

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1850 Session of
1975

INTRODUCED BY REED, BERLIN, TURNER, WAGNER AND SHELHAMER,
OCTOBER 15, 1975

REFERRED TO COMMITTEE ON MINES AND ENERGY MANAGEMENT,
OCTOBER 15, 1975

AN ACT

1 Imposing a moratorium on the construction of nuclear energy
2 generating plants; establishing a joint bipartisan committee
3 to investigate the nuclear energy field; establishing a
4 Nuclear Energy Review Commission and providing for local
5 referendums.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 Section 1. Legislative Findings.--The General Assembly
9 recognizes that critical questions have been raised in the
10 public and in the scientific community regarding the safety of
11 nuclear fission power plants. Radioactive wastes from such
12 plants do not disintegrate for thousands of years and their
13 proper storage is a matter of great public concern for public
14 safety. The construction of such plants and the involvement of
15 the Commonwealth in reviewing such construction is of
16 importance.

17 Section 2. Moratorium on Construction.--A moratorium on the
18 groundbreaking and new construction of nuclear fission power
19 plants in the Commonwealth is hereby imposed for a period of

1 three years. Such ban shall not effect those plants already
2 under construction at the effective date of this act.

3 Section 3. Committee; Powers and Duties.--(a) The General
4 Assembly shall establish a joint bipartisan committee known as
5 the Joint State Nuclear Energy Committee for the purpose of
6 examining the critical questions relating to the safety of
7 nuclear fission power plants and the feasibility of additional
8 construction of such plants in the Commonwealth.

9 (b) The committee shall be composed of the President pro
10 tempore of the Senate and six Senators to be named by the
11 President pro tempore, three from the majority party and three
12 from the minority party; the Speaker of the House of
13 Representatives and six Representatives to be named by the
14 Speaker, three from the majority party and three from the
15 minority party, and the Lieutenant Governor who shall serve as
16 chairman of the committee and who shall vote only when necessary
17 to break a tie.

18 (c) The committee shall hold public hearings, issue
19 subpoenas, report to the General Assembly before the termination
20 of the three-year moratorium as to their findings on the matter
21 of public safety of nuclear fission power plants and the
22 disposal of radioactive wastes, other pertinent issues and
23 information and make recommendations to the General Assembly
24 concerning legislative actions.

25 Section 4. Nuclear Energy Review Commission; Powers and
26 Duties.--(a) At the conclusion of the three-year moratorium,
27 there is hereby created a Nuclear Energy Review Commission for
28 the Commonwealth comprised of the following individuals: The
29 Lieutenant Governor, the Speaker of the House of Representatives
30 or his designee, the President pro tempore of the Senate or his

1 designee, the Secretary of Community Affairs, the Secretary of
2 Environmental Resources, the Secretary of Health and seven
3 private citizens to be named by the Governor.

4 (b) The commission will have the responsibility to issue
5 permits, inspect existing nuclear fission power plants, inspect
6 nuclear fission power plants during construction and to act upon
7 all matters of public safety relating to nuclear fission power
8 plants.

9 (c) The commission shall be notified of any plans to
10 construct any new nuclear fission power plants or to add to
11 existing nuclear fission powers plants located in the
12 Commonwealth. Upon receipt of such notice, the commission shall
13 schedule public hearings in the area to be affected for the
14 purpose of receiving relevant information regarding all aspects
15 of the planned construction. Local governmental, planning and
16 health agency representatives of the area affected and other
17 interested parties shall be notified of the hearing and its
18 purpose.

19 (d) After evaluating all the information obtained the
20 commission shall issue a decision on the issuance of a permit
21 with adequate reasons for its decision contained therein.

22 (e) Any final decision of the commission may be appended to
23 the Commonwealth Court for review.

24 Section 7. Plant Conditions Required.--The following
25 conditions must be met prior to the new construction or further
26 construction of such plants:

27 (1) That such plants have effective safety systems, including
28 but not limited to emergency core cooling systems, and that such
29 safety systems be tested and proven effective through on-site
30 tests or comparative tests of the same systems at operating

1 sites.

2 (2) That radioactive wastes from the plant shall be stored,
3 moved or disposed of with no reasonable chance of intentional or
4 unintentional escape or emission of radioactivity into the
5 natural environment.

6 (3) That the construction shall not adversely effect
7 surrounding communities, natural environment or the orderly
8 development of the area.

9 Section 8. Referendum Required.--(a) Before any nuclear
10 fission power plant is constructed in an area, the approval of
11 the electorate of the affected areas shall be required whenever
12 a petition requesting that the question of the construction of
13 the nuclear fission power plant be placed upon the ballot is
14 presented to the county board of election, if the construction
15 is within the boundaries of only that county, or to the
16 Secretary of the Commonwealth, if the construction shall be
17 located in more than one county.

18 (b) The form of the question shall be as follows:

19 Shall the _____ Company be Yes
20 permitted to construct a nuclear fission power
21 plant in the County of _____? No

22 A majority of the electors voting shall decide the question and
23 such decision shall be binding.

24 (c) The petition to cause the question to appear on the
25 ballot shall be signed by 5% or more of the registered
26 electorate of the county or counties to be affected. The
27 petition shall be filed no later than 60 days before the
28 proposed election.

29 Section 9. This act shall take effect immediately.