

STATE OF NEW YORK

2999--A

2021-2022 Regular Sessions

IN SENATE

January 27, 2021

Introduced by Sen. HARCKHAM -- read twice and ordered printed, and when printed to be committed to the Committee on Veterans, Homeland Security and Military Affairs -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the executive law, in relation to funding for emergency management services for certain counties with non-operational nuclear power plants

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 29-c of the executive law, as added by chapter 708
2 of the laws of 1981, paragraph (b) of subdivision 2 as amended by
3 section 1 of part R of chapter 56 of the laws of 2009 and subdivision
4 3-a as added by chapter 728 of the laws of 1992, is amended to read as
5 follows:
6 § 29-c. Radiological preparedness. 1. The commission:
7 (a) may monitor directly and record the off-site presence of radioac-
8 tive material in the vicinity of any nuclear electric generating facili-
9 ties, decommissioned facilities, facilities in the process of being
10 decommissioned or those decommissioned nuclear electric generating
11 facilities being used for spent fuel nuclear storage located in the
12 state of New York;
13 (b) shall obtain from the licensees, United States nuclear regulatory
14 commission-required high range radiation, temperature and pressure
15 levels in the containment buildings and in the containment building
16 vents of nuclear electric generating facilities located in the state of
17 New York; and,
18 (c) shall obtain, subject to the approval of the United States nuclear
19 regulatory commission, any reactor or spent fuel data provided by the
20 licensee to the United States nuclear regulatory commission, which the
21 disaster preparedness commission determines, as a result of the report

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 issued pursuant to section twenty-nine-d of this article, to be a reli-
2 able indicator of a possible radiological accident.

3 Upon the occurrence of a radiological accident, the commission shall
4 promptly provide appropriate and available radioactivity monitoring data
5 to any chief executive who requests it. For the purposes of this
6 section, the term "radiological accident" shall be limited to a radio-
7 logical accident occurring at a nuclear electric generating site or any
8 inactive nuclear electric generating site being used as a nuclear spent
9 fuel storage facility.

10 2. (a) Any licensee of the United States nuclear regulatory commission
11 for a nuclear electric generating facility or inactive nuclear electric
12 generating site used for a nuclear spent fuel storage facility shall be
13 liable for an annual fee to support state and local governmental respon-
14 sibilities under accepted radiological emergency preparedness plans
15 related to the facility operated by such licensee.

16 (b) The amount of such fee shall be one million dollars for each
17 active nuclear electric generating reactor. Such fee, which shall be
18 payable to the commission on or before December first, shall be expended
19 or distributed only by appropriation.

20 (c) The amount of such fee for an inactive nuclear electric generating
21 site shall be one thousand dollars annually for each nuclear fuel assem-
22 bly stored on premises at the facility. Such fee, which shall be payable
23 to the commission on or before December first, shall be expended or
24 distributed only by appropriation. For the purposes of this paragraph,
25 the following terms shall have the following meanings:

26 (i) "Nuclear fuel assembly" shall mean a structured group of fuel
27 rods.

28 (ii) "Fuel rods" shall mean metal tubes containing pellets of fission-
29 able material that provide fuel for nuclear reactors.

30 3. Such fees shall be expended by the commission for purposes of
31 supporting state and local government responsibilities under accepted
32 radiological emergency preparedness plans, including:

33 (a) purchase, installation, maintenance and operation of equipment
34 used by the commission and local governments to monitor and record the
35 potential and actual presence of radioactive materials within the appro-
36 priate planning radius from a nuclear electric generating facility;

37 (b) purchase, storage and distribution by the commission of equipment,
38 drugs or other material for the purpose of protecting public health and
39 safety;

40 (c) personal service, administrative costs and contractual services;

41 (d) emergency services personnel training and the plans, development,
42 implementation, testing and revisions; and,

43 (e) the state or local share when applying for matching funds.

44 3-a. (a) Notwithstanding the provisions of subdivision three of this
45 section, the New York state emergency management office (SEMO) and the
46 coalition of nuclear counties, which constitutes the counties of Monroe,
47 Wayne, Oswego, Orange, Putnam, Rockland and Westchester, shall each
48 receive an equal one-half portion of the total amount of proceeds
49 resulting from the total assessments and contributions made pursuant to
50 this section.

51 (b) The one-half portion of the proceeds resulting from the total
52 assessments and contributions made pursuant to this section received by
53 the coalition of nuclear counties shall be distributed pursuant to the
54 following ~~[formula]~~ formulas:

55 (i) Active nuclear electric generating reactors:

56 Monroe county 12.3%

1 [~~Orange county 10%~~]

2 Oswego county 12.5%

3 [~~Putnam county 9.8%~~]

4 ~~Rockland county 18%~~]

5 Wayne county 12.4%

6 [~~Westchester county 25%~~]

7 (ii) Inactive nuclear electric generating reactor sites used for stor-
8 age:

9 Orange county 10%

10 Putnam county 10%

11 Rockland county 15%

12 Westchester county 65%

13 § 2. This act shall take effect immediately.