

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2216

Session of
1982

INTRODUCED BY COLAFELLA, STUBAN, HASAY, SHOWERS, HOFFEL,
STEVENS, PHILLIPS, WAMBACH, CORDISCO, KOLTER, MANMILLER,
MOEHLMANN AND PICCOLA, FEBRUARY 2, 1982

REFERRED TO COMMITTEE ON HEALTH AND WELFARE, FEBRUARY 2, 1982

AN ACT

1 Amending Title 35 (Health and Safety) of the Pennsylvania
2 Consolidated Statutes, providing for radiation emergency
3 response.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Title 35, act of November 25, 1970 (P.L.707,
7 No.230), known as the Pennsylvania Consolidated Statutes, is
8 amended by adding a chapter to read:

9 PART VI

10 MISCELLANEOUS PROVISIONS

11 Chapter

12 81. Radiation Emergency Response

13 CHAPTER 81

14 RADIATION EMERGENCY RESPONSE

15 Sec.

16 8101. Short title of chapter.

17 8102. Legislative policy.

18 8103. Definitions.

1 8104. Imposition and use of fees.
2 8105. Time for payment of fees.
3 8106. Radiation Emergency Response Fund.
4 8107. Radiation Emergency Response Program.
5 8108. Grants to municipalities.
6 8109. Reports.
7 8110. Transporting spent nuclear fuel on highways.
8 8111. Penalties.
9 § 8101. Short title of chapter.

10 This chapter shall be known and may be cited as the
11 "Radiation Emergency Response Code."

12 § 8102. Legislative policy.

13 It is declared to be the policy of the General Assembly to
14 protect the people of this Commonwealth against adverse health
15 effects resulting from radiation accidents by establishing a
16 mechanism for emergency preparedness to mitigate the effects of
17 such accidents. The General Assembly finds that it is
18 appropriate that the nuclear industry in Pennsylvania bear costs
19 associated with preparing and implementing plans to deal with
20 the effects of nuclear accidents. The fees assessed by this
21 chapter are intended to cover the costs of the Radiation
22 Emergency Response Program authorized by this chapter.

23 § 8103. Definitions.

24 The following words and terms when used in this chapter shall
25 have the meanings given to them in this section unless the
26 context clearly indicates otherwise:

27 "Agency". The Pennsylvania Emergency Management Agency.

28 "Department." The Department of Environmental Resources.

29 "Director." The Director of the Emergency Management Agency.

30 "DOD." The United States Department of Defense or any

1 agencies which succeed to its functions in licensing fabricators
2 of nuclear material or storage of spent nuclear materials.

3 "DOE." The United States Department of Energy or any
4 agencies which succeed to its functions in licensing fabricators
5 of nuclear material or storage of spent nuclear materials.

6 "NRC." The United States Nuclear Regulatory Commission or
7 any agency which succeeds to its functions in the licensing of
8 nuclear power reactors or facilities for storing spent nuclear
9 fuel.

10 "Person." Includes individuals, partnerships, associations,
11 corporations, political subdivisions, municipality authorities,
12 the Commonwealth or any other legal entities.

13 § 8104. Imposition and use of fees.

14 (a) General rule.--Persons engaged within this Commonwealth
15 in the business of producing electricity utilizing nuclear
16 energy, operating facilities for shipping or storing spent
17 nuclear reactor fuel for others or fabrication of nuclear
18 material shall pay fees to cover the cost of establishing
19 emergency plans to deal with the possibility of nuclear
20 accidents.

21 (b) Amount.--The fees shall consist of the following:

22 (1) A one-time fee of \$350,000 per nuclear power reactor
23 to be paid by the owners of such reactors.

24 (2) An annual fee of \$100,000 per year for each nuclear
25 power reactor for which a construction permit or operating
26 license has been issued by the NRC, to be paid by the owners
27 of nuclear power reactors operating in this Commonwealth.

28 (3) An annual fee of \$50,000 per year for each site for
29 which a valid operating license has been issued by NRC, DOE
30 or DOD for the operation of any away-from-reactor spent fuel

1 or nuclear material storage facility, to be paid by the
2 owners of facilities for the storage of nuclear products for
3 others in this Commonwealth.

4 (4) An annual fee of \$50,000 per year for each facility
5 involved in the fabrication of nuclear material, to be paid
6 by the owners of the facility.

7 (5) A fee of \$2,000 per shipment of spent nuclear fuel
8 to be paid by the shipper of the fuel.

9 (c) Use.--The fees shall be used by the agency for:

10 (1) Purchase, installation, operation and maintenance of
11 equipment to provide an early warning capability to detect
12 nuclear accidents.

13 (2) Establishment and maintenance of plans prepared by
14 the agency, other Commonwealth agencies or municipalities.

15 (3) Compensation and expenses of the Commonwealth's
16 nuclear engineers.

17 (4) Purchase of protective and emergency equipment and
18 medical supplies, to include potassium iodide.

19 (5) Granting funds to municipalities to carry out the
20 purposes of this chapter.

21 § 8105. Time for payment of fees.

22 (a) General rule.--Within 30 days after the beginning of
23 each fiscal year of the Commonwealth, each person who possessed
24 a valid construction permit or operating license issued by the
25 NRC or other Federal agency for a nuclear power reactor, spent
26 fuel storage facility or fabricator of nuclear material during
27 any portion of the previous fiscal year shall pay to the agency
28 the fees imposed by section 8104 (relating to imposition and use
29 of fees).

30 (b) One-time reactor fee.--The one-time fee assessed under

1 section 8104(b)(1) for each nuclear reactor shall be paid to the
2 agency not less than three years prior to scheduled commencement
3 of commercial operation. For facilities which have commenced
4 commercial operation or are presently scheduled to commence
5 commercial operation before January 1, 1982, this fee shall be
6 paid within 90 days of the effective date of this chapter.

7 (c) Shipment of spent fuel.--Fees assessed under section
8 8104(b)(5) for the shipment of spent nuclear fuel shall be paid
9 to the agency prior to shipment.

10 § 8106. Radiation Emergency Response Fund.

11 All moneys received by the agency under this chapter shall be
12 deposited in the State Treasury and shall be set apart in a
13 special fund to be known as the Radiation Emergency Response
14 Fund. All moneys in the fund shall be invested by the State
15 Treasurer in accordance with established investment practices.
16 Interest earned on investments shall be returned to the fund.
17 Moneys deposited in the fund shall be expended by the agency
18 only to support the activities of the Pennsylvania Radiation
19 Emergency Response Program.

20 § 8107. Radiation Emergency Response Program.

21 (a) General rule.--The Radiation Emergency Response Program
22 shall consist of an assessment of the potential nuclear
23 accidents, their radiological consequences and the necessary
24 protective actions required to mitigate the effects of such
25 accidents. The plan shall include, but not necessarily be
26 limited to:

27 (1) Provision of a continuous remote effluent monitoring
28 system capable of determining levels of radiation released
29 from nuclear facilities to the environment.

30 (2) Development of a detailed fixed facility nuclear

1 emergency response plan for areas surrounding each nuclear
2 electrical generation facility, nuclear fabricator and away-
3 from-reactor storage facility.

4 (3) Training and equipping of State and local emergency
5 response personnel.

6 (4) Development of accident scenarios and exercising of
7 fixed facility nuclear emergency response plans.

8 (5) Provision of specialized response equipment to
9 include stockage and administration of potassium iodide
10 necessary to accomplish this task.

11 (6) Provision for granting funds to municipalities to
12 assist them in carrying out the purposes of this chapter.

13 (b) Nuclear engineers at reactor sites.--In addition to
14 other employees, the Department of Environmental Resources shall
15 assign at least one nuclear engineer to each reactor site in
16 this Commonwealth. Compensation and expenses shall be paid from
17 the fees collected pursuant to section 8104 (relating to
18 imposition and use of fees). The powers and duties of the
19 nuclear engineers shall include, but not be limited to, becoming
20 familiar with a particular site, conducting routine inspections,
21 representing the Commonwealth at NRC hearings and keeping the
22 Commonwealth and the Federal Government informed of any unsafe
23 operation at the plant. In the event of any emergency, the
24 nuclear engineer shall be immediately dispatched to the site to
25 keep the department and the agency informed on the status of the
26 accident situation.

27 § 8108. Grants to municipalities.

28 Applications by municipalities for grants with which to pay
29 personnel or purchase protective equipment and emergency systems
30 to carry out the purposes of this chapter shall be made to the

1 agency which shall make grants pursuant to regulations
2 promulgated by the agency.

3 § 8109. Reports.

4 On September 1 of each year the agency shall submit a report
5 on its operations for the preceding fiscal year to the Governor
6 and the General Assembly. The report shall include a summary of
7 the activities of the Radiation Emergency Response Program with
8 an operating capital and grant financial statement.

9 § 8110. Transporting spent nuclear fuel on highways.

10 It is unlawful for any person to transport upon the highways
11 of this Commonwealth any spent nuclear fuel unless that person
12 notifies the agency in advance of transporting the spent nuclear
13 fuel. This provision applies whether or not the fuel is for
14 delivery in this Commonwealth and whether or not the shipment
15 originated in this Commonwealth. The agency may adopt rules,
16 regulations and definitions to implement this section.

17 § 8111. Penalties.

18 (a) First offense.--Any person violating any provision of
19 this chapter commits a misdemeanor of the third degree and
20 shall, upon conviction, be sentenced to pay a fine of not less
21 than \$500 nor more than \$5,000 or to imprisonment for not more
22 than 60 days, or both.

23 (b) Subsequent offenses.--Any person, having been convicted
24 of a first offense under this chapter, who is at a later time
25 convicted of a second or subsequent offense, shall be sentenced
26 to pay a fine of not less than \$500 nor more than \$5,000 or to
27 imprisonment for not less than 60 days nor more than one year,
28 or both.

29 (c) Organization penalty.--If the violator is a partnership,
30 association or joint venture, then the member thereof

1 responsible for the violation, or if the violator is a
2 corporation, then the officer, agent or employee thereof
3 responsible for the violation, shall have the sentence of
4 imprisonment imposed upon him.

5 Section 2. This act shall take effect in 60 days.