



INFORMATION REPORT ON

State Legislation

OFFICE OF STATE PROGRAMS
U. S. NUCLEAR REGULATORY COMMISSION

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Legislative activity, especially in the low-level waste area, is winding down for 1982. The chart at the end of the Report indicates low-level regional waste compact membership and the status of legislation in each of the States as of this date. Maryland and Delaware were accepted into the negotiating group for the Northeast Compact at the CONEG (Conference of Northeastern Governors) meeting on June 28-29, 1982, and their eligibility for the Midwest Compact will be reconsidered at the next meeting in September. A new iteration of the Northeast Compact has been sent to the NRC and other agencies for formal comment.

Washington has enacted a bill (S-5030) which would impact heavily on waste generators and waste disposal companies such as U.S. Ecology. The bill imposes a 30% tax on the gross income of low-level waste disposal companies.

The Southern States Energy Board will meet with representatives of several States and the NRC August 3-4, 1982, to discuss SSEB's research on low-level waste licensing. The research addresses alternative licensing procedures for agreement states vs. non-agreement states.

The NRC is sponsoring a meeting for the governor-appointed State Liaison Officers in the Region II Atlanta office September 8-9, 1982. The States to be represented at the meeting are Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, Virginia and West Virginia. Topics of discussion will include waste management, emergency planning, enforcement policies, regionalization, spent fuel shipments and notification, as well as other items of mutual regulatory interest. Anyone interested in attending may call this office for additional information.

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Emergency Preparedness

California S-1473
Illinois H-2496
New York A-11901
Pennsylvania S-1518

Low-Level Waste

Massachusetts H-6356
South Carolina HCR-4038
Washington S-5030

Public Utilities

Alabama S-97
Kentucky S-171
New Jersey ACR-115
New Jersey A-717
New Jersey A-1734
New York S-10534
New York S-10555

Transportation

Mississippi S-2707
New York A-811

Power Plants

New York S-8291
New York S-10401
New York S-10453

High-Level Waste

California AJR-113

Energy Offices

Kentucky S-104
Louisiana SCR-103
New Jersey A-1658

Radiation

South Carolina H-3908

Uranium Mining & Milling

Michigan SR-509, HR-619
South Dakota H-1003

Safeguards

New Jersey S-537

Power Plant Siting

New Jersey S-975

General

Pennsylvania S-1513
Washington S-5014

ENACTED LEGISLATION

ILLINOIS

Emergency Preparedness H-2496. Requires nuclear power plant operators and spent fuel storage facility operators to pay fees covering the cost of establishing plans and programs to deal with nuclear accidents. Assesses a fee of \$1,000 per cask for truck shipments and \$2,000 per cask for rail shipments of spent nuclear fuel received at away-from-reactor spent fuel storage facilities. (Enacted 7/1/82.)

KENTUCKY

Energy Compact S-104. Changes the name of the Southern Interstate Nuclear Compact and Board to the Southern States Energy Compact and Board. Enacts the Southern States Energy Compact into law and enters the State as a party. The Board's power will include:

- o Analyzing the position of the South on energy and environmental concerns;
- o Encouraging energy conservation;
- o Conducting training programs and disseminating information relating to civilian uses of energy and energy-related materials. Describes membership requirements. Eligible States to the Compact are: AL, AR, DE, FL, GA, KY, LA, MD, MS, NC, OK, SC, TN, TX, VA, WV, Puerto Rico and the Virgin Islands. (Enacted 3/9/82.)

Public Utilities S-171. Combines the energy and utility regulatory commissions into a single commission and re-establishes the "Public Service Commission." (Enacted 3/10/82.)

MISSISSIPPI

Transportation of Waste S-2707. Establishes a permit and fee system for regulation of the transportation of radioactive waste to be administered by the Emergency Management Agency. Specifies permit requirements and penalties. (Enacted. 4/2/82.)

SOUTH CAROLINA

Users of Radioactive Material H-3908. Permits the Department of Health and Environmental Control to establish regulations for the collection of fees for licensing and registering users of ionizing radiation. Provides penalties for violations. (Enacted 6/9/82.)

SOUTH DAKOTA

Uranium Exploration H-1003. Requires persons conducting uranium exploration to file an application with the Board of Minerals and Environment and to obtain a permit. Details application contents, reclamation plan procedures, costs and violations. (Enacted 3/4/82.)

WASHINGTON

Taxation S-5014. Removes the generation of electrical energy to resale or consumption outside the State from the business and occupation tax on manufacturers. (Enacted 7/16/82.)

Low-Level Waste Disposal S-5030. Special session; Imposes a 30% tax on the gross income of low-level radioactive waste disposal companies. (Enacted 7/10/82; effective 8/1/82.)

INTRODUCED LEGISLATION

ALABAMA

Public Power Agency S-97. Creates the Alabama Public Power Agency for the purpose of economizing in the financing of electric power supply for the municipal and rural cooperative distributors of electric power from the Tennessee Valley Authority. Through the issuance of bonds, financing would produce savings in debts, and therefore reduce prices charged by distributors. (Introduced 6/23/82; died as of adjournment 7/5/82.)

CALIFORNIA

Emergency Plans S-1473. Deletes conditions in the previous bill which required State or local plans dealing with nuclear power plant accidents to be submitted to the Legislature for its approval. Provides instead that the plans must be approved by the Office of Emergency Services or a designated federal agency. Provides for an initial assessment of \$25,000 upon each operator of four nuclear power plants in the State. (Introduced 2/12/82; Amended 6/17/82.)

MASSACHUSETTS

Low-Level Waste H-6356. Increases the scope of the special commission established to make an investigation and study relative to low-level radioactive waste. Requires the Commission to consider house document 3222 which prohibits the establishment of low-level waste disposal sites in the States. (Introduced 5/27/82; referred to House Ways & Means Committee 6/4/82.)

NEW JERSEY

Sabotage Penalties S-537. Provides for a separate offense under the penal code for the destruction of public utilities in a manner that would threaten the release of radioactivity. The offense would be punishable as a crime of the third degree (3-5 years imprisonment). Injuries resulting from the release would be punishable as a second degree crime (5-10 years imprisonment). If death results from exposure the person could be guilty of a first degree crime (10-20 years imprisonment). (Introduced 2/1/82; referred to Energy & Environment Committee 6/28/82.)

Utility Rate Increases A-717. Provides for a special fault determination hearing upon any request by a utility for a rate increase to recover costs in excess of \$10 million attributable to an accident at a nuclear power plant. Findings of fault would result in penalties or affirmative measures to promote development of renewable energy resources and energy efficiency. (Introduced 2/8/82; reported out of committee and given second reading 7/1/82.)

Facility Siting S-975. Requires the issuance of a certificate of need before construction or financing of an electric generating facility may occur. A certificate of need may be issued only if it is determined the proposed facility is necessary to meet the projected need for electricity in the area. (Introduced 2/8/82; passed Senate, introduced to House 7/1/82.)

Energy Plans A-1658. Requires all energy industries to submit plans on all energy facilities which would contain information on location, capacity, projections of energy demand and changes which have occurred at the facilities over the past 3 years. (Introduced 6/21/82.)

Public Utilities A-1734. Creates the Utility Capital Assistance Corporation which may make loans to public utilities, issue tax-exempt bonds and borrow money for the purpose of giving financial aid to utility companies such as Jersey Central Power and Light. (Introduced 7/1/82.)

NEW YORK

Transportation A-811. Amends the previous bill by requiring the appropriate federal agencies (DOE, NRC, DOT) to notify the governor or his designee 72 hours prior to the shipment of any spent fuel or large quantity radioactive material through the State. The Governor will advise the appropriate public safety officials of the pending transportation shipment. Describes permits fees & penalties. (Introduced 1/7/82; referred to Rules Committee 7/3/82.)

NEW YORK Cont'd

Shoreham Nuclear Power Plant S-8291. Directs the Power Authority of the State of New York, in cooperation with the Public Service Commission, to conduct a feasibility study of PASNY's operation and/or purchase of the Shoreham Nuclear Plant. (Introduced 3/2/82; Amended 6/25/82.)

Shoreham Nuclear Power Plant S-10401. Declares that the ratepayers of the Long Island Lighting Company will be required to pay for any portion of the costs from the Shoreham plant which result from mismanagement. Develops a plan to phase in the rate impact of the plant to avoid large rate increases in the first years of the plant's operation. (Introduced 6/9/82; referred to Rules Committee 7/3/82.)

Nine Mile 2 Nuclear Power Plant S-10453. Directs the Long Island Lighting Company to divest itself of all ownership interest in the Nine Mile 2 Nuclear Plant located in Scriba, New York. (Introduced 6/16/82.)

Utility Management Board S-10534. Creates a utility management board to supervise and provide expert management advice to utility companies experiencing financial and operational difficulties. (Introduced 6/29/82.)

Utility Rates S-10555. Requires new nuclear power plants to establish an alternative rate base which would resolve inequities in revenue requirements caused by increases in rates for the first few years of a facility's operation. The rate base would result in large savings to ratepayers in later years of the facility's operation. (Introduced 6/30/82.)

Emergency Preparedness A-11901. Allows the State to obtain certain information necessary for monitoring and verification of plant status directly from nuclear power plant licensees. The information obtained would include the following plant functions: reactor control, reactor core cooling, reactor coolant system integrity, primary reactor containment integrity and radioactive effluent control. Requires each county contained within the plume exposure pathway emergency planning zone to submit local emergency preparedness plans to the Disaster Preparedness Commission no more than one month after the plant has received a fuel loading and low-power operating permit from the NRC. (Introduced 3/30/82; passed House and referred to Senate Rules Committee 7/3/82.)

PENNSYLVANIA:

Property Tax Compensation S-1513. Compensates local taxing authorities for lost property tax revenues and other inconveniences caused by the existence of electrical generating plants within their jurisdictions. Creates the Community Compensation Fund to be maintained by levied taxes and distributed to local taxing authorities annually. Details calculation of payments. (Introduced 6/3/82.)

PENNSYLVANIA Cont'd

Inspections S-1518. Would require nuclear facilities to permit installation of monitoring devices by the Department of Environmental Resources or another designated agency, and to report any accidents to the agency in writing within ten days after their occurrence. (Introduced 6/3/82.)

INTRODUCED RESOLUTIONS

CALIFORNIA

High-Level Waste AJR-113. Amendment which would request the President and Congress to implement a plan which would develop and demonstrate technology or means for high-level waste disposal, including in-situ and site specific testing. The plan should be offered to the States and other interested parties for full review. (Introduced 5/17/82; re-referred to Rules Committee 6/30/82.)

LOUISIANA

Energy Committee SCR-103. Creates a select committee to study the problem of increased costs of energy and possible uses of alternative sources of energy for commercial and residential consumers in Louisiana. There will be sixteen members on the committee, comprised of individuals from the Senate and the House of Representatives. (Introduced 6/24/82; Senate concurred in House amendments 7/12/82.)

NEW JERSEY

Public Utilities ACR-115. Proposes a constitutional amendment, after a referendum, to provide for the election of the members of the Board of Public Utilities. (Introduced 5/20/82.)

SOUTH CAROLINA

Low-Level Waste HCR-4038. Requests the Congress, NRC and the National Academy of Science to define low-level radioactive waste by its isotope and curie content and other properties that may more clearly determine its danger to the public. (Introduced 6/16/82; died as of adjournment 6/16/82.)

ADOPTED RESOLUTIONS

Michigan

Fuel Import Limitation SR-509, HR-619. Supports the adoption of the U.S. Senate proposed fuel import limitation provision for the NRC authorization bill (H.R. 2330). The fuel import provision would encourage sufficient domestic mining and milling capacity as a long-term supply source for domestic utilities. Proponents claim this will insure the viability of the troubled mining and milling industries and put thousands of laid-off miners back to work. (Adopted 6/10/82.)

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