

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## SENATE BILL

No. 1355 Session of  
2014INTRODUCED BY YAW, MENSCH, COSTA, PILEGGI AND YUDICHAK,  
APRIL 28, 2014AS REPORTED FROM COMMITTEE ON ENVIROMENTAL RESOURCES AND ENERGY,  
HOUSE OF REPRESENTATIVES, AS AMENDED, SEPTEMBER 23, 2014

## AN ACT

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

20 The General Assembly of the Commonwealth of Pennsylvania

21 hereby enacts as follows:

22 ~~Section 1. Section 402(b.1)(1) of the act of July 10, 1984 <--~~  
 23 ~~(P.L.688, No.147), known as the Radiation Protection Act,~~  
 24 ~~amended July 13, 2007 (P.L.95, No.31), is amended to read:~~

25 SECTION 1. SECTION 402 (B.1) (1) AND (C) (1.1) OF THE ACT OF <--

1 JULY 10, 1984 (P.L.688, NO.147), KNOWN AS THE RADIATION  
2 PROTECTION ACT, AMENDED JULY 13, 2007 (P.L.95, NO.31), ARE  
3 AMENDED TO READ:

4 Section 402. Nuclear facility and transport fees.

5 \* \* \*

6 (b.1) Department fees.--

7 (1) Within 30 days of the effective date of this  
8 subsection, each person who has a current nuclear power  
9 reactor construction permit or operating license from the NRC  
10 for a site within this Commonwealth shall pay the department  
11 \$100,000 per nuclear power reactor site, regardless of the  
12 number of individual nuclear power reactors located at the  
13 site. By July 1, 2007, and July 1 of each year thereafter,  
14 each person who has a current nuclear power reactor  
15 construction permit or operating license from the NRC for a  
16 site within this Commonwealth shall pay the department an  
17 annual fee of [~~\$550,000~~] \$650,000 per nuclear power reactor  
18 site, regardless of the number of individual nuclear power  
19 reactors located at the site. For the purposes of this  
20 subsection only, a nuclear power reactor site shall be deemed  
21 to be the location of one or more individual nuclear power  
22 reactors which still has spent nuclear fuel stored onsite,  
23 has not been fully dismantled and decommissioned pursuant to  
24 applicable Federal law and regulations and has not been  
25 granted license termination by the NRC.

26 \* \* \*

27 (C) AGENCY FEES.--

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28 (1.1) (I) [WITHIN 30 DAYS OF THE EFFECTIVE DATE OF THIS  
29 PARAGRAPH, EACH PERSON WHO HAS A CURRENT NUCLEAR POWER  
30 REACTOR CONSTRUCTION PERMIT OR OPERATING LICENSE FROM THE

1 NRC FOR A SITE WITHIN THIS COMMONWEALTH SHALL PAY THE  
2 AGENCY, REGARDLESS OF THE NUMBER OF INDIVIDUAL NUCLEAR  
3 POWER REACTORS LOCATED AT THE SITE, \$100,000 TO BE  
4 DEPOSITED INTO THE RADIOLOGICAL EMERGENCY RESPONSE  
5 PLANNING AND PREPAREDNESS PROGRAM FUND TO BE COLLECTED  
6 AND USED BY THE AGENCY IN ACCORDANCE WITH THE PROVISIONS  
7 OF 35 PA.C.S. § 7320 (RELATING TO RADIOLOGICAL EMERGENCY  
8 RESPONSE PREPAREDNESS, PLANNING AND RECOVERY PROGRAM) AND  
9 \$50,000 TO BE DEPOSITED INTO THE RADIATION EMERGENCY  
10 RESPONSE FUND TO BE COLLECTED AND USED BY THE AGENCY FOR  
11 RADIOLOGICAL EMERGENCY RESPONSE EQUIPMENT, PLANNING,  
12 TRAINING AND EXERCISE COSTS INVOLVING NONAGENCY  
13 PERSONNEL.] BY JULY 1, 2007, AND JULY 1 OF EACH YEAR  
14 THEREAFTER THROUGH JULY 1, 2014, EACH PERSON WHO HAS A  
15 CURRENT NUCLEAR POWER REACTOR CONSTRUCTION PERMIT OR  
16 OPERATING LICENSE FROM THE NRC FOR A SITE WITHIN THIS  
17 COMMONWEALTH SHALL PAY THE AGENCY THE FOLLOWING FEES,  
18 REGARDLESS OF THE NUMBER OF INDIVIDUAL NUCLEAR POWER  
19 REACTORS LOCATED AT THE SITE:

20 (A) \$200,000 TO BE COLLECTED AND USED BY THE  
21 AGENCY IN ACCORDANCE WITH THE PROVISIONS OF 35  
22 PA.C.S. § 7320 (RELATING TO RADIOLOGICAL EMERGENCY  
23 RESPONSE PREPAREDNESS, PLANNING AND RECOVERY  
24 PROGRAM).

25 (B) \$150,000 TO BE COLLECTED AND USED BY THE  
26 AGENCY FOR RADIOLOGICAL EMERGENCY RESPONSE EQUIPMENT,  
27 PLANNING, TRAINING AND EXERCISE COSTS INVOLVING  
28 NONAGENCY PERSONNEL.

29 (I.1) BY JULY 1, 2015, AND JULY 1 OF EACH YEAR  
30 THEREAFTER, EACH PERSON WHO HAS A CURRENT NUCLEAR POWER

1 REACTOR CONSTRUCTION PERMIT OR OPERATING LICENSE FROM THE  
2 NRC FOR A SITE WITHIN THIS COMMONWEALTH SHALL PAY THE  
3 AGENCY THE FOLLOWING FEES, REGARDLESS OF THE NUMBER OF  
4 INDIVIDUAL NUCLEAR POWER REACTORS LOCATED AT THE SITE:

5 (A) \$275,000 TO BE COLLECTED AND USED BY THE  
6 AGENCY IN ACCORDANCE WITH THE PROVISIONS OF 35  
7 PA.C.S. § 7320.

8 (B) \$150,000 TO BE COLLECTED AND USED BY THE  
9 AGENCY FOR RADIOLOGICAL EMERGENCY RESPONSE EQUIPMENT,  
10 PLANNING, TRAINING AND EXERCISE COSTS INVOLVING  
11 NONAGENCY PERSONNEL.

12 (II) PAYMENTS COLLECTED UNDER [SUBPARAGRAPH (I) (A)]  
13 SUBPARAGRAPHS (I) (A) AND (I.1) (A) SHALL BE DEPOSITED INTO  
14 THE RADIOLOGICAL EMERGENCY RESPONSE PLANNING AND  
15 PREPAREDNESS PROGRAM FUND ESTABLISHED PURSUANT TO 35  
16 PA.C.S. § 7320 (C). PAYMENTS COLLECTED UNDER [SUBPARAGRAPH  
17 (I) (B)] SUBPARAGRAPHS (I) (B) AND (I.1) (B) SHALL BE  
18 DEPOSITED INTO THE RADIATION EMERGENCY RESPONSE FUND. FOR  
19 THE PURPOSES OF THIS SUBSECTION ONLY, A NUCLEAR POWER  
20 REACTOR SITE SHALL BE DEEMED TO BE THE LOCATION OF ONE OR  
21 MORE INDIVIDUAL NUCLEAR POWER REACTORS WHICH STILL HAS  
22 SPENT NUCLEAR FUEL STORED ONSITE, HAS NOT BEEN FULLY  
23 DISMANTLED AND DECOMMISSIONED PURSUANT TO APPLICABLE  
24 FEDERAL LAW AND REGULATIONS AND HAS NOT BEEN GRANTED  
25 LICENSE TERMINATION BY THE NRC.

26 \* \* \*

27 Section 2. ~~This~~ THE AMENDMENT OF SECTION 402(B.1) OF THE act <--  
28 shall apply to annual fees due on and after July 1, 2015.

29 Section 3. This act shall take effect immediately.