



INFORMATION REPORT ON

State Legislation

OFFICE OF STATE PROGRAMS
U. S. NUCLEAR REGULATORY COMMISSION

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I. BILLS ENACTED INTO LAW

GEORGIA

Energy Regulatory Reform Commission S-294. Creates the Energy Regulatory Commission to study all State laws relating to the development and supply of energy sources and the regulation of public utilities with a view toward improvement. A report is due to the 1981 session of the General Assembly. (Approved 3/24/80.)

KENTUCKY

Radiation Amendments H-114. Allows the Department for Human Resources to monitor the radiation in discharges from nuclear power plants along the Kentucky border. If violations are found, the State attorney general is to report them to the U.S. attorney or bring an action of mandamus against the appropriate enforcement agency. (Approved 4/3/80.)

TENNESSEE

Radiation Monitoring Equipment S-1884. Directs the Department of Public Health to purchase 12 portable radiation monitoring devices to be used at freight inspection stations in Knox, Coffee, Haywood and Robertson Counties. The PSC is directed to make manpower available to utilize the equipment and the Civil Defense is to provide training. Will take effect 7/1/80. (Approved 4/3/80.)

Radiation Inspections S-2225. Changes the words "or all buildings or premises" to "property" in Section 53-3315 on inspecting for sources of radiation and sets more stringent penalties for non-compliance with the States Radiation Code. (Approved 4/2/80.)

II. INTRODUCTION OF NEW LEGISLATION

MASSACHUSETTS

CWIP H-3937. The Department of Public Utilities would be prohibited from assessing certain expenses (CWIP) associated with the construction of nuclear power plants if the utilities lack all appropriate local, State and Federal permits and licenses. If a utility decides to cancel construction, then it could not pass through any costs associated with the plant. (Introduced 1/18/80.)

Decommission Costs H-3938. Would direct the Department of Public Utilities to order utilities to develop comprehensive plans for decommissioning nuclear installations, the charges of which would be included in costs passed on to the consumers. (Introduced 1/18/80.)

Catastrophic Teams H-4376. Would direct each city and town to appoint 2 policemen and 2 firemen to be known as the catastrophic team to work with the Departments of Public Safety and Public Health. In nuclear plant areas, the State Civil Defense director would be required to conduct drills and advise the public of procedures. (Introduced 1/21/80.)

Spent Fuel Storage H-5486. Would ban the construction of temporary spent fuel storage pools, other than that constructed as an integral part of the site of a nuclear reactor. (Introduced 1/28/80.)

Transport of Radioactive Materials H-5657. Would prohibit the transport of any radioactive material through any city or town until: the legislative body of the municipality approved such action; the Department of Public Health would certify that safety standards have been met, the department would have to be notified of shipments and have the option of changing routes or time and date of travel. Fees, which could be passed through to the consumer, would be assessed to the operators of nuclear power plants and radioactive materials processing facilities to defray the costs of the program. (Introduced 1/29/80.)

Nuclear Construction H-5659. Would amend the definition of "construction" to provide that no nuclear facility would be deemed under construction unless a permit for construction had been issued by NRC. (Introduced 1/29/80.)

Efficiency at Nuclear Plants H-5797. Would require every public utility which uses fossil or nuclear fuel or both for the generation of electricity to file a monthly base load power plant performance report. If the nuclear capacity factor for a given nuclear base load unit for a 6 month period is less than 60 percent, or if the Department of Public Utilities requests, the company's base load generating plant system will be reviewed during the next scheduled fuel adjustment hearing of the company. If the Department finds that poor performance lies with the utility's management, it would disallow that appropriate portion of unreasonably incurred fuel costs attributable to the poor management and/or take other remedial measures. Excessive fuel costs attributable to an outage caused by poor management would be treated as an adjustment to the estimated fuel costs to be recovered in subsequent fuel adjustment proceedings depending on the degree of imprudent management. Criteria for determining the amount of the adjustment would be 1) time of the outage; 2) duration; 3) magnitude of cost; 4) prior performance of the unit; 5) vintage of the unit; and 6) general diligence and responsibility of the management. (Introduced 1/31/80.)

Repeal of Price-Anderson H-5848. Would urge the U.S. Congress to pass H.789 to repeal the Price Anderson Act. (Introduced 2/1/80.)

Regulation of Radioactive Materials S-1180. Would authorize the Berkshire County Commission to regulate the passage of nuclear materials through the county. It could designate transportation routes and times, determine the standards which vehicles must meet and insure that drivers are thoroughly familiar with the route before he is permitted to proceed. Vehicles carrying small amounts of nuclear materials used in medical or pharmaceutical research would be exempt. (Introduced 1/3/80.)

Low-Level Waste Ban S-1189. Would prohibit the establishment of low-level radioactive waste disposal facilities within the Commonwealth. Hospitals and other medical facilities may be excepted if they are certified by the Department of Environmental Quality Engineering and the Department of Public Health. (Introduced 1/3/80.)

Local Transportation Restrictions S-1191. Would prohibit the transportation of any radioactive material through any city or town if the local legislative body has specifically prohibited such action. The local governing body could prescribe conditions for the transportation of radioactive materials through its borders, including the times, routes, and the weight and tonnage of the vehicle used for the transportation. (Introduced 1/3/80.)

MICHIGAN

Power Plant Siting S-968. Would require the Department of Natural Resources to promulgate rules establishing power plant site selection standards. The department would also inventory public and private lands, including exclusion areas which could be used as sites. Would require 15 year advance plans from utilities. Would require utilities to file a site qualification plan 2 years prior to applying for a certificate of environmental compatibility from the department. The utility also must apply for a certificate of public need from the Michigan Public Service Commission before construction could begin. Local governments could not impose any other requirements or permits unless the Department of Natural Resources or the PUC agrees. (Introduced 2/7/80.)

MINNESOTA

Regulation of Exploratory Boring S-1866. Would direct the State Department of Health to promulgate rules for the guidance of local governments in regulating the conduct of exploratory borings for minerals other than oil, gas or gravel. The rules would be designed to guard against radiation hazards, among other things. (Introduced 2/7/80.)

MISSISSIPPI

Waste Disposal Facility H-724 & S-2674. Would provide for the completion of certain technical, environmental and socioeconomic studies and the recommendation of the Governor before the legislature approves a site for a radioactive waste disposal facility. (Introduced 2/19/80.)

NEW JERSEY

Resolution on Waste AJR-10. Would direct the New Jersey Department of Environmental Protection to prepare action plans for the cleaning of nuclear waste in Middlesex borough and Piscataway township. (Introduced 1/14/80.)

Hazardous Waste Disposal Act A-256. Would create a New Jersey Hazardous Waste Disposal Authority to supervise the collection, storage, and disposal of hazardous wastes, including radioactive, within the State. (Introduced 1/14/80.)

Resolution on the Aftermath of TMI SR-1. Would memorialize the U.S. Congress to enact legislation to "make whole and save harmless" those citizens threatened with economic hardship as a result of nuclear accidents, such as that which occurred at TMI. (Introduced 1/8/80.)

Spent Fuel Transportation S-159. Would ban the transport of spent fuel, the activity of which exceeds 20 curies, into the State. (Introduced 1/8/80.)

Termination of Power Notice S-256. Would require the owner or operator of a nuclear power plant to notify the Governor, Board of Public Utilities, Bureau of Radiation Protection, and State Police upon the closing down or termination of power at the facility. (Introduced 1/8/80.)

Transportation of Hazardous Materials S-323. Would require that the Department of Environmental Protection adopt DOT regulations governing the transport of hazardous materials within the State. Also would require a report which details the incidence and nature of hazardous materials transportation in the State within 1 year of the effective date of the Act. (Introduced 1/8/80.)

NEW YORK

Suspension of Nuclear Siting Certificate H-9194. Would amend the public service law by suspending the power of the New York State board on electric generation siting and the environment to issue siting certificates for nuclear plants. (Introduced 2/19/80.)

Temporary State Commission on Nuclear Power A-9010 & S-7618. Would create a temporary State commission on the phaseout of nuclear power plants to examine, evaluate, and make recommendations on how existing nuclear plants in the State could be phased out. (Introduced 2/12/80.)

OHIO

Nuclear Safety Vehicle H-1038. Would allow nuclear safety vehicles to display flashing green lights in response to a nuclear-related emergency. (Introduced 2/21/80.)

OKLAHOMA

Power Plant Siting H-1888. Would direct the Corporation Commission to regulate the construction and operation of electric generating facilities, including their sites, method of generation or conversion of power, contribution to public convenience and necessity, and effect on rate structure. (Introduced 2/7/80.)

PENNSYLVANIA

Nuclear Broadcasting HR-198. Would urge the U.S. Congress and FCC to urge all broadcast media in the area of a nuclear accident to broadcast simultaneously, at certain intervals, information advising the public of the emergency and the current status of the emergency. Also would urge the FCC to investigate the feasibility of utilizing the national emergency radio alert system. Also would urge the Governor to establish a central information office. (Introduced 3/18/80.)

Nuclear Information HR-199. Would urge the Pennsylvania Emergency Management Agency (PEMA) to investigate the use of the National Weather Service reporting system for the dissemination of emergency information. (Introduced 3/18/80.)

Domestic Animals HR-200. Would urge the Governor, PEMA and Department of Agriculture to develop a program of public information as to the handling of household pets during a nuclear emergency, and to include in all future emergency plans the care of domestic farm animals. (Introduced 3/18/80.)

Radiological Training HR-201. Would urge the Governor, PEMA, Adjutant General and State Police to establish a training program for all personnel expected to assist in the event of a nuclear emergency. (Introduced 3/18/80.)

Training Costs HR-202. Would urge the PUC to adopt rulings providing for an assessment against utilities operating nuclear plants for the costs associated with training State and local emergency teams. (Introduced 3/18/80.)

Radioactive Insurance HR-203. Would urge the U.S. Congress to review the adequacy of the Price-Anderson Act and to implement a nuclear protection insurance program similar to the flood insurance program. (Introduced 3/18/80.)

Radiation Monitoring HR-204. Would urge the PEMA and the Department of Environmental Resources to install radiation monitoring devices within areas surrounding nuclear plants. (Introduced 3/18/80.)

Nuclear Information HR-205. Would urge the PEMA to investigate alternative means of notification and communication, in case of nuclear emergency, with religious groups who do not have immediate communication systems available. (Introduced 3/18/80.)

Emergency Loans HR-206. Would urge the Governor to investigate the establishment of a records system that would permit persons relocated as a result of a nuclear accident to draw upon their funds through banks in the relocation area. (Introduced 3/18/80.)

Safety Inspections HR-207. Would urge the establishment of a Division of Nuclear Plant Inspectors to provide continuous operation and safety inspection capabilities at all nuclear plants in the State. (Introduced 3/18/80.)

Nuclear Siting HR-209. Would urge the Department of Environmental Resources, the PUC and the NRC to investigate the implementation of a plan of nuclear plant siting which would provide for siting in sparsely populated areas. (Introduced 3/18/80.)

TMI Review HR-211. Would urge NRC to review the TMI operation room physical configuration to assure that all operating personnel have immediate access to all controls. (Introduced 3/18/80.)

Evacuation Procedures HR-212. Would urge the Department of Education to adopt plans to have buses, school buildings and equipment available for use in the case of evacuation. (Introduced 3/18/80.)

Radiation Emergency Response H-2373. Would set up a fee system to support an emergency response program. (Introduced 3/18/80.)

Uranium Tailings S-1266. Would provide for the State's participation in the Uranium Mill Tailings Radiation Control Act of 1978. (Introduced 2/13/80.)

Resolution on TMI HR-185. Would memorialize the President and Congress to urge NRC to formulate criteria for the decontamination of TMI-2. Once guidelines are established, would direct both the NRC and State to educate the public so that they understand what is happening, and would direct the Department of Environmental Resources to continue to monitor all cleanup activities at the site. (Introduced 2/25/80.)

Nuclear Operating Permit H-2301. No nuclear plant would be permitted to operate in the State unless it had been issued an operating permit by the PUC. Permits could not be issued unless the Federal Government had developed and implemented a plan for waste disposal. (Introduced 2/26/80.)

WASHINGTON

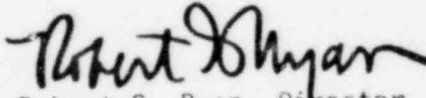
Energy Commission H-1073. Would abolish the State Energy office and create in its place a state energy commission to coordinate all energy related matters in the State. A preliminary report would be due to the Governor by 12/1/80 on all energy aspects in Washington. (Introduced 2/22/80.)

WEST VIRGINIA

Power Rates H-1368. Would provide that no utility could set rates for electric power generated by nuclear or petroleum to exceed the cost of coal-produced power. (Introduced 1/31/80.)

Nuclear Power Ban H-1621. Would authorize the PSC to prohibit the use of nuclear fuel to generate electricity in the State. (Introduced 2/19/80.)

Construction Ban S-463. Would make it illegal for any person, organization, or other entity to construct or operate any facility for the processing of nuclear fuel or the production of nuclear power. (Introduced 2/8/80.)


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