

INFORMATION REPORT ON



State Legislation

OFFICE OF STATE PROGRAMS
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1984 ANNUAL SUMMARY

Due to situations beyond our control, and a need to re-direct our budget resources, this will be our last issue of "The Information Report on State Legislation," NUREG/BR-0025.

For eight years, the Report has informed the NRC, State officials, private industry and members of the public in all 50 States of trends and events reflected in nation-wide nuclear legislation. Over the past several years, we have expanded the number of categories of legislation covered and included a front page news summary at a time we believed our readers required more information because of important events occurring in the nuclear industry. The decision to cancel the Report was made reluctantly.

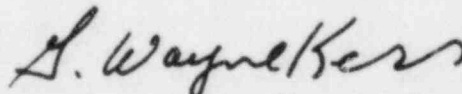
There have been several noteworthy events which have occurred since our last issue in July 1984. In the low-level waste area, the Midwest Compact was introduced in both Houses of Congress (S. 3091, H.R. 6937), for a total of five compacts to be considered for consent in the next Congressional session (Northwest, Central, Rocky Mountain, Midwest and Southeast). All five must be re-introduced in the 99th Congress. Representative Morris Udall (D-AZ) has proposed a series of amendments to the compact bills and to the Low-Level Radioactive Waste Policy Act which address the problems of States without sites after the 1986 deadline. The amendments also concern issues such as volume reduction, the definition of low-level waste, and import/export of waste outside regional boundaries. The staff of the Senate Judiciary Committee also proposed certain conditions to Congressional consent for the compacts. The conditions included use of NRC-proposed consent language, the low-level waste definition and NRC report requirements.

The Office of State Programs (OSP) held a workshop in May 1984 on shallow land burial and alternative low-level waste technologies. Some workshop participants noted that the public appears to place greater confidence in disposal methods that incorporate man-made barriers because of past problems at shallow land burial facilities. Additional details of the workshop discussions are available in "Proceedings of the State Workshop on Shallow Land Burial and Alternative Disposal Concepts," May 2-3, 1984, Bethesda, Maryland," (NUREG/CP-0055).

The Western Low-Level Radioactive Waste Compact failed in the closing two days of the California Legislature, although it was enacted by Arizona, the only other eligible State. In California's efforts to secure a licensed designee to locate, build and operate a LLW site in the State, Chem-Nuclear, Inc. asked for an injunction against the State's process. As a result, the State District Court ruled the time for filing new applications will be extended to January 15, 1985. Chem-Nuclear also requested a re-opening of the process, claiming the State did not follow the process of selection of the second choice applicant in the original process when Westinghouse, (original first choice applicant) declined designation.

A working group on HLW siting, sponsored by the National Conference of State Legislatures (NCSL), convened December 4-6, 1984, in Las Vegas, Nevada, to inform key legislators and their staffs from the 23 States where DOE is conducting geologic studies for siting two HLW repositories about DOE's progress in implementing the Nuclear Waste Policy Act. Provisions of the Act give States and Indian tribes the right to comment on and object to site selections.

An initiative passed in South Dakota impacts on nuclear waste siting by requiring an affirmative vote by the people before a LLW or HLW facility may be operated in the State. It also requires a vote before the State joins in any compact for the disposal of nuclear waste.



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Initiatives

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Oregon
South Dakota

* Bill appears in more than one category.

Arizona

Western Low-Level Waste Disposal Compacts, S-1365. Enacts the Compact into law and enters the State as a party. Eligible States named are Arizona and California. (Enacted: 5/14/84)

Assessment For the Nuclear Emergency Management Fund, H-2256. Assesses \$286,676 for use by the nuclear emergency management fund, against each consortium constructing a commercial nuclear generating station in the State. (Enacted: 4/12/84)

California

Community Energy Authority Act, A-1659. Allows a county or city to implement comprehensive energy strategies to assist in planning energy projects to encourage energy efficiency and conservation. These include: community energy audits to assess energy-related vulnerability; preparation of warnings and organization of community mobilization for vulnerability reduction; and planning development of energy resilience. Authorizes two or more cities to jointly create an area energy authority. (Enacted: 9/29/84)

Financing Energy Projects, A-3703. Encourages third-party financing of energy projects at State-owned sites. Provides incentives between the State and the siting bodies. Specifies conditions under which annual cash revenues are to be shared between them. (Enacted 9/11/84)

Connecticut

Nuclear Safety Emergency Fund, S-401. Increases the amount of the nuclear safety emergency fund which may be spent by the Director of the Office of Civil Preparedness from ten percent to twenty-five percent. Eliminates Federal involvement in the procedure for additional assessments of utilities. Changes the nuclear safety fund "year" from the calendar year to the State fiscal year. (Enacted 5/2/84)

Nuclear Public Safety Fund, S-443. Instructs the Department of Public Utility Control to establish a nuclear public safety fund, develop an equitable method of assessing Nuclear Regulatory Commission licensees, and reimburse those municipalities contiguous to municipalities containing a nuclear power generating facility, for a portion of their public safety expenditures. Provides that money within the fund shall be invested by the State Treasurer. (Enacted 6/11/84)

Millstone 3 and Seabrook 1, H-5126. Prohibits any further Department of Public Utility Control decisions allowing electric companies to charge ratepayers for the costs of constructing Millstone 3 and Seabrook 1 nuclear plants while the plants are under construction. Exceptions under certain circumstances are cited. (Enacted 5/3/84)

Exposure to Radiation, H-5675. Requires the Commissioner of Environmental Protection to adopt an exposure standard for the general public to sources of nonionizing radiation and requires operators to obtain a permit for certain sources of nonionizing electromagnetic radiation. (Enacted 6/8/84)

Delaware

Authority on Radiation Protection, S-164. Increases the membership of the Authority on Radiation Protection from seven to eight members. Authorizes the Governor to appoint a member 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)

Georgia

Radiation Control Civil Penalties, H-457. Provides the Department of Human Resources with the authority to impose and collect civil penalties for violation of radiation control rules and regulations. (Enacted: 4/4/84)

Revision of the Southeast Interstate Low-Level Radioactive Waste Management Compact, H-1267. Revises the text of the Compact so as to conform to the version agreed to by all of the other party States. (Enacted: 3/28/84)

Idaho

Uranium Mill Tailings, S-1276. Allows the State Radiation Control Agency to participate in the Federal Uranium Mill Tailings Radiation Control Act of 1978; provides for financial participation. (Enacted: 4/4/84)

Illinois

Radiation Accreditation, H-2355. Details accreditation requirements for persons administering radiation and creates a Radiologic Technology Accreditation Board. (Enacted: 9/4/84)

Central Midwest Interstate Low-Level Radioactive Waste Compact, H-3060. Creates the Compact and provides for membership eligibility for the State of Kentucky with Illinois being the host State. Provides for the regional management and disposal of low-level waste. (Enacted: 9/7/84)

Illinois, cont'd.

Nuclear Safety Preparedness Act, H-3098. Increases fees for operators of nuclear power and storage facilities. After June 30, 1984, the annual fee assessed against each nuclear power plant for which an operating license has been issued by NRC will be \$400,000 (up from \$180,000). Authorizes the Department of Nuclear Safety to accept grants, gifts and loans from public and private sources in administering the Act. Provides for a remote effluent monitoring system which identifies and quantifies the radioactive components of all effluents from nuclear facilities to the environment. (Enacted: 9/7/84)

Indiana

Advance Notification of Shipments, S-303. Requires the Governor, or the Governor's designee, to notify the sheriff of each county through which a shipment of radioactive waste will pass within 24 hours of receiving advance notification of the shipment. (Enacted: 3/7/84)

Kansas

Low-Level Waste Disposal, H-2760. Provides for the disposal of low-level radioactive waste generated within the State. Requires public notice, hearings, and written analysis of impacts on disposal site location. Allows negotiations to be held for entrance of the State into a low-level waste compact. (Enacted: 5/11/84)

Ratemaking, H-2927. Requires the State Corporation Commission to determine the value of all property or the fraction of property attributable to the ratemaking procedure for public utilities. If the facility is a nuclear power plant, it must be determined that there is a proven technology for the disposal of high-level waste before costs may be included in the value of the public utility property. (Enacted: 4/13/84)

Kentucky

Requirements for Certification of a Nuclear Power Facility, H-158. Before construction of a nuclear power facility, the Public Service Commission must find that the Federal government has identified and approved a demonstrated technology or means for the disposal of high level nuclear waste. Then, in order to certify such a facility, the Commission must find that it: has specific facilities with adequate capacity to contain high level nuclear waste; has a plan for disposal in conformity with technology approved by the Federal government; and knows with reasonable certainty the cost of disposal. (Enacted: 2/16/84)

Louisiana

Certification of Chiropractic Assistants Who Perform X-Ray Functions, S-262. Expands the authority of the Louisiana Board of Chiropractic Examiners to include certification of chiropractic assistants performing X-ray functions. (Enacted: 6/30/84)

Louisiana, cont'd.

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)

Regulation and Licensing of Radiologic Technologists, H-711. Creates a Radiologic Technology Board of Examiners. Provides for the qualification, examination and licensing of radiologic technologists. (Enacted: 7/6/84)

Emergency Preparedness, H-866. Defines byproduct material and requires annual fees for nuclear power facilities to cover the costs of development, maintenance and implementation of radiological emergency preparedness. (Enacted: 7/11/84)

Emergency Response Plan, H-1119. Authorizes the Department of Environmental Quality, upon declaration of a "disaster emergency," to enter into any contracts or agreements necessary to perform any duty or function required in a radiological emergency response plan. (Enacted: 7/13/84)

Certification of Radiological Examiners, H-1538. Requires the Louisiana State Board of Medical Examiners to regulate and certify the qualifications of persons who perform diagnostic or therapeutic radiological examinations or treatments in the private office of a physician. (Enacted: 7/11/84)

Maine

Temporary Licenses and Special Permits, L-2076. Amends the Medical Radiation Health and Safety Act to allow temporary licenses. Allows the issuance of a special permit to practice as a nuclear medicine technologist. (Enacted: 3/28/84)

Educational Clearinghouse on Nuclear Usage, L-2366. Gives the Commissioner of Education and Cultural Services the authority to develop a clearinghouse of information on nuclear usage. (Enacted: 4/12/84)

Ratemaking, L-2421. Requires the Public Utilities Commission to balance utility and ratepayer interests on a case-by-case basis when determining ratemaking treatment of cancelled plants' costs. Utilities will not be allowed to recover imprudently incurred costs and must file a \$750,000 fee with the PUC when filing for recovery. No fee may be waived or refunded if not used. (Enacted: 4/24/84)

Massachusetts

Emergency Planning, H-3740. Creates the Nuclear Power Plant Emergency Planning Commission to study all aspects of nuclear power plant accident prevention, response and recovery. Authorizes information to be obtained, and plans to be written. Funds initial planning costs. (Enacted: 5/29/84)

Missouri

Midwest Interstate Low-Level Radioactive Waste Compact, S-6. Enacts the Compact into law and enters the State as a party. Provides for the regional management of low-level waste disposal. Current compact members are : IN, IA, MI, MN, MO, OH, and WI. (Signed by the Governor: 1/5/84; Effective 4/5/84)

Minnesota

High Level Radioactive Waste Disposal and Transportation, S-1258. Prohibits a person from making a study or test of a specific area or site related to high-level waste disposal unless the State has executed a consultation and cooperation agreement. Requires a consultation and cooperation agreement between the State and Federal government upon notice from the Department of Energy that Minnesota contains a potentially impacted area. Regulates transportation of high level radioactive waste in the State. (Enacted: 4/28/84)

Nebraska

Nuclear Waste Liability, L-420. Relieves from liability any person who provides assistance to prevent or mitigate the effect of the actual or threatened discharge of hazardous materials except in enumerated circumstances. (Enacted: 2/10/84)

Radiation Control, L-716. Amends the Act which maintains a regulatory program for radiation sources which provides for compatibility with the Federal government. Changes the definition of source material and eliminates certain license provisions. Expands requirements and registration for the distribution, sale, installation, and repair of any source of radiation. (Enacted 4/3/84)

Uranium Mining, L-742. Directs the Department of Environmental Control to recommend an appropriate regulatory policy for controlling uranium mining by January 1, 1986. Prohibits uranium mining by any method other than mineral production and injection wells until September 1, 1986. (Enacted: 4/11/84)

New Jersey

Damage at Power Plants, S-537. Establishes penalties for the intentional damage or destruction of facilities, equipment or materials at a nuclear power plant. (Enacted: 1/17/84)

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. (Enacted: 7/25/84)

New Mexico

Radioactive Materials Committee, S-21. Appropriates \$15,000 to the Committee for the 72nd and 73rd fiscal years. (Enacted: 3/2/84)

New York

Low Cost Power Supply, A-9355. Describes the duty of the State Power Authority to construct, improve and/or rehabilitate facilities to supply low cost power and energy to high load manufacturers which will build new facilities in the Authority's area. (Enacted: 7/24/84)

Bonding Requirements, S-9937. Enacts new provisions fixing bonding or other financial security requirements for wells less than 6,000 feet in depth for which the Environmental Conservation Department has issued permits on or after June 5, 1973 with respect to 1) oil pools or fields; 2) natural gas pools or fields; and 3) solution mining areas. (Enacted: 8/5/84)

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)

Ohio

Midwest Interstate Low-Level Radioactive Waste Compact, H-344. Amends sections of the Act which enact the Compact into law and enter the State as a party to provide regional management for the problem of low-level waste disposal. Current Compact members are: IN, IA, MI, MN, MO, OH, and WI. (Enacted: 4/25/84)

Pennsylvania

Falsification, H-851. States that a nuclear engineer commits a felony of the third degree if he "willfully and knowingly" gives false information to the public, press or governmental agency after a nuclear accident. (Enacted: 7/6/84)

Radiation Protection Program, S-987. Combines the radiation safety provisions of the Atomic Energy Development and Radiation Control Act and the Environmental Radiation Protection Act to implement a comprehensive Statewide radiation protection program; further providing for duties of the Environmental Hearing Board; expanding the authority of the Department to regulate other radiation sources and radiologic procedures; establishing fees; and providing penalties. (Enacted: 7/10/84)

South Carolina

High Level Waste Disposal, H-3378. Changes the name of the "Committee to Consult on Away From Reactor Storage" to the "South Carolina Nuclear Waste Consultation Committee." The Committee will consult with the Federal government on issues concerning management and disposal of high level waste, transuranic waste and spent fuel. Declares that the establishment of new Federal facilities for the management and disposal of high level radioactive and transuranic waste and spent fuel must be approved by a joint resolution of the General Assembly on a majority vote of the total membership. Details membership, duties and procedures. (Enacted: 6/27/84)

Tennessee

Operation of Radiation Equipment, S-1782. Declares it unprofessional conduct for any licensee of a professional licensing board to operate, permit an employee to operate, or supervise the operation of medical radiation machines unless the operator possesses a current certificate issued by the appropriate board or agency. (Enacted: 5/23/84)

Texas

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)

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)

Vermont

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

Radiation Accidents, H-410. Details powers of the Governor during a radiological emergency. Such powers include: assuming direct operational control of all civil defense forces, formulating and executing traffic control plans, ordering evacuations, etc. Directs formulation of a radiological emergency response plan. (Enacted: 3/20/84)

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

Virginia

Annual Fees, H-459. Requires each owner of a nuclear power station, validly licensed to operate by NRC, on July 1 of each year, to pay an annual amount of \$107,000 to fund emergency preparedness. This represents an increase from the previous amount of \$85,000. (Enacted: 3/31/84)

Virginia, cont'd.

Shippers of Radioactive Material, H-813. Requires the coordinator of the Office of Emergency Services to maintain a register of shippers of radioactive materials. (Enacted: 4/10/84)

Rate Base Costs, H-963, Declares that public utilities will have the burden of proof that capital project costs were incurred through reasonable, proper and efficient practices in order for those costs to be included in the rate base. (Enacted: 4/4/84)

Washington

License Applications, H-1153. Makes new rules for applications involving licenses for by-product, source and special nuclear materials or devices utilizing these 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. Department of Energy's contact on this issue and will monitor Federal activity progress. (Enacted: 3/8/84)

Wisconsin

Midwest Interstate Low-Level Radioactive Waste Compact, S-202. Enacts the compact into law and enters the State as a party. Other States are: IN, IA, MI, MN, MO, ND, OH, SD, and WI. (Enacted: 5/2/84)

Nuclear Power Plant Prohibition, A-826. Prohibits Public Service Commission approval of new nuclear power plants unless certain conditions are met, including the availability of adequate capacity for high-level waste disposal. The proposed plant must also be found to be economically advantageous when compared to alternatives. (Enacted: 5/2/84)

Adopted Resolutions

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)

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)

Initiatives Voted on in November 6, 1984 Elections

Missouri

Would prohibit the costs of any nuclear plant from being entered into the rate base of any electrical corporation unless the State PUC finds and the Legislature concurs that there exists a Federally-approved demonstrated means or technology for the disposal of high-level waste and an acceptable geologic medium.

Would also allow a utility to seek cost recovery of after tax losses if the plant is abandoned. This section indicates that rate payers, taxpayers and shareholders would have to pay for an abandoned plant.

DEFEATED by a 2-1 margin.

South Dakota

Requires an affirmative vote by the people before occurrence of the following:

1. Disposal of either low-level or high-level nuclear waste in the State;
2. South Dakota joining any compact with another State or States for disposal of nuclear waste (retroactive to January 1, 1983).

Also requires applications, public hearings, and newspaper publishing of any proposal on such subject matter. (Exempts storage on-site, with NRC approval, for a primary purpose other than waste disposal).

APPROVED in 54% of the precincts, with a 64-36% vote.

Oregon

Requires the Energy Facility Siting Council to find, before approving a site for the disposal of waste containing only naturally occurring radioactive isotopes, that the site is not subject to water erosion, earthquakes, volcanoes, or landslides; that there is no safer choice for such disposal; and that there will be no radioactive release from the waste.

APPROVED in 98% of the precincts with a 55-45% vote.

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