

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1850

Session of 1975

INTRODUCED BY MESSRS. REED, BERLIN, TURNER, WAGNER AND SHELHAMER, OCTOBER 15, 1975

REFERRED TO COMMITTEE ON MINES AND ENERGY MANAGEMENT, OCTOBER 15, 1975

AN ACT

1 Imposing a moratorium on the construction of nuclear energy  
2 generating plants; establishing a joint bipartisan committee  
3 to investigate the nuclear energy field; establishing a  
4 Nuclear Energy Review Commission and providing for local  
5 referendums.

6 The General Assembly of the Commonwealth of Pennsylvania  
7 hereby enacts as follows:

8 Section 1. Legislative Findings.--The General Assembly  
9 recognizes that critical questions have been raised in the  
10 public and in the scientific community regarding the safety of  
11 nuclear fission power plants. Radioactive wastes from such  
12 plants do not disintegrate for thousands of years and their  
13 proper storage is a matter of great public concern for public  
14 safety. The construction of such plants and the involvement of  
15 the Commonwealth in reviewing such construction is of  
16 importance.

17 Section 2. Moratorium on Construction.--A moratorium on the  
18 groundbreaking and new construction of nuclear fission power  
19 plants in the Commonwealth is hereby imposed for a period of

1 three years. Such ban shall not effect those plants already  
2 under construction at the effective date of this act.

3 Section 3. Committee; Powers and Duties.--(a) The General  
4 Assembly shall establish a joint bipartisan committee known as  
5 the Joint State Nuclear Energy Committee for the purpose of  
6 examining the critical questions relating to the safety of  
7 nuclear fission power plants and the feasibility of additional  
8 construction of such plants in the Commonwealth.

9 (b) The committee shall be composed of the President pro  
10 tempore of the Senate and six Senators to be named by the  
11 President pro tempore, three from the majority party and three  
12 from the minority party; the Speaker of the House of  
13 Representatives and six Representatives to be named by the  
14 Speaker, three from the majority party and three from the  
15 minority party, and the Lieutenant Governor who shall serve as  
16 chairman of the committee and who shall vote only when necessary  
17 to break a tie.

18 (c) The committee shall hold public hearings, issue  
19 subpoenas, report to the General Assembly before the termination  
20 of the three-year moratorium as to their findings on the matter  
21 of public safety of nuclear fission power plants and the  
22 disposal of radioactive wastes, other pertinent issues and  
23 information and make recommendations to the General Assembly  
24 concerning legislative actions.

25 Section 4. Nuclear Energy Review Commission; Powers and  
26 Duties.--(a) At the conclusion of the three-year moratorium,  
27 there is hereby created a Nuclear Energy Review Commission for  
28 the Commonwealth comprised of the following individuals: The  
29 Lieutenant Governor, the Speaker of the House of Representatives  
30 or his designee, the President pro tempore of the Senate or his

designee, the Secretary of Community Affairs, the Secretary of  
2 Environmental Resources, the Secretary of Health and seven  
3 private citizens to be named by the Governor.

4 (b) The commission will have the responsibility to issue  
5 permits, inspect existing nuclear fission power plants, inspect  
6 nuclear fission power plants during construction and to act upon  
7 all matters of public safety relating to nuclear fission power  
8 plants.

9 (c) The commission shall be notified of any plans to  
10 construct any new nuclear fission power plants or to add to  
11 existing nuclear fission powers plants located in the  
12 Commonwealth. Upon receipt of such notice, the commission shall  
13 schedule public hearings in the area to be affected for the  
14 purpose of receiving relevant information regarding all aspects  
15 of the planned construction. Local governmental, planning and  
16 health agency representatives of the area affected and other  
17 interested parties shall be notified of the hearing and its  
18 purpose.

19 (d) After evaluating all the information obtained the  
20 commission shall issue a decision on the issuance of a permit  
21 with adequate reasons for its decision contained therein.

22 (e) Any final decision of the commission may be appended to  
23 the Commonwealth Court for review.

24 Section 7. Plant Conditions Required.--The following  
25 conditions must be met prior to the new construction or further  
26 construction of such plants:

27 (1) That such plants have effective safety systems, including  
28 but not limited to emergency core cooling systems, and that such  
29 safety systems be tested and proven effective through on-site  
30 tests or comparative tests of the same systems at operating

1 sites.

2 (2) That radioactive wastes from the plant shall be stored,  
3 moved or disposed of with no reasonable chance of intentional or  
4 unintentional escape or emission of radioactivity into the  
5 natural environment.

6 (3) That the construction shall not adversely effect  
7 surrounding communities, natural environment or the orderly  
8 development of the area.

9 Section 8. Referendum Required.--(a) Before any nuclear  
10 fission power plant is constructed in an area, the approval of  
11 the electorate of the affected areas shall be required whenever  
12 a petition requesting that the question of the construction of  
13 the nuclear fission power plant be placed upon the ballot is  
14 presented to the county board of election, if the construction  
15 is within the boundaries of only that county, or to the  
16 Secretary of the Commonwealth, if the construction shall be  
17 located in more than one county.

18 (b) The form of the question shall be as follows:

19 Shall the _____ Company be	Yes
20 permitted to construct a nuclear fission power 21 plant in the County of _____?	No

22 A majority of the electors voting shall decide the question and  
23 such decision shall be binding.

24 (c) The petition to cause the question to appear on the  
25 ballot shall be signed by 5% or more of the registered  
26 electorate of the county or counties to be affected. The  
27 petition shall be filed no later than 60 days before the  
28 proposed election.

29 Section 9. This act shall take effect immediately.

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