



## INFORMATION REPORT ON

# State Legislation

OFFICE OF STATE PROGRAMS  
U. S. NUCLEAR REGULATORY COMMISSION  
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### SUMMARY OF LAWS ENACTED BY STATES DURING 1977

The following is a summary of laws relating to the nuclear regulatory program which were enacted by the States during the 1977 legislative session.

#### ENERGY AGENCY

ARKANSAS H-286. Creates a State Energy Conservation and Policy Office to carry out energy-related activities, including developing supply and demand projections, monitoring existing policies, recommending legislation, and carrying out energy-related Federal programs. (Signed by Governor 2/7/77)

MINNESOTA H-522. Extends the life of the Energy Agency to June 30, 1983; and includes "any nuclear fuel processing or nuclear waste storage or disposal facility" in the definition of large energy facility. (Signed by Governor 6/2/77)

NEBRASKA H-232. Creates a State Energy Office which will serve as the central agency for the collection of energy data within the State; and the discharge of various energy-related functions, including a continuing assessment of the trends in the development of all forms of energy. (Signed by Governor 5/16/77)

NEW JERSEY S-3179. Abolishes the Department of Public Utilities and transfers its duties to the Board of Public Utilities within the Department of Energy (DOE). Gives the State DOE jurisdiction coextensive with that of all State agencies on the siting of any energy facility. Establishes an Energy Facility Review Board to settle differences among State agencies with respect to granting permits for the construction or location of an energy facility. (Signed by Governor 7/11/77)

NEW MEXICO H-12. A comprehensive bill consolidating the State's energy, coal, oil, mining, and geological functions and agencies into a single, unified Energy and Minerals Department. The Public Service Commission will be administratively attached to the Department. The Department's responsibilities will include the administration of State laws governing extractive resources, such as uranium, and the formulation and maintenance of a statewide plan for the siting, production, and processing of fuel and power. (Signed by Governor 4/7/77)

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Energy Agency (cont.)

NORTH CAROLINA H-150. Transfers the Energy Division and the Energy Policy Council from the Department of Military Affairs to the Department of Commerce. (Ratified 2/22/77)

TEXAS S-1172. Creates the Texas Energy Advisory Council to formulate, continually reassess and modify a State energy policy for recommendation to the legislature and governor. (Signed by Governor 6/16/77)

SITING

ARKANSAS H-664. Amends the 1973 Act to require, among other things, that an application for a certificate of environmental compatibility and public need for the construction of a major utility facility include an environmental impact statement, an analysis of the economic or financial impact on the applicant and local community, and the estimated costs to the consumer. (Signed by Governor 3/30/77)

IDAHO HCR-31. A House Concurrent Resolution requesting the Public Utilities Commission to report by June 1, 1977 its findings concerning minimum environmental criteria for potential power plant sites, to rank the existing 21 potential sites which it already has on file. Thereafter, any new sites, as well as changes in standards or guidelines, will be reported at the beginning of each legislative session. (Adopted 3/18/77)

LOUISIANA SCR-82. A Senate resolution memorializing the U.S. Congress to request NRC to inform the Governors of States within the affected radius of a proposed nuclear facility prior to the issuance of a license authorizing its construction. (Adopted 7/11/77)

MAINE H. 38. Prohibits construction of nuclear power plants within the State unless the PUC finds that the "U.S. Government, through its authorized agency, has identified and approved a demonstrable technology or means for the disposal of high-level nuclear waste" and that adequate facilities will be in operation at the time they are needed. Other governmental entities which grant permits, licenses, approvals or authorizations for construction of nuclear power plants may process the applications, subject to the PUC's granting of certification. (Signed by Governor 6/22/77)

MINNESOTA S-896. Amends Minnesota statutes relating to power plant site and transmission line route selection authority, which is vested in the Environmental Quality Board. Requires the Board to publish an inventory of acceptable future power plant sites. Applications for construction of power plants have to contain at least two alternative sites. (Signed by Governor 6/2/77)

Siting (Cont.)

MONTANA H-542. Amends the current Major Facility Siting Act to allow a potential applicant for a siting certificate to file a notice of intent at least one year prior to the actual filing of the application. This will entitle the applicant to a 5% reduction in the filing fee. (Signed by Governor 3/29/77)

WASHINGTON S-2910. Provides that the Chairman of the Energy Facility Siting Council be appointed by the Governor for a term paralleling the Governor's. Empowers the Council to develop and apply environmental and ecological guidelines in the construction and operation of energy facilities. Governor Ray vetoed several sections, including local control over land use for energy facilities and prohibition of State preemptions in this area. (Signed by Governor 7/15/77)

WYOMING H-424. Requires a certificate of convenience and necessity, issued by the Public Service Commission, before a public utility may begin construction of a power line, plant or system. (Signed by Governor 2/28/77)

WYOMING S-29. Before a siting permit may be issued by the Industrial Siting Council, the State engineer must prepare an opinion as to the quantity of water available for the proposed facility. His opinion is binding upon the Siting Council for the purposes of issuing an industrial siting permit, and must be reviewed by the PSC prior to its issuance of a certificate of public convenience and necessity. Designates the Department of Environmental Quality as the agency to monitor the operations of all facilities which have been granted State siting permits to ensure compliance with the conditions of the permit. (Signed by Governor 2/23/77)

STUDIES

ARKANSAS HR-46. Requests a legislative study of the feasibility of creating a Utility Facility Finance Authority (as proposed in H-827) and its possible impact on the conservation, costs and supply of energy in the State. (Adopted 3/10/77)

CALIFORNIA A-77. Authorizes the allocation of up to one million dollars for the California Energy Commission to conduct research on undergrounding and berm containment of nuclear reactors. (Signed by Governor 5/18/77)

CALIFORNIA A-1852. Amends A-2820, one of the three nuclear laws enacted last year, which imposed a moratorium on nuclear plant construction until the Energy Commission found that adequate technology and facilities exist to reprocess spent fuel. This law requires the Energy Commission by January 16, 1978, to transmit to the legislature a determination as to whether the findings required by A-2820 can be made at that time. In the event that the findings cannot be made, the Commission is to include a recommendation as to whether existing applications for facilities should be exempt from the requirement. (Signed by Governor 9/28/77)

Studies (cont.)

GEORGIA SR-99. Creates a Power Plant Siting Study Committee to develop legislation to streamline the State's laws and regulations. A report is due to the legislature prior to the convening of its 1978 session. (Adopted 3/4/77)

LOUISIANA SCR-84. A resolution requesting the State Senate and House Committees on Natural Resources to review the results of a study, conducted by the State Division of Radiation Control, "relative to the facts and circumstances surrounding the construction and use of nuclear reactors" in Louisiana. A report is due prior to the convening of the 1978 session. (Adopted 7/11/77)

MASSACHUSETTS S-1803. Extends until January 25, 1978, the special Legislative committee which is studying nuclear power and its health and safety effects. (Adopted 6/20/77)

NEW MEXICO HJM-7. Directs the Energy Resources Board to compare the State energy-related licensing and permit fee systems with the cost of State regulation of energy and make recommendations for changes in the licensing and permit structures and fees to the legislature by 12/1/77. (Signed by Governor 3/18/77)

NEW MEXICO H-10. Abolishes the State agencies relating to health and the environment, including the health and social services department and the environmental improvement agency; and establishes a Health and Environment Department to exercise the functions formerly vested in those agencies. (Signed by Governor 4/7/77)

NEW MEXICO H-218. Creates a Federal Lands Action Group to "review the impact of Federal land ownership and Federal land policies on energy development in New Mexico, considering, in particular, the implications of the Federal statutes. . . upon uranium development in the State." A progress report is due to the legislature by 12/1/77. (Signed by Governor 4/7/77)

NEW MEXICO S-164. Directs the Environmental Improvement Agency to study the impact of uranium mine spoils, stock piles and mill tailings; and report its findings to the legislature by 12/1/77. (Signed by Governor 4/8/77)

OKLAHOMA HJR-1013. Commissions the State Department of Energy to conduct a study of alternative and supplemental energy sources, such as nuclear, for possible use by the State government. The study is to be completed by September 30, 1978. (Signed by Governor 6/14/77)

Studies (cont.)

SOUTH DAKOTA SCR-17. Directs the Department of Environmental Protection to coordinate a review of the present statutory authority of concerned State agencies and submit legislative recommendations to control the mining of uranium in a manner consistent with public welfare. (Adopted 3/18/77)

VIRGINIA SJR-136. Establishes a joint subcommittee of the legislature to study licensing proceedings relating to the safety and security of nuclear power plants, and to determine whether any action by the General Assembly is appropriate or necessary. The report is due no later than November 1, 1977. (Adopted 2/28/77)

TRANSPORTATION

ARKANSAS S-327. Authorizes the Arkansas Department of Transportation to promulgate additional rules and regulations governing the transport of hazardous materials within the State, including labeling of containers, prior notification and emergency procedures. (Signed by Governor 3/15/77)

CONNECTICUT H-5358. Amends the State statutes regarding permits required for radioactive material to include "any shipment of radioactive material or waste which is carried by commercial carrier and which is required in 10 CFR or 49 CFR to have a placard." (Signed by Governor 5/19/77)

ILLINOIS S-245. Authorizes the Illinois Department of Transportation to regulate the transport of hazardous materials over the State's highways. (Signed by Governor 8/26/77)

MARYLAND S-511. Alters certain bonding requirements as a condition to the issuance of a permit for those engaged in the transportation and disposal of hazardous materials. (Signed by Governor 4/29/77)

NEBRASKA H-332. Requires the transporters of hazardous materials to carry liability insurance, and specifies the amount of the coverage. (Signed by Governor 3/21/77)

NORTH CAROLINA H-1431. Prohibits the transport of spent nuclear fuel over highways in North Carolina unless the transporter notifies the State Highway Patrol in advance. (Signed by Governor 6/30/77)



RADIATION CONTROL

MONTANA S-269. Amends State law to give the Board of Health and Environmental Sciences primary enforcement responsibility under the Federal Water Pollution Control Act. Expands the definition of "pollution" and "wastes" to include, among other things, radioactive material. (Signed by Governor 5/11/77)

NEW JERSEY A-1953. Amends the State Radiation Protection Act to require a "certificate of handling" of radioactive materials from the Department of Environmental Protection before anyone can transport, store, hold or detain radioactive materials, exceeding 20 curies, within the State. In addition, allows the DEP to recover the costs it incurs from those persons responsible for the radioactive material in the event of a threat or a discharge of radioactivity. (Signed by Governor 9/26/77)

RHODE ISLAND H-5555. Amends the State law to include a chapter entitled "Hazardous Substances Act." Prescribes the actions to be taken (such as packaging and labeling) to minimize dangers from all hazardous substances, including radioactive materials. (Signed by Governor 5/6/77)

VERMONT H-80. Amends the current radiation control law to define radioactive material and non-ionizing radiation and to include that material in the State permit system. (Signed by Governor 4/27/77)

WASTE MANAGEMENT

CALIFORNIA A-1593. Revises the State code to require the State Department of Health to issue regulations and permits governing the transport, handling, processing, storage or disposal of hazardous wastes. (Signed by Governor 9/22/77)

COLORADO SM-3. Memorializes the U.S. Congress, the President and ERDA to exclude Colorado from consideration as a potential site for a high-level radioactive waste repository. (Adopted 6/3/77)

HAWAII H-199. Requires a permit for release of wastes and pollutants, which include radioactive material, into the air or water. (Signed by Governor 5/31/77)

ILLINOIS H-1739. Authorizes the Public Health Department to assess fees for radioactive waste disposal, with the proceeds going into a trust fund for the perpetual care of the sites. (Signed by Governor 9/20/77)

KANSAS H-2559. Amends the Kansas Solid Waste Act to include the regulation of hazardous wastes. The Department of Health and Environment is authorized to adopt rules and regulations governing hazardous wastes "stored, collected, transported, processed, treated, recovered or disposed" within the State. (Signed by Governor 4/5/77)

Waste Management (cont.)

LOUISIANA H-14. Prohibits the use of salt domes in Louisiana as temporary or permanent disposal sites for radioactive wastes. Requires prior notification of the House and Senate Natural Resources Committees and the Department of Natural Resources for suitability testing of salt domes and subsequent notification of the results of the studies so they can "determine the advisability of removing, continuing, or extending the prohibitions and limitations". (Signed by Governor 7/5/77)

LOUISIANA SCR-83. A Senate resolution memorializing the U.S. Congress to enact Federal legislation "to require the proper Federal agency to notify both the governor and the legislature of any State of the agency's intention to search for radioactive waste disposal sites within that State." (Adopted 7/11/77)

MINNESOTA H-1215. Prohibits the construction or operation of a "radioactive waste management facility" within Minnesota unless authorized by the legislature. Prohibits the transport of wastes into the State for disposal or storage unless authorized by the legislature, except that "radioactive wastes may be transported into the State for temporary storage for up to 12 months pending transportation out of the State." The act is effective immediately. (Signed by Governor 6/2/77)

MONTANA H-254. Prohibits the disposal in Montana of large quantities of radioactive materials produced in other States. (Signed by Governor 3/21/77)

NEVADA S-38. Transfers responsibility to the Department of Human Resources for the acquisition and maintenance of sites for the disposal of low-level radioactive materials. Authorizes the State Board of Health to establish licensing fee requirements for users of these sites. (Signed by Governor 3/10/77)

NEW HAMPSHIRE H-542. Establishes a State-wide solid waste management program. (Signed by Governor 7/18/77)

NEW MEXICO S-55. Bans until March 31, 1978, the import of radioactive materials for storage or disposal within the State. Charges the Environmental Improvement Agency with responsibility in various areas, including radiation control and radioactive material disposal. (Signed by Governor 3/31/77)

OREGON S-272. Bans the establishment or operation of radioactive material waste disposal facilities within the State. The previous ban would have expired January 1, 1978. (Signed by Governor 7/27/77)

Waste Management (cont.)

SOUTH DAKOTA H-822. Bans the "containment, disposal or deposit of high-level nuclear wastes, radioactive substances or radioactively contaminated materials or the processing of high-level nuclear wastes" within the State unless prior approval is granted by the legislature. Exempts uranium ore and mill tailings from the provisions of the act. (Signed by Governor 4/16/77)

TEXAS H-1560. Authorizes the Texas Water Quality Board to regulate the discharge of waste or pollutants into any water within the State; however, no permits shall be issued authorizing the discharge of "any radiological, chemical, or biological warfare agent or high-level radioactive waste." (Signed by Governor 6/15/77)

VERMONT H-261. Bans the construction or establishment of a high-level radioactive waste repository within Vermont, unless the General Assembly approves it, through either a bill or a joint resolution. (Signed by Governor 4/26/77)

RESOLUTIONS

COLORADO HJR-1032. Memorializes the U.S. Congress to accelerate and broaden the research and development of nuclear fusion, and to increase the development of existing fossil and nuclear fuel technologies to bridge the time gap until fusion energy comes on line. (Adopted 5/25/77)

HAWAII SR-272. A Senate resolution citing delays up to six months on the part of physicians in Hawaii in obtaining license amendments from NRC, and requesting the Governor to petition NRC for a rule change to give priority to medical licensees, and to lessen the "extensive and repetitious paperwork" involved in seeking a license amendment. (Adopted 4/5/77)

MARYLAND HJR-80. Memorializes the U.S. Congress to foster the development of controlled nuclear fusion technology. (Signed by Governor 5/17/77)

NEVADA AJR-16. Memorializes the President against the premature closing of the Nevada test site; and requests the Federal Government to present a plan for conversion of the test site to another use to counterbalance the economic loss to Nevada (Adopted 2/7/77)

PENNSYLVANIA HR-54. Urges the President and the U.S. Congress to restore funds for the development of the fast breeder reactor and nuclear fusion power. (Adopted 4/26/77)



Resolutions (cont.)

TENNESSEE HJR-84. A House Joint Resolution stating that the General Assembly and Governor firmly support the continuation of the Clinch River Breeder Reactor project. (Adopted 4/7/77)

UTAH SCR-1. A Senate Concurrent Resolution, outlining the State's energy policy, which encourages the development of alternative energy sources, such as solar, geothermal, wind, and hydroelectric power. The development of nuclear resources will, at present, be confined to uranium mining, processing and waste disposal. (Signed by Governor 3/22/77)

URANIUM

MONTANA S-268. Suspends action on solution extraction of uranium from in-place deposits until April 1, 1978, unless the Board of Health and Environmental Sciences adopts rules regulating the process before that date. (Signed by Governor 5/10/77)

NEW MEXICO S-137. Imposes a severance tax on uranium on a sliding scale related to its price per pound, and sets a surtax on uranium ore having a value of \$50 or more per pound. (Signed by Governor 3/31/77)

NEW MEXICO S-447. Amends the State Radiation Protection Act to give the Environmental Improvement Agency the power to add a 10-cent a pound fee to the first 100,000 pounds of yellowcake milled at each uranium mill. The money would be placed in a fund to continue monitoring and clean-up operations after the mills ceased operations. (Signed by Governor 4/7/77)

OHIO HJR-34. Memorializes the U.S. Congress to fulfill the commitments of two previous Presidents by authorizing the funding recommended to complete the expansion of the Portsmouth uranium enrichment facility. (Adopted 4/27/77)

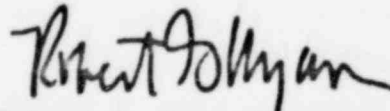
TEXAS S-360. Prohibits electric facility "participating entities" from exercising the power of eminent domain to acquire land for the purpose of mining uranium and coal, drilling for oil and gas, etc. (Signed by Governor 4/29/77)

WYOMING H-187 & H-279. These laws increase the present State excise tax from 2% to 5.5% of the assessed valuation of the ore as it is mined. The new taxes are effective immediately, that is, they will be assessed against 1976 uranium production. (Signed by Governor 3/14/77)

MISCELLANEOUS

KANSAS S-152. Permits two or more cities to create a municipal energy agency to enter into agreements to purchase electricity.  
(Signed by Governor 4/21/77)

WASHINGTON H-852. Allows a State "operating agency" to amend a contract previously let for the construction of a nuclear plant in order to comply with applicable changes in State or Federal regulations or standards to improve the safety or feasibility of the project and expedite its completion. (Signed by Governor 5/16/77)



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Legend

AB - Assembly Bill  
HB - House Bill  
SB - Senate Bill  
HR - House Resolution  
SR - Senate Resolution  
HJR - House Joint Resolution  
HCR - House Concurrent Resolution  
SCR - Senate Concurrent Resolution  
SJR - Senate Joint Resolution