

RADIATION PROTECTION ACT - NUCLEAR FACILITY AND TRANSPORT FEES

Act of Oct. 27, 2014, P.L. 2908, No. 190

Cl. 27

Session of 2014

No. 2014-190

SB 1355

AN ACT

Amending the act of July 10, 1984 (P.L.688, No.147), entitled "An act combining the radiation safety provisions of The Atomic Energy Development and Radiation Control Act and the Environmental Radiation Protection Act; empowering the Department of Environmental Resources to implement a comprehensive Statewide radiation protection program; further providing for the power of the Environmental Quality Board and for the duties of the Environmental Hearing Board; expanding the authority of the department to regulate other radiation sources; providing for radiation emergency response; establishing requirements for transport of spent reactor fuel; establishing fees; providing penalties; making repeals; and authorizing and directing the Department of Environmental Resources and the Governor to convey ownership to the Carl A. White Acid Mine Drainage Treatment Plant, situated in Washington Township, Indiana County, Pennsylvania, to the County of Indiana, subject to a right of reverter for stated conditions," in fees, further providing for nuclear facility and transport fees.

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

Section 1. Section 402(b.1)(1) and (c)(1.1) of the act of July 10, 1984 (P.L.688, No.147), known as the Radiation Protection Act, amended July 13, 2007 (P.L.95, No.31), are amended to read:

Section 402. Nuclear facility and transport fees.

* * *

(b.1) Department fees.--

(1) Within 30 days of the effective date of this subsection, each person who has a current nuclear power reactor construction permit or operating license from the NRC for a site within this Commonwealth shall pay the department \$100,000 per nuclear power reactor site, regardless of the number of individual nuclear power reactors located at the site. By July 1, 2007, and July 1 of each year thereafter, each person who has a current nuclear power reactor construction permit or operating license from the NRC for a site within this Commonwealth shall pay the department an annual fee of [\$550,000] **\$650,000** per nuclear power reactor site, regardless of the number of individual nuclear power reactors located at the site. For the purposes of this subsection only, a nuclear power reactor site shall be deemed to be the location of one or more individual nuclear power reactors which still has spent nuclear fuel stored onsite, has not been fully dismantled and decommissioned pursuant to applicable Federal law and regulations and has not been granted license termination by the NRC.

* * *

(c) Agency fees.--

(1.1) (i) [Within 30 days of the effective date of this paragraph, each person who has a current nuclear power reactor construction permit or operating license from the NRC for a site within this Commonwealth shall pay the agency, regardless of the number of individual nuclear power reactors located at the site, \$100,000 to be deposited into the Radiological Emergency Response Planning and Preparedness Program Fund to be collected and used by the agency in accordance with the provisions of 35 Pa.C.S. § 7320 (relating to radiological emergency response preparedness, planning and recovery program) and \$50,000 to be deposited into the Radiation Emergency Response Fund to be collected and used by the agency for radiological emergency response equipment, planning, training and exercise costs involving nonagency personnel.] By July 1, 2007, and July 1 of each year thereafter **through July 1, 2014**, each person who has a current nuclear power reactor construction permit or operating license from the NRC for a site within this Commonwealth shall pay the agency the following fees, regardless of the number of individual nuclear power reactors located at the site:

(A) \$200,000 to be collected and used by the agency in accordance with the provisions of 35 Pa.C.S. § 7320 **(relating to radiological emergency response preparedness, planning and recovery program)**.

(B) \$150,000 to be collected and used by the agency for radiological emergency response equipment, planning, training and exercise costs involving nonagency personnel.

(i.1) By July 1, 2015, and July 1 of each year thereafter, each person who has a current nuclear power reactor construction permit or operating license from the NRC for a site within this Commonwealth shall pay the agency the following fees, regardless of the number of individual nuclear power reactors located at the site:

(A) \$275,000 to be collected and used by the agency in accordance with the provisions of 35 Pa.C.S. § 7320.

(B) \$150,000 to be collected and used by the agency for radiological emergency response equipment, planning, training and exercise costs involving nonagency personnel.

(ii) Payments collected under [subparagraph (i) (A)] **subparagraphs (i) (A) and (i.1) (A)** shall be deposited into the Radiological Emergency Response Planning and Preparedness Program Fund established pursuant to 35 Pa.C.S. § 7320(c). Payments collected under [subparagraph (i) (B)] **subparagraphs (i) (B) and (i.1) (B)** shall be deposited into the Radiation Emergency Response Fund. For the purposes of this subsection only, a nuclear power reactor site shall be deemed to be the location of one or more individual nuclear power reactors which still has spent nuclear fuel stored onsite, has not been fully dismantled and decommissioned pursuant to applicable Federal law and regulations and has not been granted license termination by the NRC.

* * *

Section 2. The amendment of section 402(b.1)(1) of the act shall apply to annual fees due on and after July 1, 2015.

Section 3. This act shall take effect immediately.

APPROVED--The 27th day of October, A.D. 2014.

TOM CORBETT