

INFORMATION REPORT ON



State Legislation

OFFICE OF STATE PROGRAMS
U. S. NUCLEAR REGULATORY COMMISSION

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On May 31, 1984, the California Senate amended Assembly Bill No. 284 in order to incorporate the Western Low-Level Radioactive Waste Compact. California legislative action is not yet complete. Arizona, the only other eligible State named in the Compact, has already enacted legislation making it a member.

The Illinois legislature has sent to the Governor for signature a bill to ratify and approve the Central Midwest Interstate Low-Level Radioactive Waste Compact. Eligibility is limited to Illinois and Kentucky. However, the Compact Commission can enter into an agreement to accept waste generated outside the region or send to out-of-region facilities waste generated within the region subject to approval by the legislature of the host State. The legislation prohibits shallow land burial as defined in the compact. It seeks to promote "the use of above-ground facilities and other disposal technologies providing greater and safer confinement" but would allow engineered structures extending below the earth's surface. The Act also repeals Illinois' membership in the Midwest Compact. Illinois is the largest generator in those States initially eligible to join the Midwest Compact (about 45%).

Pennsylvania has decided not to join the Northeast Compact. Instead, it is attempting to form a compact with contiguous States and Washington, D.C. Pennsylvania has not yet disclosed the wording on any compact it hopes to enact.

A handwritten signature in black ink, appearing to read "G. Wayne Kerr".

G. Wayne Kerr, Director
Office of State Programs

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New York, A-5955
New York, A-10872
New York, A-11157, S-9713
New York, S-9608

* Bill appears in more than one category

Enacted Legislation

Arizona

Assessment For the Nuclear Emergency Management Fund, H-2256. Assesses \$286, 667, for use by the nuclear emergency management fund, against each consortium constructing a commercial nuclear generating station in the State. (Enacted: 4/12/84)

Delaware

Authority on Radiation Protection-Membership, S-164. Increases the size of the Authority from 7 to 8 members. Requires that 1 member be from the Dental Society of Delaware. (Enacted: 6/30/84)

Florida

Florida Radiation Protection Act, S-241. Expands the authority of the Department of Health and Rehabilitative Services to regulate the "possession" of radioactive material. Clarifies that radioactive material includes that which is naturally occurring. Authorizes the Department to supervise decontamination activities in an emergency. Changes various portions of the Florida Radiation Protection Act on financing and money matters. Specifies that the owner, licensee, or other responsible party bear the costs of decontamination, transportation, burial, disposal, or other disposition of sources of ionizing radiation. Prohibits any municipality or county from regulating the possession, use or transportation of sources of radiation. Establishes a radiation monitoring system at each weigh station operated by the Department of Transportation. (Enacted: 6/14/84)

Regulation of Radiologic Technologists, S-242. Enacts the Radiologic Technologists Certification Act which provides for the regulation of radiologic technologists. (Enacted: 6/19/84)

Louisiana

Radiation Control, S-690. Changes the name of the Office of Air Quality to the Office of Air Quality and Nuclear Energy. Provides that the chief of the Nuclear Energy Division serve as technical secretary to the Environmental Control Commission in all matters dealing with nuclear energy and radiation. Describes the powers and duties of the Office. (Enacted: 6/26/84)

North Carolina

Property Tax Exemption for Special Nuclear Materials, H-1682. Clarifies the scope of the property tax exemption for special nuclear materials. (Enacted: 7/2/84)

Tennessee

Operation of Medical Radiation Machines, S-1782. Includes, as grounds for a finding of unprofessional conduct, a licensee of a professional board permitting an employee to operate or supervise the operation of radiation equipment without a proper certificate. (Enacted: 5/23/84)

Texas

High-Level Nuclear Waste Disposal Site, HCR-24. Commends the Nuclear Waste Programs Office for its careful and objective deliberation and for its vigilance on behalf of the State in the matter of proposed high-level nuclear waste disposal in Deaf Smith and Swisher counties. (Enacted: 7/3/84)

Appropriation to the Texas Low-Level Radioactive Waste Disposal Authority, S-9. Reappropriates for the next fiscal year the unexpended and unencumbered balance for the year ending August 31, 1984 or \$743,000, whichever amount is less. (Enacted: 7/12/84)

Vermont

Vermont State Nuclear Advisory Panel, H-597. Creates, describes the membership, and defines the duties of the panel. (Enacted: 4/24/84)

Radiological Technologists, S-110. Reenacts authority for the renamed Board of Radiological Technology. (Enacted: 5/14/84)

Introduced Legislation

California

Western Low-Level Radioactive Waste Compact, A-284. Would enact the Compact into law and enter the State as a party. (Arizona is the only current Compact member.) Authorizes the State Department of Health Services to adopt fees for the issuing and renewal of a license to receive radioactive material for land disposal. (Introduced: 1/17/84; Last Amendment: 6/15/84)

Illinois

Central Midwest Interstate Low-Level Radioactive Waste Compact, H-3060. Creates, enacts, ratifies and approves the Central Midwest Compact. Eligible parties are the State of Illinois and the Commonwealth of Kentucky. Repeals Illinois' previous enactment of the Midwest Compact. (Introduced: 4/16/84; Last Amendment: 6/25/84; To Governor for Signature)

Costs Caused by NRC Action, H-3159. Prohibits rates or other charges by a public utility that include, reflect or are based upon costs incurred as the result of an action by the Nuclear Regulatory Commission suspending or refusing to issue an operating permit for a nuclear generating facility due to the failure of the facility to comply with safety or quality assurance standards. (Introduced: 4/19/84)

Illinois, cont'd.

Costs Caused by NRC Action, H-3160. Prohibits rates or other charges by a public utility that include, reflect or are based upon any costs incurred as a fine or penalty assessed by the Nuclear Regulatory Commission for a safety or quality assurance violation. (Introduced: 4/19/84)

Louisiana

Louisiana Nuclear Energy and Radiation Control Law, S-703. Amends law to expand the definition of byproduct material to include the tailings or wastes produced by the extraction or concentration of uranium or thorium from any ore processed primarily for its source material content. Amendment requires persons constructing or operating a nuclear powered electricity generating facility to pay an annual fee to cover the costs of State emergency preparedness. (Introduced: 4/30/84)

Massachusetts

Board for Registration of Radiologic Technologists, H-5957. Establishes a board for the registration of radiologic technologists. Describes duties and members. (Introduced: 6/4/84)

Storage of Radioactive Material, S-1261. Prohibits establishment of facilities for deposit, storage, reprocessing, or disposal of spent nuclear fuel elements or high level radioactive waste material unless the General Court finds that it promotes the general good of the State. (Introduced: 1/4/84)

Northeast Interstate Low-Level Radioactive Waste Management Compact, S-1309. Enables the Commonwealth to participate in the Compact. (Introduced: 1/4/84)

Michigan

Referendum on Nuclear Waste Disposal Facilities, H-5589. Asks the voters whether a nuclear waste disposal facility should be located in the State. (Introduced: 5/31/84)

Missouri

Licensure and Regulation of Ionizing Radiation, H-1524. Creates the Advisory Board of Ionizing Radiation Technology for the licensure and regulation of ionizing radiation in the areas of radiography, radiation therapy, technology, and nuclear medicine technology. (Introduced: 1/24/84)

New Jersey

X-Ray Installations Inspection Program, A-1911. Appropriates \$200,000 to the Department of Environmental Protection for use by the Bureau of Radiation Protection in its X-ray installations inspection program. (Introduced: 5/14/84)

New Jersey, cont'd.

Podiatric X-Ray Technologists, A-2001, S-1714. Provides for the licensure of podiatric X-ray technologists. (Introduced: 5/7/84)

Northeast Interstate Low-Level Radioactive Waste Management Compact Act, A-2217. Repeals the Compact. (Introduced: 6/18/84)

New York

Transportation of Radioactive Materials, A-5955. Requires carriers transporting radioactive materials into, through or within the State to have a permit from the Department of Transportation. Sets fees and guidelines for obtaining permits. Requests prenotification from appropriate Federal agencies seventy-two hours prior to transportation of radioactive materials. (Introduced: 3/15/83)

Transportation of Nuclear Materials, A-10872. Directs the Commissioner of Transportation in cooperation and consultation with the Division of State Police to develop rules and regulations for the escort of all carriers of nuclear materials by the Division of State Police. (Introduced: 3/30/84)

Radioactive Jewelry, A-11472, S-9588. Confers jurisdiction on the court of claims to hear, audit and determine the claims of persons exposed to radioactive jewelry due to the negligence of the Roswell Park Memorial Institute. Allows suit of the State within six months of the act taking effect. (Introduced: 5/10/84)

Transportation of Radioactive Waste, A-11577, S-9713. Amends the transportation law in relation to the transportation of radioactive materials on approved routes developed by the State Department of Transportation in consultation with the Disaster Preparedness Commission. (Introduced: 5/24/84)

Nuclear Power Plant Costs, A-11820. Requires phasing costs associated with nuclear power plant projects into revenue requirements over a period of not less than ten years for those plants owned by a single utility corporation. (Introduced: 6/19/84)

Construction Costs of Nuclear Power Plants, A-11821. Limits the amount of nuclear power plant expenditures eligible for inclusion in the rate base of a utility to the difference between one hundred eleven percent of target construction cost and the amount of imprudent expenditure incurred. Requires phasing prudent costs, relating to nuclear power plant projects owned by two or more utility corporations, into the revenue requirement over not less than five years. (Introduced: 6/19/84)

Nuclear Power Plant Costs, A-11822. Prohibits recovery of costs related to nuclear power plants if the plant is unlicensed or fails to commence commercial operation. (Introduced: 6/19/84)

New York, cont'd.

Nuclear Energy, S-9102. Defines nuclear energy as all forms of energy released in the course of nuclear fission or nuclear fusion or other nuclear transformation. Amends the duties of the Atomic Energy Council to include advising and assisting the governor and the legislature in developing and implementing State policies and programs for the regulation and control of nuclear energy activities. (Introduced: 5/1/84)

Transportation of Nuclear Materials, S-9608. Requires that the transportation commissioner adopt necessary rules and regulations to provide for escort by the state police of all carriers of nuclear materials within the State. (Introduced: 5/10/84)

Long Island Lighting Company Rate Increases, S-10025. Limits overall rate increases of the lighting company due to the large construction costs of the Shoreham Nuclear Power Station. (Introduced: 6/21/84)

Pennsylvania

Conversion of Nuclear Power Facilities, H-2191. Requires conversion of nuclear power generating facilities to coal-fired generating facilities if anticipated construction, completion or restart costs would total \$500,000,000 or more. Requires conversion if a cleanup or repairs would require two or more years. (Introduced: 5/22/84)

Storage and Disposal of Low-Level Radioactive Waste, H-2300. Prohibits any municipality from permitting any additional storage, disposal of, processing or any incidental relating to low-level radioactive waste material for a period of two years. (Introduced: 6/14/84)

Referendum Relating to Nuclear Weapons and Foreign Intervention, H-2328. Asks voter opinion on reducing spending for nuclear weapons and foreign military intervention. (Introduced: 6/18/84)

Storage of Low-Level Radioactive Waste, S-1477. Amends the Solid Waste Management Act to prohibit the storage, disposal, processing, treatment or incineration of radioactive low-level waste material for a period of two years. (Introduced: 6/29/84)

Resolutions

Mississippi

Transportation of Radioactive Waste, HCR-64. Memorializes the President of the United States to direct the U. S. Department of Transportation to: strictly enforce legislation relating to the transportation of radioactive waste; establish responsibility among shippers and carriers for safe packaging and labeling of such waste; employ more inspectors; and provide training for employees of State and local governmental agencies. Memorializes Congress to adopt legislation to restrict the transportation of radioactive waste in and among the States to rail and railways. (Introduced: 3/6/84)

Texas

Siting of a High-Level Nuclear Waste Repository, SCR-20. Directs the Texas Water Commission to deny any permit for a shaft drilled or mined for purposes connected with high-level nuclear waste exploratory studies or disposal until such time that all safety and public interest issues are resolved. Directs State agencies to fully enforce laws and regulations protecting the environment and property rights. Delegates to the lieutenant governor and the speaker of the house the authority to disapprove a repository site and issue such disapproval to the Federal government. (Introduced: 6/25/84)

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