

Introduced: 4/6/83
Referred: Resources and
Finance

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

1 IN THE SENATE

2 SENATE BILL NO. 233

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act enacting the Northwest Interstate Compact on
7 Low-level Radioactive Waste Management; and providing
8 for an effective date."

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 * Section 1. AS 46 is amended by adding a new chapter to read:

11 CHAPTER 45. INTERSTATE COMPACTS.

12 ARTICLE I. NORTHWEST INTERSTATE COMPACT ON LOW-LEVEL
13 RADIOACTIVE WASTE MANAGEMENT.

14 Sec. 46.45.010. COMPACT ENACTED. The Northwest Interstate
15 Compact on Low-Level Radioactive Waste Management, as contained in
16 this article, is enacted into law and entered into on behalf of the
17 State of Alaska with any and all other states legally joining it in a
18 form substantially as follows:

19 NORTHWEST INTERSTATE COMPACT ON
20 LOW-LEVEL RADIOACTIVE WASTE MANAGEMENT

21 ARTICLE I. POLICY AND PURPOSE.

22 The party states recognize that low-level radioactive wastes are
23 generated by essential activities and services that benefit the citi-
24 zens of the states. It is further recognized that the protection of
25 the health and safety of the citizens of the party states and the most
26 economical management of low-level radioactive wastes can be accom-
27 plished through cooperation of the states in minimizing the amount of
28 handling and transportation required to dispose of such wastes and
29 through the cooperation of the states in providing facilities that

1 serve the region. It is the policy of the party states to undertake
2 the necessary cooperation to protect the health and safety of the
3 citizens of the party states and to provide for the most economical
4 management of low-level radioactive wastes on a continuing basis. It
5 is the purpose of this compact to provide the means for such a cooper-
6 ative effort among the party states so that the protection of the
7 citizens of the states and the maintenance of the viability of the
8 states' economies will be enhanced while sharing the responsibilities
9 of radioactive low-level waste management.

10 ARTICLE II. DEFINITIONS.

11 As used in this compact

12 (1) "facility" means any site, location, structure, or
13 property used or to be used for the storage, treatment, or disposal of
14 low-level waste, excluding federal waste facilities;

15 (2) "low-level waste" means waste material which contains
16 radioactive nuclides emitting primarily beta or gamma radiation, or
17 both, in concentrations or quantities which exceed applicable federal
18 or state standards for unrestricted release; low-level waste does not
19 include waste containing more than 10 nanocuries of transuranic con-
20 taminants per gram of material, nor spent reactor fuel, nor material
21 classified as either high-level waste or waste which is unsuited for
22 disposal by near-surface burial under any applicable federal regula-
23 tions;

24 (3) "generator" means any person, partnership, association,
25 corporation, or any other entity whatsoever, which, as part of its
26 activities, produces low-level radioactive waste;

27 (4) "host state" means a state in which a facility is
28 located.

29 ARTICLE III. REGULATORY PRACTICES.

1 Each party state agrees to adopt practices which will require
2 low-level waste shipments originating within its borders and destined
3 for a facility within another party state to conform to the applicable
4 packaging and transportation requirements and regulations of the host
5 state. Those practices must include:

6 (1) maintaining an inventory of all generators within the
7 state that have shipped or expect to ship low-level waste to facil-
8 ities in another party state;

9 (2) periodic unannounced inspection of the premises of such
10 generators and the waste management activities on them;

11 (3) authorization of the containers in which such waste may
12 be shipped, and a requirement that generators use only that type of
13 container authorized by the state;

14 (4) assurance that inspections of the carriers which trans-
15 port such waste are conducted by proper authorities, and appropriate
16 enforcement action taken for violation;

17 (5) after receiving notification from a host state that a
18 generator within the party state is in violation of applicable packag-
19 ing or transportation standards, the party state will take appropriate
20 action to assure that such violations do not recur. That action may
21 include inspection of every individual low-level waste shipment by
22 that generator.

23 Each party state may impose fees upon generators and shippers to
24 recover the cost of the inspections and other practices under this
25 article. Nothing in this section limits any party state's authority
26 to impose additional or more stringent standards on generators or
27 carriers than those required under this paragraph.

28 ARTICLE IV. REGIONAL FACILITIES.

29 (1) Facilities located in any party state, other than

1 facilities established or maintained by individual low-level waste
2 generators for the management of their own low-level waste, shall
3 accept low-level waste generated in any party state if that waste has
4 been packaged and transported according to applicable laws and regula-
5 tions.

6 (2) No facility located in any party state may accept
7 low-level waste generated outside of the region comprised of the party
8 states, except as provided in article V.

9 (3) Until paragraph (2) of article IV takes effect, facil-
10 ities located in any party state may accept low-level waste generated
11 outside of any of the party states only if that waste is accompanied
12 by a certificate of compliance issued by an official of the state in
13 which the waste shipment originated. Such a certificate must be in
14 the form required by the host state, and must contain at least the
15 following:

16 (A) the generator's name and address;

17 (B) a description of the contents of the low-level
18 waste container;

19 (C) a statement that the low-level waste being shipped
20 has been inspected by the official who issued the certificate or
21 by his agent or by a representative of the United States nuclear
22 regulatory commission, and found to have been packaged in compli-
23 ance with applicable federal regulations and such additional
24 requirements as may be imposed by the host state;

25 (D) a binding agreement by the state of origin to
26 reimburse any party state for any liability or expense incurred
27 as a result of an accidental release of the waste during shipment
28 or after the waste reaches the facility.

29 (4) Each party state shall cooperate with the other party

1 states in determining the appropriate site of any facility that might
2 be required within the region comprised of the party states, in order
3 to maximize public health and safety while minimizing the use of one
4 party state as the host of such facilities on a permanent basis. Each
5 party state further agrees that decisions regarding low-level waste
6 management facilities in their region will be reached through a good-
7 faith process which takes into account the burdens borne by each of
8 the party states as well as the benefits each has received.

9 (5) The party states recognize that the issue of hazardous
10 chemical waste management is similar in many respects to that of
11 low-level waste management. Therefore, in consideration of the State
12 of Washington allowing access to its low-level waste disposal facility
13 by generators in other party states, party states such as Oregon and
14 Idaho which host hazardous chemical waste disposal facilities will
15 allow access to such facilities by generators within other party
16 states. Nothing in this compact prevents any party state from limit-
17 ing the nature and type of hazardous chemical or low-level wastes to
18 be accepted at facilities within its borders or from ordering the
19 closure of such facilities, so long as that action by a host state is
20 applied equally to all generators within the region comprised of the
21 party states.

22 (6) Any host state may establish a schedule of fees and
23 requirements related to its facility, to assure that closure, perpetu-
24 al care, and maintenance and contingency requirements are met, includ-
25 ing adequate bonding.

26 ARTICLE V. NORTHWEST LOW-LEVEL WASTE COMPACT COMMITTEE.

27 The governor of each party state shall designate one official of
28 that state as the person responsible for administration of this com-
29 pact. The officials so designated comprise the northwest low-level

1 waste compact committee. The committee shall meet as required to
2 consider matters arising under this compact. The parties shall inform
3 the committee of existing regulations concerning low-level waste
4 management in their states, and shall afford all parties a reasonable
5 opportunity to review and comment upon any proposed modifications in
6 those regulations. Notwithstanding any provision of article IV to the
7 contrary, the committee may enter into arrangements with states, prov-
8 inces, individual generators, or regional compact entities outside the
9 region comprised of the party states for access to facilities on such
10 terms and conditions as the committee considers appropriate. However,
11 a two-thirds vote of all members, including the affirmative vote of
12 the member of any party state in which a facility affected by such an
13 arrangement is located, is required for the committee to enter into
14 such an arrangement.

15 ARTICLE VI. ELIGIBLE PARTIES AND EFFECTIVE DATE.

16 (1) Each of the following states is eligible to become a
17 party to this compact: Alaska, Hawaii, Idaho, Montana, Oregon, Utah,
18 Washington, and Wyoming. As to any eligible party, this compact
19 becomes effective upon enactment into law by that party, but it does
20 not become initially effective until enacted into law by two states.
21 Any party state may withdraw from this compact by enacting a statute
22 repealing its approval.

23 (2) After the compact has initially taken effect pursuant
24 to paragraph (1) of this article, any eligible party state may become
25 a party to this compact by the execution of an executive order by the
26 governor of the state. Any state which becomes a party in this manner
27 ceases to be a party upon the final adjournment of the next general or
28 regular session of its legislature or July 1, 1983, whichever occurs
29 first, unless the compact has by then been enacted as a statute of

1 that state.

2 (3) Paragraph (2) of article IV of this compact takes
3 effect on July 1, 1983, if consent is given by congress. As provided
4 in Public Law 96-573, congress may withdraw its consent to the compact
5 after every five-year period.

6 ARTICLE VII. SEVERABILITY.

7 If any provision of this compact, or its application to any
8 person or circumstance, is held to be invalid, all other provisions of
9 this compact, and the application of all of its provisions to all
10 other persons and circumstances, remain valid; and to this end the
11 provisions of this compact are severable.

12 Sec. 46.45.020. IMPLEMENTATION. The commissioner of environ-
13 mental conservation may adopt regulations and do all things necessary
14 or incidental to the carrying out of the Northwest Interstate Compact
15 on Low-Level Radioactive Waste Management.

16 * Sec. 2. This Act takes effect immediately in accordance with AS 01.-
17 10.070(c).