
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 987

Session of
1983

INTRODUCED BY BELL AND MOORE, SEPTEMBER 21, 1983

AS AMENDED ON SECOND CONSIDERATION, MAY 15, 1984

AN ACT

1 Combining the radiation safety provisions of the Atomic Energy
2 Development and Radiation Control Act and the Environmental
3 Radiation Protection Act; empowering the Department of
4 Environmental Resources to implement a comprehensive
5 Statewide radiation protection program; further providing for
6 the power of the Environmental Quality Board and for the
7 duties of the Environmental Hearing Board; expanding the
8 authority of the department to regulate other radiation
9 sources and radiologic procedures; establishing fees; and
10 providing penalties.

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

20 CHAPTER 1

21 GENERAL PROVISIONS

22 Section 101. Short title.

23 This act shall be known and may be cited as the Radiation
24 Protection Act.

25 Section 102. Legislative findings.

26 The General Assembly hereby determines, declares and finds
27 that, since radiation exposure has the potential for causing
28 undesirable health effects, the citizens of the Commonwealth
29 should be protected from unnecessary and harmful exposure
30 resulting from use of radioactive materials, radiation sources,

1 accidents involving nuclear power and radioactive material
2 transportation. It is the purpose of this act to:

3 (1) Establish and maintain a comprehensive program of
4 radiation protection in the Department of Environmental
5 Resources.

6 (2) Provide for the licensing and regulation in
7 cooperation with the Federal Government, other State agencies
8 and appropriate private entities, of radiologic equipment and
9 procedures and the persons who administer radiologic
10 procedures.

11 (3) Maintain a comprehensive environmental radiation
12 monitoring program around nuclear power plants and at other
13 locations throughout the Commonwealth.

14 (4) Establish a nuclear safety program to make
15 evaluations of all nuclear power plants in the Commonwealth,
16 such evaluations restricted to the specific use of the
17 Secretary of Environmental Resources and his designees
18 authorized by law for the purpose of informing the Governor,
19 the General Assembly and concerned and affected Federal,
20 State and local government organizations. It is not the
21 intent of the act to duplicate or conflict with any aspect of
22 the exclusive Federal regulatory authority applicable to
23 nuclear power plants and licensed plant operators but rather
24 to provide the Commonwealth with requisite, qualified
25 professional nuclear expertise to maintain a competent and
26 continuing awareness of nuclear power plant activities
27 throughout this Commonwealth and to exclusively employ that
28 expertise for the appropriate and authorized needs of the
29 Commonwealth when such activities may have a significant
30 potential for consequences beyond the site of a nuclear power

1 plant. Accordingly, except as expressly and directly stated,
2 none of the provisions of Chapter 3 are applicable to nuclear
3 power plants and licensed plant operators.

4 (5) Maintain a technical emergency radiation response
5 capability within the Department of Environmental Resources,
6 in conjunction with the Pennsylvania Emergency Management
7 Agency, to respond to accidents at nuclear power plants or at
8 any other location throughout the Commonwealth.

9 (6) Assume licensing and regulatory responsibility for
10 radioactive materials from the Federal Government. This act
11 shall not authorize the department to license or operate low-
12 level radioactive waste disposal sites.

13 (7) Carry out comprehensive remedial action programs.

14 (8) Establish fees.

15 Section 103. Definitions.

16 The following words and phrases when used in this act shall
17 have the meanings given to them in this section unless the
18 context clearly indicates otherwise:

19 "Abatement." Any action deemed necessary by the department
20 to protect public health, safety or welfare, or public or
21 private property, resulting from the use of a radiation source.

22 "Department." The Department of Environmental Resources and
23 its authorized representatives.

24 "Electronic product radiation." Any radiation emitted by
25 products subject to the Radiation Control for Health and Safety
26 Act of 1968 (Public Law 90-602, 82 Stat. 1173).

27 "Person." An individual, corporation, firm, association,
28 public utility, trust, estate, public or private institution,
29 group, agency, political subdivision of the Commonwealth, any
30 other state or political subdivision or agency thereof and any

1 legal successor, representative, agent or agency of the
2 foregoing, other than the United States Nuclear Regulatory
3 Commission or any successor thereto. In any provision of this
4 act prescribing a fine, imprisonment or penalty, or any
5 combination of the foregoing, the term "person" shall include
6 the officers and directors of any corporation or other legal
7 entity having officers and directors.

8 "Persons who administer radiologic procedures." Any person,
9 other than a doctor of medicine, osteopathy, dentistry, podiatry
10 or chiropractic, who intentionally administers radiation or
11 radioactive material to other persons for medical purposes, and
12 includes medical radiologic technologists, dental hygienists and
13 assistants, radiation therapy technologists and nuclear medicine
14 technologists.

15 "Radiation." Any ionizing radiation or electronic product
16 radiation.

17 "Radiation source." An apparatus or material, other than a
18 nuclear power reactor and nuclear fuel located on a plant site,
19 emitting or capable of emitting radiation.

20 "Radiation source user." A person who owns or is responsible
21 for a radiation source.

22 "Radiologic procedure." A healing arts procedure intended
23 for use in the diagnosis or treatment of diseases or other
24 conditions in humans, which is subject to standards established
25 pursuant to the Consumer-Patient Radiation Health and Safety Act
26 of 1981 (Public Law 97-35, 95 Stat. 598).

27 "Secretary." The Secretary of Environmental Resources or his
28 authorized representative.

29 CHAPTER 2

30 FEDERAL-STATE AGREEMENTS

1 Section 201. Federal-State agreements.

2 The Governor, on behalf of this Commonwealth, is authorized
3 to enter into agreements with Federal agencies for
4 discontinuance of certain of the Federal Government's activities
5 with respect to radiation protection and the assumption thereof
6 by the Commonwealth.

7 CHAPTER 3

8 RADIATION PROTECTION

9 Section 301. Powers of Department of Environmental Resources.

10 (a) Regulation in general.--The department is hereby
11 designated as the agency of the Commonwealth for the purpose of
12 registration, licensing, regulation and control of radiation,
13 radiologic procedures, radiation sources, users of radiation
14 sources and persons who administer radiologic procedures, but,
15 notwithstanding anything in this act to the contrary, shall not
16 have the power to license or regulate telecommunications
17 equipment in duplication of any activity regulated by the
18 Federal Government.

19 (b) Employees.--In accordance with the law of this
20 Commonwealth, the department shall employ, compensate and
21 prescribe the powers and duties of such individuals as may be
22 necessary to carry out the provisions of this act.

23 (c) Powers.--The department shall have the power to:

24 (1) Develop and conduct programs for evaluation of
25 hazards associated with the use of radiation sources and with
26 radiation source users.

27 (2) Develop and conduct comprehensive programs for the
28 registration, licensing, control, management, regulation and
29 inspection of radiation sources, radiation source users and
30 persons who administer radiologic procedures.

1 (3) Prevent and remedy hazards associated with the
2 misuse of any device emitting electronic product radiation.

3 (4) Issue such orders or modifications thereof as may be
4 necessary in conjunction with proceedings under this act.

5 (5) Carry out a comprehensive environmental radiation
6 monitoring program around all nuclear power reactors and
7 other nuclear fuel cycle or research facilities, where
8 required, and at all other locations throughout the
9 Commonwealth deemed necessary by the department or
10 recommended by other agencies of the Commonwealth.

11 (6) Using personnel qualified by education, training and
12 experience, enter nuclear power plants at times and in
13 numbers as are reasonable under the circumstances to observe,
14 identify and assess radiation safety issues for each nuclear
15 power plant site in the Commonwealth.

16 (7) Develop, prepare and submit to the Senate
17 Environmental Resources and Energy Committee and House
18 Conservation Committee within two years of the effective date
19 of this act a plan to provide the department with independent
20 monitoring capabilities at all nuclear facilities in the
21 Commonwealth in order to identify events requiring remedial
22 action to protect the public from radiation exposure.

23 (8) Prepare a technical emergency radiation response
24 plan for incorporation into the Pennsylvania Emergency
25 Management Plan developed by the Pennsylvania Emergency
26 Management Agency pursuant to Title 35 of the Pennsylvania
27 Consolidated Statutes (relating to health and safety), and
28 provide the capability for responding to emergencies at each
29 nuclear power plant and at other important locations
30 throughout the Commonwealth.

1 (9) Make available technical staff and equipment to
2 determine levels of radiation in the environment and identify
3 emergency measures to protect the public from exposure to
4 such radiation in the event of an accident at a nuclear power
5 plant, a transportation accident involving radioactive
6 materials or any other condition or occurrence which
7 necessitates radiation emergency assistance at any location
8 in the Commonwealth.

9 (10) Advise the Governor, the General Assembly and the
10 general public with regard to nuclear safety, nuclear
11 emergencies, radioactive waste management, environmental
12 monitoring results and other radiation control activities and
13 consult and cooperate with the various departments, agencies
14 and political subdivisions of the Commonwealth, the Federal
15 Government, other states, interstate agencies, political
16 subdivisions and with groups and individuals, including
17 members of the public, concerned with radiation safety and
18 participate in matters before the Nuclear Regulatory
19 Commission or its successor and other appropriate agencies
20 and courts of the United States.

21 (11) Accept and administer loans, grants or other funds
22 or gifts, conditional or otherwise, in furtherance of its
23 functions, from any source, public or private, including the
24 Federal Government, provided any funds received shall be
25 subject to appropriation by the General Assembly.

26 (12) Encourage, participate in or conduct studies,
27 investigations, training, research, remedial actions and
28 demonstrations relating to control, regulation and monitoring
29 of radiation sources.

30 (13) Collect and disseminate information related to

1 nuclear power, the control of radiation sources, radiation
2 protection, emergency response and the effects of radiation
3 exposure.

4 (14) Establish special advisory committees as may be
5 necessary to assist the department in drafting rules and
6 regulations and to advise the department regarding
7 implementation of specific portions of the regulations or
8 specific programs of the department. Each committee shall
9 include members of the general public. Members of these
10 committees may be reimbursed by the department for reasonable
11 and necessary expenses incurred in connection with their
12 duties as approved by the secretary.

13 (15) Issue registrations and licenses and specify the
14 terms and conditions thereof. This is not intended to require
15 registration and licenses of facilities and activities within
16 the exclusive jurisdiction of the Nuclear Regulatory
17 Commission.

18 (16) Require the payment of and collect fees established
19 under Chapter 4.

20 (17) Issue orders and institute proceedings in courts
21 against any person or municipality to compel compliance with
22 this act, any rule or regulation, any order of the department
23 or the terms and conditions of any registration or license.

24 (18) Institute prosecutions against any person or
25 municipality for violation of this act.

26 (19) Assess civil penalties pursuant to section 309(e).

27 (20) Prepare a report on environmental radiation levels,
28 as determined by the monitoring program, on at least an
29 annual basis. Copies of the report shall be submitted to the
30 President pro tempore of the Senate and the Speaker of the

1 House of Representatives of the General Assembly and shall be
2 made available to the general public. The report shall also
3 contain a description and analysis of any emergency responses
4 or other actions taken by the department under this act and
5 any other information about environmental radiation or
6 radiation emergencies which the department deems to be of
7 sufficient importance to call to the attention of the General
8 Assembly and the citizens of the Commonwealth.

9 (21) Administer a program, funded by the General
10 Assembly, to assist in the decontamination of damaged nuclear
11 power reactors.

12 (22) Do any and all other acts not inconsistent with any
13 provision of this act which it may deem necessary or proper
14 for the effective enforcement of this act.

15 Section 302. Powers of Environmental Quality Board.

16 (a) Powers and duties.--The Environmental Quality Board or
17 its successor shall have the power and its duty shall be to
18 adopt the rules and regulations of the department to accomplish
19 the purposes and carry out the provisions of this act.

20 (b) Review of fee structure.--The Environmental Quality
21 Board or its successor shall review every four years the fee
22 structure as authorized by Chapter 4.

23 Section 303. Licensing and registration.

24 (a) Authority.--The department is authorized to license
25 radiation source users and persons who administer radiologic
26 procedures and register any radiation sources.

27 (b) Exemption.--The department shall be exempt from the
28 licensing and registration requirements of this act and is
29 authorized to exempt certain radiation sources and users from
30 this act provided the department determines that such action

1 will constitute an insignificant risk to the health and safety
2 of the public and to persons exposed to radiation sources.

3 (c) Approval of transfer.--No license issued under this act
4 and no right to possess or utilize radiation sources granted by
5 any license shall be assigned, or in any manner disposed of,
6 without the approval of the department.

7 (d) Terms and conditions of licenses.--The terms and
8 conditions of all licenses issued under this act shall be
9 subject to amendment, revision or modification by rules,
10 regulations or orders issued in accordance with this act.

11 (e) Recognition of other licenses.--Rules and regulations
12 promulgated under this act may provide for recognition of other
13 state or Federal licenses.

14 Section 304. Radiologic procedures.

15 (a) Standards.--The department is authorized to license
16 persons who administer radiologic procedures to ensure that
17 these persons comply with minimum standards established pursuant
18 to the Consumer-Patient Radiation Health and Safety Act of 1981
19 (Public Law 97-35, 95 Stat. 598) for the certification and
20 education of persons who administer radiologic procedures and
21 such additional requirements as the department deems
22 appropriate. To the maximum extent possible, the department
23 shall ensure compliance with those standards and requirements
24 employing existing programs of certification established by the
25 Federal Government, other state or local agencies and private
26 entities as recognized pursuant to § 981(b) of the Consumer-
27 Patient Radiation Health and Safety Act of 1981.

28 (b) Existing regulations.--Any department, agency, board or
29 commission of the Commonwealth which licenses or certifies
30 persons who administer radiologic procedures, or which accredit

1 or approve programs for the education of persons who administer
2 radiologic procedures, shall modify their standards,
3 accreditation, requirements or regulations to be at least as
4 stringent as the standards or requirements established under
5 this section. In every case, the standards or requirements
6 established shall be equal to or more stringent than those
7 established by appropriate agencies of the Federal Government.

8 (c) Technical assistance.--The department shall provide
9 technical assistance to any other state, local or private
10 entities which license, certify or accredit persons or programs
11 for persons who administer radiologic procedures to ensure
12 compliance with minimum standards established pursuant to the
13 Consumer-Patient Radiation Health and Safety Act of 1981.

14 Section 305. Records.

15 (a) General rule.--Each person who possesses or uses any
16 radiation source shall maintain records relating to its receipt,
17 storage, transfer or disposal, and such other records as the
18 department may require, subject to any exemptions as may be
19 provided by rules or regulations.

20 (b) Personnel radiation exposure records.--Each person who
21 possesses or uses a radiation source shall maintain appropriate
22 records of personnel radiation exposure, as mandated by the
23 rules and regulations of the department. Copies of these records
24 and those required to be kept by subsection (a) shall be
25 submitted to the department on written request. Any person
26 possessing or using a radiation source shall furnish upon a
27 reasonable request to each employee for whom personnel
28 monitoring is required or to the employee's representative, a
29 copy of the employee's personal exposure record as the
30 department, by rule or regulation, may prescribe.

1 Section 306. Inspection.

2 (a) Authority.--The department or its duly authorized
3 representatives shall have the power to enter at all reasonable
4 times with sufficient probable cause upon any public or private
5 property, building, premise or place, for the purposes of
6 determining compliance with this act, any license conditions or
7 any rules, regulations or orders issued under this act. In the
8 conduct of an investigation, the department or its duly
9 authorized representatives shall have the authority to conduct
10 tests, inspections or examinations of any radiation source, or
11 of any book, record, document or other physical evidence related
12 to the use of a radiation source.

13 (b) Search warrant.--An agent or employee of the department
14 may apply for a search warrant, to an issuing authority, for the
15 purposes of testing, inspecting or examining any radiation
16 source or any public or private property, building, premise,
17 place, book, record or other physical evidence related to the
18 use of the radiation source. A warrant shall be issued only upon
19 probable cause. It shall be sufficient probable cause to show
20 any of the following:

21 (1) The test, inspection or examination is pursuant to a
22 general administrative plan to determine compliance with this
23 act.

24 (2) The agent or employee has reason to believe that a
25 violation of this act has occurred or may occur.

26 (3) The agent or employee has been refused access to the
27 radiation source, property, building, premise, place, book,
28 record, document or other physical evidence related to the
29 use of the radiation source or has been prevented from
30 conducting tests, inspections or examinations.

1 Section 307. Conflicting laws.

2 Ordinances, resolutions or regulations now or hereafter in
3 effect of the governing body of any agency or political
4 subdivision of this Commonwealth relating to radiation or
5 radiation sources shall be superseded by this act if such
6 ordinances or regulations are not in substantial conformity with
7 this act and any rules and regulations issued hereunder.

8 Section 308. Prohibited uses and acts.

9 It shall be unlawful for any person to use, manufacture,
10 produce, transport, transfer, bury, receive, acquire, own,
11 possess or dispose of any radiation source in violation of this
12 act. It shall be unlawful for any person to operate an
13 unregistered radiation source or to operate a radiation source
14 or to administer a radiologic procedure without a license to do
15 so where a license or registration is required by the department
16 by rule or regulation.

17 Section 309. Penalties.

18 (a) Summary offense.--Any person, other than a municipal
19 official exercising his official duties, who violates any
20 provisions of this act or any rules or regulations or order
21 promulgated or issued hereunder commits a summary offense and
22 shall, upon conviction, be sentenced to pay a fine not less than
23 \$100 and not more than \$1,000 for each separate offense and in
24 default thereof shall be imprisoned for a term of not more than
25 30 days. All summary proceedings under this act may be brought
26 before any district justice or magistrate in the county where
27 the offense was committed and to that end jurisdiction is hereby
28 conferred upon district justices and magistrates, subject to
29 appeal by either party in the manner provided by law.

30 (b) Misdemeanor.--Any person, other than a municipal

1 official exercising his official duties, who violates any
2 provision of this act or any rule or regulation or order
3 promulgated or issued hereunder, WITHIN TWO YEARS AFTER HAVING <—
4 BEEN CONVICTED OF ANY SUMMARY OFFENSE UNDER THIS ACT, commits a
5 misdemeanor of the third degree and shall, upon conviction, be
6 sentenced to pay a fine of not less than \$1,000 but not more
7 than \$25,000 for each separate offense or imprisonment in the
8 county jail for a period of not more than one year, or both.

9 (c) Felony.--Any person who intentionally, knowingly or
10 recklessly violates any provision of this act, or any rule or
11 regulation or order of the department or any term or condition
12 of any permit, and whose acts or omissions cause or create the
13 possibility of a public nuisance or bodily harm to any person,
14 commits a felony of the second degree and shall, upon
15 conviction, be sentenced to pay a fine of not less than \$2,500
16 but not more than \$100,000 per day for each violation, or to a
17 term of imprisonment of not less than one year but not more than
18 ten years, or both.

19 (d) Separate offense for each day.--Each day of continued
20 violation of any provision of this act or any rule or regulation
21 or order promulgated or issued pursuant to this act shall
22 constitute a separate offense.

23 (e) Civil penalty.--In addition to proceeding under any
24 other remedy available at law or in equity for a violation of
25 this act or a regulation or order of the department promulgated
26 or issued hereunder, the department may assess a civil penalty
27 upon the person for the violation. This penalty may be assessed
28 whether or not the violation was willful or negligent. The civil
29 penalty shall not exceed \$25,000 plus \$5,000 for each day of
30 continued violation. In determining the civil penalty, the

1 department shall consider, where applicable, the willfulness of
2 the violation, gravity of the violation, good faith of the
3 person charged, history of the previous violations, danger to
4 the public health and welfare, damage to the air, water, land or
5 other natural resources of the Commonwealth or their uses, cost
6 of restoration or abatement, savings resultant to the person in
7 consequence of the violation and any other relevant facts. The
8 person charged with the penalty shall then have 30 days to pay
9 the proposed penalty in full or, if the person wishes to contest
10 either the amount of the penalty or the fact of the violation,
11 to file within a 30-day period an appeal of the action with the
12 Environmental Hearing Board. Failure to appeal within 30 days
13 shall result in a waiver of all legal rights to contest the
14 violation or the amount of the penalty. Civil penalties shall be
15 payable to the Commonwealth of Pennsylvania and shall be
16 collectible in any manner provided by law for collection of
17 debts. If any person liable to pay a penalty neglects or refuses
18 to pay the same after demand, the amount, together with interest
19 and any costs that may accrue shall be a lien in favor of the
20 Commonwealth upon the property, both real and personal, of the
21 person, but only after same has been entered and docketed of
22 record by the prothonotary of the county where the property is
23 situated. The department may, at any time, transmit to
24 prothonotaries of the respective counties certified copies of
25 all such liens and it shall be the duty of each prothonotary to
26 enter and docket the same of record in his office and to index
27 the same as judgments are indexed, without requiring the payment
28 of costs as a condition precedent to the entry thereof.

29 Section 310. Enforcement and abatement.

30 (a) Public nuisance.--Any violation of this act or of any

1 rule, regulation or order of the department or of any term or
2 condition of any license or registration issued under this act
3 shall constitute a public nuisance. Any person committing the
4 violation shall be liable for the costs of abatement of the
5 nuisance. The Environmental Hearing Board and every court of
6 common pleas are hereby given jurisdiction over actions to
7 recover the costs of the abatement.

8 (b) Orders.--In addition to other remedies provided under
9 this act or any other act, to aid in the enforcement of this
10 act, the department may issue orders to persons as it deems
11 necessary to protect health and safety. These orders may include
12 an order modifying or revoking registrations or licenses, orders
13 to cease unlawful activities or other acts involving radiation
14 sources that are determined by the department to be detrimental
15 to the public health and safety and such other orders as the
16 department deems necessary to abate public nuisances. An order
17 issued under this subsection shall take effect upon notice,
18 unless the order specifies otherwise. An appeal to the
19 Environmental Hearing Board shall not act as a supersedeas. It
20 shall be the duty of any person to comply with any order issued
21 under this subsection. Any person who fails to comply with an
22 order issued under this subsection shall be guilty of contempt
23 and shall be punished in an appropriate manner by the
24 Commonwealth Court, which court is hereby granted jurisdiction,
25 upon application by the department.

26 (c) Injunction.--In addition to any other remedies provided
27 for in this act, the department may institute a suit in equity
28 in the name of the Commonwealth for an injunction to restrain a
29 violation of this act or the rules, regulations or orders
30 adopted or issued hereunder, or to restrain the maintenance or

1 threat of a public nuisance. In any such proceeding the court
2 shall, upon motion by the department, issue a prohibitory or
3 mandatory preliminary injunction if it finds that the defendant
4 is engaging in unlawful conduct or is engaged in conduct which
5 is causing immediate and irreparable harm to the public. The
6 Commonwealth shall not be required to furnish bond or other
7 security in connection with such proceedings.

8 (d) Impoundment, etc.--The department shall have the
9 authority to impound any radiation source or to take other
10 actions as are necessary to abate a public nuisance wherever the
11 department believes that this action is necessary to protect the
12 health and safety of the public.

13 (e) Emergency order.--Whenever the secretary finds that an
14 emergency exists requiring immediate action to protect the
15 public health and safety, the secretary may issue an emergency
16 order reciting the existence of the emergency and requiring that
17 such action be taken as is necessary to meet the emergency. This
18 order shall be effective immediately. Any person to whom this
19 order is directed shall comply therewith immediately, unless a
20 supersedeas is granted by the Environmental Hearing Board.

21 (f) Revocation of licenses or permits.--Repeated violations
22 of any provisions of this act or any rules and regulations of
23 the department promulgated under the authority of this act or
24 nonpayment of fees or penalties shall be cause for revocation of
25 licenses or permits issued by the department under this act.
26 Section 311. Liberal construction.

27 The penalties and remedies prescribed by this act shall be
28 deemed concurrent and the existence of or exercise of any remedy
29 shall not prevent the department from exercising any other
30 remedy at law or in equity. No provision of this act or any

1 action taken by virtue of this act, including the granting of a
2 registration or license, shall be construed as estopping the
3 Commonwealth from proceeding in courts of law or equity to abate
4 nuisances under existing law, nor shall this act in any other
5 manner abridge or alter rights of action or remedies now or
6 hereafter existing in equity or under the common law or
7 statutory law, criminal or civil, exercised by the Commonwealth
8 or any person to enforce their rights or to abate any nuisance,
9 now or hereafter existing, in any court of competent
10 jurisdiction.

11 CHAPTER 4

12 FEES

13 Section 401. Licensing and registration fees.

14 The department shall by rule and regulation set reasonable
15 annual fees for the registration of radiation sources and the
16 licensing of radiation source users and persons who administer
17 radiologic procedures. These fees shall be in an amount at least
18 sufficient to cover the costs of administering the programs.

19 Section 402. Nuclear power plant fees.

20 Each corporation or other organization who has received a
21 nuclear power reactor facility construction permit or operating
22 license from the United States Nuclear Regulatory Commission or
23 any predecessor or successor thereto shall pay to the department
24 within 30 days of the effective date of this act and by July 1
25 of each year an annual fee of \$150,000 per reactor, regardless
26 of the number of reactors per site.

27 Section 403. Nonpayment of fees.

28 Nonpayment of fees within the prescribed time shall
29 constitute a violation of this act and is subject to the
30 penalties and enforcement provisions of section 309.

1 Section 404. Radiation Protection Fund.

2 There is hereby established in the General Fund a restricted
3 account to be known as the Radiation Protection Fund. Fees and
4 penalties received under this act shall be deposited in this
5 fund and are hereby appropriated to the department for
6 expenditure to implement the purposes of this act.

7 CHAPTER 5

8 MISCELLANEOUS PROVISIONS

9 Section 501. Transition provisions.

10 All registrations, licenses and orders issued and regulations
11 promulgated under the act of January 28, 1966 (1965 P.L.1625,
12 No.578), known as The Atomic Energy Development and Radiation
13 Control Act, shall remain in full force unless and until
14 modified, amended, suspended or revoked and all appropriations,
15 allocations, personnel, agreements, leases, claims, demands and
16 causes of action of any nature and equipment, files, records,
17 real estate, personal property and all other materials owned,
18 used, employed or expended in connection with that act by the
19 Department of Commerce are hereby transferred to the Department
20 of Environmental Resources.

21 Section 502. Repeals.

22 The following acts are repealed:

23 Act of January 28, 1966 (1965 P.L.1625, No.578), known as The
24 Atomic Energy Development and Radiation Control Act.

25 Act of July 20, 1979 (P.L.151, No.49), known as the
26 Environmental Radiation Protection Act.

27 Section 503. Effective date.

28 This act shall take effect immediately.