

# SENATE BILL 536

M3, E4

4lr2126  
CF HB 680

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By: **Senator Jackson**

Introduced and read first time: January 24, 2024

Assigned to: Education, Energy, and the Environment

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Committee Report: Favorable

Senate action: Adopted

Read second time: March 3, 2024

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Environment – Nuclear Power Plants – Emergency Preparedness**  
3 **(Radiation and Emergency Preparedness and Protection Act)**

4 FOR the purpose of establishing the Radiation Emergency Response Program in the  
5 Department of the Environment; requiring the Department of the Environment to  
6 serve as an off–site response organization and the lead State agency for all nuclear  
7 incidents within the State; requiring the Department of the Environment to prepare  
8 a technical emergency radiation response plan, respond to emergencies involving a  
9 nuclear power plant, participate in a certain federal program, and procure certain  
10 specialized equipment; requiring the owner of a nuclear power plant to remit certain  
11 fees to the Department of the Environment for a certain purpose; authorizing the  
12 Department of the Environment to annually increase certain fees under certain  
13 circumstances; requiring the Department of the Environment to transfer a certain  
14 fee collected to the Maryland Department of Emergency Management for  
15 radiological emergency response preparedness activities; establishing the Radiation  
16 Emergency Response Fund as a special, nonlapsing fund; requiring interest earnings  
17 of the Fund to be credited to the Fund; and generally relating to nuclear power plants  
18 and emergency preparedness.

19 BY repealing and reenacting, with amendments,  
20 Article – Environment  
21 Section 8–101 and 8–102  
22 Annotated Code of Maryland  
23 (2013 Replacement Volume and 2023 Supplement)

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### EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



- 1 BY adding to  
2 Article – Environment  
3 Section 8–701 through 8–704 to be under the new subtitle “Subtitle 7. Emergency  
4 Preparedness”  
5 Annotated Code of Maryland  
6 (2013 Replacement Volume and 2023 Supplement)
- 7 BY repealing and reenacting, without amendments,  
8 Article – State Finance and Procurement  
9 Section 6–226(a)(2)(i)  
10 Annotated Code of Maryland  
11 (2021 Replacement Volume and 2023 Supplement)
- 12 BY repealing and reenacting, with amendments,  
13 Article – State Finance and Procurement  
14 Section 6–226(a)(2)(ii)189. and 190.  
15 Annotated Code of Maryland  
16 (2021 Replacement Volume and 2023 Supplement)
- 17 BY adding to  
18 Article – State Finance and Procurement  
19 Section 6–226(a)(2)(ii)191.  
20 Annotated Code of Maryland  
21 (2021 Replacement Volume and 2023 Supplement)

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
23 That the Laws of Maryland read as follows:

24 **Article – Environment**

25 8–101.

26 (a) In this title the following words have the meanings indicated.

27 (b) “Board” means the Radiation Control Advisory Board.

28 (c) “Emergency” means a sudden and unforeseen condition of such public gravity  
29 and urgency that it requires immediate response to protect the public health and welfare.

30 **(D) “EMERGENCY PLANNING ZONE” MEANS A PLUME EXPOSURE PATHWAY**  
31 **EMERGENCY PLANNING ZONE, AS DESCRIBED IN 10 C.F.R. § 50.47(C)(2).**

32 **[(d)] (E)** “General license” means a license that, under the rules and regulations  
33 adopted by the Department under this title, is effective without the filing of an application  
34 by the licensee.

35 **(F) “NUCLEAR INCIDENT” MEANS ANY OCCURRENCE, INCLUDING AN**

1 EXTRAORDINARY NUCLEAR OCCURRENCE, OR SERIES OF OCCURRENCES AT A  
2 NUCLEAR POWER PLANT WITH THE POTENTIAL FOR CAUSING BODILY INJURY,  
3 SICKNESS, DISEASE, DEATH, LOSS OF OR DAMAGE TO PROPERTY, OR LOSS OF USE OF  
4 PROPERTY RESULTING FROM THE RADIOACTIVE, TOXIC, EXPLOSIVE, OR OTHER  
5 HAZARDOUS PROPERTIES OF THE RADIOACTIVE MATERIAL USED BY A NUCLEAR  
6 POWER PLANT OR STORED ON ITS PROPERTY.

7 (G) (1) "NUCLEAR POWER PLANT" MEANS ANY FACILITY CAPABLE OF  
8 PRODUCING ELECTRICITY USING NUCLEAR ENERGY:

9 (I) 1. THAT IS LOCATED IN THE STATE; OR

10 2. WITH AN EMERGENCY PLANNING ZONE THAT  
11 INCLUDES ANY AREA OF THE STATE; AND

12 (II) FOR WHICH THE DEPARTMENT PARTICIPATES IN PLANNING  
13 AND RESPONSE ACTIVITIES RELATED TO THE FACILITY.

14 (2) "NUCLEAR POWER PLANT" INCLUDES A FACILITY WITH ONE OR  
15 MORE NUCLEAR POWER REACTORS THAT:

16 (I) HAS SPENT NUCLEAR FUEL STORED ONSITE;

17 (II) HAS NOT BEEN FULLY DISMANTLED AND DECOMMISSIONED  
18 IN ACCORDANCE WITH APPLICABLE FEDERAL LAW AND REGULATIONS; OR

19 (III) HAS NOT BEEN GRANTED LICENSE TERMINATION BY THE U.S.  
20 NUCLEAR REGULATORY COMMISSION.

21 (H) "NUCLEAR REGULATORY COMMISSION" MEANS THE U.S. NUCLEAR  
22 REGULATORY COMMISSION OR ANY SUCCESSOR ENTITY RESPONSIBLE FOR FEDERAL  
23 REGULATION OF NUCLEAR ENERGY.

24 (I) "OFF-SITE RESPONSE ORGANIZATION" MEANS A STATE, LOCAL, OR  
25 TRIBAL GOVERNMENTAL ORGANIZATION RESPONSIBLE FOR CARRYING OUT  
26 EMERGENCY RESPONSE FUNCTIONS DURING A NUCLEAR INCIDENT.

27 [(e)] (J) "Person" includes any public or municipal corporation and any agency,  
28 bureau, department, or instrumentality of State or local government and, to the extent  
29 authorized by federal law, federal government.

30 [(f)] (K) "Radiation" means:

31 (1) Ionizing radiation, including gamma rays, X-rays, alpha particles, beta

1 particles, neutrons, high speed electrons, high speed protons, and any other atomic or nuclear  
2 particles or rays;

3 (2) Any electromagnetic radiation that can be generated during the  
4 operation of a manufactured device that has an electronic circuit; or

5 (3) Any sonic, ultrasonic, or infrasonic waves that are emitted as a result of  
6 the operation, in a manufactured device, of an electronic circuit that can generate a physical  
7 field of radiation.

8 **[(g)] (L)** “Specific license” means a license that, under the rules and regulations  
9 adopted by the Department under this title, is effective only after the applicant files an  
10 application and the Department approves the application.

11 8–102.

12 (a) The General Assembly finds that radiation:

13 (1) If used properly, can help to improve the health, welfare, and productivity  
14 of the public;

15 (2) If used carelessly or excessively, may destroy life or health; and

16 (3) If used improperly, may impair the industrial and agricultural potential  
17 of this State.

18 (b) It is the policy of this State:

19 (1) To encourage the constructive uses of radiation; **[and]**

20 (2) To control radiation; **AND**

21 **(3) TO PROTECT THE PUBLIC FROM UNNECESSARY AND HARMFUL**  
22 **EXPOSURE RESULTING FROM A NUCLEAR INCIDENT.**

23 **SUBTITLE 7. EMERGENCY PREPAREDNESS.**

24 **8–701.**

25 **(A) IT IS THE POLICY OF THE STATE TO PROTECT THE PUBLIC AGAINST**  
26 **ADVERSE HEALTH EFFECTS RESULTING FROM NUCLEAR INCIDENTS AND MITIGATE**  
27 **THE IMPACTS OF NUCLEAR INCIDENTS BY ESTABLISHING A STATE OF READINESS**  
28 **THROUGH EMERGENCY PREPAREDNESS.**

29 **(B) THE GENERAL ASSEMBLY FINDS THAT THE NUCLEAR INDUSTRY SHOULD**  
30 **BEAR THE COSTS ASSOCIATED WITH DEVELOPING AND IMPLEMENTING PLANS TO**

1 **PREPARE FOR AND MITIGATE THE IMPACTS OF NUCLEAR INCIDENTS.**

2 **8-702.**

3 (A) (1) **THERE IS A RADIATION EMERGENCY RESPONSE PROGRAM.**

4 (2) **THE DEPARTMENT SHALL ADMINISTER THE PROGRAM.**

5 (B) **THE DEPARTMENT SHALL SERVE AS:**

6 (1) **AN OFF-SITE RESPONSE ORGANIZATION; AND**

7 (2) **THE LEAD STATE AGENCY FOR PROTECTIVE ACTIONS FOR ALL**  
8 **NUCLEAR INCIDENTS WITHIN THE STATE.**

9 (C) **THE DEPARTMENT SHALL:**

10 (1) (I) **PREPARE A TECHNICAL EMERGENCY RADIATION RESPONSE**  
11 **PLAN FOR INCORPORATION INTO THE STATE EMERGENCY MANAGEMENT PROGRAM**  
12 **DEVELOPED BY THE MARYLAND DEPARTMENT OF EMERGENCY MANAGEMENT IN**  
13 **ACCORDANCE WITH TITLE 14 OF THE PUBLIC SAFETY ARTICLE; AND**

14 (II) **RESPOND TO EMERGENCIES THAT INVOLVE A NUCLEAR**  
15 **POWER PLANT;**

16 (2) **PARTICIPATE IN THE FEDERAL EMERGENCY MANAGEMENT**  
17 **ADMINISTRATION'S RADIOLOGICAL EMERGENCY PREPAREDNESS PROGRAM**  
18 **ACTIVITIES APPLICABLE TO EACH NUCLEAR POWER PLANT; AND**

19 (3) **PROCURE SPECIALIZED SUPPLIES AND EQUIPMENT FOR**  
20 **RESPONDING TO EMERGENCIES THAT INVOLVE A NUCLEAR POWER PLANT.**

21 **8-703.**

22 (A) **THE OWNER OF A NUCLEAR POWER PLANT SHALL, FOR EACH NUCLEAR**  
23 **POWER PLANT OWNED, REMIT THE FEES REQUIRED UNDER THIS SECTION TO THE**  
24 **DEPARTMENT.**

25 (B) (1) **ON OR BEFORE JULY 1, 2024, AND EACH JULY 1 THEREAFTER,**  
26 **THE OWNER OF A NUCLEAR POWER PLANT SHALL PAY TO THE DEPARTMENT:**

27 (I) **SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A FEE**  
28 **OF \$300,000 FOR THE OPERATIONAL COSTS OF THE RADIATION EMERGENCY**  
29 **RESPONSE PROGRAM; AND**

1                   (II) SUBJECT TO PARAGRAPHS (2) AND (3) OF THIS  
2 SUBSECTION, A FEE OF \$60,000 FOR RADIOLOGICAL EMERGENCY RESPONSE  
3 PREPAREDNESS.

4                   (2) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE  
5 DEPARTMENT MAY ANNUALLY INCREASE THE FEES UNDER PARAGRAPH (1) OF THIS  
6 SUBSECTION IN ACCORDANCE WITH THE PERCENTAGE INCREASE IN THE  
7 CONSUMER PRICE INDEX FOR ALL URBAN CONSUMERS FOR THE WASHINGTON  
8 METROPOLITAN AREA DURING THE PREVIOUS YEAR TO ENSURE ADEQUATE  
9 FUNDING FOR THE OPERATIONAL COSTS OF THE RADIATION EMERGENCY  
10 RESPONSE PROGRAM.

11                   (II) THE DEPARTMENT MAY NOT ANNUALLY INCREASE THE  
12 FEES UNDER PARAGRAPH (1) OF THIS SUBSECTION BY MORE THAN 3%.

13                   (3) THE DEPARTMENT SHALL TRANSFER THE FEE COLLECTED  
14 UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION TO THE MARYLAND DEPARTMENT  
15 OF EMERGENCY MANAGEMENT FOR RADIOLOGICAL EMERGENCY RESPONSE  
16 PREPAREDNESS ACTIVITIES.

17                   (C) EXCEPT AS PROVIDED IN SUBSECTION (B)(3) OF THIS SECTION, THE  
18 FEES COLLECTED UNDER THIS SECTION SHALL BE PAID INTO THE RADIATION  
19 EMERGENCY RESPONSE FUND UNDER § 8-704 OF THIS SUBTITLE.

20 8-704.

21                   (A) IN THIS SECTION, "FUND" MEANS THE RADIATION EMERGENCY  
22 RESPONSE FUND.

23                   (B) THERE IS A RADIATION EMERGENCY RESPONSE FUND.

24                   (C) THE PURPOSE OF THE FUND IS TO SUPPORT THE COSTS OF DEVELOPING  
25 AND IMPLEMENTING THE RADIATION EMERGENCY RESPONSE PROGRAM.

26                   (D) THE DEPARTMENT SHALL ADMINISTER THE FUND.

27                   (E) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT  
28 SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

29                   (2) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY,  
30 AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.

1           **(F) THE FUND CONSISTS OF:**

2                   **(1) FEES COLLECTED UNDER § 8-703(B)(1)(I) OF THIS SUBTITLE;**

3                   **(2) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND;**

4                   **(3) INTEREST EARNINGS; AND**

5                   **(4) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR**  
6 **THE BENEFIT OF THE FUND.**

7           **(G) THE FUND MAY BE USED ONLY FOR DEVELOPING AND IMPLEMENTING**  
8 **THE RADIATION EMERGENCY RESPONSE PROGRAM, INCLUDING ADMINISTRATIVE**  
9 **EXPENSES.**

10           **(H) (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE FUND**  
11 **IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.**

12                   **(2) ANY INTEREST EARNINGS OF THE FUND SHALL BE CREDITED TO**  
13 **THE FUND.**

14           **(I) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN ACCORDANCE**  
15 **WITH THE STATE BUDGET.**

16           **(J) MONEY EXPENDED FROM THE FUND FOR THE RADIATION EMERGENCY**  
17 **RESPONSE PROGRAM IS SUPPLEMENTAL TO AND IS NOT INTENDED TO TAKE THE**  
18 **PLACE OF FUNDING THAT OTHERWISE WOULD BE APPROPRIATED FOR THE**  
19 **RADIATION EMERGENCY RESPONSE PROGRAM.**

20                                   **Article – State Finance and Procurement**

21 6-226.

22           (a) (2) (i) Notwithstanding any other provision of law, and unless  
23 inconsistent with a federal law, grant agreement, or other federal requirement or with the  
24 terms of a gift or settlement agreement, net interest on all State money allocated by the  
25 State Treasurer under this section to special funds or accounts, and otherwise entitled to  
26 receive interest earnings, as accounted for by the Comptroller, shall accrue to the General  
27 Fund of the State.

28                                   (ii) The provisions of subparagraph (i) of this paragraph do not apply  
29 to the following funds:

30                                   189. the Teacher Retention and Development Fund; [and]

1 190. the Protecting Against Hate Crimes Grant Fund; AND

2 191. THE RADIATION EMERGENCY RESPONSE FUND.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June  
4 1, 2024.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.