



## INFORMATION REPORT ON

# State Legislation

OFFICE OF STATE PROGRAMS  
U. S. NUCLEAR REGULATORY COMMISSION  
(301) 492-7794

Volume 6, No. 1

February 1, 1980

### SUMMARY OF LAWS ENACTED BY STATES DURING 1979

The following is a summary of laws relating to the nuclear regulatory program which were enacted by the States during the 1979 legislative session.

#### EMERGENCY PLANNING

##### CALIFORNIA

Emergency Planning Study S-1183. The Office of Emergency Services in consultation with the State Department of Health Services and affected counties is to study the consequences of a serious accident at each of the four nuclear plants in the State (Diablo Canyon, Humboldt Bay, Rancho Seco, San Onofre). The study is to be completed by 3/22/80. It is to include site specific maps to show areas likely to be affected by an accident. A similar study is to be made for any subsequent nuclear plant proposed for certification in California. The Office of Emergency Services is to revise its emergency response plan to reflect the information provided within six months of the completion of the study. Local plans are to be revised and submitted according to a schedule. No State or local plan can be implemented until submitted to the Legislature and approved by statute. All costs not covered by Federal funds are to be borne by the utilities. The PUC is to develop an equitable method of assessing the operators. Within one month of the act's effective date, each operator was to pay the State \$25,000 to fund the initial planning. (Approved 9/22/79, effective immediately)

##### ILLINOIS

Nuclear Safety Preparedness Act S-1084. Requires utilities to bear the costs of establishing emergency plans, a one time charge of \$350,000 per nuclear station, and an annual fee of \$75,000 for each NRC licensed reactor, or \$25,000 for AFR's. A fee of \$1,000 per shipment of spent fuel is to be paid by the owners of the facility. The State's preparedness program shall include an assessment of the potential nuclear accidents, their radiological consequences and the protective actions required to mitigate the effects. The Department of Public Health has responsibility for developing the State's emergency plan. (Approved 9/14/79)

N.B. - For further information, contact  
Elizabeth McCarthy.

NEW JERSEY

Emergency Plans A-1272. Permits a municipality wherein a nuclear power plant is located to grant up to \$250,000 to affected counties and municipalities for the purpose of preparing, testing, and implementing nuclear emergency response plans. (Approved 10/24/79)

NORTH CAROLINA

Toxic Substances Task Force and Incident Response Procedures H-56. The Department of Crime and Public Safety will be responsible for the initial response with a newly created Toxic Substance Task Force responsible for subsequent response. Makes it unlawful to deposit, place, dump, discharge, spill, release, burn, incinerate any toxic substance (including radioactive material, plutonium or uranium) except where permitted by State or Federal law. (Approved 6/8/79)

OREGON

Radiological Emergency Planning S-641. The Department of Energy in cooperation with the Health Division and Emergency Services Division is to develop a State radiological emergency response plan. Each county within a 50 mile radius of the site is required to have a plan which the Department of Energy will review. A fee not to exceed \$100,000 annually will be assessed each operator to defray the counties' costs. Also, requires a State inspector for at least 40 hours a week at each plant during operation. (Approved 7/24/79, effective 7/1/79)

ENERGY DEPARTMENTS AND COMMITTEES

ARKANSAS

Joint Committee on Energy H-50. Creates in the Legislature a Joint Committee on Energy to coordinate all energy activities and studies in the legislature, to represent the legislature in regional and national energy meetings and in the national State organizations. (Approved 1/30/79)

Arkansas Energy Reorganization and Policy Act of 1979 H-480. Creates the Arkansas Department of Energy to coordinate all energy matters in the State; to provide energy forecasts, to provide testimony before State and Federal bodies; to propose recommendations for decommissioning nuclear power plants, monitoring and evaluating safety procedures of nuclear power production, nuclear fuel transportation and nuclear waste disposal; to monitor and evaluate Federal energy actions which impact Arkansas; among other things. (Approved 3/5/79)

LOUISIANA

Nuclear Advisory Board HCR-214. Establishes a Nuclear Advisory Board within the Department of Natural Resources to advise the Governor and legislature on nuclear energy matters, to monitor Federal activities, to review safety systems, operator training and related issues. Also, it is to determine the concerns of local citizens near present and future sites; investigate State participation in on-site inspections, and in assuring right-of-entry when necessary to obtain information relative to off-site emergency management; and to review the impact of generating electricity by alternative means. (Adopted 7/7/79)

## MISSOURI

Expanded duties of Department of Natural Resources H-72. The Department of Natural Resources is to have the following additional duties: assessment of national energy policies on the State, intergovernmental consultation, analysis of the potential for increased utilization of alternate energy sources, including nuclear, public energy education among other things. (Approved 7/31/79)

## NEVADA

Department of Energy S-503. Allows the Department of Energy to participate in any program established by the Federal Government relating to energy resources. (Approved 6/5/79)

INTERSTATE AGREEMENTS

## ARKANSAS

Southern States Energy Board S-166. Approves the name change from the Southern Interstate Nuclear Board to the Southern States Energy Board. Designates the State's representatives as one each appointed by the Governor, House of Representatives and State Senate. (Approved 4/26/79)

## MARYLAND

Southern States Energy Board S-1088. Changes the name of the Southern Interstate Nuclear Board to the Southern States Energy Board. Changes membership to include Governor and legislative representation. Allows the Virgin Islands and Puerto Rico to become members. (Approved 5/29/79)

## UTAH

Utah Member of the WIEB H-96. The member of the Western Interstate Energy Board representing Utah is to be designated by the Governor of the State. (Approved 2/7/79)

## VIRGINIA

Southern States Energy Board S-906. Redesignates the Southern Interstate Nuclear Board as the Southern States Energy Board to represent the South's views with respect to all forms of energy, energy-related industries and facilities, and environmental concerns. Changes each State's membership to include appointees by the Governor and each House of the Legislature. (Approved 3/20/79)

RADIATION CONTROL

## COLORADO

Air Quality Control Act H-1109. Creates an Air Quality Control Commission to administer the State's air quality control program. Radioactive materials are but one of the materials listed under air pollutants. (Approved 6/20/79)

## GEORGIA

Radiation Control Amendments H-420. Allows the Department of Human Resources to promulgate rules and regulations establishing a bonding requirement for licensees to assure the availability of funds in the event of abandonment, insolvency or other inability of the licensee to meet the Department's requirements. The Division of Environmental Protection is authorized to establish bonding requirements for permittees of facilities for the storage, concentration or burial of radioactive waste. (Approved 4/16/79)

## HAWAII

Radioactive Monitoring SR-365. Authorizes the State Department of Health to establish an independent program of sampling for radioactivity in the environment around Pearl Harbor. The Health Department is to revise emergency plans for nuclear accidents in the Pearl Harbor area and report to the legislature prior to the convening of the 1980 session. (Adopted 4/19/79)

## ILLINOIS

Fees for Licenses H-1965. Authorizes the State Department of Public Health to assess fees for radioactive materials licenses. Sets the fee schedule. (Approved 9/22/79)

Radiation Installation Inspections H-1535. Amends the current law to require inspections of radiation installations and personnel to evaluate the past, current and potential hazards. Reports are to be made monthly, sent to the NRC and be made available to the general public. (Approved 9/24/79)

## MAINE

Emissions Reporting H-268. Utilities which operate nuclear power plants in Maine are to provide the Department of Human Services with a report of all radioactive materials released to the environment. The report is to include an abstract written in a manner that is easily understood by the public. (Approved 5/15/79)

## MASSACHUSETTS

Radiation Treatment H-5927. Any person who administers radiation treatment to any person must use lead shields when it is clinically appropriate. Females must be warned of the dangers to unborn children. (Approved 8/20/79)

Energy Resources S-2048. An amendment to the act creating an Office of Energy Resources authorized the PUC to assess operators of nuclear power plants in an amount not to exceed \$50,000 for radiological monitoring. (Approved 11/16/79)

## MISSISSIPPI

Schedule of Radiation Fees S-2693. Revises the schedule of initial application, registration and annual fees established by the Mississippi Radiation Protection Act of 1976. (Approved 3/2/79)

## NEBRASKA

Radiation Control Amendments L-814. Allows the Department of Health to collect a fee for each inspection of a nuclear power plant equal to the amount of completing the inspection and any associated report, not to exceed \$2000/month. Also amends the Code to allow the Department to adopt the regulations for the issuance of licences to use, manufacture, produce, transport, transfer, receive, acquire, own or possess any source of radiation. (Approved 4/25/79)

## PENNSYLVANIA

Environmental Radiation Protection Act H-53. The Department of Environmental Resources (DER) is to carry out a radiological monitoring program in the State. The DER is also to assist the Emergency Management Agency in preparing a radiological emergency response plan. If the DER finds abnormal radiation levels, it is to immediately notify NRC, the Governor and the public. (Approved 7/20/79)

## VIRGINIA

Health Code Amendments S-646. Generally reconstitutes State statutes relating to health which include a chapter on radiation control. (Approved 4/2/79)

RESOLUTIONS

## MARYLAND

Resolution on Energy Policy HJR-26. Requests the U.S. Congress to enact a comprehensive energy policy for the U.S. Part of the policy should be review of the safety procedures surrounding nuclear power utilization, including decontamination, waste disposal and genetic damage that could result from a nuclear mishap. (Approved 5/1/79)

## MASSACHUSETTS

Resolution on Nuclear Power S-1787. Requests that the U. S. Congress prohibit the NRC from issuing any licenses or permits for the construction of nuclear power plants. (Adopted 4/10/79)

## NORTH DAKOTA

Nuclear Policy Resolution SCR-4013. A concurrent resolution that urges the U.S. Congress to formulate a single, rational policy for regulating nuclear materials and development. (Adopted 2/28/79)

## TENNESSEE

Resolution on the Breeder SJR-39. Urges the U.S. Congress to restore funding for the Clinch River Breeder Reactor. (Adopted 2/20/79)

## WISCONSIN

Resolution on California case AJR-63. Directs the State attorney general to seek the status of full intervenor in the appeal of Pacific Lega. Foundation v. California Energy Agency. (Adopted 6/12/79)

## SITING

### CONNECTICUT

Nuclear Plant Siting Restriction H-5096. Bans construction of a fifth nuclear power facility in Connecticut until the Department of Environmental Protection finds that the Federal government has identified and approved a demonstrable technology or means for the disposal of high level nuclear waste. (Approved 6/18/79)

### MASSACHUSETTS

Moratorium Resolution H-5888. A resolution by the Massachusetts House of Representatives urging the President and Congress to immediately place a moratorium on the licensing of new nuclear plants. It states that the moratorium should continue until questions on the operation of the plants and the transportation, storage and disposal of the waste are resolved. (Adopted 4/3/79)

Siting Restriction S-1786. The State Senate requests that the PUC and Energy Facility Siting Council (EFSC) delay for a two-year period any decisions which would encourage further construction of nuclear power plants or until in-depth studies of the safety standards for the design, construction, operation and decommissioning of nuclear power plants. Also, urges the PUC and EFSC to accelerate development of alternate energy sources. (Adopted 4/17/79)

### OREGON

Siting and Moratorium and TMI Study H-2570. No nuclear plant can be issued a siting certificate by the Energy Facility Siting Council before 11/15/80 and until the State DOE completes a study of the TMI incident to ascertain what action, if any, should be taken by the State to prevent or avoid similar problems. An examination of the availability long-term waste storage and its costs are to be included. The costs of the study are to be funded by applicants. The study is due by 7/1/80. (Approved 7/23/79)

## STUDIES

### LOUISIANA

Nuclear Power Study HCR-68. Directs an interim legislative committee to study nuclear power plants in the State. The study will include safeguards, environmental effects, siting review, and a cost/benefit analysis. The report is due by 4/21/80. (Adopted 7/7/79)

### MAINE

Decommission Study H-632. Creates a Joint Select Committee on Decommissioning Nuclear Generating Facilities to study: the need for decommissioning, the procedures available, the overall cost, and methods of funding. The study is due to the legislature by 1/5/81. (Approved 6/25/79)

## MICHIGAN

Nuclear Safety Study HCR-160. Creates a Special Joint Committee on Nuclear Energy to study the potential hazards posed to the public by nuclear power plants operating in Michigan. The Study is to be completed by 12/31/80. (Adopted 5/17/80)

## NEVADA

Study of Radioactive Materials ACR-62. Directs the legislative commission to study the procedures used in the transportation and disposal of radioactive waste. The study will also include the procedures for licensing and inspecting private sites for radioactive waste disposal. The report is due to the next legislative session. (Adopted 5/28/79)

## PENNSYLVANIA

TMI Study HR-48. Directs a legislative committee to conduct an inquiry into the TMI accident in order to review the need for additional safety procedures, also to study the effectiveness of existing civil defense, emergency preparedness and evacuation procedures, to determine methods for improving coordination among levels of government, and to examine the role of nuclear power in meeting the State's energy needs. The report is due no later than December 24, 1979. (Adopted 4/24/79)

## SOUTH CAROLINA

Emergency Preparedness Study H-2860. Directs a joint legislative committee on energy to determine South Carolina's state of readiness to respond to all potential instances of nuclear accidents. The final report is due by 1/13/80. (Adopted 5/24/79)

TRANSPORTATION

## COLORADO

Transportation of Hazardous Materials Act S-121. Adopts the Federal Transportation regulations 49 CFR 100-199 and 49 CRF 390-397. (Approved 6/15/79)

## CONNECTICUT

Radioactive Materials Transportation H-6816. Amends current law, which requires a permit, to further require the Commissioner of public safety to establish an inspection procedure along the scheduled route. Also, no municipality can adopt an ordinance which in any way restricts the authority of the Department of Transportation to designate dates, routes or time for the transportation of the material. (Approved 6/18/79)

## DELAWARE

Transportation Regulations H-514. Adopts Federal Transportation Regulations except for the following sections: 171.15, 175.45 and 177.824(f). Also states that "No city, town, municipality, or other subdivision of the State shall adopt or enforce any other regulation of the transportation of hazardous materials." (Approved 7/5/79)

## LOUISIANA

Transportation of Hazardous Materials S-208. Defines hazardous material as that which is regulated under 49CFR. The Department of Public Safety is to be notified of all incidents or accidents during transport of hazardous materials. The department is to coordinate a transportation emergency response system, among other things. (Approved 6/29/79)

## MARYLAND

Transportation Amendment H-385. Amends the Maryland Transportation law to include radioactive materials in the dangerous articles regulated by the Maryland Transportation Authority. (Approved 5/29/79)

## NEW HAMPSHIRE

Hazardous Material Transportation Advisory Board H-719. Creates a Hazardous Materials Transportation Advisory Board to review on a continuing basis Federal and State laws and regulations, carrier problems, emergency response team action plans, and training and instructional materials; determine the need for more stringent controls and the best means to apply them; act as a clearinghouse, among other things. (Approved 6/23/79)

Transportation of Hazardous Materials H-818. Adopts Federal Transportation Regulations. Sets responsibilities of State agencies during accidents involving hazardous materials. (Approved 6/22/79)

## NEW MEXICO

Nuclear Waste Transportation H-39. Gives the Environmental Improvement Board the exclusive authority to promulgate regulations for the transport of radioactive material on highways in New Mexico. The regulations will include route restrictions and will preempt all local ordinances. (Approved 4/6/79)

## SOUTH DAKOTA

Emergency Response Procedures H-1333. The State Department of Transportation will review the present State and Federal laws governing the transport of radioactive materials and adopt regulations governing same; and will adopt emergency response procedures in case of accident including regulations to cover allocating costs for damages and clean up. (Approved 3/16/79)

## TENNESSEE

Spent Fuel Transport H-1288. Requires notification to the PSC before spent fuel can be transported upon the highways of the State. The PSC is authorized to promulgate rules and regulations to implement the act. (Approved 5/31/79)

## VIRGINIA

Transportation of Radioactive Materials H-1918. Directs the Office of Emergency Services to monitor the transportation of radioactive materials within the State. (Approved 3/27/79)



URANIUM MILLING

COLORADO

Disposal of Uranium Mill Tailings H-1509. Authorizes the State's participation in the Federal Uranium Mill Tailings Radiation Control Act of 1978. (Approved 6/21/79)

NEVADA

Uranium Mills S-237. The State Board of Health can establish fees for the licensing, monitoring and inspecting of uranium mills. Fees may be established for the care and maintenance of the tailings. Also requires that bonds be posted to take care of decontaminating, decommissioning and reclaiming the site. (Approved 5/26/79)

NEW MEXICO

Surtax on Uranium H-188. Imposes a surtax on the uranium severance tax. (Approved 4/5/79)

OREGON

Radiatio Amendment S-394. Redefines radioactive waste. Excludes waste disposal facilities for uranium mill tailings, mill wastes and mill by-product material from site certification by the Energy Facility Siting Council. (Approved 6/25/79)

SOUTH DAKOTA

Severance Tax on Minerals S-240. Imposes a 4-1/2% severance tax on energy minerals for the privilege of severing the minerals. (Approved 3/28/79)

WASHINGTON

Mill Tailings Licensing and Perpetual Care Act of 1979 S-2197. Licenses are to be issued from the Department of Social and Health Services to any person who proposes to operate a uranium or thorium mill in the State. The owner/operator must submit a plan for reclamation and disposal of the tailings and for decommissioning the site. The owner must also agree to transfer to the appropriate State or Federal agency upon termination of the license all lands, buildings and grounds. Sets a tax of 5¢ a pound on each pound of uranium or thorium milled to be deposited in a radiation perpetual maintenance fund. (Approved 5/2/79)

WYOMING

In Situ Mining Permit S-52A. Requires a permit before any in situ mining operation can be started or conducted. Sets requirements for the permits including a restoration plan and bond. (Approved 2/22/79)

WASTE DISPOSAL

ALABAMA

Waste Repository Ban H-176. Bans disposal in Alabama of any spent fuel or other radioactive waste generated outside the State. Effective immediately. (Approved 5/14/79)

ARKANSAS

Arkansas Resource Reclamation Act of 1979. Empowers the Department of Pollution Control and Ecology to promulgate rules and regulations governing hazardous waste treatment, storage and disposal facilities, to enter into agreements with the Federal government or one or more States to provide a balance of facilities among the States. Makes it unlawful to transport hazardous waste into the State for the purpose of disposal, except as provided by interstate agreement, to transport hazardous waste into or out of the State without first reporting to the Department of Pollution Control in a manner to be established by the Department. (Approved 4/19/79)

COLORADO

Radioactive Waste Facility S-335. No Facility or site for the disposal of radioactive waste shall be constructed unless the Governor and legislature approve it. The Department of Health is to develop the criteria to be used in evaluating an application. Allows the radiation control agency to collect fees for radioactive materials licenses. (Approved 6/15/79)

CONNECTICUT

Waste Repository Ban H-5097. Bans the disposal of nuclear waste in the State unless the General Assembly approves it. Excludes low-level medical and university wastes. (Approved 6/18/79)

ILLINOIS

Radioactive Waste Policy HJR-29. Urges the Federal Government to develop and implement a national radioactive waste policy which includes disposal in areas where there is no likelihood of contaminating surface and ground water and which are isolated from population centers. Urges the General Assembly to insure that the Attorney General has the necessary resources to continue his efforts to prevent Illinois from becoming "the nuclear dumping ground for the nation". (Adopted 7/1/79)

KANSAS

Hazardous Waste Management S-170. Authorizes the Department of Health and Environment to adopt a fee schedule for operators of hazardous waste processing, storage or disposal facilities and for transporters of hazardous waste generated in Kansas. The fees are for monitoring the sites, facilities and transportation. Authorizes a second set of fees to be paid by licensees operating hazardous waste storage and disposal areas for a perpetual care trust fund. The fees are not to exceed 25¢ per cubic foot of hazardous waste. An advance payment of \$25,000 along with the initial application for a permit is required. Lastly, the Department is required to establish minimum standards for the decommissioning and long term care of the site. (Approved 4/19/79)

## MAINE

Waste Repository Ban H-799. Bans the storage, deposit or treatment of radioactive waste unless the legislature approves it. Directs that a study be performed on the effects of the act, waste disposal methods proposed for Maine, the State of the art and the amount of waste generated, treated, stored or disposed of in Maine. The study is due by 2/14/81. (Approved 6/22/79)

## NEW HAMPSHIRE

Radioactive Waste Isolation Action H-91. Prohibits the storage or disposal of radioactive waste in the State unless the legislature approves it by concurrent resolution. Spent Fuel from other plants or facilities cannot, under any circumstances, be stored in the State. Establishes a task force to negotiate on behalf of the State during the consultation and concurrence process. (Approved 6/23/79)

## NEW JERSEY

Waste Inspections H-1288. Directs the Department of Environmental Protection to conduct an inspection, at least weekly, of waste disposal facilities that handle hazardous wastes. Radioactive material is included in the definition of hazardous materials. The costs of the inspections are to borne by the facilities being inspected. (Approved 9/6/79)

## NEW MEXICO

Radioactive Waste Consultation Act H-106, 360, 500 and 527. No person can store or dispose of radioactive waste until the State has concurred in the creation of the disposal facility. Creates a radioactive waste consultation task force to negotiate with the Federal government in all areas relating to the siting, licensing and operation of disposal facilities for high, low and transuranic waste. Creates a joint interim legislative committee to make recommendations on the consultation and concurrence process, including procedures, methods and times to the next session of the legislature. The committee is to consider the applicability of Price-Anderson, the transport of the material, compliance with NEPA and other things. (Approved 4/6/79)

## NEW YORK

Permanent Waste Repository Ban A-3197B. No permanent waste repository can be sited in the State unless the governor and legislature approve it by statute. Prior to approval, the New York State ERDA shall conduct a complete study on all issues of waste disposal, prepare an EIS, certify that a particular site is suitable and a proven technology exists, conduct public hearings, prepare a detailed estimate on the costs. (Approved 7/11/79)

Repository for the Terminal Storage of Waste A-7363. Amends the above mentioned law to change the words "permanent repository" to repository for the terminal storage of nuclear waste. Excludes the West Valley facility from the definition of repository. Changes the State's approval to a consultation and concurrence. (Approved 7/11/79)

## NORTH CAROLINA

Hearing Notices H-886. Provides for public hearing before a radioactive waste processing or disposal facility can be operated in the State. Authorizes the Radiation Protection Commission to promulgate rules, regulations and standards pertaining to the nonradioactive aspects of a waste disposal facility. Effective 7/1/79. (Approved 5/30/79)

Resolution on Waste Disposal H-1139. Urges the Federal Government to promptly develop acceptable plans for permanent storage or disposal of radioactive waste. States that North Carolina should be expected to accept for disposal or storage only waste produced in North Carolina. Defines waste as high level waste from decommissioning and spent fuel; excludes all other radioactive materials. States that North Carolina will not accept the wastes for disposal or storage unless the Legislature approves it. (Ratified 5/28/79) (A resolution is an expression of will by the legislature; it does not have the effect of law.)

## NORTH DAKOTA

Waste Repository Ban S-2168. Bans the disposal of radioactive waste, which has been brought into the State for that purpose, in North Dakota unless prior approval has been granted by the Legislature. (Approved 3/8/79)

MISCELLANEOUS

## ALABAMA

Criminal Inquiries on Nuclear Plant Employees H-501. Requires utilities to conduct an inquiry into the criminal records of any person who is employed or who has made an application for employment at the facility. Fingerprint cards must be submitted to the Department of Public Safety. All costs for implementing this act are to be borne by the utilities. (Approved 8/9/79)

## ARKANSAS

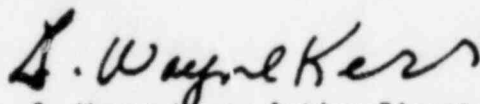
Joint Municipal Electric Power Generation Act S-14. Authorizes municipalities to participate in the joint construction, operation and maintenance of electric generation and energy facilities. (Approved 1/23/79)

## FLORIDA

Nuclear Insurance S-414. Unless specifically authorized by the Department of Insurance, excludes nuclear energy liability from conventional liability insurance policies. (Approved 6/5/79)

## OREGON

Energy Cost-Effectiveness S-570. States that energy cost-effectiveness must be considered in all agency decisionmaking relating to energy facilities. Waste disposal and decommissioning costs are included in the definition of cost effective. (Approved 7/24/79)



G. Wayne Kerr, Acting Director  
Office of State Programs

Legend

- L - Legislative Bill
- H - House Bill
- S - Senate Bill
- HR - House Resolution
- SR - Senate Resolution
- HJR - House Joint Resolution
- HCR - House Concurrent Resolution
- SCR - Senate Concurrent Resolution
- SJR - Senate Joint Resolution

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