

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1743 Session of 1989

INTRODUCED BY ITKIN AND J. L. WRIGHT, JUNE 20, 1989

AS RE-REPORTED FROM COMMITTEE ON CONSERVATION, HOUSE OF REPRESENTATIVES, AS AMENDED, MARCH 12, 1990

AN ACT

1 Creating a fee system to cover the costs related to the
2 establishment of a low-level radioactive waste disposal
3 regional facility in Pennsylvania; AND REGULATING CERTAIN
4 LOW-LEVEL WASTE. <—

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<—

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

14 CHAPTER 1.

15 GENERAL PROVISIONS

16 Section 101. Short title.

17 This act shall be known and may be cited as the Low-Level
18 Radioactive Waste Disposal Regional Facility Act.

19 Section 102. Legislative findings and purpose.

20 (a) Findings.--The General Assembly finds:

21 (1) That the Low-Level Radioactive Waste Policy
22 Amendments Act of 1985 and the Appalachian States Low-Level
23 Radioactive Waste Compact Law, adopted pursuant thereto,
24 requires the Commonwealth to timely provide a regional
25 facility for disposal of low-level radioactive waste
26 generated within Compact member states; that the waste
27 generators are required, under the terms of the Appalachian
28 States Low-Level Radioactive Waste Compact Law and the Low-
29 Level Radioactive Waste Disposal Act, to pay the costs of
30 developing, establishing, and operating the low-level

1 radioactive waste disposal facility; and that such costs
2 associated with preconstruction development of the facility
3 are estimated to be approximately \$33,000,000.

4 ~~(2) That the costs for implementing the nuclear power~~ ←
5 ~~plant related requirements of the Radiation Protection Act~~
6 ~~have increased, and such costs are to be covered by power~~
7 ~~reactor fees.~~

8 ~~(3)~~ (2) That those activities which generate low-level
9 radioactive wastes requiring disposal contribute to the
10 health and welfare of the citizens of the Compact member
11 states, and advance payment of funds by certain waste
12 generators will enhance the timely availability of a disposal
13 site and reduce the costs of waste disposal.

14 (b) Purpose.--The General Assembly therefore establishes
15 that the purposes of this act are as follows:

16 (1) To establish a low-level radioactive waste disposal
17 regional facility siting fund which would:

18 (i) Require nuclear power reactor constructors and
19 operators situated in this Commonwealth to pay to the
20 Department of Environmental Resources funds to be
21 utilized for reasonable and proper expenses, subject to
22 limitations set forth herein, that are incurred by the
23 department, its consultants, and the selected regional
24 facility operator in execution of activities required by
25 section 307 of the Low-Level Radioactive Waste Disposal
26 Act.

27 (ii) Authorize and encourage other potential users
28 of the regional facility to make voluntary payments to
29 the department for the purposes stated in subparagraph
30 (i).

1 (2) To provide for the recovery of an equitable portion
2 of funds advanced by persons described under paragraph (1) by
3 allowing them credits against surcharges to be billed to all
4 waste depositors by the department.

5 ~~(3) To increase the existing reactor fees assessed under~~ <—
6 ~~the Radiation Protection Act to cover the costs of~~
7 ~~implementing the requirements of the Radiation Protection~~
8 ~~Act.~~

9 Section 103. Definitions.

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

13 "Appalachian States Low-Level Radioactive Waste Compact Law."
14 The act of December 22, 1985 (P.L.539, No.120).

15 "BUSINESS CONCERN." ANY CORPORATION, ASSOCIATION, FIRM, <—
16 PARTNERSHIP, TRUST OR OTHER FORM OF COMMERCIAL ORGANIZATION.

17 "CONTRACTOR." A PERSON WHO ENTERS INTO A CONTRACT WITH THE
18 DEPARTMENT.

19 "Contributor." A person who is mandated to make or who is
20 voluntarily making contributions to the fund.

21 "Department." The Department of Environmental Resources of
22 the Commonwealth.

23 "DISCLOSURE STATEMENT." A STATEMENT SUBMITTED TO THE <—
24 DEPARTMENT BY A CONTRIBUTOR OR CONTRACTOR AS PROVIDED FOR IN
25 CHAPTER 5.

26 "Fund." The Regional Facility Siting Fund created by this
27 act.

28 "KEY EMPLOYEE." ANY PERSON EMPLOYED BY THE CONTRACTOR OR THE <—
29 CONTRIBUTOR IN A SUPERVISORY CAPACITY OR EMPOWERED TO MAKE
30 DISCRETIONARY DECISIONS WITH RESPECT TO THE RADIOACTIVE WASTE

1 OPERATIONS OF THE BUSINESS CONCERN BUT SHALL NOT INCLUDE
2 EMPLOYEES EXCLUSIVELY ENGAGED IN THE PHYSICAL OR MECHANICAL
3 COLLECTION, TRANSPORTATION, TREATMENT, STORAGE OR DISPOSAL OF
4 RADIOACTIVE WASTE.

5 "Low-Level Radioactive Waste Disposal Act." The act of
6 February 9, 1988 (P.L.31, No.12).

7 "Low-Level Radioactive Waste Policy Amendments Act of 1985."
8 Public Law 99-240, 99 Stat. 1842, 42 U.S.C. § 2021b et seq.

9 ~~"Radiation Protection Act." The act of July 10, 1984~~ ←
10 ~~(P.L.688, No.147).~~

11 "Waste depositor." Any person disposing of low-level
12 radioactive waste in the regional facility during the operative
13 period of this act.

14 SECTION 104. REGULATION OF CERTAIN WASTE. ←

15 LOW-LEVEL RADIOACTIVE WASTE, AS DEFINED IN THE LOW-LEVEL
16 RADIOACTIVE WASTE DISPOSAL ACT, GENERATED BY ANY GOVERNMENT
17 AGENCY OR PURSUANT TO A GOVERNMENT CONTRACT OR LICENSE, WHICH
18 WAS CLASSIFIED BY THE UNITED STATES NUCLEAR REGULATORY
19 COMMISSION AS LOW-LEVEL RADIOACTIVE WASTE AS OF JANUARY 1, 1989,
20 WHETHER OR NOT SUCH WASTE HAS BEEN DEREGULATED TO BELOW
21 REGULATORY CONCERN BY THE UNITED STATES NUCLEAR REGULATORY
22 COMMISSION OR OTHER FEDERAL AGENCY, SHALL ONLY BE DISPOSED OF AT
23 A COMMERCIAL WASTE FACILITY LICENSED FOR DISPOSAL OF RADIOACTIVE
24 WASTE BY THE COMMONWEALTH OF PENNSYLVANIA. UNLESS REQUIRED UNDER
25 FEDERAL LAW, THE COMMONWEALTH DOES NOT ASSUME RESPONSIBILITY OR
26 OWNERSHIP OVER THESE WASTES BY RETAINING JURISDICTION OVER THEIR
27 STORAGE AND DISPOSAL.

28 CHAPTER 3

29 REGIONAL FACILITY SITING FUND

30 Section 301. Regional Facility Siting Fund.

1 (a) Establishment.--There shall be established within the
2 State Treasury an interest-bearing, non-lapsing, restricted
3 account to be known as the Regional Facility Siting Fund.

4 (b) Deposits.--All mandated and voluntary contributions
5 under this act, together with actual interest earned on these
6 contributions by the State Treasurer, shall be deposited into
7 the fund. Separate accounting of contributions and actual
8 interest earned thereon shall be continuously maintained for
9 purposes of implementing sections 306 and 310.

10 (c) Appropriation and purpose.--Moneys in the fund are
11 hereby appropriated and, upon authorization of the Governor, may
12 be expended by the department on a continuing basis solely for
13 the following purposes:

14 (1) Reimbursement of expenses incurred by the regional
15 facility operator for regional facility site selection,
16 regional facility design and land purchase activities, but
17 not to include any profit.

18 (2) Fees paid by the department to consultants FOR THE <—
19 PURPOSE OF ASSISTING THE DEPARTMENT IN THE IMPLEMENTATION OF
20 THE THE LOW-LEVEL RADIOACTIVE WASTE DISPOSAL ACT.

21 (3) Cost of the department for its expenses INCURRED IN <—
22 THE IMPLEMENTATION OF THE LOW-LEVEL RADIOACTIVE WASTE
23 DISPOSAL ACT.

24 (d) Disbursements.--Each disbursement from the fund shall be
25 deemed to be made from both contributions, and actual interest
26 earned thereon, in the same proportion as each bears to the
27 fund's total balance at the time of such disbursement.

28 Section 302. Fund contribution.

29 (a) Maximum fund contribution.--The sum of \$33,000,000,
30 exclusive of interest earned or imputed, shall be the maximum

1 amount to be paid by mandated fund contributors. The actual
 2 amounts to be paid by mandated fund contributors shall be
 3 ratably reduced to the extent that the department determines
 4 that an amount less than \$33,000,000 suffices for the purposes
 5 of this act, to the extent of voluntary contributions received
 6 or reasonably anticipated, or to the extent of actual
 7 commitment, for the purposes of this act, of financial resources
 8 by persons or organizations other than mandated or voluntary
 9 contributors. It is the intent of this section that no funds
 10 significantly in excess of those reasonably required to
 11 effectuate the purposes of this act be paid into the fund.

12 (b) Mandated fund contributors.--

13 (1) Each person who is constructing or is operating in
 14 Pennsylvania, pursuant to a construction permit or operating
 15 license issued by the United States Nuclear Regulatory
 16 Commission, one or more of the nine nuclear power reactor
 17 facilities identified in this subsection, which are expected
 18 to produce electric energy for commercial purposes and low-
 19 level radioactive waste for significant portions of the
 20 functional life of the regional facility, shall pay to the
 21 department a mandated contribution in the form of a fee for
 22 each such reactor facility in the amount and at such time as
 23 follows:

Date of required payment	Fee per reactor	
Not later than the 30th day following the effective date of this act.....	\$133,000	←
July 1, 1989.....	\$800,000	
OF THIS ACT.....	\$933,000	←
July 1, 1990.....	\$1,200,000	

1 July 1, 1991.....\$933,000
2 July 1, 1992.....\$333,000
3 July 1, 1993.....\$264,000

4 (2) The provisions of this subsection shall be
5 applicable to the following nuclear power reactor facilities,
6 which are producing or are reasonably anticipated to produce
7 electric energy for commercial purposes and are generating or
8 are reasonably anticipated to generate low-level radioactive
9 waste throughout a significant portion of the functional life
10 of the regional facility:

- 11 (i) Beaver Valley - No. 1
- 12 (ii) Beaver Valley - No. 2
- 13 (iii) Limerick - No. 1
- 14 (iv) Limerick - No. 2
- 15 (v) Peach Bottom - No. 2
- 16 (vi) Peach Bottom - No. 3
- 17 (vii) Susquehanna - No. 1
- 18 (viii) Susquehanna - No. 2
- 19 (ix) Three Mile Island - No. 1

20 (c) Voluntary fund contributors.--Any person, other than one
21 required to make fund contributions pursuant to subsection (b),
22 in an Appalachian States Compact member state who anticipates
23 future use of the regional facility may, in one or more of the
24 annual payment periods specified in subsection (b), make a
25 voluntary contribution to the fund by payment to the department.
26 Unless clearly stated otherwise, for the purposes of this act
27 generally, and for the purposes of section 303 specifically, a
28 person making such a voluntary contribution shall, to the extent
29 of that contribution, be regarded without distinction as a
30 mandated contributor. Such designation does not obligate or

1 require future contributions by such persons. Voluntary
2 contributions shall be applied by the department to reduce the
3 fees of mandated contributors on a pro rata basis.

4 (d) Contributor reconciliation accounts.--At all times
5 during the effective period of this act, the department shall
6 maintain a reconciliation ledger consisting of a reconciliation
7 account for each person making a contribution under this
8 section. Contributions by such person, and the imputed
9 interested accrued pursuant to subsection (e), shall be promptly
10 debited to the contributor's reconciliation account. Fee
11 payments, and imputed interest thereon, by a person who is a
12 mandated contributor for more than one nuclear power reactor
13 facility shall, for the purposes of this act, be merged in a
14 single reconciliation account in the name of such person.

15 (e) Imputed interest.--Mandated and voluntary contributions
16 made under this section shall accrue imputed interest. Such
17 interest shall be computed on an annual basis for the period
18 beginning with the time of receipt of a contribution and ending
19 on each successive June 30th. Such interest shall be simple
20 annual interest at a rate equal to the rate then being imposed
21 by the Department of Revenue for unpaid State taxes due and
22 payable to the Commonwealth. It is the intent of this subsection
23 to properly recognize the time value of funds contributed so as
24 to allow for inclusion of that additional imputed interest in
25 fixing surcharges provided for by section 303. Accordingly,
26 withdrawal from the fund and expenditure by the department of
27 funds contributed under this section shall not be credited
28 against, deducted from, or otherwise cause to diminish the debit
29 balance of contributors' reconciliation accounts on which
30 imputed interest is accrued under this subsection. The imputed

1 interest required by this subsection is a separate and distinct
2 calculation for the purpose of implementing section 303 and
3 shall not, for any purpose or in any circumstance, be regarded
4 as the actual interest on amounts in the fund which may be
5 earned pursuant to section 301(a).

6 (f) Final value of contributions.--For the purposes of
7 determining surcharges and otherwise administering the
8 provisions of section 303, the debit balance in each
9 contributor's reconciliation account as of June 30, 1994,
10 together with imputed interest accrued thereon, shall be
11 regarded as the final reconciliation account value of each
12 contributor, and the sum of all such contributor's final
13 reconciliation account values shall be regarded as the final
14 reconciliation control account value. No further imputed
15 interest shall be accrued after that date on the final
16 reconciliation account value of each contributor's account.

17 (G) HOST MUNICIPAL LONG-TERM RESIDUAL RADIOACTIVE WASTE ←
18 DISPOSAL FUND.--

19 (1) IN ADDITION TO THE FEES OTHERWISE COLLECTED UNDER
20 THIS SECTION, EACH PERSON WHO IS CONSTRUCTING OR OPERATING A
21 FACILITY IN THIS COMMONWEALTH SHALL PAY AN ADDITIONAL FEE IN
22 THE AMOUNT OF 10% OF THE FEE ESTABLISHED UNDER THE SCHEDULE
23 CONTAINED IN SUBSECTION (B). THESE FUNDS SHALL BE PAID INTO
24 AN INTEREST-BEARING, NONLAPSING, RESTRICTED ACCOUNT TO BE
25 KNOWN AS THE HOST MUNICIPAL LONG-TERM RESIDUAL RADIOACTIVE
26 WASTE DISPOSAL FUND, WHICH IS HEREBY ESTABLISHED IN THE STATE
27 TREASURY. ALL MONEYS IN THIS ACCOUNT, INCLUDING ALL INTEREST
28 EARNED THEREON, ARE HEREBY APPROPRIATED TO THE DEPARTMENT ON
29 A CONTINUING BASIS SPECIFICALLY AND ONLY FOR THE PURPOSE OF
30 MAKING THE PAYMENTS PROVIDED IN THIS SECTION. NO COSTS SHALL

1 BE DEDUCTED FOR EXPENSES OF ADMINISTRATION OF THE DISPOSAL
2 FUND.

3 (2) AT THE TIME OF DECOMMISSIONING OF ANY OF THE NUCLEAR
4 POWER REACTOR FACILITIES LISTED IN SUBSECTION (B)(2), PAYMENT
5 IN AN AMOUNT DETERMINED BY DIVIDING THE BALANCE OF THE
6 DISPOSAL FUND BY THE NUMBER OF REMAINING REACTOR FACILITIES
7 SHALL BE MADE TO THE HOST MUNICIPALITY IN WHICH THE NUCLEAR
8 POWER REACTOR FACILITY IS LOCATED. A HOST MUNICIPALITY MAY
9 EXPEND MONEY RECEIVED UNDER THIS SUBSECTION FOR ANY PURPOSE
10 FOR WHICH THE MUNICIPALITY IS OTHERWISE AUTHORIZED BY LAW TO
11 EXPEND FUNDS.

12 (3) AS USED IN THIS SUBSECTION, THE TERM "DECOMMISSION"
13 MEANS THE TIME AT WHICH A NUCLEAR POWER REACTOR FACILITY IS
14 PERMANENTLY REMOVED FROM THE SERVICE OF PROVIDING POWER.

15 Section 303. Reconciliation of control account.

16 (a) Intent.--It is the intent of this section to provide a
17 procedure to assure that each fund contributor be provided
18 credits, to the extent of its final reconciliation account
19 value, against surcharges to be imposed on all waste depositors
20 under section 315(c) of the Low-Level Radioactive Waste Disposal
21 Act.

22 (b) Reconciliation period for final reconciliation control
23 account.--The final reconciliation account value of each
24 contributor shall be reconciled over ten annual reconciliation
25 periods against any surcharges on waste depositors imposed by
26 the department under section 315(c) of the Low-Level Radioactive
27 Waste Disposal Act. The first annual reconciliation period shall
28 commence with the first day of the first month of the fifth
29 calendar quarter during which waste is deposited in the regional
30 facility.

1 (c) Reconciliation credits.--For each annual reconciliation
2 period, the department shall determine the revenue required by
3 all surcharges to be imposed under section 315(c) of the Low-
4 Level Radioactive Waste Disposal Act and add to such requirement
5 an additional amount equal to one-tenth of the final
6 reconciliation control account value, the sum to be termed the
7 annual reconciliation period revenue. An annual reconciliation
8 period surcharge rate applicable to current reconciliation
9 period disposal operations shall be then determined by dividing
10 the annual reconciliation period revenue by the total volume AND <—
11 WASTE CLASSIFICATION of waste deposited in the regional facility
12 by all waste depositors during the preceding 12 months. The
13 annual surcharge rate thus determined shall be multiplied by the
14 volume AND WASTE CLASSIFICATION of waste deposited at the <—
15 regional facility in the current reconciliation period by each
16 waste depositor and the resulting surcharge assessed upon each
17 such waste depositor. The surcharge assessment of such a waste
18 depositor who is a fund contributor shall be credited in an
19 amount up to one-tenth of its final reconciliation account
20 value. If, in any reconciliation period, the applicable
21 surcharge assessment shall be less than one-tenth of the fund
22 contributor's final reconciliation account value, the difference
23 may be carried over and usable as additional credit against
24 applicable surcharges in the next reconciliation period or
25 alternatively applied to any permit fee imposed under section
26 315(a) of the Low-Level Radioactive Waste Disposal Act.
27 Section 304. Records and audits.

28 (a) Records.--In addition to the particular records and
29 accounts specified elsewhere in this act, the department, at all
30 times during the effective period of this act, shall maintain

1 such additional records and accounts in such form and manner as
2 will allow detailed review, examination and audit, by the
3 Auditor General, of all monetary transactions pursuant to this
4 act.

5 (b) Fiscal audits.--Within 120 days following June 30 of
6 each of the fiscal years 1990 through 1994 and the fiscal year
7 in which the facility begins licensed operations, the department
8 shall furnish to each fund contributor three copies of a
9 financial audit performed in accordance with generally accepted
10 auditing standards compatible with the most intensive current
11 practices of the Department of the Auditor General. Such audit
12 shall be performed by the Department of the Auditor General.

13 (c) Expenses.--The department may withdraw from the fund
14 such amounts as are reasonably necessary and proper for
15 reimbursement of audit costs.

16 Section 305. Default.

17 (a) Default.--For the purposes of this act, a default shall
18 be deemed to be a material failure to timely make available for
19 waste deposition a functioning regional facility conforming in
20 all material respects to applicable law. In addition to any
21 other such circumstance or set of circumstances, any of the
22 following ~~shall~~ MAY be deemed to be a default: <—

23 (1) Termination of the contract to be entered into by
24 the department on or about ~~July 1, 1989~~ MAY 1, 1990, with a <—
25 regional facility operator, prior to submittal to the
26 appropriate Federal agency of a license application for such
27 a facility.

28 (2) Failure by the regional facility operator to
29 commence physical construction of a regional facility by
30 January 1, 1996, at a site having final approval of the

1 Secretary of Environmental Resources.

2 (3) Failure by the department to move forward to site
3 approval and to operate a site where there has been a default
4 by the regional facility operator.

5 (b) Declaration of default.--The Appalachian States Compact
6 Commission may declare a default when a majority of BOTH ←
7 MANDATORY AND VOLUNTARY fund contributors request such, setting
8 forth in a written declaration, the circumstances constituting
9 the default.

10 (c) Special rights and remedies.--

11 (1) Upon the declaration of default, the rights and
12 remedies specified in this subsection shall be available to
13 fund contributors, and duties specified by this subsection
14 shall be imposed on the department.

15 (2) Each fund contributor shall, within 60 days of
16 declaration of default, be refunded a pro rata amount of
17 unexpended contributions, including actual interest earned
18 thereon, remaining in the fund in the proportion that each
19 contributor's contributions to the date bears to the total
20 contributions of all contributors to that date. Contributions
21 in transit or received by the department on or after that
22 date shall not be deposited in the fund, but shall be
23 returned to the sender.

24 (3) The department shall refund to fund contributors all
25 moneys, including the portion thereof attributable to actual
26 interest earned thereon, previously released to the facility
27 operator to the extent that the department has or will
28 receive any or all of such moneys as a result of the default.
29 From time to time, upon recovery of reasonable amounts of
30 such moneys, the department shall refund these moneys to each

1 fund contributor in the same pro rata proportion stated in
2 paragraph (2).

3 (d) Remedies preserved.--Nothing in this section shall be in
4 any way construed to limit the rights and remedies available to
5 a fund contributor at law or equity. In no event shall the
6 department or the Commonwealth be liable for unrecovered
7 expended portions of the fund.

8 Section 306. Withdrawal from Compact.

9 In the event that a Compact member state withdraws from the
10 Compact before June 30, 1994, any person in such Compact member
11 state who has made voluntary contributions shall be entitled to
12 a refund of such contributions, not to include any actual
13 interest earned on such contributions. The department may,
14 pursuant to section 303, impose additional fees on mandated
15 contributors sufficient to provide the amount to be refunded.
16 This refund shall be paid when such additional fees become
17 available to the department.

18 Section 307. Participation in regulatory proceedings.

19 (a) Department.--Upon request of ANY ADMITTED PARTY TO A <—
20 REGULATORY PROCEEDING, INCLUDING a contributor that is a public
21 utility, the department may agree to appear in proceedings
22 before or present appropriate submittals to that contributor's
23 public utility regulatory body regarding the contributor's
24 contribution to the fund. A contributor making such request
25 shall compensate the department for its actual costs for travel,
26 lodging and other out-of-pocket or administrative expenses
27 incurred in compliance with this request.

28 (b) Affidavit.--If the department does not appear, it will <—
29 MAY submit an affidavit providing information relative to such <—
30 contributions and surcharges relating to the fund and made or

1 imposed under this act.

2 Section 308. Retention of records.

3 The department shall retain, in a reasonably accessible form
4 and place, all records pertaining to contributions, surcharges
5 and reconciliations made under this act for a period of seven
6 years beyond its termination. The department shall permit

7 ~~reasonable access to such records by persons who have paid such~~ <—
8 ~~contributions or surcharges.~~ ACCESS TO ALL RECORDS PERTAINING TO <—
9 CONTRIBUTIONS, SURCHARGES AND RECONCILIATIONS MADE UNDER THIS
10 ACT.

11 Section 309. Construction.

12 This act shall be construed in pari materia with the
13 Appalachian States Low-Level Radioactive Waste Compact Law, ~~the~~ <—
14 ~~Radiation Protection Act,~~ and the Low-Level Radioactive Waste
15 Disposal Act.

16 Section 310. Expiration of fund. ~~act of December 22, 1985~~ <—

17 The fund shall expire one year following the last day of the
18 tenth annual reconciliation period pursuant to section 303.
19 Unexpended amounts then remaining in the fund attributable to
20 actual contributions, and exclusive of actual interest earned on
21 such contributions, shall be refunded to each contributor in the
22 proportion that each contributor's contributions to the fund
23 bears to the total of all such contributions. Unexpended amounts
24 then remaining in the fund attributable to actual interest
25 earned on contributions shall be transferred to the Low-Level
26 Waste Fund, as established under the Low-Level Radioactive Waste
27 Disposal Act.

28 CHAPTER 5 <—

29 DISCLOSURE STATEMENTS

30 SECTION 501. REQUIREMENTS.

1 IN ADDITION TO ANY PROCEDURE, CONDITION OR INFORMATION
2 REQUIREMENT OF THE LOW-LEVEL RADIOACTIVE WASTE DISPOSAL ACT,
3 EVERY CONTRACTOR OR CONTRIBUTOR SHALL FILE THE DISCLOSURE
4 STATEMENT REQUIRED UNDER THIS CHAPTER WITH THE DEPARTMENT AND
5 THE ATTORNEY GENERAL.

6 SECTION 502. CONTENT.

7 THE DISCLOSURE STATEMENT SHALL INCLUDE THE FOLLOWING:

8 (1) THE FULL NAME, BUSINESS ADDRESS AND SOCIAL SECURITY
9 NUMBER OF THE CONTRACTOR OR CONTRIBUTOR, OR, IF THE
10 CONTRACTOR OR CONTRIBUTOR IS A BUSINESS CONCERN, OF ANY
11 OFFICERS, DIRECTORS, PARTNERS OR KEY EMPLOYEES THEREOF AND
12 ALL PERSONS OR BUSINESS CONCERNS HOLDING ANY EQUITY IN OR
13 DEBT LIABILITY OF THAT BUSINESS CONCERN. IF THE BUSINESS
14 CONCERN IS A PUBLICLY TRADED CORPORATION, THE DISCLOSURE
15 STATEMENT SHALL INCLUDE ALL PERSONS OR BUSINESS CONCERNS
16 HOLDING MORE THAN 5% OF THE EQUITY IN OR DEBT LIABILITY OF
17 THAT BUSINESS CONCERN, EXCEPT THAT, WHERE THE DEBT LIABILITY
18 IS HELD BY A CHARTERED LENDING INSTITUTION, THE CONTRACTOR OR
19 CONTRIBUTOR NEED ONLY SUPPLY THE NAME AND BUSINESS ADDRESS OF
20 THE LENDING INSTITUTION.

21 (2) THE FULL NAME, BUSINESS ADDRESS AND SOCIAL SECURITY
22 NUMBER OF ALL OFFICERS, DIRECTORS OR PARTNERS OF ANY BUSINESS
23 CONCERN DISCLOSED IN THE STATEMENT AND THE NAMES AND
24 ADDRESSES OF ALL PERSONS HOLDING ANY EQUITY IN OR THE DEBT
25 LIABILITY OF ANY BUSINESS CONCERN SO DISCLOSED. IF THE
26 BUSINESS CONCERN IS A PUBLICLY TRADED CORPORATION, THE
27 DISCLOSURE STATEMENT SHALL INCLUDE ALL PERSONS OR BUSINESS
28 CONCERNS HOLDING MORE THAN 5% OF THE EQUITY IN OR DEBT
29 LIABILITY OF THAT BUSINESS CONCERN, EXCEPT THAT, WHERE THE
30 DEBT LIABILITY IS HELD BY A CHARTERED LENDING INSTITUTION,

1 THE CONTRACTOR OR CONTRIBUTOR NEED ONLY SUPPLY THE NAME AND
2 BUSINESS ADDRESS OF THE LENDING INSTITUTION.

3 (3) THE FULL NAME AND BUSINESS ADDRESS OF ANY COMPANY
4 WHICH COLLECTS, TRANSPORTS, TREATS, STORES OR DISPOSES OF
5 RADIOACTIVE WASTE AND IN WHICH THE CONTRACTOR OR CONTRIBUTOR
6 HOLDS AN EQUITY INTEREST.

7 (4) A DESCRIPTION OF EXPERIENCE AND CREDENTIALS IN,
8 INCLUDING ANY PAST OR PRESENT LICENSES FOR, THE COLLECTION,
9 TRANSPORTATION, TREATMENT, STORAGE OR DISPOSAL OF RADIOACTIVE
10 WASTE POSSESSED BY THE CONTRACTOR OR CONTRIBUTOR, OR, IF THE
11 CONTRACTOR OR CONTRIBUTOR IS A BUSINESS CONCERN, BY THE KEY
12 EMPLOYEES, OFFICERS, DIRECTORS OR PARTNERS THEREOF.

13 (5) A LISTING AND EXPLANATION OF ANY NOTICES OF
14 VIOLATION OR PROSECUTION, ADMINISTRATIVE ORDERS OR LICENSE
15 REVOCATIONS WHICH WERE ISSUED BY ANY STATE OR FEDERAL
16 AUTHORITY IN THE TEN YEARS IMMEDIATELY PRECEDING AND WHICH
17 ARE PENDING OR HAVE RESULTED IN A FINDING OR A SETTLEMENT OF
18 A VIOLATION OF ANY LAW OR RULE AND REGULATION BY THE
19 CONTRACTOR OR CONTRIBUTOR, OR, IF THE CONTRACTOR OR
20 CONTRIBUTOR IS A BUSINESS CONCERN, BY ANY KEY EMPLOYEE,
21 OFFICER, DIRECTOR OR PARTNER THEREOF.

22 (6) A LISTING AND EXPLANATION OF ANY JUDGMENT OF
23 LIABILITY OR CONVICTION WHICH WAS RENDERED PURSUANT TO ANY
24 STATE OR FEDERAL STATUTE OR LOCAL ORDINANCE, AGAINST THE
25 CONTRACTOR OR CONTRIBUTOR, OR, IF THE CONTRACTOR OR
26 CONTRIBUTOR IS A BUSINESS CONCERN, AGAINST ANY KEY EMPLOYEE,
27 OFFICER, DIRECTOR OR PARTNER THEREOF.

28 (7) A LISTING OF ALL LABOR UNIONS AND TRADE AND BUSINESS
29 ASSOCIATIONS WITH WHICH THE CONTRACTOR OR CONTRIBUTOR HAD A
30 COLLECTIVE BARGAINING AGREEMENT DURING THE PRECEDING TEN

1 YEARS.

2 (8) A LISTING OF ANY AGENCIES OUTSIDE THIS COMMONWEALTH
3 WHICH HAD REGULATORY RESPONSIBILITY OVER THE CONTRACTOR OR
4 CONTRIBUTOR IN CONNECTION WITH HIS COLLECTION,
5 TRANSPORTATION, TREATMENT, STORAGE OR DISPOSAL OF RADIOACTIVE
6 WASTE.

7 (9) ANY OTHER INFORMATION THE ATTORNEY GENERAL OR THE
8 DEPARTMENT MAY REQUIRE THAT RELATES TO THE COMPETENCY,
9 RELIABILITY OR GOOD CHARACTER OF THE CONTRACTOR OR
10 CONTRIBUTOR.

11 SECTION 503. PROCEDURE.

12 (A) INVESTIGATIVE REPORT.--THE ATTORNEY GENERAL SHALL,
13 WITHIN 120 DAYS OF THE RECEIPT OF THE DISCLOSURE STATEMENT FROM
14 THE CONTRACTOR OR CONTRIBUTOR PREPARE AND TRANSMIT TO THE
15 DEPARTMENT AN INVESTIGATIVE REPORT ON THE CONTRACTOR OR
16 CONTRIBUTOR, BASED IN PART UPON THE DISCLOSURE STATEMENT, EXCEPT
17 THAT THIS DEADLINE MAY BE EXTENDED FOR A REASONABLE PERIOD OF
18 TIME, FOR GOOD CAUSE, BY THE DEPARTMENT AND THE ATTORNEY
19 GENERAL. IN PREPARING THIS REPORT, THE ATTORNEY GENERAL MAY
20 REQUEST AND RECEIVE CRIMINAL HISTORY INFORMATION FROM THE
21 FEDERAL BUREAU OF INVESTIGATION.

22 (B) DUTY OF CONTRACTORS AND CONTRIBUTORS.--ALL CONTRACTORS
23 AND CONTRIBUTORS SHALL HAVE THE CONTINUING DUTY TO PROVIDE ANY
24 ASSISTANCE OR INFORMATION REQUESTED BY THE DEPARTMENT OR THE
25 ATTORNEY GENERAL AND TO COOPERATE IN ANY INQUIRY OR
26 INVESTIGATION CONDUCTED BY THE ATTORNEY GENERAL AND IN ANY
27 INQUIRY, INVESTIGATION, OR HEARING CONDUCTED BY THE DEPARTMENT.
28 IF, UPON ISSUANCE OF A FORMAL REQUEST TO ANSWER ANY INQUIRY OR
29 PRODUCE INFORMATION, EVIDENCE OR TESTIMONY, ANY CONTRACTOR OR
30 CONTRIBUTOR REFUSES TO COMPLY, THE AGREEMENT OR CONTRACT WITH

1 THAT PERSON MAY BE REVOKED BY THE DEPARTMENT.

2 (C) FEE.--THE ATTORNEY GENERAL MAY CHARGE AND COLLECT, IN
3 ACCORDANCE WITH A FEE SCHEDULE ADOPTED BY REGULATION, SUCH FEES
4 FROM CONTRACTORS AND CONTRIBUTORS AS MAY BE NECESSARY TO COVER
5 THE COSTS OF ENFORCING THIS ACT. THE FEE SHALL BE CALCULATED ON
6 THE BASIS OF \$100 PER EACH INDIVIDUAL REQUIRED TO BE LISTED IN
7 THE DISCLOSURE STATEMENT OR SHOWN TO HAVE A BENEFICIAL INTEREST
8 OTHER THAN AN EQUITY INTEREST OR DEBT LIABILITY IN THE BUSINESS
9 OF THE CONTRACTOR OR THE CONTRIBUTOR.

10 (D) CHANGES AND ADDITIONS.--IF ANY OF THE INFORMATION
11 REQUIRED TO BE INCLUDED IN THE DISCLOSURE STATEMENT CHANGES, OR
12 IF ANY ADDITIONAL INFORMATION SHOULD BE ADDED AFTER THE FILING
13 OF THE STATEMENT, THE CONTRACTOR OR CONTRIBUTOR SHALL PROVIDE
14 THAT INFORMATION TO THE DEPARTMENT AND ATTORNEY GENERAL, IN
15 WRITING, WITHIN 30 DAYS OF THE CHANGE OR ADDITION.
16 SECTION 504. RULES AND REGULATIONS.

17 THE DEPARTMENT WITH THE ADVICE OF THE ATTORNEY GENERAL AND IN
18 THE MANNER PROVIDED BY LAW, SHALL PROMULGATE THE RULES AND
19 REGULATIONS NECESSARY TO CARRY OUT THIS CHAPTER.

20 CHAPTER 11

21 MISCELLANEOUS PROVISIONS

22 ~~Section 1101. Retroactivity.~~ <—

23 ~~Section 302 of this act shall be retroactive to July 1, 1989.~~

24 ~~Section 1102~~ 1101. Effective date. <—

25 This act shall take effect immediately.