

## INFORMATION REPORT ON



# State Legislation

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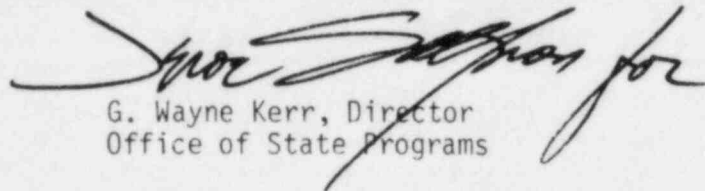
In response to a growing number of inquiries from State officials regarding alternative low-level radioactive waste disposal technologies and the U.S. Nuclear Regulatory Commission (NRC) views on these technologies, the NRC convened a 2-day workshop at the Linden Hill Hotel in Bethesda, Maryland, on May 2-3, 1984. Over 140 persons representing States, Compacts, industry, Federal government, and public interest groups met to explore the pros and cons of shallow land burial and alternative disposal concepts for low-level radioactive waste.

During the morning of the first day of the workshop, participants listened to a number of speakers. NRC Waste Management officials, Robert MacDougall and Leo Higginbotham, described the NRC's regulations and authority to issue licenses for the land disposal of low-level radioactive waste under 10 CFR Part 61. James Shaffner from NRC reviewed the work on alternatives that NRC has undertaken through an interagency agreement with the U.S. Army Corps of Engineers (above- and below-ground vaults, earth mounded concrete bunkers, augered holes, and mined cavities). The research and practices of the U.S. Department of Energy (DOE) were highlighted by Elizabeth Jordan, Office of Terminal Waste Disposal and Remedial Action (DOE) and Lance Mezga, Oak Ridge National Laboratory. A sample of the analyses that the States have made to date in exploring shallow land burial and a number of other land disposal options were summarized by Robert Avant, Texas; William Dornsife, Pennsylvania; Jay Dunkleberger, New York; and Robert Eisengrein, for Maine, Vermont and New Hampshire (with the collaboration of Thomas Carter, Ontario Hydro, Canada). Luncheon speaker, Calvin Brantley, former Vice President, New England Nuclear Corporation, and Member, Massachusetts Special Legislative Commission on Low-Level Radioactive Waste, presented some insightful remarks on how to involve the public in the technology selection process.

For the remainder of the day and part of the next, all the State participants and observers were divided into four workshops which labored toward a systematic approach to the evaluation of shallow land burial and alternative disposal technologies. The next morning, while the chairmen of the workshops were summarizing the workshop data for their final reports, Richard Cunningham, Director, Fuel Cycle and Material Safety, NRC, discussed NRC license requirements for storage of waste during the interim period, post-1986, and addressed the difference between storage and final disposal. The chairmen then presented their workshop findings which covered the areas of: public and worker health and safety; public acceptance of shallow land burial; information deficiencies and data gaps; cost/risk/benefit analysis needs; and regulatory guidance.

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The workshop proceedings, "State Workshop on Shallow Land Burial and Alternative Disposal Concepts," NUREG/CP-0055, are anticipated to be available before July 1984. The document can be ordered through the NRC/GPO Sales Program, U.S. Nuclear Regulatory Commission, Washington, DC 20555 or the National Technical Information Service, Springfield, VA 22161. It will also be available in the NRC Public Document Room, 1717 H Street, NW, Washington, DC 20555.



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Washington, H-1153

\* Bill appears in more than one category

Enacted legislation

Utah

Tax Imposed for Mining Minerals, S-112. Provides for a tax to be paid by persons mining minerals, including uranium. (Enacted 2/17/84)

Washington

License Applications, H-1153. Makes new rules for applications involving licenses for certain nuclear materials. Details filing information, and notification procedures. (Enacted 3/4/84)

Nuclear Waste Board/High Level Waste Disposal, H-1637. Designates the Nuclear Waste Board as the sole responsible body for any matter related to high level waste disposal. The Director of the Department of Ecology will serve on the Board. The Board will serve as the U.S. DOE's contact on this issue and will monitor Federal activity progress. (Enacted 3/8/84)

Introduced Legislation

Arizona

Emergency Management Fund, S-1290. Appropriates \$286,676 to the nuclear Emergency Management Fund for offsite emergency response plans. (Introduced 2/2/84)

Siting of Transmission Lines and Power Plant Certification, S-1309. Revises Arizona statutes to establish requirements for the siting of power plants and transmission lines. (Introduced 2/2/84)

California

Revenue Incentive, H-5724. A Raised Committee Bill which establishes a revenue incentive for electric companies owning nuclear power plants. (Introduced 2/8/84)

Fee Collections, S-1822. Strikes a previous prohibition which prevented local agencies participating in a radiation control agreement with licensees to collect fees directly. Also provides such funds collected locally will be distributed pursuant to terms of the agreement entered into with the Department of Health Services. (Introduced 2/14/84)

Allocation of Costs and Benefits, A-3392. Requires the Public Utilities Commission to fairly allocate between electrical corporations' shareholders and ratepayers, the costs and benefits of operating a nuclear facility. The Commission is required to allocate to the shareholders costs resulting from negligent or imprudent management conduct during the construction and operation of the nuclear facility. (Introduced 2/16/84)

Prohibition of South African Cooperation, AJR-111. Would register the State's support of Federal legislation which would prohibit cooperation of any kind regarding nuclear technology between the United States and the Republic of South Africa. (Introduced 2/16/84)

Connecticut

Revenue Incentive, H-5124. A Raised Committee Bill which establishes a revenue incentive for electric companies owning nuclear power plants. (Introduced 2/8/84)

Construction of Millstone 3, H-5125. A Raised Committee Bill which allows the Department of Public Utility Control to permit an electric company to charge ratepayers for the cost of constructing the Millstone 3 or Seabrook 1 power plant while the plants are under construction only if the company is facing insolvency. (Introduced 2/8/84)

Construction Work in Progress (CWIP), H-5126. A Raised Committee Bill which prohibits the Department of Public Utility Control from allowing negligent companies to charge ratepayers for CWIP for certain nuclear plants. (Introduced 2/8/84)

Seabrook 1 and 2, H-5607. Prohibits construction work in progress (CWIP) charges for Seabrook 1 after January 1, 1985 if Seabrook 2 is still under construction at that time. (Introduced 2/28/84)

Georgia

Medical Radiation Health and Safety Study Committee, HR-443. Creates the Committee to study and make recommendations regarding the need for the State to license, register, or regulate persons administering ionizing radiation for medical purposes. (Introduced 1/9/84)

Southeast Interstate Low-Level Radioactive Waste Management Compact, H-1267. Would enact the Compact into law and enter the State as a party. Eligible States to Compact are: AL, FL, GA, MS, NC, SC, TN, and VA. (Introduced 1/24/84)

Idaho

Exposure Levels, SJM-108. Urges the U.S. DOE, EPA and all other interested agencies to determine if current radiation exposure limits should be lowered to protect workers' health in preventing serious health problems. (Introduced 2/27/84)

Illinois

Nuclear Materials Railroad Transportation Act of 1984, S-1382. Prohibits the transport by rail of any nuclear material (excluding medical devices) unless a permit is obtained from the Illinois Commerce Commission. Describes requirements of the shipper or carrier to be present for issuance of permits.

Removal of Contaminated Materials, H-1792. Appropriates two million for the Department of Nuclear Safety for removal and disposal of contaminated materials from a structure in Ottawa, IL. (Introduced 4/15/83; carried over to 1984)

Illinois, cont'd.

Radiation Protection Act Amendment, H-2355. Delays until 1985 the accreditation requirement for persons administering radiation to humans under supervision of certain medical licensees. Voids certain licensing rules of the Department of Nuclear Safety. (Introduced 2/8/84)

Kansas

Transportation of Radioactive Materials, S-698. Requires the Secretary of Health and Environment to adopt regulations governing transport of radioactive materials. Rules will include packing, marking, loading and handling procedures and criteria for route approval. (Introduced 2/8/84)

Kentucky

Advance Notification of Transportation Shipments, H-300. Requires the Governor or his designee, within 24 hours of prenotification of a shipment, to notify the State police and the sheriff of the Counties through which material will be transported. (Introduced 1/6/84)

Transportation of Spent Fuel, H-308. Prohibits transportation of spent fuel within, into or through the State for temporary storage in or outside of the State. (Introduced 1/9/84)

Maryland

Siting of Waste Sites Near Reservoir, H-585. Would prohibit issuance of a permit to a facility that disposes of certain hazardous substances and low-level nuclear waste if the facility plans to be located in a watershed for an on-stream public water supply reservoir. (Introduced 1/27/84)

Massachusetts

Construction Work in Progress, S-493. Requires the Department of Public Utilities to disapprove any costs relating to construction work in progress for financing any property which has never been fully operational and used for service. Appoints a special commission to the need for construction of, and proposed method of financing for, new energy generating facilities. (Introduced 1/4/84)

Act to Establish Energy Facilities Siting Council, H-501. Establishes an Energy Facilities Siting Council as an independent agency. The Agency would be a lead agency for licensing major energy facilities and would prepare long-range forecasts with respect to the total power needs of the State. (Introduced 1/4/84)

Monitoring of Nuclear Activities, H-1037. Establishes a monitoring and surveillance program for all nuclear reactors to judge the movement, dispersal and reconcentration of any radioactive materials which may be released. Includes provisions for periodic surveys and inspections. (Introduced 1/4/84)

Emergency Response Plans, H-2127. Levies charges against operators of nuclear power plants to support the development and operation of preparedness plans. (Introduced 1/4/84)

Massachusetts, cont'd.

Decommissioning, H-2880. Regulates utility financing of nuclear power plant decommissioning funds. Requires that funds be placed in a separated trust fund until they are needed. Describes contents of decommissioning financing plans to be submitted to the State. (Introduced 1/27/84)

Emergency Planning, H-2964. Creates Nuclear Power Plant Emergency Planning Commission to study all aspects of power plant accident prevention, response and recovery. The Commission will maintain Licensee Event Reports (LERs) from the NRC licensees on emergency response and monitor radioactive material in the vicinity of power plants. Requires an annual report and consultation with civil defense agencies. (Introduced 1/11/84)

Regulation of Utility Financing of Nuclear Power Plant Decommissioning Funds, H-3293. Requires that sufficient funds be collected from utilities operating nuclear power plants and deposited in a "decommissioning trust fund" administered by the State Treasurer to assure that decommissioning costs for reactors are met. (Introduced 1/4/84)

Nonallowability of Charging Utility Customers for Certain Costs, H-3295. Would prohibit utility companies from charging customers to recover costs incurred in the planning and development for construction of nuclear power plants cancelled prior to the receipt of local, State and Federal permits necessary for construction. (Introduced 1/4/84)

Emergency Planning Commission, H-3349. Creates the Nuclear Power Plant Emergency Planning Commission, with the power to obtain information from operators of power plants or any State agencies to study and review all aspects of emergency response plans. Requires an annual report to the Governor and Legislature each year of findings and recommendation regarding all aspects of emergency response. (Introduced 1/4/84)

Liability for Nuclear Accidents, H-3649. Prohibits land use for nuclear power plants unless liability limits imposed by the Federal government are removed and full compensation is assured in the event of personal injury, property damage or economic losses resulting from a nuclear accident. (Introduced 1/4/84)

Emergency Response Plans, H-4924. Requires that no radiological emergency response plan for the towns of Amesberry, Merrimac, Newbury, Salisbury, West Newbury and Newburyport be submitted to FEMA or NRC unless a majority of these towns vote their approval of it. (Introduced 1/4/84)

Minnesota

High-Level Waste Disposal, H-1292. Places restrictions on exploration for a temporary or permanent repository for high-level waste in the State. Regulates transportation of such waste and provides penalties. (Introduced 5/9/83)

## Mississippi

Nuclear Research Center, H-332. Creates the Center to conduct basic and applied research into problems of nuclear energy and nuclear waste disposal and its impact on the Mississippi River and waterways. (Introduced 1/27/84)

## Missouri

Radiation Protection Act, H-1353. Allows for the development of interagency agreement between the Division of Health to the Department of Social Services and the Department of Natural Resources to administer a Statewide Radiation Protection Program. Describes policy development, data management, and regulatory procedures. (Introduced 1/10/84)

## Nebraska

Uranium Mining, L-742. Prohibits any method other than solution mining to be used for uranium mining after the effective date of this Act. Defines solution mining as the "use of an injection well and fluids to promote the extraction of mineral resources." (Introduced 1/6/84)

Uranium Tax, L-1082. Relates to severance taxes on uranium, their administration and collection. (Introduced 1/18/84)

## New Jersey

Amendment of Radiation Accident Response Act, A-827. Provides that assessment of the costs of development, testing and updating of the Emergency Radiation Response Plans will be assessed against the operators of nuclear electrical generating facilities located in New Jersey rather than the electric utility owning or operating a nuclear facility. (Introduced 1/10/84)

Waste Removal, SJR-3. Requests the U.S. Department of Energy, Environmental Protection Agency, and Nuclear Regulatory Commission to take appropriate measures to remove all radioactive waste from the State. (Introduced 1/10/84)

Waste Removal at W. R. Grace, Co., SCR-6. Requests the U.S. DOE, the Center for Disease Control and the NRC to take action to affect the permanent removal of thorium waste from the W. R. Grace Company site in Wayne, New Jersey. (Introduced 1/10/84)

Responsibility of Federal Government for Radiation Control, SR-11. Memorializes the Congress to recognize its responsibilities with respect to nuclear power generation and to enact legislation to compensate citizens and regions threatened with economic hardship resulting from nuclear accidents such as Three Mile Island. (Introduced 1/10/84)

Appropriations for Clean-up, S-830. Appropriates one million dollars for the cleanup or removal of radon gas recently discovered in 27 homes in Montclair and Glen Ridge in Essex County. (Introduced 1/23/84)



Certification of Acceptable Levels of Radon Gas, A-860. Requires that certification of acceptable levels of radon gas in residential properties by the Department of Environmental Protection will not bar or compromise claims for compensation for damages or cleanup by owner. (Introduced 1/30/84)

Public Utility Costs, A-959. Requires public utilities to bear the full cost of constructing their generating plants, the cost of abandoning the construction or operation of the plants, and the full cost of cleaning radioactive waste from any nuclear plant. The customers would not be charged for any of these expenses through an increase in rates. (Introduced 1/30/84)

Nuclear Emergency Fund, A-1040. Establishes a fund to provide financial assistance to cover costs of lodging, food and other expenses associated with an evacuation or a nuclear accident. The fund would also reimburse residents for any property damage suffered as a result of such an accident. (Introduced 1/30/84)

#### New York

Decommissioning Funds, A-8606. Amends the public authorities law and the public service law in relation to the establishment of sinking funds for decontamination and decommissioning nuclear power plants. (Introduced 1/24/84)

Nine Mile II Power Plant, A-8719, S-7819. Would order a halt to construction of the Nine Mile II Power Plant because of escalated costs. (Introduced 2/1/84)

Fees Paid by Licensees, A-9180, S-7790. Changes the statute to reflect the amount of fees to be paid by licensees of the U.S. NRC. Annual fees will not exceed \$600,000/year, up from \$250,000/year. (Introduced 2/16/84)

#### Ohio

Transportation of Nuclear Material, S-326. Requires shippers to apply to the Director of Disaster Services Agency at least two weeks in advance for approval to transport large quantities of special nuclear material or by-product material through the State. Specifies application information. Allows the Director to inspect any shipment for compliance with requirements. (Introduced 1/25/84)

Procedures for Transporting Nuclear Material, H-565. Amends certain sections of the Revised Code to require persons who intend to transport large quantities of special nuclear material or by-product material into or through the State to obtain approval from the Director of Disaster Services Agency, and to establish requirements that those persons must meet in order to obtain approval. Application filed must include, among other things, proposed routes, means of conveyance and proposed recovery plan in the event of an accident. (Introduced 10/25/84)

Pennsylvania

Three Mile Island, SR-93, HR-168. Requests the NRC to delay decisions on the restart of TMI-1 until all criminal, civil, and administrative issues are resolved in full adjudicatory hearings. (Introduced 12/14/83)

South Carolina

Procedures for Transporting Radioactive Materials, H-3568. Establishes certain procedures that must be complied with by transporters of radioactive material, such as filing application for transport, packaging and vehicle requirements. (Introduced 2/23/84)

Vermont

Radioactive Waste Fees, S-202. Charge generators of low-level radioactive waste a service fee of \$1000 per cubic foot to offset the State's costs in providing for the disposal of those wastes. (Introduced 1/4/84)

Northern New England Low-Level Radioactive Waste Compact, S-232. Establishes a Northern New England Low-Level Radioactive Waste Compact to facilitate the effective and efficient handling of low-level radioactive wastes for the States of Maine, New Hampshire and Vermont. (Introduced 1/4/84)

Washington

High-Level Waste Repository, S-4558. Would allow the Legislature to convene to consider the decision of the Federal government to select a site for a high-level waste storage repository in the State. (Introduced 1/16/84)

West Virginia

Nuclear Power Plant Moratorium, S-594. Bans construction of any nuclear power plants until a method exists to permanently dispose of radioactive waste. (Introduced 2/14/84)

Regulation of Radiologic Technologists, H-1705. Would authorize the Radiologic Technology Board of Examiners to promulgate legislative rules relating to radiologic technologists. (Introduced 2/9/84)

Adopted Resolutions

Virginia

High-Level Waste, SJR-33. Requests that the Executive Director of the Solid Waste Commission serve as the legislative liaison with the U.S. Department of Energy on matters of the siting of high-level waste depositories. (Adopted 2/24/84)

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