

# STATE OF NEW YORK

1172

2023-2024 Regular Sessions

## IN SENATE

January 10, 2023

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

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  
22 issued pursuant to section twenty-nine-d of this article, to be a reli-  
23 able 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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1 Upon the occurrence of a radiological accident, the commission shall  
2 promptly provide appropriate and available radioactivity monitoring data  
3 to any chief executive who requests it. For the purposes of this  
4 section, the term "radiological accident" shall be limited to a radio-  
5 logical accident occurring at a nuclear electric generating site or any  
6 inactive nuclear electric generating site being used as a nuclear spent  
7 fuel storage facility.

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

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

18 (c) The amount of such fee for each inactive nuclear electric generat-  
19 ing reactor shall be as follows: one million dollars in year one of  
20 deactivation, seven hundred fifty thousand dollars in year two of deac-  
21 tivation, five hundred thousand dollars in years three and four of deac-  
22 tivation, two hundred fifty thousand dollars in years five, six and  
23 seven of deactivation, and one hundred fifty thousand dollars in years  
24 eight, nine and ten of deactivation. Such fee, which shall be payable  
25 to the commission on or before December first each year of deactivation,  
26 shall be expended or distributed only by appropriation.

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

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

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

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

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

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

41 3-a. (a) Notwithstanding the provisions of subdivision three of this  
42 section, the New York state emergency management office (SEMO) and the  
43 coalition of nuclear counties, which constitutes the counties of Monroe,  
44 Wayne, Oswego, Orange, Putnam, Rockland and Westchester, shall each  
45 receive an equal one-half portion of the total amount of proceeds  
46 resulting from the total assessments and contributions made pursuant to  
47 this section.

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

52 (i) Active nuclear electric generating reactors:

53 Monroe county 12.3%

54 ~~[Orange county 10%]~~

55 Oswego county 12.5%

56 ~~[Putnam county 9.8%]~~

1 ~~Rockland county 18%~~  
2 Wayne county 12.4%  
3 [~~Westchester county 25%~~]  
4 (ii) Inactive nuclear electric generating reactor sites used for stor-  
5 age:  
6 Orange county 10%  
7 Putnam county 10%  
8 Rockland county 15%  
9 Westchester county 27.8%  
10 § 2. This act shall take effect immediately.