

Chapter 645

(Senate Bill 536)

AN ACT concerning

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

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

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

BY adding to
Article – Environment
Section 8-701 through 8-704 to be under the new subtitle “Subtitle 7. Emergency Preparedness”
Annotated Code of Maryland
(2013 Replacement Volume and 2023 Supplement)

BY repealing and reenacting, without amendments,
Article – State Finance and Procurement
Section 6-226(a)(2)(i)
Annotated Code of Maryland
(2021 Replacement Volume and 2023 Supplement)

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 6-226(a)(2)(ii) 189. and 190.

Annotated Code of Maryland
(2021 Replacement Volume and 2023 Supplement)

BY adding to

Article – State Finance and Procurement

Section 6–226(a)(2)(ii)191.

Annotated Code of Maryland

(2021 Replacement Volume and 2023 Supplement)

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

Article – Environment

8–101.

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

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

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

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

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

(F) “NUCLEAR INCIDENT” MEANS ANY OCCURRENCE, INCLUDING AN EXTRAORDINARY NUCLEAR OCCURRENCE, OR SERIES OF OCCURRENCES AT A NUCLEAR POWER PLANT WITH THE POTENTIAL FOR CAUSING BODILY INJURY, SICKNESS, DISEASE, DEATH, LOSS OF OR DAMAGE TO PROPERTY, OR LOSS OF USE OF PROPERTY RESULTING FROM THE RADIOACTIVE, TOXIC, EXPLOSIVE, OR OTHER HAZARDOUS PROPERTIES OF THE RADIOACTIVE MATERIAL USED BY A NUCLEAR POWER PLANT OR STORED ON ITS PROPERTY.

(G) (1) “NUCLEAR POWER PLANT” MEANS ANY FACILITY CAPABLE OF PRODUCING ELECTRICITY USING NUCLEAR ENERGY:

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

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

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

(2) “NUCLEAR POWER PLANT” INCLUDES A FACILITY WITH ONE OR MORE NUCLEAR POWER REACTORS THAT:

(I) HAS SPENT NUCLEAR FUEL STORED ONSITE;

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

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

(H) “NUCLEAR REGULATORY COMMISSION” MEANS THE U.S. NUCLEAR REGULATORY COMMISSION OR ANY SUCCESSOR ENTITY RESPONSIBLE FOR FEDERAL REGULATION OF NUCLEAR ENERGY.

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

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

[(f)] (K) “Radiation” means:

(1) Ionizing radiation, including gamma rays, X-rays, alpha particles, beta particles, neutrons, high speed electrons, high speed protons, and any other atomic or nuclear particles or rays;

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

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

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

- (a) The General Assembly finds that radiation:
- (1) If used properly, can help to improve the health, welfare, and productivity of the public;
 - (2) If used carelessly or excessively, may destroy life or health; and
 - (3) If used improperly, may impair the industrial and agricultural potential of this State.
- (b) It is the policy of this State:
- (1) To encourage the constructive uses of radiation; [and]
 - (2) To control radiation; AND
 - (3) **TO PROTECT THE PUBLIC FROM UNNECESSARY AND HARMFUL EXPOSURE RESULTING FROM A NUCLEAR INCIDENT.**

SUBTITLE 7. EMERGENCY PREPAREDNESS.

8-701.

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

(B) THE GENERAL ASSEMBLY FINDS THAT THE NUCLEAR INDUSTRY SHOULD BEAR THE COSTS ASSOCIATED WITH DEVELOPING AND IMPLEMENTING PLANS TO PREPARE FOR AND MITIGATE THE IMPACTS OF NUCLEAR INCIDENTS.

8-702.

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

(2) THE DEPARTMENT SHALL ADMINISTER THE PROGRAM.

(B) THE DEPARTMENT SHALL SERVE AS:

(1) AN OFF-SITE RESPONSE ORGANIZATION; AND

(2) THE LEAD STATE AGENCY FOR PROTECTIVE ACTIONS FOR ALL

NUCLEAR INCIDENTS WITHIN THE STATE.

(C) THE DEPARTMENT SHALL:

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

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

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

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

8-703.

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

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

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

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

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

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

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

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

8-704.

(A) IN THIS SECTION, “FUND” MEANS THE RADIATION EMERGENCY RESPONSE FUND.

(B) THERE IS A RADIATION EMERGENCY RESPONSE FUND.

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

(D) THE DEPARTMENT SHALL ADMINISTER THE FUND.

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

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

(F) THE FUND CONSISTS OF:

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

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

(3) INTEREST EARNINGS; AND

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

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

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

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

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

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

Article – State Finance and Procurement

6–226.

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

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

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

190. the Protecting Against Hate Crimes Grant Fund; AND

191. THE RADIATION EMERGENCY RESPONSE FUND.

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

Approved by the Governor, May 9, 2024.