# STATE OF NEW YORK

8038

2021-2022 Regular Sessions

# IN ASSEMBLY

June 8, 2021

Introduced by M. of A. PRETLOW -- read once and referred to the Committee on Governmental Operations

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:**

Section 1. Section 29-c of the executive law, as added by chapter 708 of the laws of 1981, paragraph (b) of subdivision 2 as amended by section 1 of part R of chapter 56 of the laws of 2009 and subdivision 3-a as added by chapter 728 of the laws of 1992, is amended to read as follows:

§ 29-c. Radiological preparedness. 1. The commission:

(a) may monitor directly and record the off-site presence of radioactive material in the vicinity of **any** nuclear electric generating facilities**, decommissioned facilities, facilities in the process of being decommissioned or those decommissioned nuclear electric generating facilities being used for spent fuel nuclear storage** located in the state of New York;

(b) shall obtain from the licensees, United States nuclear regulatory commission-required high range radiation, temperature and pressure levels in the containment buildings and in the containment building vents of nuclear electric generating facilities located in the state of New York; and,

(c) shall obtain, subject to the approval of the United States nuclear regulatory commission, any reactor **or spent fuel** data provided by the licensee to the United States nuclear regulatory commission, which the disaster preparedness commission determines, as a result of the report issued pursuant to section twenty-nine-d of this article, to be a reliable indicator of a possible radiological accident.

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

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

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

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

**(c) The amount of such fee for each inactive nuclear electric generating reactor shall be as follows: one million dollars in year one of deactivation, seven hundred fifty thousand dollars in year two of deactivation, five hundred thousand dollars in years three and four of deactivation, two hundred fifty thousand dollars in years five, six and seven of deactivation, and one hundred fifty thousand dollars in years eight, nine and ten of deactivation. Such fee, which shall be payable to the commission on or before December first each year of deactivation, shall be expended or distributed only by appropriation.**

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

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

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

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

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

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

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

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

**(i) Active nuclear electric generating reactors:**

Monroe county 12.3%

[~~**Orange county 10%**~~]

Oswego county 12.5%

[~~**Putnam county 9.8%**~~

~~Rockland county 18%~~]
Wayne county 12.4%
[~~Westchester county 25%~~]
**(ii) Inactive nuclear electric generating reactor sites used for storage:**
**Orange county 10%**
**Putnam county 10%**
**Rockland county 15%**
**Westchester county 27.8%**
§ 2. This act shall take effect immediately.