

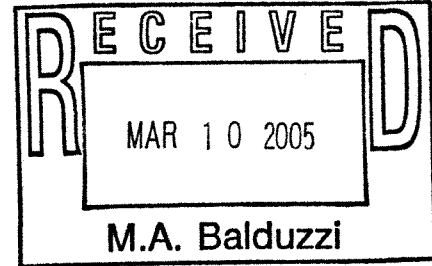
The Commonwealth of Massachusetts
Executive Office of Health and Human Services
Department of Public Health
Radiation Control Program
90 Washington Street, Dorchester, MA 02121
(617) 427-2944 (617) 427-2925 - Fax

MITT ROMNEY
GOVERNOR

KERRY HEALEY
LIEUTENANT GOVERNOR

RONALD PRESTON
SECRETARY

PAUL COTE
ACTING COMMISSIONER



March 7, 2005

Michael A. Balduzzi
Site Vice President
Entergy Nuclear Operations, Inc.
Pilgrim Nuclear Power Station
600 Rocky Hill Road
Plymouth, MA 02360

Dear Mr. Balduzzi:

This letter is to follow up on my earlier letter to you, dated February 20, 2004 (copy attached), in which I discussed the Department of Public Health's mandate to provide potassium iodide (KI) to the cities and towns on Cape Cod, Martha's Vineyard, Nantucket and Cape Ann. The Department's Radiation Control Program (RCP) was assigned the task of organizing and administering this program.

As I discussed in my earlier letter, the law requires that the cost of this program be assessed against the operator of each existing nuclear power plant in the Commonwealth and electric companies in the Commonwealth which own, in whole or in part, or purchase power from the Seabrook nuclear power plant. Of the four electric companies in Massachusetts that once owned shares in Seabrook Station, all have divested themselves of this ownership, and none now purchase or distribute power from Seabrook. The only remaining entity envisioned in the legislation against which an assessment may be made is the owner of Pilgrim Station, Entergy Nuclear Generation Co.

RCP staff contacted each city and town in the affected areas and all of them have chosen to participate in the program. Regulations promulgated under the statute require that each person in a participating town be provided, in the most economical way, with 260 milligrams of potassium iodide. Even though it has taken much longer than expected to determine how much KI will be required in total, we now have that information. Formal cost quotes have not been obtained yet, but informal communications with manufacturers indicate that the cost of purchasing the required KI dosages in the most economical way will be approximately \$345,000.

The RCP is in the process of obtaining formal cost quotes from manufacturers, using the state purchasing system. Once we have obtained official cost quotes, we will be invoicing Entergy

Nuclear Generation Co. for the actual cost of the KI so that we may proceed with the purchase of the doses.

Please contact me if you would like to discuss this KI program, or the legislation under which it is being conducted.

Sincerely,

A handwritten signature in black ink that reads "Robert Walker". The signature is written in a cursive style with a large, prominent "R" and "W".

Robert Walker
Director

Encl. (1)



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Executive Office of Health and Human Services
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MITT ROMNEY
GOVERNOR

KERRY HEALEY
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RONALD PRESTON
SECRETARY

CHRISTINE C. FERGUSON
COMMISSIONER

February 20, 2004

Michael A. Balduzzi
Site Vice President
Entergy Nuclear Operations, Inc.
Pilgrim Nuclear Power Station
600 Rocky Hill Road
Plymouth, MA 02360

Dear Mr. Balduzzi:

Re: Potassium Iodide

Massachusetts General Laws Chapter 111, Section 5K, was amended by the Legislature in December 2002 by adding three clauses requiring the Department of Public Health to acquire "thyroid blocking agents" (potassium iodide) for certain towns and cities in the three Emergency Planning Zones (EPZs) as well as on Cape Cod, the Islands and Cape Ann.

The term "thyroid blocking agents" refers to drugs or chemicals that can be ingested and that will prevent the absorption by the thyroid gland of radioactive isotopes of iodine that may be released to the environment during an accident at a nuclear power station. To date, the most commonly recommended thyroid blocking agent approved by the US Food and Drug Administration (FDA) is potassium iodide, known commonly by its chemical symbol 'KI'.

The three new clauses in the statute require the Department of Public Health (DPH) to:

- a) "stockpile" KI for cities and towns within the existing 10-mile EPZs, and recover the costs from the owner of any nuclear power plant in Massachusetts, and any electric companies that own, in whole or part or purchase power from, Seabrook Station; and
- b) "maintain supplies" of KI for cities and towns located in Barnstable, Dukes and Nantucket counties (Cape Cod and the Islands), as well as Cape Ann, funding in the same manner as in 1 above; and
- c) "procure and maintain adequate supplies" of KI approved by FDA for use in the existing EPZs, Cape Ann, Cape Cod & the Islands.

The purpose of this letter is to notify you that the Department is beginning the process of obtaining the KI as required by this statute, and to inform you that Entergy is one of the entities

that will be required to provide funding for this program in accordance with the statute and its implementing regulation.

KI is currently being made available by DPH to all residents, workers and students within the three EPZs in Massachusetts, and so to make the best use of available resources, and to avoid unnecessary duplication, the Department does not intend to implement the first new paragraph of the statute at this time. However, when the shelf-life of the KI currently being distributed within the EPZs expires in 2007, we will use our powers under this statute to replenish the supply at that time.

In the meantime, we will be obtaining KI for the eligible towns on Cape Cod, Cape Ann, Martha's Vineyard and Nantucket. Until these towns inform us whether or not they wish to participate and how many KI pills they require, we do not know how much KI will need to be purchased, nor how much the assessment against Entergy will be. Once we have that information, the Department will contact you again. I expect to have more information around May of this year.

I am enclosing a copy of the amended statute and the proposed regulation entitled *Provision of Thyroid Blocking Agents* which has been developed to implement the new sections of the statute. The proposed regulation describes the procedures for eligible cities and towns to request supplies of KI and the method by which costs will be allocated. A public hearing on these proposed regulations will be held on March 11, 2004, at 10:00 a.m. at the Department of Public Health, Daley Room, 2 Boylston Street, 5th Floor, Boston, MA. A copy of the Notice of Public Hearing is attached. You may attend and present oral testimony if you wish. Regardless of whether or not you attend the hearing, you may submit written comments on this proposed regulation to my attention.. All written comments must be received no later than the close of business on March 16, 2004.

Please contact me if you have any questions about this letter, or need further information.

Sincerely,



Robert Walker, Director
Radiation Control Program

Encl (3)

DRAFT FOR COMMENT

105 CMR 124.000: PROVISION OF THYROID BLOCKING AGENTS

Section

- 124.001: Purpose
- 124.002: Regulatory Authority
- 124.003: Definitions
- 124.004: Funding
- 124.005: Purchase of KI
- 124.006: Request By City or Town

124.001: Purpose

105 CMR 124.000 is promulgated to implement the purposes of those sections of M.G.L. c. 111, § 5K which require the Department of Public Health to stockpile thyroid blocking agents for cities and towns within 10 miles of a nuclear power plant, and on Cape Cod, the Islands and Cape Ann.

124.002: Regulatory Authority

The authority for the Department of Public Health to promulgate 105 CMR 124.000 is found in M.G.L. c. 111, § 5K.

124.003: Definitions

As used in 105 CMR 124.000, the following terms shall have the following meanings unless the context otherwise requires:

Cape Ann: means the cities or towns of Essex, Rockport, Gloucester and Manchester.

Cape Cod: means the cities or towns of Barnstable, Bourne, Brewster, Chatham, Dennis, Eastham, Falmouth, Harwich, Mashpee, Orleans, Provincetown, Sandwich, Truro, Wellfleet and Yarmouth.

Department: means the Massachusetts Department of Public Health.

Electric Company: means persons, firms, associations and private corporations which own or operate works or distribute electricity in the commonwealth. The term "electric company" does not include municipalities or municipal light plants.

Emergency Planning Zone: means the area within a 10 mile radius of a nuclear power generating station, as defined in the Massachusetts Radiological Emergency Response Plan.

Islands: means Martha's Vineyard and Nantucket.

DRAFT FOR COMMENT

124.003: Continued

KI: means the chemical symbol for potassium iodide, a commercially available thyroid blocking agent.

124.004: Funding

The costs associated with the purchase and distribution of KI under this regulation shall be borne by the operator of Pilgrim Nuclear Power Station and the electric companies that own, in whole or in part, or purchase power from, Seabrook Nuclear Power Station. The cost assigned to each entity shall be determined by the Department based on the proportion of the quantity of nuclear-generated electricity purchased or sold by that entity relative to the total nuclear-generated electricity used within the Commonwealth during the same period, based on the most recent data available from the Department of Telecommunications and Energy.

124.005: Purchase of KI

The Department shall purchase KI which has been approved by the Food and Drug Administration in the form of either 65 milligram or 130 milligram tablets. The quantity of KI tablets purchased shall be sufficient to supply 260 milligrams of KI to:

- A. each resident (based on summer population) of the participating cities and towns on Cape Cod, the Islands, and Cape Ann; the town-estimated transient population within those communities; institutionalized populations within those communities; emergency shelters within those communities in quantities sufficient for maximum occupancy; businesses within those communities that have requested supplies for employees who reside outside the area; and schools, preschools, day care centers and camps within those communities that have requested supplies for students and staff.
- B. each resident (based on summer population) of the towns in the Emergency Planning Zones; the town-estimated transient population within those communities; institutionalized populations within those communities; emergency shelters within those communities in quantities sufficient for maximum occupancy; businesses within those communities that have requested supplies for employees who reside outside the area; and schools, preschools, day care centers and camps within those communities.

124.006: Request By City or Town

A city or town in the Emergency Planning Zones or on Cape Ann, Cape Cod or the Islands that elects to participate in the provision of KI shall deliver a letter to the Department containing such a request and documentation that its governing body has voted to accept KI. The letter shall also indicate the total number of doses required, and to which municipal body the KI should be consigned.

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PUBLIC HEARING ON PROPOSED REGULATIONS ENTITLED
PROVISION OF THYROID BLOCKING AGENTS
(105 CMR 124.000)

Notice is hereby given pursuant to M.G.L. c. 30A, s. 2, that the Department of Public Health will hold a public hearing to receive written and oral testimony on regulations entitled Provision of Thyroid Blocking Agents (105 CMR 124.000).

These proposed regulations implement amendments to MGL c.111, s. 5K, which require the Department of Public Health to issue regulations concerning the provision of thyroid blocking agents to specified cities and towns within 10 miles of a nuclear power plant (the Emergency Planning Zone) as well as cities and towns on Cape Ann, Cape Cod, Martha's Vineyard and Nantucket. The term "thyroid blocking agents" refers to drugs or chemicals that can be ingested and that will prevent the absorption by the thyroid gland of radioactive isotopes of iodine that may be released to the environment during an accident at a nuclear power station. The only thyroid blocking agent currently approved by the US Food and Drug Administration is potassium iodide, know more commonly by its chemical symbol "KI". The statute authorizes the Department to assess the costs of this program to the owners of any nuclear power station in the Commonwealth, and to electric companies in the Commonwealth which own, in whole or in part, or purchase power from the Seabrook nuclear power plant in New Hampshire. The proposed regulations describe the funding mechanism authorized by the statute, the type and quantity of KI tablets to be purchased by the Department, and procedures for eligible cities and towns to request a supply of KI.

The hearing will be held Thursday, March 11, 2004 at 10:00 a.m. at the Department of Public Health, Daley Room, 2 Boylston Street, 5th Floor, Boston, MA.

Written submissions should be delivered to Robert Walker, Director, Radiation Control Program, 90 Washington Street, Dorchester, MA 02121. Speakers are requested to provide a written copy or summary of their statement at the hearing. All written testimony must be submitted by 5:00 p.m. on March 16, 2004.

Copies of the proposed regulations may be obtained from LouAnn Stanton, Office of the General Counsel at 617-624-5220.

2-12-04
Date

Charles Ferguson
Commissioner

GENERAL LAWS OF MASSACHUSETTS

PART I. ADMINISTRATION OF THE GOVERNMENT

TITLE XVI. PUBLIC HEALTH

CHAPTER 111. PUBLIC HEALTH

DUTIES OF THE DEPARTMENT OF PUBLIC HEALTH

Chapter 111: Section 5K Nuclear reactors; monitoring and surveillance; charges and assessments

Section 5K. (A) The department, subject to appropriation, shall adopt rules and regulations that monitor the use and release of nuclear materials, source materials, or radioactive materials, whether irradiated or not, as they pertain to the operation of nuclear reactors.

(B) The department shall, subject to appropriation, establish and maintain a monitoring and surveillance program for all nuclear reactors. Such a program shall include, but not be limited to, the following activities:--

(1) The department, subject to appropriation, shall create a network of monitoring stations not all in fixed locations, to ascertain the movement, dispersal and reconcentration of any radioactive materials originating from nuclear reactors, whether in gaseous, liquid or solid form. For the purpose of this section, the department may utilize, (I) equipment owned and operated by the department, (II) equipment maintained and operated by the nuclear reactor operators either directly or indirectly and (III) the data obtained therefrom.

(2) The department shall, subject to appropriation, conduct periodic surveys to determine the extent and seriousness of radiation doses received by humans and animal life resulting from the reconcentration of radioactive materials, released from nuclear reactors. Such surveys and monitoring programs may be conducted in cooperation with other departments or agencies of the commonwealth or of any other state, or with the federal environmental protection agency the nuclear regulatory commission, or any other federal agency, or with any other suitable qualified persons or institutions.

(3) The department shall, subject to appropriation, make inspections either announced or unannounced, of each nuclear reactor installation or site located within the commonwealth. For the purposes of such inspections, the department is hereby specifically authorized to enter at any time (I) upon the site of said nuclear reactor installation whether said reactor is proposed, under construction, or in operation and (II) any buildings or facilities thereon, as may be necessary, in the judgment of the department, to determine compliance with its rules and regulations adopted under the provisions of this section. Subject to appropriation, the commissioner may appoint and remove inspectors to comply with the provisions of this section. Said inspectors shall have all the power and authority of inspectors as defined by section nine of this chapter.

(C) The department shall, subject to appropriation, publish and make available to the general public or to any interested party on a semi-annual basis, for each operating nuclear reactor, a summary and discussion of the results of the monitoring and surveillance program for the previous six months, including the results of any surveys completed under provisions of clause (2) of paragraph (B).

The summary for each nuclear reactor shall include, at a minimum: (1) a comparison of actual emissions and emission rates of radioactive materials, whether in a liquid or gaseous form, with those allowed by the technical specifications appearing in the facility operating license of the reactor; (2) the estimated radiation doses received as a result of said emissions at various geographical locations under various occupancy assumptions; (3) a comparison of said estimated doses with applicable federal exposure guidelines; and (4) a listing and discussion of all accidents or abnormal occurrences, as defined by 42 USC sec. 5848, that were reported to the nuclear regulatory commission, pursuant to 42 USC secs. 5841 to 5849, inclusive, to rules and regulations promulgated under the authority of said statute, or to the requirements of the facility operating license of nuclear reactors.

(D) To support the development and operation of a state radiation monitoring program, the operators of nuclear reactors shall have reasonable charges levied against them.

(E) The department is hereby authorized to make an assessment against the operator of each existing and proposed nuclear power plant in the commonwealth in an amount equal to the costs incurred in the prior fiscal year by the department's radiation control program in the performance of its duties under this section. The department is hereby further authorized to make a collection, based on that assessment, of monies from said operators of nuclear power plants to defray the cost of such activities. Said amount shall not exceed \$90,000 per annum, per facility, which shall be expended for any such facility, including, but not be limited to, a facilities located in the town of Rowe and in the town of Plymouth, and in Seabrook, New Hampshire. The department shall send notice of its assessment to the individual company against which the assessment is made, and said company shall pay such assessment within 30 days of the notice of the assessment; provided, however, that such company shall have a reasonable opportunity to submit objections concerning said assessment to the department for review. If, after completion of such review, the department determines the assessment is valid, the department shall issue a demand for such assessment, and the company against which such assessment is made shall pay such assessment immediately. If a company subject to assessment under this section fails to pay the assessment within 30 days of the notice of the assessment, or fails to pay the demand for assessment upon completion of the final review, whichever occurs later, the department may refer such matter to the department of revenue for the collection of the assessment in accordance with applicable enforcement provisions pursuant to chapter 62C. The amount so collected shall be deposited into the General Fund and credited to the department.

(F) The department of public health shall stockpile thyroid-blocking agents according to regulations promulgated by the department for cities and towns located within a 10 mile radius of a nuclear power plant. The department may make an assessment against the operator of each nuclear power plant in the commonwealth and electric companies in the commonwealth which own, in whole or in part, or purchase power from the Seabrook nuclear power plant. For purposes of this section, electric companies shall be defined as persons, firms, associations and private corporations which own or operate works or distribute electricity in the commonwealth; but the term electric companies shall not include municipalities or municipal light plants. The department may make a collection based on this assessment directly from the electric companies and deposit the monies into the Radiation Control Trust account.

[Paragraph (G) effective until July 1, 2004. For text effective July 1, 2004, see below.]

(G) The department shall maintain supplies of thyroid-blocking agents according to regulations promulgated by the department for cities and towns located in Barnstable, Dukes and Nantucket counties, as well as in the area known as Cape Ann in Essex county. This section shall take effect in any city or town in which its governing body votes to accept the stockpiling of thyroid-blocking agents. The department may make an assessment against the operator of each existing nuclear power plant in the commonwealth and electric companies in the commonwealth which own, in whole or in part, or purchase power from the Seabrook nuclear power plant. For purposes of this section, electric companies shall be defined as all persons, firms, associations and private

corporations which own or operate works or distribute electricity in the commonwealth; but the term electric companies shall not include municipalities or municipal light plants. The department may make a collection based on this assessment directly from the electric companies and deposit the monies directly into the retained revenue account established by the department and used for nuclear power plant environmental monitoring activities.

[Paragraph (G) as amended by 2004, 149, Sec. 154 effective July 1, 2004. See 2004, 149, Sec. 428. For text effective until July 1, 2004, see above.]

(G) The department shall maintain supplies of thyroid-blocking agents according to regulations promulgated by the department for cities and towns located in Barnstable, Dukes and Nantucket counties, as well as in the area known as Cape Ann in Essex county. This section shall take effect in any city or town in which its governing body votes to accept the stockpiling of thyroid-blocking agents. The department may make an assessment against the operator of each existing nuclear power plant in the commonwealth and electric companies in the commonwealth which own, in whole or in part, or purchase power from the Seabrook nuclear power plant. For purposes of this section, electric companies shall be defined as all persons, firms, associations and private corporations which own or operate works or distribute electricity in the commonwealth; but the term electric companies shall not include municipalities or municipal light plants. The department may make a collection based on this assessment directly from the electric companies and deposit the monies directly into the Radiation Control Trust Account.

(H) The department shall procure and maintain adequate supplies of potassium iodide tablets approved by the Federal Food and Drug Administration for use in the emergency planning zones and in the areas known as Cape Ann in Essex county and Cape Cod and the Islands, which surround any nuclear power generating facility established by the Nuclear Regulatory Commission in the event of an occurrence, incident or other abnormal circumstance involving the release of radiation or other radiological hazards that may have a significant adverse effect on the health or safety of the people of the commonwealth. A change in federal law with respect to funding the potassium iodide tablets shall in no event result in a liability to the commonwealth.

Return to:

**** [Next Section](#) ** [Previous Section](#) ** [Chapter Table of Contents](#) ** [Legislative Home Page](#)**

GENERAL LAWS OF MASSACHUSETTS

PART I. ADMINISTRATION OF THE GOVERNMENT

TITLE XVI. PUBLIC HEALTH

CHAPTER 111. PUBLIC HEALTH

ARTICLE OF THE DEPARTMENT OF PUBLIC HEALTH.

Chapter 111: Section 5K Nuclear reactors; monitoring and surveillance; charges and assessments

Section 5K. (A) The department, subject to appropriation, shall adopt rules and regulations that monitor the use and release of nuclear materials, source materials, or radioactive materials, whether irradiated or not, as they pertain to the operation of nuclear reactors.

(B) The department shall, subject to appropriation, establish and maintain a monitoring and surveillance program for all nuclear reactors. Such a program shall include, but not be limited to, the following activities:--

(1) The department, subject to appropriation, shall create a network of monitoring stations not all in fixed locations, to ascertain the movement, dispersal and reconcentration of any radioactive materials originating from nuclear reactors, whether in gaseous, liquid or solid form. For the purpose of this section, the department may utilize, (I) equipment owned and operated by the department, (II) equipment maintained and operated by the nuclear reactor operators either directly or indirectly and (III) the data obtained therefrom.

(2) The department shall, subject to appropriation, conduct periodic surveys to determine the extent and seriousness of radiation doses received by humans and animal life resulting from the reconcentration of radioactive materials, released from nuclear reactors. Such surveys and monitoring programs may be conducted in cooperation with other departments or agencies of the commonwealth or of any other state, or with the federal environmental protection agency the nuclear regulatory commission, or any other federal agency, or with any other suitable qualified persons or institutions.

(3) The department shall, subject to appropriation, make inspections either announced or unannounced, of each nuclear reactor installation or site located within the commonwealth. For the purposes of such inspections, the department is hereby specifically authorized to enter at any time upon the site of said nuclear reactor installation whether said reactor is proposed, under construction, or in operation and (II) any buildings or facilities thereon, as may be necessary, in the judgment of the department, to determine compliance with its rules and regulations adopted under the provisions of this section. Subject to appropriation, the commissioner may appoint and remove inspectors to comply with the provisions of this section. Said inspectors shall have all the power and authority of inspectors as defined by section nine of this chapter.

(4) The department shall, subject to appropriation, publish and make available to the general

public or to any interested party on a semi-annual basis, for each operating nuclear reactor, a summary and discussion of the results of the monitoring and surveillance program for the previous six months, including the results of any surveys completed under provisions of clause (2) of paragraph (B).

The summary for each nuclear reactor shall include, at a minimum: (1) a comparison of actual emissions and emission rates of radioactive materials, whether in a liquid or gaseous form, with those allowed by the technical specifications appearing in the facility operating license of the reactor; (2) the estimated radiation doses received as a result of said emissions at various geographical locations under various occupancy assumptions; (3) a comparison of said estimated doses with applicable federal exposure guidelines; and (4) a listing and discussion of all accidents or abnormal occurrences, as defined by 42 USC sec. 5848, that were reported to the nuclear regulatory commission, pursuant to 42 USC secs. 5841 to 5849, inclusive, to rules and regulations promulgated under the authority of said statute, or to the requirements of the facility operating license of nuclear reactors.

(D) To support the development and operation of a state radiation monitoring program, the operators of nuclear reactors shall have reasonable charges levied against them.

(E) The department is hereby authorized to make an assessment against the operator of each existing and proposed nuclear power plant in the commonwealth in an amount equal to the costs incurred in the prior fiscal year by the department's radiation control program in the performance of its duties under this section. The department is hereby further authorized to make a collection, based on that assessment, of monies from said operators of nuclear power plants to defray the cost of such activities. Said amount shall not exceed \$90,000 per annum, per facility, which shall be expended for any such facility, including, but not be limited to, a facilities located in the town of Rowe and in the town of Plymouth, and in Seabrook, New Hampshire. The department shall send notice of its assessment to the individual company against which the assessment is made, and said company shall pay such assessment within 30 days of the notice of the assessment; provided, however, that such company shall have a reasonable opportunity to submit objections concerning said assessment to the department for review. If, after completion of such review, the department determines the assessment is valid, the department shall issue a demand for such assessment, and the company against which such assessment is made shall pay such assessment immediately. If a company subject to assessment under this section fails to pay the assessment within 30 days of the notice of the assessment, or fails to pay the demand for assessment upon completion of the final review, whichever occurs later, the department may refer such matter to the department of revenue for the collection of the assessment in accordance with applicable enforcement provisions pursuant to chapter 62C. The amount so collected shall be deposited into the General Fund and credited to the department.

[Paragraph (F) effective until July 1, 2003. For text effective July 1, 2003, see below.]

(F) The department of public health shall stockpile thyroid-blocking agents according to regulations promulgated by the department for cities and towns located within a 10 mile radius of a nuclear power plant. The department may make an assessment against the operator of each nuclear power plant in the commonwealth and electric companies in the commonwealth which own, in whole or in part, or purchase power from the Seabrook nuclear power plant. For purposes of this section, electric companies shall be defined as persons, firms, associations and private corporations which own or operate works or distribute electricity in the commonwealth; but the term electric companies shall not include municipalities or municipal light plants. The department may make a collection based on this assessment directly from the electric companies and deposit the monies

into the retained revenue account established by the department and used for nuclear power plant environmental monitoring activities.

[Paragraph (F) as amended by 2003, 26, Sec. effective July 1, 2003. See 2003, 26, Sec. 715. For text effective until July 1, 2003, see above.]

(F) The department of public health shall stockpile thyroid-blocking agents according to regulations promulgated by the department for cities and towns located within a 10 mile radius of a nuclear power plant. The department may make an assessment against the operator of each nuclear power plant in the commonwealth and electric companies in the commonwealth which own, in whole or in part, or purchase power from the Seabrook nuclear power plant. For purposes of this section, electric companies shall be defined as persons, firms, associations and private corporations which own or operate works or distribute electricity in the commonwealth; but the term electric companies shall not include municipalities or municipal light plants. The department may make a collection based on this assessment directly from the electric companies and deposit the monies into the Radiation Control Trust account.

(G) The department shall maintain supplies of thyroid-blocking agents according to regulations promulgated by the department for cities and towns located in Barnstable, Dukes and Nantucket counties, as well as in the area known as Cape Ann in Essex county. This section shall take effect in any city or town in which its governing body votes to accept the stockpiling of thyroid-blocking agents. The department may make an assessment against the operator of each existing nuclear power plant in the commonwealth and electric companies in the commonwealth which own, in whole or in part, or purchase power from the Seabrook nuclear power plant. For purposes of this section, electric companies shall be defined as all persons, firms, associations and private corporations which own or operate works or distribute electricity in the commonwealth; but the term electric companies shall not include municipalities or municipal light plants. The department may make a collection based on this assessment directly from the electric companies and deposit the monies directly into the retained revenue account established by the department and used for nuclear power plant environmental monitoring activities.

(H) The department shall procure and maintain adequate supplies of potassium iodide tablets approved by the Federal Food and Drug Administration for use in the emergency planning zones and in the areas known as Cape Ann in Essex county and Cape Cod and the Islands, which surround any nuclear power generating facility established by the Nuclear Regulatory Commission in the event of an occurrence, incident or other abnormal circumstance involving the release of radiation or other radiological hazards that may have a significant adverse effect on the health or safety of the people of the commonwealth. A change in federal law with respect to funding the potassium iodide tablets shall in no event result in a liability to the commonwealth.

Return to:

**** [Next Section](#) ** [Previous Section](#) ** [Chapter Table of Contents](#) ** [Legislative Home Page](#)**