

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 990

Session of
1979

INTRODUCED BY B. F. O'BRIEN, HASAY, REED, SWEET, LETTERMAN,
BROWN, HOEFFEL, McCALL, F. TAYLOR, HALVERSON AND COHEN,
APRIL 23, 1979

REFERRED TO COMMITTEE ON MINES AND ENERGY MANAGEMENT,
APRIL 23, 1979

AN ACT

1 Amending the act of January 28, 1966 (1965 P.L.1625, No.578),
2 entitled "An act providing for atomic energy development and
3 radiation control; creating the Advisory Committee on Atomic
4 Energy Development and Radiation Control; empowering the
5 Governor to enter into agreements with the Federal government
6 for the assumption by the Commonwealth of certain regulatory
7 powers; conferring powers and duties upon the Department of
8 Commerce with respect to the promotion and development of
9 atomic energy resources; conferring powers and duties upon
10 the Department of Health with respect to the control and
11 regulation of radiation sources, including provision for
12 licensing and registration; and providing penalties,"
13 authorizing the Department of Environmental Resources to
14 impose a moratorium relating to construction and operation of
15 nuclear power facilities under certain circumstances.

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

18 Section 1. Section 301, act of January 28, 1966 (1965
19 P.L.1625, No.578), known as "The Atomic Energy Development and
20 Radiation Control Act," is amended to read:

21 Section 301. Powers and Duties of the Department of [Health]
22 Environmental Resources.--(a) The Department of [Health]
23 Environmental Resources, hereinafter in this article referred to

1 as the department, is hereby designated as the agency of the
2 Commonwealth which shall be responsible for the control and
3 regulation of radiation sources, but, notwithstanding anything
4 in this article to the contrary, shall not have power to
5 regulate, license, or control nuclear reactors or facilities or
6 operations incident thereto in duplication of any activity of
7 the Federal government which has not been discontinued by
8 agreement pursuant to section 102.

9 (b) In accordance with the laws of this Commonwealth, the
10 department shall employ, compensate and prescribe the powers and
11 duties of such individuals as may be necessary to carry out the
12 provisions of this act, except in so far as the Department of
13 Commerce is so empowered.

14 (c) The department shall have the power and its duty shall
15 be to:

16 (1) Develop and conduct programs for evaluation of hazards
17 associated with the use of radiation sources;

18 (2) Develop and conduct programs for the control and
19 regulation of radiation sources;

20 (3) Formulate, adopt, promulgate and repeal rules and
21 regulations relating to the control of ionizing radiation;

22 (4) Issue such orders or modifications thereof as may be
23 necessary in connection with proceedings under this act;

24 (5) Advise the Governor and the Legislature with regard to
25 the status of radiation control, and consult and cooperate with
26 the various departments, agencies and political subdivisions of
27 the Commonwealth, the Federal government, other states,
28 interstate agencies, political subdivisions, and with groups
29 concerned with control of radiation sources;

30 (6) Have the authority to accept and administer loans,

1 grants, or other funds or gifts, conditional or otherwise, in
2 furtherance of its functions, from the Federal government and
3 from other sources, public or private;

4 (7) Encourage, participate in, or conduct studies,
5 investigations, training, research and demonstrations relating
6 to control of radiation sources; and

7 (8) Collect and disseminate information relating to control
8 of radiation sources.

9 (d) The department may also impose a moratorium on the
10 operation of any nuclear power facility when the health and
11 welfare of the residents of this Commonwealth are in jeopardy.
12 The moratorium shall not be lifted or rescinded until the
13 Federal Nuclear Regulatory Commission and the department have
14 inspected the facility or facilities in question and each has
15 certified it for operation. No nuclear power facility currently
16 under construction shall become operative until the facility has
17 been inspected and certified for operation by the Federal
18 Nuclear Regulatory Commission and the department.

19 (e) In addition to any power or duty imposed on the
20 department by any other provision of this act, the department
21 shall have the authority to impose a moratorium on the new
22 construction of any nuclear power facility until:

23 (1) The radioactive waste disposal issue is resolved by the
24 Federal Nuclear Regulatory Commission or other applicable agency
25 of the Federal Government; and

26 (2) The Federal Nuclear Regulatory Commission has adopted
27 standardized plans and specifications for design and
28 construction of nuclear power facilities without which no
29 nuclear power facility construction can be commenced. The
30 standardized plans and specifications for design and

1 construction of nuclear power facilities shall assure that the
2 operation of nuclear energy facilities are reasonably safe and
3 pose no danger to the health, welfare and safety of the
4 residents of the Commonwealth.

5 Section 2. This act shall take effect immediately.