

26:2D-18

LEGISLATIVE HISTORY CHECKLIST

NJSA 26:2D-18 (Regulates handling of radioactive materials)

Laws of 1977 Chapter 233

Bill No. A1953

Sponsor(s) Bassano and others

Date Introduced May 20, 1976

Committee: Assembly Transportation and Communications, Agriculture and Environment
Senate Energy & Environment

Amended during passage Yes Nox Amendments during passage denoted by asterisks

Date of passage: Assembly February 17, 1977

Senate June 20, 1977

Date of approval Sept. 26, 1977

Following statements are attached if available:

Sponsor statement Yes Nox Below
Committee Statement: Assembly Yes Nox
Senate Yesx No
Fiscal Note Yesx No
Veto message Yesx No
Message on signing Yes Nox

Following were printed:

Reports Yesx No
Hearings Yesx No

Sponsor's Statement:

The purpose of this bill is to regulate the transportation of radioactive materials in this state.

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10/4/76

9/26/77

[OFFICIAL COPY REPRINT]
ASSEMBLY, No. 1953

STATE OF NEW JERSEY

INTRODUCED MAY 20, 1976

By Assemblymen BASSANO, KEAN, STEWART, BARRY, KOZLOSKI, BAER, WEIDEL, FORAN, HERMAN, PERSKIE and KUPPERMAN

Referred to Committee on Transportation and Communications

AN Act concerning the ***[transportation]*** **handling** of radioactive materials in this State and supplementing ***[Title 26 of the Revised Statutes]*** **the "Radiation Protection Act" (P. L. 1958, c. 116)**.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
 2 *of New Jersey:*

1 ***[1. For purposes of this act, unless the context clearly requires**
 2 **a different meaning:**

3 a. "Commissioner" means the Commissioner of the Department
 4 of Environmental Protection.]*

1 ***[2.]*** **1.** No person shall transport into or through the State*,
 2 *or store, hold or detain pending or during such transit,** any of the
 3 following materials without first having obtained a "certificate of
 3A ***[emergency transport]*** **handling** from the ***[commissioner]***
 3B **department*:*

4 a. Plutonium isotopes in any quantity and form exceeding two
 5 grams or 20 curies, whichever is less;

6 b. Uranium enriched in the isotope U-235 exceeding 25 atomic
 7 per cent of the total uranium content in quantities where the U-235
 8 content exceeds one kilogram;

9 c. Any of the actinides the activity of which exceeds 20 curies;

10 d. Spent reactor fuel elements or mixed fission products associated
 11 with such spent fuel elements the activity of which exceeds 20
 12 curies; ***[or]***

13 e. Any quantity of radioactive material ***[specified as a "Large**
 14 **Quantity"** by the Nuclear Regulatory Commission in 10 CFR
 15 Part 71, entitled "Packaging of Radioactive Material for
 16 Transport.']* **which exceeds 20 curies; or*

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

17 *f. Any lesser quantity of radioactive material which, when com-*
 18 *bined with any other quantity of such material, exceeds 20 curies.**

1 3. a. Any person seeking to obtain such a certificate shall submit
 2 to the ***[commissioner]*** **department**, not less than ***[5]*** **7**
 3 business days prior to the **storage or** transporting of any of the
 4 materials specified in section 2 of this act, the following informa-
 4A tion:

5 (1) Name of shipper, (2) Name of carrier, (3) Type and quantity
 6 of radioactive material, (4) Date and time of shipment, (5) Start-
 7 ing point, scheduled route, and destination*, (6) *Location and*
 8 *manner of storage,** and ***[(6)]*** **7** Other information required
 8A by the ***[commissioner]*** **department**.

9 b. The ***[commissioner, with the approval of]*** **department,*
 10 *after consultation with** the Chief of the State Police, shall issue
 11 the "certificate of ***[emergency transport]*** **handling**" upon a
 12 finding that the **storage or** transporting of such material shall be
 13 accomplished in a manner necessary to protect public health and
 14 safety of the citizens of the State. The ***[commissioner]*** **depart-*
 15 *ment**, in ***[his]*** **its** discretion, may require **changes in the*
 16 *location or manner of storage or** changes in dates, routes or time
 17 of transporting such material if necessary to maximize protection
 18 to public health and safety.

1 **3. In the event of a discharge of radioactivity, or threat thereof,*
 2 *resulting from a radiation source in storage or transit in this State,*
 3 *the department may recover from any shipper, carrier, bailor,*
 4 *bailee, or any other person responsible for the storage or trans-*
 5 *portation of such radiation source, the costs incurred by the depart-*
 6 *ment for the prevention or abatement of such discharge or the re-*
 7 *moval of the effects thereof.**

1 ***[4. The commissioner, after consulting with the Chief of the**
 2 **State Police, shall adopt any]*** **4. Without limiting or impairing*
 3 *in any way the powers heretofore provided by the act to which this*
 4 *act is a supplement, the commission is hereby empowered and*
 5 *directed to adopt, pursuant to the provisions of the "Administrative*
 6 *Procedure Act" P. L. 1968, c. 410 (C. 52:14B-1 et seq.) such**
 7 *rules and regulations necessary to carry out the provisions of this*
 8 *act.*

1 5. Any person who violates any provision of this act shall be
 2 guilty of a misdemeanor.

1 6. This act shall take effect immediately.

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ASSEMBLY AGRICULTURE AND ENVIRONMENT
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1953

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 20, 1976

In its original form, this bill would have required any person transporting certain quantities of radioactive materials to first secure a "certificate of emergency transport" from the Commissioner of Environmental Protection. Such certificate would be issued following the provision of information concerning the quantity and manner of such transportation and upon a finding that the health and safety of the citizens of this State would be adequately protected therefrom.

As a result of its deliberations, the Assembly Agriculture and Environment Committee adopted a number of technical as well as substantive amendments to this bill. These amendments would (1) bring this bill into conformance with the provisions of the "Radiation Protection Act", P. L. 1958, c. 116 (C. 26:2D-1 et seq.); (2) provide for the regulation of the storage, as well as the transportation, of radioactive materials; (3) require "certificates of handling" for the storage or transportation of any material which, by itself or with other such materials, exceeds certain levels of radioactivity; (4) authorize the Department of Environmental Protection to recover certain costs incurred in the prevention or abatement of discharges of radioactive materials; and (5) authorize the Commission on Radiation Protection to promulgate any rules and regulations necessary to effectuate the provisions of this bill.

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FROM THE OFFICE OF THE GOVERNOR

SEPTEMBER 26, 1977

FOR FURTHER INFORMATION

FOR IMMEDIATE RELEASE

ANNE BURNS

Governor Brendan Byrne today signed A-1953, sponsored by Assemblyman C. Louis Bassano, R-Union, which regulates the handling of radioactive materials in the state.

The bill requires those who transport or store certain quantities of radioactive materials to secure a "certificate of handling" from the Commissioner of Environmental Protection. The certificate will be issued only after information is provided regarding the manner of transportation or storage, and the amount of material involved.

The Commissioner must also find that the health and safety of New Jerseyans will be adequately protected.

The bill also authorizes the Department of Environmental Protection to recover the costs incurred in the prevention or abatement of discharges of radioactive materials. The Commission on Radiation Protection is authorized to develop any rules and regulations necessary to carry out the provisions of this bill.

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