

**PART X. LOW-LEVEL RADIOACTIVE WASTE DISPOSAL
REGIONAL FACILITIES**

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**CHAPTER 721. LOW-LEVEL RADIOACTIVE WASTE
DISPOSAL REGIONAL FACILITY SITING FUND
DISCLOSURE STATEMENT FEES**

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Authority

The provisions of this Chapter 721 issued under section 503(c) of the Low-Level Radioactive Waste Disposal Regional Facility Act (35 P. S. § 7131.503(c)), unless otherwise noted.

Source

The provisions of this Chapter 721 adopted February 4, 1994, effective February 5, 1994, 24 Pa.B. 735, unless otherwise noted.

§ 721.1. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Act—The Low-Level Radioactive Waste Disposal Regional Facility Act (35 P. S. §§ 7131.101—7131.1101).

Business concern—A corporation, association, firm, partnership, trust or other form of commercial organization.

Contractor—A person who enters into a contract with the Department of Environmental Resources to implement the Low-Level Radioactive Waste Disposal Act (35 P. S. §§ 7130.101—7130.905).

Contributor—A person who is mandated to make or who is voluntarily making contributions to the Regional Facility Siting Fund created under the act.

Debt liability—An obligation to repay funds advanced for the overall operations or the acquisition or refinancing of major assets of a contractor or contributor, excluding the obligation to repay nonaffiliated suppliers of materials, equipment, supplies or inventory entered into in the ordinary course of business.

Key employe—With respect to radioactive waste operations of a business concern, a person employed by a contractor or a contributor in a supervisory capacity or empowered to make discretionary decisions. The term does not include employes exclusively engaged in the physical or mechanical collection,

transportation, treatment, storage or disposal of radioactive waste. Examples of key employes include senior nuclear executives and plant managers.

§ 721.2. Disclosure statement fee.

(a) The fee for each disclosure statement and each supplement or material change to information contained in a disclosure statement, submitted to the Attorney General under sections 501—503 of the act (35 P. S. §§ 7131.501—7131.503) is \$825 per each individual required to be listed therein or shown to have a beneficial interest other than an equity interest or debt liability in the business of the contractor or contributor, as further described in subsection (b).

(b) For purposes of this section, individuals required to be listed in a disclosure statement include contractors and contributors.

(c) If a contractor or contributor is a business concern, then all officers, directors, partners or key employes, and every person holding an equity in or debt liability of that business concern shall be listed in the disclosure statement. If the business concern or its parent organization is a publicly traded corporation or subsidiary of a publicly traded corporation, the contractor or contributor need only list the beneficial owners of more than 5% of the equity in or debt liability of the business concern. The following exceptions apply:

(1) If the debt liability of the business concern or its parent organization or subsidiary is held by a chartered lending institution, the contractor or contributor need only supply the name and address of the lending institution.

(2) If a class of equity securities of the business concern or its parent organization or subsidiary is registered on a National securities exchange, the contractor or contributor will be deemed in compliance with the provisions of this section requiring the disclosure of its equity and debt liabilities of itself, its parent organization and subsidiaries, if the business concern supplies copies of filings received by it, its parent organization and subsidiaries of Schedule 13-D or Schedule 13-G under section 13(g)(1) the Securities Exchange Act of 1934 (15 U.S.C.A. § 78m(g)(1)).

(d) For a business concern disclosed in a disclosure statement, the contractor or contributor shall supply the information described in subsection (c) except that key employes of the business concern need not be listed.

(e) The total fee will be calculated by the Office of Attorney General based upon the information contained in the disclosure statement submitted by the contractor or contributor under this chapter.

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