following two sections:—

3 *Section 20.* No nuclear power plant shall be constructed or
4 operated unless approved or certified by the council with respect to
5 both the site of such plant and the method of the operation,
6 including the disposal of nuclear waste material.

7 *Section 21.* No nuclear fission thermal power plant, including
8 any to which the provisions of this chapter do not otherwise apply,
9 but excepting those exempted therein, shall be permitted land use
10 in the commonwealth, or where applicable, be certified by the
11 council until both conditions (a) and (b) have been met:

12 (a) The council finds that there has been developed and that the
13 United States through its authorized agency has approved and
14 there exists a demonstrated technology or means for the disposal of
15 high-level nuclear waste.

16 (b) The council has reported its findings and the reasons therefor
17 pursuant to paragraph (a) to the Legislature. Such reports of
18 findings shall be assigned to appropriate policy committees for
19 review. The council may proceed to certify nuclear fission thermal
20 power plants 100 legislative days after reporting its findings unless

21 within those 100 legislative days either house of the Legislature
22 adopts by a majority vote of its members a resolution disaffirming
23 the findings of the commission made pursuant to paragraph (a).

24 A resolution of disaffirmance shall set forth the reasons for the
25 action and shall provide to the extent possible, guidance to the
26 council as to an appropriate method of bringing the council's
27 findings into conformance with paragraph (a).

28 If a disaffirming resolution is adopted, the council shall reexam-
29 ine its original findings consistent with matters raised in the resolu-
30 tion. On conclusion of its reexamination, the council shall reduce
31 its findings to writing with the reasons therefor and shall transmit
32 them to the Legislature.

33 If the findings are that the conditions of paragraph (a) have been
34 met, the council may proceed to certify nuclear fission thermal
35 power plants 100 legislative days after reporting its findings to the
36 Legislature unless within those 100 legislative days both houses of
37 the Legislature act by statute to declare the findings null and void
38 and take appropriate action.

39 To allow sufficient time for the Legislature to act, the reports of
40 findings of the council shall be submitted to the Legislature at least
41 six calendar months prior to the adjournment of the Legislature
42 sine die.

43 (c) As used in this section, "technology or means for the disposal
44 of high-level nuclear waste" means a method for the permanent
45 and terminal disposition of high-level nuclear waste. It shall not
46 necessarily require that facilities for the application of such tech-
47 nology and/or means be available at the time the council makes its
48 findings. Such disposition shall not necessarily preclude the possi-
49 bility of an approved process for retrieval of such waste.

50 (d) The council shall continue to receive and process notices of
51 intention and applications for certification pursuant to this divi-
52 sion but shall not issue a decision granting a certificate until the
53 requirements of this section have been met. All other permits,
54 licenses, approvals or authorizations for the entry or use of the
55 land, including orders of court, which may be required may be
56 processed and granted by the governmental entity concerned but
57 construction work to install permanent equipment or structures
58 shall not commence until the requirements of this section have
59 been met.

1 SECTION 2. Notwithstanding any other provision of this sec-
2 tion, the council shall, no later than January sixteenth, nineteen
3 hundred and eighty-three, transmit, to each house of the legisla-
4 ture, its determination as to whether all of the findings required by
5 section twenty-one of chapter twenty-one D of the General Laws,
6 inserted by section one of this act, can be made at that time. In the
7 event that the council determines that any of such findings cannot
8 then be made, it shall include in its determination a recommenda-
9 tion as to whether any facilities, or any unit thereof, should be
10 exempted from the requirements of said section twenty-one, and
11 what conditions, if any, should be attached to such exemption.

12 In making the recommendation required by this section the coun-
13 cil shall consider the following:

14 (1) The council's most recent energy and demand forecast as
15 updated to indicate the energy requirement, capacity and supply
16 for the area proposed to be served by any such facilities as identi-
17 fied in the notice of intention at the time the council's recommenda-
18 tion is made.

19 (2) The extent to which the need identified in paragraph (1) can
20 be reduced by nongenerational alternatives to the proposed facili-
21 ties or by reasonable conservation measures, or both.

22 (3) Whether any practical alternative technology is or will be
23 available to meet the need as determine pursuant to paragraph (1)
24 or (2). For purposes of this paragraph "practical alternatrive tech-
25 nology" means a facility which uses a form of primary energy for
26 generation other than that proposed for use in the facilities which
27 are the subject of such notice of intention, which alternative facility
28 is or will be economically comparable, for which technology is or
29 will be available, which is environmentally acceptable, and which,
30 in prudent judgment, could be certified and constructed in suffi-
31 cient time to meet the need determined pursuant to paragraphs (1),
32 and (2) or within the same time period as the facilities subject to this
33 section, whichever is longer.

34 For purposes of making the findings, required by paragraphs
35 (1), (2), and (3) of this subdivision, the council shall consider,
36 among other things, the record of the proceedings and shall hold
37 such hearings as it deems necessary.

