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RELATED CORRESPONDENCE



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ATTORNEY GENERAL

State of Louisiana
DEPARTMENT OF JUSTICE
LANDS AND NATURAL RESOURCES DIVISION
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Baton Rouge, Louisiana 70808

DOCKETED
USNR

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September 20, 1984
OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

In the Matter of

GULF STATES UTILITIES CO.,
et al

Docket Nos. 50-458
50-459

106

(River Bend Station, Units 1
and 2)

River Bend Service List:

In my recent report to the Board, I did not include
a copy of the Act. Same is enclosed with pertinent part
highlighted.

Sincerely,

J. David McNeill, III

J. DAVID McNEILL, III
Assistant Attorney General

JDM, III/ck
Enclosure

DSOB

Section 2. This Act shall become effective upon signature of the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature of the governor, as provided in Article III, Section 18 of the Constitution of Louisiana.

Approved July 13, 1984.

LOUISIANA ENVIRONMENTAL QUALITY ACT—EFFECTIVE DATE OF ENFORCEMENT OR PERMIT ACTIONS; APPEALS TO COMMISSION AND TO FIRST CIRCUIT COURT OF APPEAL; DECLARATION OF DISASTER EMERGENCY RELATED TO RADIATION

ACT NO. 825

HOUSE BILL NO. 1119

AN ACT

To amend and reenact R.S. 30:1072, and enact R.S. 30:1105.1 relative to the Environmental Quality Act, to provide that any enforcement or permit action shall be effective upon issuance unless a later date is specified; to provide appeals of any enforcement or permit action to the commission, to provide that any person aggrieved by a final decision or order of the commission may appeal to the Court of Appeal, First Circuit, and to provide for the use by the secretary of environmental quality of the funds and procedures set out in R.S. 30:1079 in the event of a declaration of a disaster emergency related to a source of radiation, and otherwise to provide with respect thereto.

Enacted by the Legislature of Louisiana:

Section 1. R.S. 30:1072 is hereby amended and reenacted and R.S.

30:1105.1 is hereby enacted to read as follows:

30:1072. Finality of action; appeals

Act 825

1984 REGULAR SESSION

A. Any enforcement or permit action shall be effective upon issuance and notice to the respondent, unless a later date is specified therein. Such action shall be final and shall not be subject to further review unless, no later than twenty days after the notice of the action is served by certified mail or by hand upon the respondent, he files with the secretary a request for hearing. Upon timely filing of the request, the secretary shall either grant the relief requested or forward the request to the commission. The commission shall adopt rules governing such appeals.

B. Notwithstanding the provisions of Subsection A of this Section, if the secretary finds that an emergency exists which requires that immediate action be taken, he shall issue such permits, variances, or other orders as necessary, which shall be effective immediately upon issuance and any appeal or request for review shall not suspend the implementation of the action ordered.

C. Any person aggrieved by a final decision or order of the commission may appeal therefrom to the Court of Appeal, First Circuit, if a motion for an appeal is filed with the commission within thirty days after the final decision or order is served upon the respondent. Any preliminary, procedural, or intermediate ruling or decision by the commission is subject to the supervisory jurisdiction of the appellate court as provided by Article V, Section 10 of the Constitution of Louisiana. The Court of Appeal, First Circuit, shall promulgate rules of procedure to be followed in taking and lodging such appeals. The provisions of R.S. 49:962 and 964 shall not apply to decisions and orders of the commission.

§1105.1. Nuclear power facilities; emergency planning; findings

A. The legislature finds and declares that:

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(1) It is necessary that the secretary of environmental quality be empowered upon a declaration of a state of disaster emergency, as provided for in Subsection C herein, and which is related to a source of radiation, to enter into contracts and agreements necessary to perform duties assigned under any radiological response plan and to expend funds from the Environmental Emergency Response Fund for such purposes, according to the provisions of R.S. 30:1079.

B. The governor may call upon the attorney general as necessary to obtain an injunction to enforce an evacuation order issued pursuant to any declaration of a disaster emergency pursuant to and in accordance with R.S. 29:705 or R.S. 29:706 and which is related to a source of radiation.

C. Upon a declaration of a state of disaster emergency pursuant to and in accordance with R.S. 29:705 or R.S. 29:706 related to a source of radiation, the secretary of the Department of Environmental Quality is authorized to enter into any contracts or agreements necessary to perform any duty or function required of the secretary in any radiological response plan. The secretary is authorized to expend funds from the Environmental Emergency Response Fund in the performance of such duties in accordance with the provisions of R.S. 30:1079.

D. Nothing contained in this Section shall be construed to affect any area preempted by federal law or regulations.

Section 2. This Act shall become effective upon signature of the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided in Article III, Section 18 of the Constitution of Louisiana.

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