

INFORMATION REPORT ON



State Legislation

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On January 7, 1983, President Reagan signed into law the Nuclear Waste Policy Act of 1982. The Act requires the Department of Energy (DOE) to study five potential sites for the permanent disposal of high-level waste and recommend three of these sites to the President by January 1, 1985. The President must recommend to Congress the first national repository by March 31, 1987 and the second by March 31, 1990. A State government or Indian tribe may veto a site recommendation; however, the State's veto may be overridden by approval of both Houses of Congress. After Congress approves a site recommendation, the DOE will submit an application for construction authorization to the Nuclear Regulatory Commission (NRC). The NRC will license waste disposal at the facilities.

Other provisions of the Waste Policy Act include the following:

- o DOE must submit to Congress a feasibility study of one or more monitored retrievable storage facilities (MRSF), which would provide for retrieval of both waste and spent fuel.
- o DOE is authorized to construct and operate a deep geologic Test and Evaluation Facility.
- o Owners of low-level waste disposal facilities are required to post bond to assure site and equipment cleanup at the termination of the facility's license subsequent to which DOE may take title and custody of the low-level waste and site.
- o Provisions for interim storage of spent fuel are provided, but such storage will not be permitted for more than three years after the availability of a high-level repository or MRSF.

The State of Michigan enacted the Midwest Low-Level Radioactive Waste Compact on December 30, 1982. So far this year, compact legislation has been introduced in the following States: Arkansas, Indiana, Mississippi, Missouri, Montana, Nebraska, North Dakota, and Oklahoma. The Northwest Compact, which was enacted by the requisite number of party States last year and submitted to Congress but not acted on, was resubmitted to Congress on January 27, 1983. The Senate Judiciary Committee will hold hearings on the States' progress towards implementation of the Low-Level Waste Policy Act of 1980 on March 2, 1983.

Power Plants - General

California S-5
Delaware S-4
New York S-303, A-851, S-1032,
A-1257
New Jersey AR-45, ACR-153
Pennsylvania S-54*
South Carolina H-2199*
West Virginia H-1213

Power Plant Costs and Rates

Connecticut H-5025, H-5237
Massachusetts H-912, H-913
Missouri H-57, H-242
New Jersey A-717, S-1907, S-1946,
A-2029, SLR-144, ACR-170
New York S-1299, S-1320, A-1632,
A-1624
South Carolina H-2199*

Emergency Preparedness

Missouri H-231*

Decommissioning Funds

Massachusetts S-512

Radioactive Waste

Arkansas S-36*
California A-284*, SJR-27
Mississippi S-2705
Nevada S-41
New Jersey SJR-37
Washington S-3025*, S-3027, S-3032,
AJR-5, SJR-7

Transportation and Storage

Missouri H-231*, H-407*
New Jersey A-218
South Carolina H-2253
Washington S-3025*

Low-Level Waste Compacts

Arkansas S-7, H-52
California A-284*
Indiana S-68
Michigan H-5600
Mississippi H-206
Missouri S-64, H-265
Montana H-203
Nebraska LB-200
North Dakota H-1240
Oklahoma S-80

High-Level Waste

South Carolina S-5, H-2039
Washington, S-3029, S-3031, SJR-102

Uranium Mining and Milling

Minnesota S-97
New Mexico S-32
Virginia H-3

Radiation Measurement and Control

Arkansas S-36*
Colorado S-46, H-1148
Minnesota H-90
Mississippi H-528
Missouri H-231*, H-407*
Ohio H-29
Pennsylvania S-54*
Utah H-28

Radiation Technicians

Indiana H-1004, H-1488
Utah S-165

General

California A-164
New Jersey A-2081
New York A-1031, S-1244, A-1490
North Dakota H-1360

* Bill appears in more than one category.

Enacted Legislation

Michigan

Midwest Low-Level Waste Compact H-5600. Enacts the Midwest Compact into law and enters the State as a party. Provides for the regional management of low-level radioactive waste. Eligible States to the Compact are: DE, IL, IN, IA, KS, KY, MD, MI, MN, MO, ND, NE, OH, SD, VA and WI. (Enacted 12/30/82.)

Introduced Legislation

Arkansas

Central Interstate Low-Level Radioactive Waste Compact S-7, H-52. Would enact the Central Interstate Low-Level Radioactive Waste Compact into law and enter the State as a party. Eligible States to the Compact are AR, IA, KS, LA, MN, MO, NB, ND and OK. (Introduced 1/12/83 in Senate. Referred to Senate Committee on Energy.)

Additional Registration Requirements for Harmless Radiation S-36. Would add some new and expanding definitions, requiring additional registrations, authorizing the Agency to exempt certain sources of common and harmless radiation, requiring compliance with Agency regulations regarding disposal, other changes due to increased usage. (Introduced 1/12/83. Referred to Committee on Public Health, Welfare and Labor.)

California

Certification of Power Plants S-5. Provides that an electrical power plant not subject to the certification provisions of the Warner-Alquist State Energy Resources Conservation and Development Act shall be included under these provisions, if a person proposing to construct the power plant submits an application for certification under these provisions. (Introduced 12/6/82. Referred to Senate Energy and Public Utilities Committee.)

Electric Power Pooling A-164. Requires the State Energy Resources and Conservation and Development Commission, on or before January 1, 1985, to adopt a statewide electric power pooling plan, as specified. (Introduced 12/23/82. Referred to Assembly Committee on Energy and Natural Resources.)

Low-Level Waste Disposal A-284. Requires the State Department of Health Services to complete an overall study concerning waste disposal. Allows the department to enter into an interstate compact with other states for the purpose of establishing and operating interim disposal facilities. (Introduced 1/17/83. Referred to Assembly Health Committee.)

Colorado

Radioactive Materials Control Program S-46. Establishes the Radioactive Materials Control Fund for the deposit of fees collected by the Department of Health for radioactive control services. Provides that moneys credited to such a fund be appropriated to the Department of Health for radiation control. (Introduced 1/5/83. In the House 1/19/83. Referred to Committee on Health, Environment, Welfare and Institutions.)

Penalties for Violation of Radiation Control H-1148. Provides civil penalties for certain violations of radiation control. Defines the criteria upon which any such penalty shall be based. Specifies the procedures to be followed in notifying a violator of the imposition of such a civil penalty. Provides for the Attorney General to file a civil suit to collect any penalty. (Introduced 1/6/83. Referred to the House Committee on the Judiciary.)

Connecticut

Nuclear Plant Costs and Construction H-5025. Enables the General Assembly and Department of Public Utility Control to better monitor nuclear plant construction and costs in the State. (Introduced 1/5/83. Referred to Joint Committee on Energy and Public Utilities.)

Millstone 3 Plant Construction Costs H-5237. Encourages domestic electric companies owning portions of Millstone 3 to hold down the plant's construction costs by requiring the companies' shareholders to absorb any such costs in excess of the 3.54 billion dollar cost estimate for the plant provided by the Northeast Utilities to the Department of Public Utility Control during its 1982 rate case. (Introduced 1/5/83. Referred to Joint Committee on Energy and Public Utilities.)

Delaware

Moratorium on Nuclear Facility Construction S-4. Amends Title 26 of the Delaware Code relating to nuclear power plants. Temporarily prohibits all preliminary studies, tentative plans, or initial construction of any nuclear facility. This ban will not be lifted until: (a) no existing homeowner's insurance policies contain any form of nuclear exclusion clause and (b) there is an operating permanent Federal nuclear waste disposal system which is approved by the State of Delaware. (Introduced 1/13/83. Referred to Senate Committee on Administrative Services and Energy.)

Indiana

Midwest Low-Level Radioactive Waste Compact S-68. Enacts the Midwest Compact into law and enters Indiana as a party. Effective July 1, 1983. (Introduced 1/5/83. Passed the Senate 1/24/83.)

Radiation Machine Operators H-1004. Exempts those persons who have had 20 years of experience or those who are graduates of a military school that teaches these skills from rules governing who may operate a radiation machine. (Introduced 1/13/83.)

Licensing of Radiation Machine Operators H-1488. Exempts from new regulations regarding qualifications for radiation machine operators those operators who were employed before July 1, 1980 and have a certificate from a physician. However, these individuals must apply before September 1, 1984 for a license to operate the machines. (Introduced 1/18/83. Referred to House Committee on Governmental Affairs.)

Massachusetts

Power Plant Decommissioning Funds S-512. Regulates financing of nuclear power plant decommissioning funds. (Introduced 1/5/83. Referred to Joint Committee on Government Regulations.)

Construction Costs for Power Plants H-912. Prohibits the costs for planning and construction of unfinished nuclear power facilities from being passed on to electricity consumers. (Introduced 1/5/83. Referred to Joint Committee on Government Regulations.)

Costs for Unlicensed Power Plants H-913. Prohibits the Department of Public Utilities from allowing utility companies to charge their customers for certain costs relating to the development of unlicensed and cancelled nuclear power plants. (Introduced 1/5/83. Referred to Joint Committee on Government Regulations.)

Minnesota

Regulation of Uranium Resources S-97. Would enact the Uranium Policy, Regulation, and Development Act, to regulate development of uranium resources in the State. Provides that a uranium developer may not engage in uranium deposit evaluation or uranium mine development or apply for any State permit unless he first files a petition of intent with the Environmental Quality Board and pays a fee of \$50,000. Provides for appointment of a Uranium Policy Advisory Committee to the Board to aid it in identifying all policy studies necessary to evaluate health, safety, environmental and economic aspects of uranium development and costs of studies, which are to be reported to the Legislature. The Legislature is to act on study recommendations, and if it fails to act this is a determination that current mineral policies are applicable to uranium. Makes other provisions and sets penalties for uranium deposit evaluation and uranium mine development without filing notices of intent. (Introduced 1/24/83. Referred to Senate Committee on Agriculture and Natural Resources.)

Mississippi

Southeast Low-Level Waste Compact H-206. Amends the Southeast Low-Level Waste Compact to indicate that a regional disposal facility has been established in Barnwell, South Carolina; requires that a second regional facility be identified within three years after the Compact Commission is constituted; includes Virginia as an eligible party to the Compact; and enables the Compact Commission to prohibit, after January 1, 1986, the exportation of waste from the region for management purposes. Eligible States: AL, FL, GA, MS, NC, SC, TN, and VA. (Introduced 1/4/83. Passed the House 1/12/83. Sent to the Senate Committee on Public Health and Welfare 1/13/83.)

Radiation Protection Laws H-528. Would authorize the Board of Health to impose civil penalties for violations of radiation protection laws. (Introduced 1/12/83. Referred to House Committee on Judiciary Board.)

Nuclear Waste Storage S-2705. Conforms the State law on nuclear waste storage and disposal to the Federal law entitled "Nuclear Waste Policy Act of 1982." Requires an Environmental Impact Statement for a permit to conduct site characterization studies. Enumerates the procedures to be specified in any agreement negotiated by the State Energy and Transportation Board with the Federal Department of Energy. (Introduced 1/20/83. Referred to Senate Committee on Public Health and Welfare.)

Missouri

Power Plant Decontamination Costs H-57. Prohibits public utilities and the Missouri Public Service Commission from entering into agreements either through a voluntary plan by a group or pool of utilities or by agreement of state or federal agencies, to participate in the cost of decontamination or restoration of any electric power generating facility (which utilizes nuclear fission) not located within the State of Missouri. (Pre-introduced 1/5/83.)

Radiation Protection Programs H-90. Would require the Division of Health in the Department of Social Services to administer a statewide radiation protection program and to develop comprehensive policies and programs for the determination, evaluation and reduction of hazards associated with the use of ionizing and non-ionizing radiation. (Pre-introduced 1/5/83.)

Radiation Health and Environmental Protection H-231. Would enact various provisions relating to the protection of individuals and the environment from radiation hazards and would establish procedures for the handling of radiation emergencies and spillages of radioactive material, etc. Would require the Division of Health to establish and administer a statewide radiation protection program, which includes collecting data, developing policies for reducing radiation hazards, conducting investigations, regulating the transportation of radioactive materials, etc. Authorizes the governor to enter into agreements with the federal government authorizing the State to take over the federal government's responsibilities with respect to sources of ionizing radiation. Contains numerous other provisions. (Pre-introduced 1/5/83.)

Electric Utility Rates H-242. Would prohibit electric utilities from including in their rates the portion of any "cost overrun" for the construction of a nuclear power electric generating facility. The utility could only include in its rates the amount originally filed with the Public Service Commission as the cost of constructing the nuclear facility. (Pre-introduced 1/5/83.)

Midwest Low-Level Waste Compact S-64, H-265. Would enter the State as a party to the Compact to join in the regional management of low-level radioactive wastes. (Pre-introduced in House 12/7/82.) (Pre-introduced in Senate 1/5/83.)

Radiation Protection Standards H-407. Repeals present provisions of law relating to the protection of individuals from radiation and replaces them with fifteen new sections to be known as the Missouri Radiation Protection Act. Would give the Division of Health numerous powers relating to radiation, including the power to regulate the transportation of radioactive materials in the state, to monitor and analyze radioactivity, to register and regulate all persons possessing or using a source of radiation, etc. (Introduced 1/5/83.)

Montana

Northwest Low-Level Waste Compact H-203. Would enact the Northwest Interstate Compact into law and enter the State as a party. Eligible States are: AK, HI, ID, MT, OR, UT, WA, and WY. (Introduced 1/13/83. Referred to House Committee on Natural Resources.)

Nebraska

Central Low-Level Waste Compact LB-200. Would enact the Compact into law and enter the State as a party. (Introduced 1/13/83.)

Nevada

Radioactive Waste Disposal S-41. Revises financial provisions for the disposal of radioactive materials. (Introduced 1/20/83. Referred to Committee on Human Resources and Facilities.)

New Jersey

Transportation and Storage of Radioactive Materials A-218. Prohibits any quantity of certain radioactive materials, other than those used for radiopharmaceuticals, to be transported or temporarily stored in counties with a population exceeding 1,000 persons per square mile. (Reported out of committee with amendments 10/25/82. Referred to the Senate Committee on Energy and the Environment.)

Nuclear Accident Fault Determination Act A-717. Establishes a hearing procedure to determine the parties at fault as a result of an accident at a public utility and to determine any rate increases which may ensue as a result of a finding of fault. (Introduced 2/8/82. (Amendment.) Passed both Houses; awaiting Governor's action.)

Electric Generation Facility Need Assessment Act S-975. Requires the issuance of a certificate of need as a precondition to the construction, substantial expansion, or financing of certain electric facilities. A certificate of need will be issued only after the Commissioner of Energy determines that demand forecasts justify the need for additional capacity. Each project must be reviewed annually. This amendment requires the utilities to submit an application for a certificate of need at least one year prior to construction. The Department of Energy will review the application and publish interim reports on their assessment of the proposed facility. (Introduced 2/8/82. (Amendment.) Passed both Houses; awaiting Governor's action.)

Hope Creek S-1907. Requires the Public Advocate to engage outside counsel to represent the consumer's interest concerning the review of the Hope Creek I Incentive/Penalty Revenue Agreement of 8/10/82 (See NJ. SCR-144). (Introduced 11/8/82. Referred to Senate Committee on Energy and the Environment.)

Clean-up Costs S-1946. Removes from the definition of "gross receipts" (subject to the public utilities gross receipts and franchise taxes) those receipts attributable to purchasing replacement power for power lost by a shutdown of a nuclear power plant. Also excludes from gross receipts those receipts attributable to recovery costs for clean-up and decontamination of a nuclear power plant which has experienced a major accident. (Introduced 11/9/82. Referred to the Senate Committee on Energy and the Environment.)

Construction and Clean-up Costs A-2029. Prohibits public utilities from increasing customer rates to pay for construction, abandoning construction, or cleaning up radioactive waste from nuclear power plants. (Introduced 10/25/82. Referred to the Assembly Committee on Commerce and Industry.)

Department of Energy A-2081. Abolishes the Department of Energy and relocates its Division of Energy Planning and Conservation in the Department of Environmental Protection. Describes administrative and reorganizational changes. (Introduced 11/15/82. Referred to the Assembly Committee on Energy and Natural Resources.)

New Mexico

Severance Tax on Uranium S-32. Would reduce severance tax amounts on uranium in various categories. (Introduced 1/20/83. Referred to Senate Committee on Conservation and Finance.)

New York

Power Plant License Applications S-303. Requires additional license application materials for demonstrating the reliability, safety, and effectiveness of nuclear fission power plants. (Introduced 1/5/83. Referred to Committee on Energy.)

Construction of Electric Generating Facilities A-851. Authorizes the power authority of the State to order or prohibit construction of steam electric generating and other facilities as it deems necessary to maintain an adequate supply of electricity. (Introduced 1/5/83. Referred to Assembly Committee on Corporations, Authorities, and Commissions.)

New York State Power Authority A-1031. Strikes out the provisions that the conservation law and laws relating to Energy Conservation Department or Division of Waste and Power shall be deemed superseded as they related to New York State Power Authority. (Introduced 1/5/83. Referred to Assembly Committee on Local Government.)

State Aid for Public Utility Property S-1032, A-1257. Changes provisions relating to payments of state aid for loss of certain public utility property as a result of involuntary withdrawal or surrender of a license to continue to operate a nuclear fuel generator pursuant to the law of New York or the United States. (Introduced 1/12/83 in the Senate. Referred to the Committee on Local Government. Introduced 1/12/83 in the Assembly. Referred to the Committee on Real Property Taxation.)

Radioactive Jewelry S-1244, A-1490. Provides for a time limit for filing claims against the state for injuries caused by wearing radioactive jewelry. (Introduced 1/17/83. Referred to Senate Committee on Judiciary.)

Nuclear Plant Rate Changes S-1299, A-1642. Prohibits rate changes for nuclear generating facilities which are not in compliance with their operating license issued by the Nuclear Regulatory Commission. (Introduced 1/18/83. Referred to the Committee on Energy.)

Nuclear Power Plant Rates S-1320, A-1632. Requires that the Public Service Commission develop and utilize a method of determining rates for inclusion in the rate base of costs associated with nuclear base load generating facilities having capacity greater than 800 megawatts. These facilities must have an application filed with the Nuclear Regulatory Commission for an operating license. Shall have the effect of causing total electric revenue requirements of the company owning the plant to be no greater in each year than the amount which would have been required without construction and operation of such power plant, until such time as full cost is recovered. Describes considerations to be made by the Public Service Commission in determining an appropriate method to be utilized. (Introduced 1/18/83. Referred to the Senate Energy Committee.)

North Dakota

Midwest Interstate Low-Level Radioactive Waste Compact H-1240. Would enact the Compact into law and enter the State as a party. (Introduced 1/4/83. Failed 1/24/83.)

Energy Conversion and Transmission Facility Siting H-1360. Relates to public participation in energy conversion and transmission facility siting. (Introduced 1/17/83. Re-referred to House Committee on State and Federal Government.)

Ohio

Licenses for Processing Certain Radioactive Materials H-29. Requires facilities that process certain radioactive materials to obtain licenses from the Department of Health and to register with the Department of Health. Expands the definition of "radiation." Updates radiation safety laws. (Introduced 1/11/83. Referred to House Committee on Health and Retirement.)

Oklahoma

Central Low-Level Radioactive Waste Compact S-80. Would enact the Central Interstate Low-Level Radioactive Waste Compact and enters the State as a party. (Introduced 1/13/83. Referred to the Committee on Natural Resources.)

Pennsylvania

Power Plants - General Provisions S-54. Reenacts and amends the act providing for atomic energy development and radiation control; provides for Environmental Impact Applications and their approval before granting licenses for construction and operation of nuclear power plants. (Introduced 1/17/83. Referred to the Senate Committee on Environmental Resources and Energy.)

South Carolina

High-Level Radioactive Waste S-5, H-2039. To prohibit in this State the commercial processing, reprocessing, or storage of any spent nuclear fuel or high-level radioactive waste generated in a foreign country; to provide penalties for violations; to provide for injunctive relief to restrain additional violations; and to provide that this Act shall not apply to the processing, reprocessing, or storage of spent nuclear fuel or radioactive waste funded by the Federal Government. (Introduced 1/11/83 in the Senate. Referred to the Senate Judiciary. Introduced 1/11/83 in the House. Referred to the Committee on Labor, Commerce and Industry.)

Public Service Commission Authority H-2199. Provides that construction of new energy facilities, substantial additions to existing facilities, or changes in utility rates must be approved by the Public Service Commission. (Introduced 1/11/83.)

Fees for Transporting and Storing Wastes H-2253. Requires nonresident shippers of radioactive wastes to pay a fee for transporting and storing radioactive wastes within the State. (Introduced 1/19/83. Referred to House Committee on Judiciary.)

Utah

Medical exams in Vicinity of Vitro Plant H-28. Provides free medical examinations for any person residing or working, for at least 15 years, within a one-half mile radius of the former Vitro Chemical Plant site. Approximately 5,200 people would be affected by this bill, at an initial cost of \$780,000. (Introduced 1/10/83. Referred to House Committee on Agriculture.)

Radiologic Technologists and Dental Radiographers S-165. Provides a regulatory scheme for radiologic technologists and dental radiographers. Establishes the Board of Radiologic Technology and Dental Radiographers to assist the Division of Registration in administration of the program. (Introduced 1/21/83. Referred to Senate Committee on Rules.)

Virginia

Uranium Mining H-3. Authorizes adoption of a local ordinance to prohibit mining of uranium. (Introduced 1/12/83. Referred to House Committee on Mining and Mineral Resources.)

Washington

Radioactive Waste Disposal S-3025. Declares a legislative finding that there is strong public sentiment to restrict disposal of radioactive waste in the state, as expressed by voter approval of Initiative 383. Establishes a task force on high-level radioactive waste management, which shall, upon request of the Governor or legislature, review any proposal for a repository for the interim storage or terminal disposal of nuclear waste. (Introduced 1/10/83. Referred to Senate Committee on Energy and Utilities.)

Hanford Radioactive Waste Site S-3027. Requires the Department of Social and Health Services and the State Energy Office to prepare, by January 1, 1984, an Environmental Impact Statement on the state leased low-level radioactive waste site located at Hanford. Makes the Energy Office the lead agency. (Introduced 1/10/83. Referred to Senate Committee on Energy and Utilities.)

High-Level Radioactive Waste Storage S-3029. Requires statewide public hearings and legislative approval of high-level radioactive waste storage. States that the legislature finds that there is strong public sentiment to restrict the continued disposal of radioactive waste in the State as indicated by approval of Initiative 383. (Introduced 1/10/83. Referred to Senate Committee on Energy and Utilities.)

High-Level Waste Management Task Force S-3031. Establishes requirements for the appointment of members to the high-level nuclear waste management task force. (Introduced 1/10/83. Referred to the Senate Committee on Energy and Utilities.)

Low-Level Radioactive Waste Disposal S-3032. Limits the amount of low-level radioactive waste stored in the State to one-third of the total low-level waste generated nationally. (Introduced 1/10/83. Referred to Senate Committee on Energy and Utilities.)

West Virginia

Nuclear Fuel H-1213. Requires the Public Service Commission to prohibit the use of nuclear fuel to generate electric power in the State. (Introduced 1/14/83. Referred to the House Committee on the Judiciary.)

Adopted Resolutions

California

Radioactive Waste Disposal SJR-27. Requests the Congress to ban the scuttling of nuclear submarines and all other radioactive waste disposal off the coast of California unless scientific studies prove it is safe. Supports an amendment to the Marine Protection Research and Sanctuaries Act which would require that any federal agency proposing to dump radioactive wastes in the ocean provide the public with certain information on the dumping. Congress may veto any permit of the EPA authorizing the dumping. (Adopted 10/2/83.)

New Jersey

Three Mile Island AR-45. Requests Congress to promptly enact legislation which would provide for a national cost-sharing program for the cleanup associated with the TMI accident (Adopted 10/18/82.)

Introduced Resolutions

New Jersey

Radioactive Waste Removal SJR-37. Requests DOE, NRC, and EPA to remove all radioactive and hazardous waste from New Jersey. (Introduced 10/25/82. Referred to the Senate Committee on Energy and the Environment.)

Three Mile Island ACR-153. Requests the NRC to rescind the order shutting down TMI Nuclear Power Plant Unit 1. (Introduced 10/18/82. Referred to Assembly Committee on Energy and Natural Resources.)

Hope Creek I SCR-144, ACR-170. Requests the Public Advocate to hire outside counsel to represent electricity consumers at the hearings before the Board of Public Utilities on the Hope Creek Incentive/Penalty Revenue Requirement Agreement. The Agreement sets a target of \$3.7 billion as the cost for completing the Hope Creek I nuclear power plant. (Introduced 10/25/82. Assembly bill referred to the Senate Committee on Energy and the Environment.)

Washington

High-Level Waste Storage SJR-102. Would require voter approval of high-level radioactive waste storage sites in the state. (Introduced 1/10/83. Referred to Senate Committee on Energy and Utilities.)

Wisconsin

Nuclear Waste Site AJR-5, SJR-7. Provides for an advisory referendum on locating a nuclear waste site in Wisconsin. (Introduced in the Assembly 1/12/83. Referred to Assembly Committee on Environmental Resources. Introduced in the Senate 1/27/83. Referred to the Senate Committee on Energy and Environmental Resources.)

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