

Question #3

The following is a complete text of Question #3, a binding initiative that will appear on the ballot November 2, 1982. The proposed law, submitted by petition of more than 100,000 Massachusetts voters, would empower the legislature to establish economic, safety and environmental criteria before any new nuclear power plants or dumps for radioactive waste could be built in the Commonwealth. Proposals for new nuclear facilities would then be subject to voter approval at statewide election.

Section 1. This Act shall be known as the "Nuclear Power and Waste Disposal Voter Approval and Legislative Certification Act."

Section 2. The purpose of this Act is to establish **approval by the voters of the Commonwealth**, and certification of certain findings by the General Court, as preconditions for the construction and operation of any new nuclear power plant or low-level radioactive waste disposal or storage facility, and for participation of the Commonwealth in any compact or agreement with any other state or states concerning low-level radioactive waste disposal or storage within the Commonwealth.

Section 3. No new nuclear power plant shall be constructed or operated within the Commonwealth unless:

- (a) construction and operation of the proposed nuclear power plant have been approved by a majority of the **voters** voting thereon in a state-wide general election; and
- (b) the General Court has found, and has so certified by resolution duly adopted by majority vote of the members of each House:
 - (i) that there exists an operating, federally-licensed facility for the timely and economical permanent disposal of high-level radioactive wastes generated by the proposed nuclear power plant;
 - (ii) that an adequate emergency preparedness plan for the proposed nuclear power plant has been developed, approved, and implemented by the Commonwealth;
 - (iii) that effective emission standards applicable to the proposed nuclear power plant have been promulgated by the Commonwealth to protect the public against health and safety hazards of radioactive air pollutants traceable to nuclear power plants within the Commonwealth;
 - (iv) that there exists a demonstrated, federally-approved technology or means for the timely and economical decommissioning, dismantling, and disposal of the proposed nuclear power plant; and
 - (v) that the proposed nuclear power plant offers the optimal means of meeting energy needs from the combined standpoints of overall cost, reliability, safety, environmental impact, land-use planning, and avoiding potential social and economical dislocation.

Section 4. No facility for the **disposal or storage of low-level radioactive wastes** shall be constructed or operated within the Commonwealth unless:

- (a) construction and operation of the proposed waste facility have been approved by a majority of the **voters** voting thereon in a state-wide general election; and
- (b) the General Court has found, and has so certified by resolution duly adopted by a majority vote of the members of each House:
 - (i) that the particular technology or means to be utilized at the proposed waste facility is superior to all other available technologies or means from the combined standpoints of overall cost, reliability, safety, environmental impact, land-use planning, and avoiding potential social and economic dislocation; and
 - (ii) that the site of the proposed waste facility is superior to all other available sites from the combined standpoints of overall cost, reliability, safety, environmental impact, land-use planning, and avoiding potential social and environmental dislocation.

Section 5. The Commonwealth shall not enter into any **compact or agreement with any other state or states** concerning the **disposal or storage of low-level radioactive wastes** within the Commonwealth unless:

- (a) the compact or agreement has been approved by a majority of the **voters** voting thereon in a state-wide general election; and
- (b) the General Court has found, and has so certified by resolution duly adopted by majority vote of the members of each House:
 - (i) that construction and operation within the Commonwealth of any facility for the disposal or storage of low-level radioactive wastes pursuant to the proposed compact or agreement shall be subject to the conditions of Section 4 of this Act; and
 - (ii) that the responsibilities and commitments of the Commonwealth under the proposed compact or agreement are no greater than those of any other party thereto.

Section 6.

- (a) Any resolution adopted pursuant to Section 3, 4, or 5 of this Act shall include an appendix setting forth in detail the factual basis of each finding certified by the General Court in the resolution.
- (b) A resolution adopted by the General court pursuant to Section 3, 4, or 5 of this Act shall not constitute a determination by the Legislative Branch that the proposal to which the resolution pertains is in the best interests of the People, nor a recommendation by that Branch that the proposal be approved by the voters.

Section 7.

(a) A proposal for the construction and operation within the Commonwealth of a new nuclear power plant or facility for the disposal or storage of low-level radioactive wastes may be introduced for consideration by the General Court pursuant to the provisions of this Act upon a proper showing in the General Court, to the fullest extent possible, that **the proposed nuclear power plant or waste facility has obtained all federal, state, and local licenses, permits, certificates, variances, and other approvals necessary for the construction thereof.**

(b) Whenever the General court has adopted a resolution pursuant to Section 3, 4, or 5 of this Act, the Secretary of the Commonwealth shall submit the proposal to which the resolution pertains to the voters of the Commonwealth at the first state-wide general election held at least 120 days following the adoption of the resolution by the Senate or by the House, whichever date is later.

(c) At least 30 days prior to the date of such election, the Secretary of the Commonwealth shall cause to be printed and sent to each person eligible to vote in the Commonwealth, or to the residence of one or more persons eligible to vote in the Commonwealth, the full text of the above resolution, together with a copy of the legislative committee's majority and minority reports, if there be such, with the names of the majority and minority members thereon, a statement of the votes of the General Court on the resolution, and a fair, concise summary of the question to be voted upon, as such summary will appear on the ballot; and shall, in such manner as may be provided by law, cause to be prepared and sent other information and arguments for and against the question.

Section 8.

(a) **The provisions of this Act shall not apply:**

- (i) to any nuclear power plant or facility for the disposal or storage of low-level radioactive wastes if, prior to August 5, 1981, such power plant or waste facility had obtained all federal, state, and local licenses, permits, variances, and other approvals necessary for the construction and operation thereof; or
- (ii) to any facility solely for the disposal or storage of low-level radioactive wastes generated within the Commonwealth through **medical or bio-research applications.**
- (b) Any compact or agreement into which the Commonwealth has entered with any other state or states between August 5, 1981, and the effective date of this Act, concerning the disposal or storage of low-level radioactive wastes within the Commonwealth, shall be null and void.
- (c) As used in this Act, the term "disposal or storage" of low-level radioactive wastes is defined to include incineration, isolation, storage, and disposal of such wastes; and the term "state or states" is defined to include such state or states and political subdivisions thereof.
- (d) Nothing in this Act shall be construed to exempt any proposed nuclear power plant, any facility for the disposal or storage of low-level radioactive wastes, or any compact or agreement subject to the provisions of this Act from meeting any licensing, permit, certificate, variance, or other approval requirement of the Commonwealth or political subdivisions thereof.
- (e) The provisions of this Act are intended to authorize and accomplish regulation by the Commonwealth to the full extent permitted by federal law and by the Constitution of the Commonwealth of Massachusetts, and no further.

Section 9. If any section, subsection, or paragraph of this Act shall be held unconstitutional either on its face or as applied, the unconstitutionality of the section, subsection, or paragraph, or the application thereof, shall not affect the other sections, subsections, and paragraphs of this Act, and the applications thereof; and to that end the sections, subsections, and paragraphs of this Act are intended to be severable.



City of Cambridge

9.

COUNCILLOR WYLIE

IN CITY COUNCIL
September 27, 1982

- WHEREAS: Massachusetts is negotiating with ten other Northeastern states to create a regional low-level nuclear waste dump, and the dump might be located in our state; and
- WHEREAS: Question 3 on the November ballot, placed on the ballot by initiative petition, would empower the General Court to establish economic, safety to environmental criteria before any new nuclear power plants or dumps could be built in the Commonwealth, and would require voter approval before new nuclear facilities could be built here; and
- WHEREAS: The City Councils in Boston and Worcester have endorsed a Yes vote on Question 3; now therefore be it
- RESOLVED: That the Cambridge City Council endorses a Yes vote on Question 3 and recommends such a vote to the voters of Cambridge.

In City Council September 27, 1982.
Adopted by the affirmative vote of 8 members.
Attest:- Paul E. Healy, City Clerk.

A true copy;

ATTEST:-

COUNCILLOR DAVID SULLIVAN ABSTAINED FROM VOTING IN THIS MATTER.

S-584

C. Wylie order re: City Council recording
itself in favor of a yes vote on Question 3
of the November, 1982 ballot Re: voter ap-
proval necessary before new nuclear facili-
ties can be built.

In City Council,

September 27, 1982

9/27/82

QWTS
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MEMBER

QPS Not Recorded
due to office employ-