



INFORMATION REPORT ON

State Legislation

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

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I. BILLS ENACTED INTO LAW

ARIZONA

Radiological Emergency H-2171. Designates the Division of Emergency Services within the State Department of Emergency and Military Affairs as the lead agency for the development of a radiological emergency response plan. A status report on development of the plan is to be submitted to the Governor and Legislature by January 1, 1981. Also appropriates \$125,000 for plan development. (Adopted 4/22/80.)

Radiation Regulatory Agency H-2172. Abolishes the Arizona Atomic Energy Commission and establishes a Radiation Regulatory Agency and a Radiation Regulatory Hearing Board. Duties include 1) the regulation and control of sources of radiation; 2) the regulation of the transportation of sources of radiation, in cooperation with the State Department of Transportation and the Corporation Commission; 3) the assumption of primary responsibility for providing necessary technical assistance to handle any incidents, and emergencies involving radiation occurring anywhere in the State; 4) establishing procedures for selecting any proposed permanent disposal sites located within the State for low-level radioactive waste; and 5) conducting or initiating off-site radiological environmental monitoring of the air, water and soil surrounding any fixed nuclear facility, any uranium milling and tailing site, and any uranium leaching operation, and maintaining and reporting the data or results obtained by the monitoring. Additionally, this law provides for the establishment of an escalated enforcement action including issuance of orders, conduct of hearings, and procedures for appeals and civil penalties. An appropriation of \$149,800 was also provided to implement this act. (Approved 4/23/80, effective 7/31/80.)

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COLORADO

Hazardous Materials Incident Response Plan SB-55. Every town, city and county shall designate by ordinance an Emergency Response Authority for hazardous material incidents occurring within its corporate limits. Provisions are made for hazardous material incidents occurring on private property or within unincorporated areas outside fire protection districts. Persons possessing hazardous materials on private property or within unincorporated areas outside fire protection districts shall provide the county sheriff with a list of the maximum quantity of each hazardous type anticipated to be present on the property at any time, or be subject to a civil penalty. The Department of Health shall compile and maintain current information necessary to enable the department to answer any inquiry concerning the proper action to take to counteract, eliminate, or minimize the public health hazards of a hazardous material incident. The department shall establish and publicize a telephone service to make such information available to the public twenty-four hours each day. An emergency response cash fund is created and \$20,000 is appropriated for the fiscal year beginning July 1, 1980. To implement this act, \$30,000 and 1.5 Full Time Equivalents is appropriated for the fiscal year beginning July 1, 1980. (Approved 5/7/80, effective 7/1/80.)

KENTUCKY

Nuclear Waste H-98. Sets final authority for approving or disapproving the locating, opening, closing or reopening of a low-level radioactive waste disposal site or facility within the State legislature. Before reopening of the Maxey Flats site could occur, the following must be obtained: 1) a finding by the Department of Human Resources and the Department of Natural Resources and Environmental Protection that all reasons for site closure have been addressed and resolved; 2) public hearings have been held; 3) majority approval of the legislature; and 4) approval by the Governor. The Department of Natural Resources and Environmental Protection shall proceed toward stabilization and decommissioning of nuclear waste facilities owned by the State in order to place the facility in such a condition that active ongoing maintenance is eliminated and only surveillance and monitoring are required. (Approved 3/3/80, effective 7/15/80.)

MINNESOTA

Nuclear Power Plant Emergency Response Plan H-1842. Authorizes the Division of Emergency Services in cooperation with the Commissioner of Health and affected local governments to develop a State and local radiological emergency response plan as specified in the license of each nuclear plant in the State. Each utility is assessed \$250,000 to cover the initial costs of upgrading the plans and an annual assessment of \$50,000 to cover ongoing costs. The Emergency Response Plan shall include: 1) purchase of equipment for State and local units of government; 2) development of a detailed nuclear emergency response plan for areas surrounding each nuclear plant; 3) training of state and local emergency response personnel; 4) development of accident scenarios and exercises for nuclear emergency response plans; and 5) provision for other specialized response equipment necessary to fulfill the plan. (Approved 4/24/80, effective immediately.)

MISSISSIPPI

Nuclear Fuel Tax Exemption S-2063. Exempts from taxation 66 2/3% of the nuclear fuel and reprocessed, recycled or residual nuclear fuel, used or to be used in the generation of electricity by persons defined as public utilities. (Approved 5/7/80, effective immediately.)

Waste Disposal Facility S-2674. Provides for the completion of certain technical, environmental and socioeconomic studies before the Governor can recommend that the legislature approve a site for a radioactive waste disposal facility. (Approved 5/8/80, effective immediately.)

NEW JERSEY

Transporting Radioactive Cargo A-3003. Establishes a subcommittee of the Assembly Transportation and Communication Committee to investigate the transporting of radioactive material on roads and highways in the State and inquire into the need for further legislative action to control and regulate the shipping of radioactive cargo. (Adopted 6/11/80.)

VERMONT

Storage Of Radioactive Wastes S-199. No facility for deposit, storage, reprocessing or disposal of spent nuclear fuel elements or radioactive waste material shall be constructed or established in the State unless the General Assembly first finds that it promotes the general good of the State and approves. The construction or establishment of low-level, temporary storage facilities is exempt. (Approved 6/5/80, effective 7/1/80.)

Fissionable Material Development H-327. Amends current State code relating to fissionable material development by granting the State Environmental Board authority to: 1) adopt rules establishing the criteria under which applications for permits to develop fissionable materials may be classified and 2) issue permits for extraction or processing of mineral and earth resources when a) it is demonstrated by the applicant that all extraction, processing and disposal of waste will not unduly harm the environment; b) a rehabilitation plan has been approved that leaves the site in a condition suitable for approved alternate use; c) it is approved by the legislature. (Approved 4/14/80, effective immediately.)

VIRGINIA

Low-level Radioactive Waste Disposal HJR-44. Authorizes the Solid Waste Commission to assist the Department of Health in site evaluation, selection and plan development for a disposal facility for low-level radioactive waste in the State. A progress report and recommended legislation is to be submitted to the Governor and General Assembly during the 1981 session. (Adopted 2/25/80.)

Nuclear Emergency Evacuation Plan S-344. Directs utilities to annually mail to customers in a 10-mile radius of a nuclear plant a notice, approved by the Department of Emergency Services, prescribing evacuation and other protective actions to be taken by persons in the event of a radiological emergency. (Approved 4/5/80, effective 7/1/80.)

II. INTRODUCTION OF NEW LEGISLATION

ARIZONA

Toxic Materials Management SB-1330. Would transfer the State Chemist from the Arizona Commission of Agriculture and Horticulture to the Department of Health Services. Would establish a Toxic Management Advisory Council of 7 members appointed by the Governor: 1) to provide adequate authority to regulate chemical and radioactive toxic materials and to minimize unreasonable risk of injury to human beings and the environment; 2) to advise the Director of Health Services Relating to Toxic Materials on existing or potential situations in which toxic materials pose an unreasonable risk of injury to human health and the environment; and 3) to review and recommend appropriate tolerance levels for toxic materials. Also would give the director powers to prevent consumption of or exposure to toxic materials. The Toxic Materials Management Advisory Council's information would be used by the Department of Health and Safety to issue public information releases regarding toxic incidents and maintain a Toxic Management Information System. (Introduced 2/13/80.)

CONNECTICUT

Nuclear Incident Preparedness S-40. The Director of Civil Preparedness would develop a comprehensive emergency response plan for dealing with nuclear incidents and accidents. Townwide or regional test exercises would be conducted at least once every two years. (Introduced 2/6/80.)

HAWAII

Radiological Safety Task Force HB-2409-80. Would create a Radiological Safety Task Force to study, investigate, report on and make recommendations regarding disposal, storage, transportation, environmental impact and other issues dealing with radioactive hazardous materials. (Introduced 2/7/80.)

ILLINOIS

Radioactive Waste HBN-3169. Would prohibit the Director of Public Health from allowing the storage of radioactive waste produced outside the State. (Introduced 3/27/80.)

LOUISIANA

Radioactive Wastes H-240. Would prohibit tests to determine the suitability of geologic structures in the State for disposal of radioactive wastes. It would also require that the results of all previous tests of this nature conducted in the State be made available to the Natural Resources Committees of the Legislature. (Introduced 4/21/80.)

Radioactive Waste H-478. Prohibits the testing of salt domes in the State to determine their suitability for the disposal of radioactive waste. (Introduced 4/24/80.)

MARYLAND

Resident Nuclear Engineer H-140. Would require the Secretary of Health and Mental Hygiene to assign a resident Nuclear Engineer to every Nuclear Power Generating Plant in the State. Duties would include 1) monitoring and inspecting the operation of the power plant and 2) determining and reporting whether or not the power plant is operating safely. It would also create a Nuclear Power Plant Subcommittee of the State Radiation Control Advisory Board to review any reports submitted by the resident engineer. It would have the authority to order the Nuclear Power Plant to cease operating if it determines the plant is not operating safely. (Introduced 1/9/80.)

MASSACHUSETTS

Nuclear Power Study H-5950. The Joint Committee on Energy would study current Senate and House documents relating to nuclear power, waste and transportation and submit its report with recommended legislation to the General Court (Legislature) by December 31, 1980. (Introduced 2/19/80.)

NEW JERSEY

Public Utility Damage S-1100. Establishes specific penalties for the destruction or damage of facilities, equipment or materials of a public utility which might threaten the release of radiation beyond normal containment areas. Specific penalties are also provided for instances in which damage or destruction causes either injury or death of another. (Introduced 2/25/80.)

Emergency Evacuation Plan A-1164. Would require adoption of a Statewide emergency evacuation plan (subject to NRC approval) before any new nuclear power plant will be allowed to begin operation in the State. (Introduced 2/25/80.)

NEW YORK

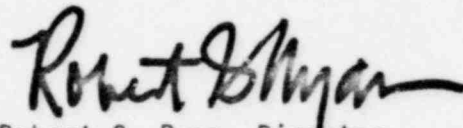
Nuclear Waste A-10640 & SB-8864. Would establish a detailed procedure for the certification of temporary nuclear waste repositories within the State. (Introduced 3/25/80.)

Radioactive Waste A-10730. Requires each applicant for a license, certificate or approval for the incineration, discharge, disposal or burial of radioactive materials to obtain a written statement from the Commissioner of Health which must include the analysis of the impact these activities will have on the public health. This statement must be readily accessible to the public. (Introduced 3/26/80.)

Radioactive Transport A-11148. Transportation of radioactive materials over highways in the State would be prohibited without a permit issued by the Commissioner of Transportation and would provide for the establishment of a permit and fee system. Would require the Superintendent of State Police to request from the NRC the exact route, date and time of any shipment of radioactive material in the State. Five days prior to the date of shipment the necessary authorities and agencies would be notified of the exact route, date and time of shipment. The Chairman of the Disaster Preparedness Commission would develop a training program for public safety officials which would include instruction on emergency response to transportation accidents involving radioactive materials. (Introduced 3/25/80.)

TENNESSEE

Radiation Monitoring SB-1884. The Commissioner of Health would be required to place radiation monitoring equipment on public highways at weigh stations for freight motor vehicles. (Introduced 1/9/80.)



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