

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

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# HOUSE BILL

## No. 1580

Session of  
1983

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

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AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,  
JUNE 13, 1984

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## 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. Financial assistance.
- 6 8109. Reports.
- 7 8110. Transporting spent nuclear fuel by highway or rail.
- 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 "Council." The Pennsylvania Emergency Management Council.

29 "Department." The Department of Environmental Resources.

30 "Director." The Director of the Pennsylvania Emergency

1 Management Agency.

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

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

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

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

15 "PSP." The Pennsylvania State Police.

16 § 8104. Imposition and use of fees.

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

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

24 (1) A one-time fee of \$350,000 and an annual fee of  
25 \$100,000 per year for each nuclear power reactor for which a  
26 construction permit or operating license has been issued by  
27 the NRC to be paid by the person issued the construction  
28 permit or operating license.

29 (2) An annual fee of \$50,000 per year for each site for  
30 which a valid operating license has been issued by the NRC or

DOE for the operation of any away-from-reactor spent fuel storage facility to be paid by the person issued the license for the storage of such products.

(3) An annual fee of \$50,000 for each facility licensed by the DOD, DOE or NRC for the purpose of fabrication of nuclear material to be paid by the person so licensed.

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

(1) Establishment and maintenance of plans prepared by the agency, other Commonwealth agencies, school districts or municipalities.

(2) Purchase of protective and emergency supplies and equipment.

(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

1 commercial operation before January 1, 1988, this fee shall be  
2 paid within 90 days of the effective date of this chapter.

3 § 8106. Radiation Emergency Response Fund.

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

13 § 8107. Radiation Emergency Response Program.

14 The agency shall develop a Radiation Emergency Response  
15 Program. This program shall include an assessment of potential  
16 nuclear accidents and incidents, the radiological consequences  
17 and the necessary protective measures required to mitigate the  
18 effects of such accident or incident. The program shall include,  
19 but not necessarily be limited to:

20 (1) Development of a detailed fixed facility nuclear  
21 emergency response plan for areas surrounding each nuclear  
22 electrical generation facility, nuclear fabricator and away-  
23 from-reactor storage facility: PROVIDED, HOWEVER, THAT NO <—  
24 SUCH PLAN SHALL DEPEND UPON OR UTILIZE THE SERVICES OF ANY  
25 VOLUNTEER ORGANIZATION, FIRE COMPANY OR RESCUE ORGANIZATION  
26 UNLESS THAT PARTICULAR VOLUNTEER ORGANIZATION WAS ACTIVELY  
27 INVOLVED IN AND CONSULTED WITH CONCERNING THE PREPARATION AND  
28 EXECUTION OF THE PLAN.

29 (2) Training and equipping of State and local emergency  
30 response personnel.

1           (3) Development of accident scenarios and exercising of  
2       fixed facility nuclear emergency response plans.

3           (4) Procurement of specialized supplies and equipment.

4           (5) Provision for financial assistance to  
5       municipalities, school districts and State agencies to assist  
6       them in carrying out the purposes of this chapter.

7   § 8108. Financial assistance.

8       (a) General provisions.--Applications by municipalities,  
9       school districts and State agencies to pay personnel, conduct  
10      training or purchase protective supplies and equipment  
11      principally required to carry out the purposes of this chapter  
12      shall be made to the agency which shall make the disbursements  
13      pursuant to regulations promulgated by the council.

14      (b) Reimbursement provisions.--Municipalities, school  
15      districts and State agencies may apply for reimbursement of  
16      costs not previously recouped which were required to be expended  
17      by the NRC for personnel costs, training expenses, EMERGENCY       <—  
18      PLAN PREPARATION AND ESTABLISHMENT, and protective supplies and  
19      equipment on or after March 28, 1979 and prior to the effective  
20      date of this act.

21   § 8109. Reports.

22      On September 1 of each year, the agency shall submit a report  
23      on its operations for the preceding fiscal year to the Governor  
24      and the General Assembly. The report shall include a summary of  
25      the activities of the Radiation Emergency Response Program, a  
26      proposed operating budget, financial statement and a listing of  
27      applications received and disbursements or reimbursements made  
28      to municipalities, school districts and State agencies pursuant  
29      to section 8108 (relating to financial assistance).

30   § 8110. Transporting spent nuclear fuel by highway or rail.

1 (a) Notice.--It is unlawful for any person to transport upon  
2 the highways or rails of this Commonwealth any spent nuclear  
3 fuel unless that person notifies the agency in advance of  
4 transporting the spent nuclear fuel in accordance with 10 C.F.R.  
5 § 71.5(a) and (b).

6 (b) Escort.--All shipments of spent nuclear fuel to, within,  
7 through or across the boundaries of the Commonwealth shall be  
8 escorted by the Pennsylvania State Police. The PSP will be  
9 reimbursed for such escorts by the person issued the license by  
10 the NRC at the following rates: \$20 per hour per officer and 50¢  
11 per mile for highway shipments. Rail shipments shall be based on  
12 a rate of \$25 per hour per officer. The licensee shall, in  
13 addition to the notification required by subsection (a), notify  
14 the PSP of the approximate time the shipment will commence or  
15 arrive at the Pennsylvania border to allow for deployment of  
16 required escort. If the shipment is canceled after PSP  
17 notification, the licensee shall compensate the PSP the  
18 appropriate rate for four hours of the officer's time.

19 (c) Authorization.--Shipments shall be authorized subject to  
20 the Commonwealth's authority to delay individual highway and  
21 rail shipments due to specific holiday or safety considerations  
22 including, but not limited to, weather, highway or rail  
23 conditions.

24 (d) Rules and regulations.--The PSP may adopt rules and  
25 regulations to implement this section.

26 § 8111. Penalties.

27 (a) First offense.--Any person violating any provision of  
28 this chapter commits a misdemeanor and shall, upon conviction,  
29 be sentenced to pay a fine of not less than \$500 nor more than  
30 \$5,000 or to imprisonment for not more than 60 days, or both.

1       (b) Subsequent offenses.--Any person, having been convicted  
2 of a first offense under this chapter and who is at a later time  
3 convicted of a second or subsequent offense, shall be sentenced  
4 to pay a fine of not less than \$2,500 nor more than \$10,000 or  
5 to imprisonment for not less than 60 days nor more than one  
6 year, or both.

7       Section 2. This act shall take effect January 1, 1985.