



INFORMATION REPORT ON

State Legislation

OFFICE OF STATE PROGRAMS
U. S. NUCLEAR REGULATORY COMMISSION
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NUCLEAR INITIATIVES

MAINE. Would prohibit the generation of electric power by nuclear fission in the State at existing as well as proposed nuclear power plants. If passed, this initiative would close the Maine Yankee nuclear power plant and set a precedent by being the first State to elect to shut down an operating nuclear power plant. (This petition will appear on the ballot at a special election, September 23, 1980.)

MISSOURI. Proposes to prohibit the operation of nuclear power plants in the State until the Federal government certifies a permanent radioactive waste disposal site that can accept waste from all plants and until the operator of a nuclear power plant posts bond with the State to cover the costs of decommissioning the plant and "restoring the premises to a condition which is suitable for unrestricted use." (If qualified would appear on the November 4, 1980 ballot.)

MONTANA. Proposes to prohibit the disposal of radioactive waste material within the State except radioactive material used for medical, educational, and scientific purposes. Would extend these disposal prohibitions to any radioactive waste produced by milling or other processing of ore. (This petition will appear on the November 4, 1980 ballot.)

OREGON. Proposes to prohibit the issuance of a site certificate for a nuclear power plant until the State Energy Facility Siting Council finds an adequate repository for the permanent disposal of high-level radioactive waste that has been licensed to operate by the Federal Government. Voters would have to approve the certificate at a State-wide election. (This petition will appear on the November 4, 1980 ballot.)

SOUTH DAKOTA. Proposes to prohibit construction of a nuclear power plant, providing for nuclear waste disposal, or beginning uranium mining or milling in the State without a certificate of environmental compatibility and public need. Certificates would have to be approved by a majority of the voters in a State-wide election. As there are no nuclear power plants on order, being constructed, or operating in the State, the effect of this petition is limited to uranium mining and milling. (This petition will appear on the November 4, 1980 ballot.)

WASHINGTON. Proposes to prohibit the importation of non-medical radioactive waste after July 1, 1981, for the purpose of storage within the State. This initiative allows for the regional storage of radioactive waste through an interstate compact. (If qualified will appear on the November 4, 1980 ballot.)

BILLS ENACTED INTO LAW

ALABAMA

Committee To Study Nuclear Power Plants HJR-292. Creates an interim legislative committee composed of six members, three from the House and three from the Senate, to study nuclear power plants and to make recommendations regarding a regulatory agency. The committee shall report its findings, comments, suggestions, and recommendations to the legislature on the fifth legislative day of the 1981 regular session, on which date the interim committee shall automatically be terminated. Appropriations for the expenses of the committee shall not exceed \$9,000.00. (Adopted 5/19/80.)

FLORIDA

Disaster Preparedness HB-114. Each local organization for civil defense in the State shall provide for the voluntary registration of disabled citizens located within their jurisdiction. The registration shall be utilized to determine who would need assistance in case of evacuation because of a disaster and shall be updated annually. Each electric utility in the State shall notify residential customers in its area on an annual basis of the availability of a volunteer program by their local Civil Defense Unit to register all disabled citizens who may need assistance during an emergency. Any advertising required shall, whenever possible, be done through public service announcements on local radio stations and shall not require the expenditure of local government funds. (Approved 6/25/80, effective 10/1/80.)

MICHIGAN

Nuclear Emergency Preparedness SCR-583. The Public Service Commission is directed to recover the costs associated with the implementation of the nuclear emergency planning and response program by the Michigan Department of Public Health through public utility assessments. (Adopted 4/16/80.)

NEW MEXICO

Severance Tax On Uranium HB-204, 66, and 183. A severance tax is imposed on uranium, measured by the quantity of U_3O_8 contained in and recoverable from severed and saved uranium-bearing material. The taxable event is the sale, transportation out of New Mexico, or consumption of the uranium-bearing material, whichever occurs first. A tax table is provided. Tax liability may also be determined by registering with the revenue division of the Taxation and Revenue Department any bona fide arms length contract for the sale of uranium-bearing material entered into prior to January 1, 1977. A severance tax of 1.25% shall

be collected on each pound of U_3O_8 sold or transported out of New Mexico pursuant to the registered contract. Uranium-bearing material severed on or before January 1, 1980, shall be allowed credits as provided. Also enacted are provisions for an oil and gas severance tax and severance surtax. (Approved 2/29/80, effective 7/1/80.)

LOUISIANA

Study Of Nuclear Power HCR-171. Directs that the Committees on Natural Resources of the House and Senate conduct a study relative to nuclear power plants to determine: 1) the need for nuclear power in the State; 2) the effect on human health and the environment; 3) whether they can be operated safely; 4) whether they are being constructed following all safety standards; 5) the economic benefits and burdens on the consumers of electricity in the State; 6) alternative methods available to meet the electrical needs of the State; and 7) State jurisdiction over construction, safety, operation and other factors. The committee shall have the authority to review existing and proposed locations of nuclear plants to determine if they provide security including civil defense and emergency preparedness plans. (Adopted 7/13/80.)

Study On Radioactive Waste Storage HCR-254. Creates a joint subcommittee of the House and Senate Committees on Natural Resources for the purpose of studying the research being conducted for DOE by Louisiana State University in the salt domes and other geologic structures in the State to determine their suitability for storage of radioactive waste. The joint subcommittee shall advise the Assistant Secretary of the Office of Environmental Affairs of the Department of Natural Resources, the Department of Wildlife and Fisheries, and the Director of the Institute for Environmental Studies at Louisiana State University. A written report of the committee's findings shall be submitted to the legislature prior to the 1981 regular session. (Adopted 7/12/80.)

NEW YORK

Shoreham Nuclear Project S-9858. Appropriates the sum of \$125,000 to the Public Service Commission for investigating the expenditures on the Shoreham nuclear project by the Long Island Lighting Company. (Approved 6/30/80, effective immediately.)

PENNSYLVANIA

Uranium Tailings H-1899. Expands the power and duties of the Department of Environmental Resources. Its duty shall be: 1) to enter into cooperative agreements with DOE pursuant to Section 103 of the Uranium Mill Tailings Radiation Control Act of 1978; 2) to acquire in consultation with the U.S. Government such property or interest therein as is necessary for performance of remedial action; 3) to pay both tenants and owners in fee of such property in addition to the purchase price those moving and removal expenses and other damages as are provided for in the Eminent Domain Code; 4) to dispose of any property of interest therein acquired under this section in accordance with the terms and conditions of the cooperative agreements entered into with the DOE; and 5) to perform, in cooperation with the U.S. Government such other remedial action as may be necessary. (Approved 7/1/80, effective immediately.)

RHODE ISLAND

Commission On Nuclear Hazard Monitoring Systems S-2725. Creates a special legislative commission consisting of seven members: two from the House; two from the Senate; three representatives from the general public; one resident of the town of Westerly; and one member of the concerned citizens of Rhode Island. The purpose of the Commission shall be to study the feasibility of a direct line monitoring warning system which would constantly measure the level of radioactive isotopes at all nuclear power plants within a 50-mile radius of Rhode Island borders; and to study the feasibility of a continuous readout monitoring warning system for the State. The Commission shall report its findings and recommendations to the General Assembly on or before February 2, 1981. (Approved 4/29/80, effective 5/14/80.)

VIRGINIA

Hazardous Waste Management SB-298. Expands the duties of the Board of Health to include hazardous waste management. The Board is responsible for and is authorized to: 1) acquire by purchase, exercise of the right of eminent domain, grant, gift, devise, or otherwise the fee simple title to any lands selected in the discretion of the Board as constituting necessary and appropriate sites to be used for the purpose of the management of hazardous waste, subject to the approval of the Governor; 2) operate or provide for the operation of hazardous waste management facilities; 3) assume responsibility for the perpetual custody and maintenance of any hazardous waste management facilities; and 4) collect from any persons operating or using a hazardous waste management facility, fees sufficient to finance such perpetual custody and maintenance of that facility. All fees received shall be used exclusively to satisfy the responsibilities assumed by the Board for the perpetual custody and maintenance of hazardous waste management facilities. (Approved 4/1/80, effective 7/1/80.)

ESTABLISHMENT OF NEW REGULATIONS

NEW JERSEY - Department of Environmental Protection

Transportation of Radioactive Materials, New Jersey Administrative Code Title 7, Chapter 28, Subchapter 12. Establishes requirements for transportation of radioactive materials and for approval by the Department of shipping procedures for certain quantities of radioactive materials. A certificate of handling or a certification number must be obtained from the Department of Environmental Protection in advance of the transport, intransit storage or detention of radioactive materials. Certificate application procedure and requirements are outlined for each type of radioactive material defined. (Effective 7/1/80.)

INTRODUCTION OF NEW LEGISLATION

ILLINOIS

Creating A Department of Nuclear Safety HB-3614. Would create the Department of Nuclear Safety. The Department will exercise, administer and enforce all rights, powers and duties vested in the Department of Public Health, Office of the State Fire Marshal, Board of Boiler and Pressure Vessel Rules, and in the Environmental Protection Agency by the Acts named within. Personnel, records, property, unexpended appropriations and pending business previously assigned to these programs shall be transferred to the Department. The Department of Nuclear Safety shall: 1) register, license, inspect and control radiation sources and shall purchase, lease, accept or acquire lands, buildings and grounds where radioactive wastes can be disposed and to supervise and regulate the operation of such disposal sites; 2) formulate a comprehensive emergency preparedness and response plan for any nuclear accident; 3) formulate a comprehensive plan regarding transportation of nuclear materials in Illinois and have oversight authority over the regulation of the transportation of nuclear materials, including oversight of Department of Transportation and Department of Law Enforcement functions in enforcing regulations; 4) formulate a comprehensive plan regarding disposal of nuclear waste in the State; 5) study the impact and cost of nuclear power, alternative energy sources, acceptable standards for the location of future nuclear power plants and all other factors which bear on the use of nuclear power or on nuclear safety; and 6) have primary responsibility for the coordination and oversight of all State governmental functions concerning the regulation of nuclear power, including low level waste management, environmental monitoring, and transportation of nuclear waste. The Department shall have and exercise the same powers and duties in relation to boilers and pressure vessels as the Board of Boiler and Pressure Vessel Rules or the State Fire Marshal. (Introduced 5/23/80.)

NEW JERSEY

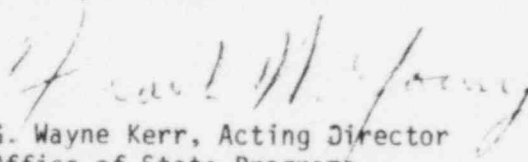
Transportation of Radioactive Materials HBN-1836. Would require a certificate of handling, issued by the Department of Environmental Protection in the possession of the operator of the motor vehicle before radioactive materials could be transported in the State. To ship or transport radioactive materials in any manner or condition deviating from the conditions of the certificate of handling is unlawful. Motor Vehicles may be inspected by any police officer, representative of the Department of Environmental Protection or any motor vehicle inspector, and penalties are provided for violations. The operator of any shipment of radioactive materials shall conspicuously post a placard in the cab of the vehicle bearing the conventional radiation symbol and the words "CAUTION: THIS VEHICLE CONTAINS RADIOACTIVE MATERIAL." (Introduced 6/16/80.)

RHODE ISLAND

Prohibiting Waste Dumping H-7032. Would prohibit hazardous waste or chemical dumping sites and refuses, garbage or recycling sites to be licensed, permitted or located within the town of Coventry without prior approval of the Coventry Town Council. (Introduced 1/2/80.)

The Office of State Programs has available composite summaries of State Legislation for the following categories:

- I. Regulation of the Use of Radiation
 - a. Establishing State-wide Radiation Control
 - b. Requiring Permits or Regulating the Handling of Radioactive Material
 - c. Monitoring Radioactivity
 - d. Providing Public Hearings on Radioactive Waste Disposal
- II. Restricting Radioactive Waste Storage or Disposal
 - a. Banning the Disposal of All Radioactive Waste
 - b. Requiring Legislative Approval for Disposal of Radioactive Waste
 - c. Bans Disposal of High-Level Radioactive Waste
 - d. Requires Consultation and Concurrence Before Disposal is Permitted
- III. Waste Management
 - a. Waste Disposal Siting Restrictions
 - b. Permit Requirements
 - c. Fee Assessments
 - d. Waste Disposal Studies
- IV. Transportation of Radioactive Materials
 - a. Establishing State-wide Regulatory Body
 - b. Establishing Requirements on the Transportation of Radioactive Materials
 - c. Establishing Emergency Procedures
 - d. Miscellaneous
- V. Uranium Milling
 - a. Uranium Mining Regulation
 - b. Radiation Control
 - c. Imposition of Tax
- VI. Power Plant Siting
 - a. Establish a State-wide Regulatory Body for Siting
 - b. Establish Siting Procedures
 - c. Prohibiting Nuclear Power Plant Siting
- VII. Emergency Response
 - a. Emergency Planning Connected to Nuclear Power Plants
 - b. State-Wide Emergency Planning


G. Wayne Kerr, Acting Director
Office of State Programs

For Further Information Contact Gail Grambau