

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1580

Session of
1983

INTRODUCED BY CAPPABIANCA, MANDERINO, PRATT, DOMBROWSKI, BOYES,
BOWSER, GRUITZA, ROBBINS AND BOOK, OCTOBER 12, 1983

AS REPORTED FROM COMMITTEE ON MILITARY AND VETERANS AFFAIRS,
HOUSE OF REPRESENTATIVES, AS AMENDED, MARCH 12, 1984

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 of the Pennsylvania Consolidated~~
7 ~~Statutes is amended by adding a part to read:~~

<—

8 ~~PART VI~~

9 ~~MISCELLANEOUS PROVISIONS~~

10 ~~Chapter~~

11 ~~—81. Radiation Emergency Response~~

12 ~~CHAPTER 81~~

13 ~~RADIATION EMERGENCY RESPONSE~~

14 ~~Sec.~~

15 ~~8101. Short title of chapter.~~

16 ~~8102. Legislative policy.~~

17 ~~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 Radiation~~
11 ~~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 this Commonwealth bear~~
19 ~~costs associated with preparing and implementing plans to deal~~
20 ~~with 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 Pennsylvania Emergency~~
30 ~~Management Agency.~~

~~"DOD." The United States Department of Defense or any agencies which succeed to its functions in licensing fabricators of nuclear material or storage of spent nuclear materials.~~

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

~~"NRC." The United States Nuclear Regulatory Commission or any agencies which succeed to its functions in the licensing of nuclear power reactors or facilities for storing spent nuclear fuel.~~

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

~~§ 8104. Imposition and use of fees.~~

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

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

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

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

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

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

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

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

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

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

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

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

~~(4) Purchase of protective and emergency equipment and medical supplies, including potassium iodide.~~

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

~~§ 8105. Time for payment of fees.~~

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

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

~~section 8104(b)(1) for each nuclear reactor shall be paid to the agency not less than three years prior to scheduled commencement of commercial operation. For facilities which have commenced commercial operation or are presently scheduled to commence commercial operation before January 1, 1983, this fee shall be paid within 90 days of the effective date of this chapter.~~

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

~~§ 8106. Radiation Emergency Response Fund.~~

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

~~§ 8107. Radiation Emergency Response Program.~~

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

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

~~(2) Development of a detailed fixed facility nuclear~~

~~emergency response plan for areas surrounding each nuclear electrical generation facility, nuclear fabricator and away from reactor storage facility.~~

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

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

~~(5) Provision of specialized response equipment, including stockage and administration of potassium iodide necessary to accomplish this task.~~

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

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

~~§ 8108. Grants to municipalities.~~

~~Applications by municipalities for grants with which to pay personnel or purchase protective equipment and emergency systems 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 and 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.~~

6 SECTION 1. TITLE 35 OF THE PENNSYLVANIA CONSOLIDATED
7 STATUTES IS AMENDED BY ADDING A PART TO READ:

8 PART VI

9 MISCELLANEOUS PROVISIONS

10 CHAPTER

11 81. RADIATION EMERGENCY RESPONSE

12 CHAPTER 81

13 RADIATION EMERGENCY RESPONSE

14 SEC.

15 8101. SHORT TITLE OF CHAPTER.

16 8102. LEGISLATIVE POLICY.

17 8103. DEFINITIONS.

18 8104. IMPOSITION AND USE OF FEES.

19 8105. TIME FOR PAYMENT OF FEES.

20 8106. RADIATION EMERGENCY RESPONSE FUND.

21 8107. RADIATION EMERGENCY RESPONSE PROGRAM.

22 8108. FINANCIAL ASSISTANCE.

23 8109. REPORTS.

24 8110. TRANSPORTING SPENT NUCLEAR FUEL BY HIGHWAY OR RAIL.

25 8111. PENALTIES.

26 § 8101. SHORT TITLE OF CHAPTER.

27 THIS CHAPTER SHALL BE KNOWN AND MAY BE CITED AS THE RADIATION
28 EMERGENCY RESPONSE CODE.

29 § 8102. LEGISLATIVE POLICY.

30 IT IS DECLARED TO BE THE POLICY OF THE GENERAL ASSEMBLY TO

1 PROTECT THE PEOPLE OF THIS COMMONWEALTH AGAINST ADVERSE HEALTH
2 EFFECTS RESULTING FROM RADIATION ACCIDENTS BY ESTABLISHING A
3 MECHANISM FOR EMERGENCY PREPAREDNESS TO MITIGATE THE EFFECTS OF
4 SUCH ACCIDENTS. THE GENERAL ASSEMBLY FINDS THAT IT IS
5 APPROPRIATE THAT THE NUCLEAR INDUSTRY IN THIS COMMONWEALTH BEAR
6 COSTS ASSOCIATED WITH PREPARING AND IMPLEMENTING PLANS TO DEAL
7 WITH THE EFFECTS OF NUCLEAR ACCIDENTS. THE FEES ASSESSED BY THIS
8 CHAPTER ARE INTENDED TO COVER THE COSTS OF THE RADIATION
9 EMERGENCY RESPONSE PROGRAM AUTHORIZED BY THIS CHAPTER.

10 § 8103. DEFINITIONS.

11 THE FOLLOWING WORDS AND TERMS WHEN USED IN THIS CHAPTER SHALL
12 HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
13 CONTEXT CLEARLY INDICATES OTHERWISE:

14 "AGENCY." THE PENNSYLVANIA EMERGENCY MANAGEMENT AGENCY.

15 "COUNCIL." THE PENNSYLVANIA EMERGENCY MANAGEMENT COUNCIL.

16 "DEPARTMENT." THE DEPARTMENT OF ENVIRONMENTAL RESOURCES.

17 "DIRECTOR." THE DIRECTOR OF THE PENNSYLVANIA EMERGENCY
18 MANAGEMENT AGENCY.

19 "DOD." THE UNITED STATES DEPARTMENT OF DEFENSE OR ANY
20 AGENCIES WHICH SUCCEED TO ITS FUNCTIONS IN LICENSING FABRICATORS
21 OF NUCLEAR MATERIAL OR STORAGE OF SPENT NUCLEAR MATERIALS.

22 "DOE." THE UNITED STATES DEPARTMENT OF ENERGY OR ANY
23 AGENCIES WHICH SUCCEED TO ITS FUNCTIONS IN LICENSING FABRICATORS
24 OF NUCLEAR MATERIAL OR STORAGE OF SPENT NUCLEAR MATERIALS.

25 "NRC." THE UNITED STATES NUCLEAR REGULATORY COMMISSION OR
26 ANY AGENCIES WHICH SUCCEED TO ITS FUNCTIONS IN THE LICENSING OF
27 NUCLEAR POWER REACTORS OR FACILITIES FOR STORING SPENT NUCLEAR
28 FUEL.

29 "PERSON." INCLUDES INDIVIDUALS, PARTNERSHIPS, ASSOCIATIONS,
30 CORPORATIONS, POLITICAL SUBDIVISIONS, MUNICIPALITY AUTHORITIES,

1 THE COMMONWEALTH OR ANY OTHER LEGAL ENTITIES.

2 "PSP." THE PENNSYLVANIA STATE POLICE.

3 § 8104. IMPOSITION AND USE OF FEES.

4 (A) GENERAL RULE.--PERSONS ENGAGED IN THIS COMMONWEALTH IN
5 THE BUSINESS OF PRODUCING ELECTRICITY UTILIZING NUCLEAR ENERGY,
6 OPERATING FACILITIES FOR SHIPPING OR STORING SPENT NUCLEAR
7 REACTOR FUEL FOR OTHERS OR FABRICATION OF NUCLEAR MATERIAL SHALL
8 PAY FEES TO COVER THE COST OF ESTABLISHING EMERGENCY PLANS TO
9 DEAL WITH THE POSSIBILITY OF NUCLEAR ACCIDENTS.

10 (B) AMOUNT.--THE FEES SHALL CONSIST OF THE FOLLOWING:

11 (1) A ONE-TIME FEE OF \$350,000 AND AN ANNUAL FEE OF
12 \$100,000 PER YEAR FOR EACH NUCLEAR POWER REACTOR FOR WHICH A
13 CONSTRUCTION PERMIT OR OPERATING LICENSE HAS BEEN ISSUED BY
14 THE NRC TO BE PAID BY THE PERSON ISSUED THE CONSTRUCTION
15 PERMIT OR OPERATING LICENSE.

16 (2) AN ANNUAL FEE OF \$50,000 PER YEAR FOR EACH SITE FOR
17 WHICH A VALID OPERATING LICENSE HAS BEEN ISSUED BY THE NRC OR
18 DOE FOR THE OPERATION OF ANY AWAY-FROM-REACTOR SPENT FUEL
19 STORAGE FACILITY TO BE PAID BY THE PERSON ISSUED THE LICENSE
20 FOR THE STORAGE OF SUCH PRODUCTS.

21 (3) AN ANNUAL FEE OF \$50,000 FOR EACH FACILITY LICENSED
22 BY THE DOD, DOE OR NRC FOR THE PURPOSE OF FABRICATION OF
23 NUCLEAR MATERIAL TO BE PAID BY THE PERSON SO LICENSED.

24 (C) USE.--THE FEES SHALL BE USED BY THE AGENCY FOR:

25 (1) ESTABLISHMENT AND MAINTENANCE OF PLANS PREPARED BY
26 THE AGENCY, OTHER COMMONWEALTH AGENCIES, SCHOOL DISTRICTS OR
27 MUNICIPALITIES.

28 (2) PURCHASE OF PROTECTIVE AND EMERGENCY SUPPLIES AND
29 EQUIPMENT.

30 (3) FINANCIAL ASSISTANCE TO MUNICIPALITIES, SCHOOL

DISTRICTS AND STATE AGENCIES TO CARRY OUT THE PURPOSES OF
THIS CHAPTER.

§ 8105. TIME FOR PAYMENT OF FEES.

(A) ANNUAL FEES.--WITHIN 30 DAYS AFTER THE BEGINNING OF EACH
FISCAL YEAR OF THE COMMONWEALTH, EACH PERSON WHO POSSESSED A
CONSTRUCTION PERMIT OR OPERATING LICENSE ISSUED BY THE NRC OR
OTHER FEDERAL AGENCY FOR A NUCLEAR POWER REACTOR, SPENT FUEL
STORAGE FACILITY OR FABRICATOR OF NUCLEAR MATERIAL DURING ANY
PORTION OF THE PREVIOUS FISCAL YEAR SHALL PAY TO THE AGENCY THE
ANNUAL FEES IMPOSED BY SECTION 8104 (RELATING TO IMPOSITION AND
USE OF FEES). INITIAL ANNUAL FEE SHALL BE PAID PRIOR TO JULY 31,
1985.

(B) ONE-TIME REACTOR FEE.--THE ONE-TIME FEE ASSESSED UNDER
SECTION 8104(B)(1) FOR EACH NUCLEAR REACTOR SHALL BE PAID TO THE
AGENCY NOT LESS THAN THREE YEARS PRIOR TO SCHEDULED COMMENCEMENT
OF COMMERCIAL OPERATION. FOR FACILITIES WHICH HAVE COMMENCED
COMMERCIAL OPERATION OR ARE PRESENTLY SCHEDULED TO COMMENCE
COMMERCIAL OPERATION BEFORE JANUARY 1, 1988, THIS FEE SHALL BE
PAID WITHIN 90 DAYS OF THE EFFECTIVE DATE OF THIS CHAPTER.

§ 8106. RADIATION EMERGENCY RESPONSE FUND.

ALL MONEYS RECEIVED BY THE AGENCY UNDER THIS CHAPTER SHALL BE
DEPOSITED IN THE STATE TREASURY AND SHALL BE SET APART IN A
SPECIAL FUND TO BE KNOWN AS THE RADIATION EMERGENCY RESPONSE
FUND. ALL MONEYS IN THE FUND SHALL BE INVESTED BY THE STATE
TREASURER IN ACCORDANCE WITH ESTABLISHED INVESTMENT PRACTICES.
INTEREST EARNED ON INVESTMENTS SHALL BE RETURNED TO THE FUND.
MONEYS DEPOSITED IN THE FUND SHALL BE EXPENDED BY THE AGENCY
ONLY TO SUPPORT THE ACTIVITIES OF THE RADIATION EMERGENCY
RESPONSE PROGRAM.

§ 8107. RADIATION EMERGENCY RESPONSE PROGRAM.

1 THE AGENCY SHALL DEVELOP A RADIATION EMERGENCY RESPONSE
2 PROGRAM. THIS PROGRAM SHALL INCLUDE AN ASSESSMENT OF POTENTIAL
3 NUCLEAR ACCIDENTS AND INCIDENTS, THE RADIOLOGICAL CONSEQUENCES
4 AND THE NECESSARY PROTECTIVE MEASURES REQUIRED TO MITIGATE THE
5 EFFECTS OF SUCH ACCIDENT OR INCIDENT. THE PROGRAM SHALL INCLUDE,
6 BUT NOT NECESSARILY BE LIMITED TO:

7 (1) DEVELOPMENT OF A DETAILED FIXED FACILITY NUCLEAR
8 EMERGENCY RESPONSE PLAN FOR AREAS SURROUNDING EACH NUCLEAR
9 ELECTRICAL GENERATION FACILITY, NUCLEAR FABRICATOR AND AWAY-
10 FROM-REACTOR STORAGE FACILITY.

11 (2) TRAINING AND EQUIPPING OF STATE AND LOCAL EMERGENCY
12 RESPONSE PERSONNEL.

13 (3) DEVELOPMENT OF ACCIDENT SCENARIOS AND EXERCISING OF
14 FIXED FACILITY NUCLEAR EMERGENCY RESPONSE PLANS.

15 (4) PROCUREMENT OF SPECIALIZED SUPPLIES AND EQUIPMENT.

16 (5) PROVISION FOR FINANCIAL ASSISTANCE TO
17 MUNICIPALITIES, SCHOOL DISTRICTS AND STATE AGENCIES TO ASSIST
18 THEM IN CARRYING OUT THE PURPOSES OF THIS CHAPTER.

19 § 8108. FINANCIAL ASSISTANCE.

20 (A) GENERAL PROVISIONS.--APPLICATIONS BY MUNICIPALITIES,
21 SCHOOL DISTRICTS AND STATE AGENCIES TO PAY PERSONNEL, CONDUCT
22 TRAINING OR PURCHASE PROTECTIVE SUPPLIES AND EQUIPMENT
23 PRINCIPALLY REQUIRED TO CARRY OUT THE PURPOSES OF THIS CHAPTER
24 SHALL BE MADE TO THE AGENCY WHICH SHALL MAKE THE DISBURSEMENTS
25 PURSUANT TO REGULATIONS PROMULGATED BY THE COUNCIL.

26 (B) REIMBURSEMENT PROVISIONS.--MUNICIPALITIES, SCHOOL
27 DISTRICTS AND STATE AGENCIES MAY APPLY FOR REIMBURSEMENT OF
28 COSTS NOT PREVIOUSLY RECOUPED WHICH WERE REQUIRED TO BE EXPENDED
29 BY THE NRC FOR PERSONNEL COSTS, TRAINING EXPENSES, AND
30 PROTECTIVE SUPPLIES AND EQUIPMENT ON OR AFTER MARCH 28, 1979 AND

1 PRIOR TO THE EFFECTIVE DATE OF THIS ACT.

2 § 8109. REPORTS.

3 ON SEPTEMBER 1 OF EACH YEAR, THE AGENCY SHALL SUBMIT A REPORT
4 ON ITS OPERATIONS FOR THE PRECEDING FISCAL YEAR TO THE GOVERNOR
5 AND THE GENERAL ASSEMBLY. THE REPORT SHALL INCLUDE A SUMMARY OF
6 THE ACTIVITIES OF THE RADIATION EMERGENCY RESPONSE PROGRAM, A
7 PROPOSED OPERATING BUDGET, FINANCIAL STATEMENT AND A LISTING OF
8 APPLICATIONS RECEIVED AND DISBURSEMENTS OR REIMBURSEMENTS MADE
9 TO MUNICIPALITIES, SCHOOL DISTRICTS AND STATE AGENCIES PURSUANT
10 TO SECTION 8108 (RELATING TO FINANCIAL ASSISTANCE).

11 § 8110. TRANSPORTING SPENT NUCLEAR FUEL BY HIGHWAY OR RAIL.

12 (A) NOTICE.--IT IS UNLAWFUL FOR ANY PERSON TO TRANSPORT UPON
13 THE HIGHWAYS OR RAILS OF THIS COMMONWEALTH ANY SPENT NUCLEAR
14 FUEL UNLESS THAT PERSON NOTIFIES THE AGENCY IN ADVANCE OF
15 TRANSPORTING THE SPENT NUCLEAR FUEL IN ACCORDANCE WITH 10 C.F.R.
16 § 71.5(A) AND (B).

17 (B) ESCORT.--ALL SHIPMENTS OF SPENT NUCLEAR FUEL TO, WITHIN,
18 THROUGH OR ACROSS THE BOUNDARIES OF THE COMMONWEALTH SHALL BE
19 ESCORTED BY THE PENNSYLVANIA STATE POLICE. THE PSP WILL BE
20 REIMBURSED FOR SUCH ESCORTS BY THE PERSON ISSUED THE LICENSE BY
21 THE NRC AT THE FOLLOWING RATES: \$20 PER HOUR PER OFFICER AND 50¢
22 PER MILE FOR HIGHWAY SHIPMENTS. RAIL SHIPMENTS SHALL BE BASED ON
23 A RATE OF \$25 PER HOUR PER OFFICER. THE LICENSEE SHALL, IN
24 ADDITION TO THE NOTIFICATION REQUIRED BY SUBSECTION (A), NOTIFY
25 THE PSP OF THE APPROXIMATE TIME THE SHIPMENT WILL COMMENCE OR
26 ARRIVE AT THE PENNSYLVANIA BORDER TO ALLOW FOR DEPLOYMENT OF
27 REQUIRED ESCORT. IF THE SHIPMENT IS CANCELED AFTER PSP
28 NOTIFICATION, THE LICENSEE SHALL COMPENSATE THE PSP THE
29 APPROPRIATE RATE FOR FOUR HOURS OF THE OFFICER'S TIME.

30 (C) AUTHORIZATION.--SHIPMENTS SHALL BE AUTHORIZED SUBJECT TO

1 THE COMMONWEALTH'S AUTHORITY TO DELAY INDIVIDUAL HIGHWAY AND
2 RAIL SHIPMENTS DUE TO SPECIFIC HOLIDAY OR SAFETY CONSIDERATIONS
3 INCLUDING, BUT NOT LIMITED TO, WEATHER, HIGHWAY OR RAIL
4 CONDITIONS.

5 (D) RULES AND REGULATIONS.--THE PSP MAY ADOPT RULES AND
6 REGULATIONS TO IMPLEMENT THIS SECTION.

7 § 8111. PENALTIES.

8 (A) FIRST OFFENSE.--ANY PERSON VIOLATING ANY PROVISION OF
9 THIS CHAPTER COMMITS A MISDEMEANOR AND SHALL, UPON CONVICTION,
10 BE SENTENCED TO PAY A FINE OF NOT LESS THAN \$500 NOR MORE THAN
11 \$5,000 OR TO IMPRISONMENT FOR NOT MORE THAN 60 DAYS, OR BOTH.

12 (B) SUBSEQUENT OFFENSES.--ANY PERSON, HAVING BEEN CONVICTED
13 OF A FIRST OFFENSE UNDER THIS CHAPTER AND WHO IS AT A LATER TIME
14 CONVICTED OF A SECOND OR SUBSEQUENT OFFENSE, SHALL BE SENTENCED
15 TO PAY A FINE OF NOT LESS THAN \$2,500 NOR MORE THAN \$10,000 OR
16 TO IMPRISONMENT FOR NOT LESS THAN 60 DAYS NOR MORE THAN ONE
17 YEAR, OR BOTH.

18 SECTION 2. THIS ACT SHALL TAKE EFFECT JANUARY 1, 1985.