

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

1 IN THE SENATE

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

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 decision 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).

ANALYSIS

It is necessary and cost effective to join the Northwest Compact to avoid the extravagant costs of providing in-state disposal of the small quantity of low-level radioactive waste produced by University of Alaska.

- 1) The department has no staff to assign to this project; thus regulations will be prepared, the inventory, inspection, shipping container specifications and enforcement. \$55/hr x 180 hrs = \$10,000
- 2) Participation in the Compact will be by the Air and Solid Waste Management Supervisor (see attached letter). Travel to meetings in each member state (ID, OR, WA, MT, UT, HI):

6-10 meetings per year at \$800 per trip = \$6,000 to \$8,000 per year

- 3) Routine in-state work will be accomplished by existing staff with existing funds.

This statement has been reviewed by the OMB in the Office of the Governor. It may be considered to represent the policy of the Sheffield Administration and the final estimate of fiscal impact.

The following individuals may testify on SB 233:

A representative of the Department of Environmental
Conservation

STATE OF ALASKA
FISCAL NOTE

Revision Date 1983

I. REQUEST

Bill/Resolution No.: SB233
 Title: Low-Level Radioactive Waste Compact
 Sponsor: Governor
 Requestor: _____

II. FISCAL DETAIL

Agency Affected: Environmental Conservati
 Program Category Affected: Solid Waste
 BRU, Program of Subprogram(s) Affected: Environmental Quality Management

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES		--				
200 TRAVEL		8.0	8.0	8.0	8.0	
300 CONTRACTUAL		10.0	--	--	--	
400 COMMODITIES		--	--	--	--	
500 EQUIPMENT		--	--	--	--	
600 LAND & STRUCTURES		--	--	--	--	
700 GRANTS, CLAIMS, ETC		--	--	--	--	
TOTAL OPERATING		18.0	8.0	8.0	8.0	
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND		18.0	8.0	8.0	8.0	
FEDERAL FUNDS		--	--	--	--	
OTHER (Specify Source)		--	--	--	--	
		--	--	--	--	

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

No offsetting reduction required

IV. ANALYSIS: Attach a separate page for any Analysis (over)

Prepared By: Stan Hungerford Phone: 465-2666
 Division: Environmental Quality Management Date: 3/22/83

Approved by Commissioner: Richard R. [Signature] Date: 3/30/83
 Department: Environmental Conservation

Distribution:

Original to Legislative Finance
 Copy to Office of Management and Budget (for Legislature introduced bills)
 Copy to Department (for Governor introduced bills)
 Copy to Sponsor
 Copy to Requestor (if different from Sponsor)

3/8/83

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This statement has been reviewed by the OMB in the Office of the Governor. It may be considered to represent the policy of the Sheffield Administration and the final estimate of fiscal impact.

BILL SHEFFIELD
GOVERNOR



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

April 6, 1983

The Honorable Jalmar Kerttula
President of the Senate
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Dear Mr. President:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill ratifying the Northwest Regional Low-Level Radioactive Waste Compact.

Low-level radioactive waste is generated by medical, research, and industrial activities which use radioisotopes. Low-level waste generated in Alaska is now disposed of at a facility in Hanford, Washington, the only such repository in the Pacific Northwest. Under the Federal Low-Level Radioactive Waste Policy Act of 1980 (P.L. 96-573), a compact for joint disposal of these wastes was negotiated by Alaska, Hawaii, Idaho, Montana, Oregon, Utah, Washington, and Wyoming, all of which rely on the Hanford facility.

Under the terms of that compact and P.L. 96-573, the member states will be authorized to prohibit importation of low-level radioactive wastes from non-member states after July 1, 1983. In short, if Alaska does not become a member of the compact by July 1, 1983, we will be forced to turn to the only alternative -- development of a radioactive waste disposal facility within Alaska.

This compact represents a wise and economical solution to what would otherwise be a major problem for Alaska. I urge its swift ratification by enactment of this bill.

Sincerely,

A handwritten signature in cursive script that reads "Bill Sheffield".

Bill Sheffield
Governor

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

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

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2 SENATE BILL NO. 233

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4 THIRTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

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13 RADIOACTIVE WASTE MANAGEMENT.

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17 State of Alaska with any and all other states legally joining it in a
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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-
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28 handling and transportation required to dispose of such wastes and
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17 both, in concentrations or quantities which exceed applicable federal
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22 regulatory commission, and found to have been packaged in compli-
23 ance with applicable federal regulations and such additional
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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
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13 arrangement is located, is required for the committee to enter into
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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
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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

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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
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6 ARTICLE VII. SEVERABILITY.

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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).

COMMITTEE REPORT

SENATE

FURTHER:

Date: _____

Mr. President:

The Committee on _____ has had _____

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for _____ same title
 new title
- and recommends _____
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation
- referred to the _____ Committee

Handwritten note: Item 18.0 TR was attached to bill when it was in committee 2/30/53

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

CHAIRMAN

STATE OF ALASKA
FISCAL NOTE

Revision Date _____, 1983

I. REQUEST

Bill/Resolution No.: SB 233
 Title: Compact on Low-Level Radioactive Waste
 Sponsor: _____
 Requestor: _____

II. FISCAL DETAIL

Agency Affected: Environ. Conservation
 Program Category Affected: Envir. Cons.
 BRU, Program of Subprogram(s) Affected: _____
 Div. of Envir. Qual. Mat., Air & Solid Waste
 Section

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL		8.0	8.0	8.0	8.0	8.0
300 CONTRACTUAL		10.0				
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING		18.0	8.0	8.0	8.0	8.0
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
GENERAL FUND		18.0	8.0	8.0	8.0	8.0
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
FULL-TIME						
PART-TIME						
TEMPORARY						

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

None

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Glenn Miller *JGM* Phone: 465-2666
 Division: Environmental Quality Mgmt. Date: 4-13-83
 Approved by Commissioner: Richard A. Neve Date: 4-14-83
 Department: Environmental Conservation

Distribution:

- Original to Legislative Finance
- Copy to Office of Management and Budget (for Legislature introduced bills)
- Copy to Department (for Governor introduced bills)
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FISCAL NOTE

IV. ANALYSIS

Travel to meetings of the Northwest Compact; 10 per year at \$800 per trip--
(held in each member state, ID, OR, WA, MT, HI, VT) -----\$ 8000

Contract for legal assistance preparing regulations concerning inventory, inspection,
shipping container specifications and enforcement \$55/hr x 180 hrs -----\$10,000
\$18,000

The department has no staff to assign to this project, thus regulatory preparation will be by contract. Participation in the Compact will be by the Air and Solid Waste Management Supervisor. (See attached letter.) In-state work will be accomplished by existing staff with existing funds.

A9A5A

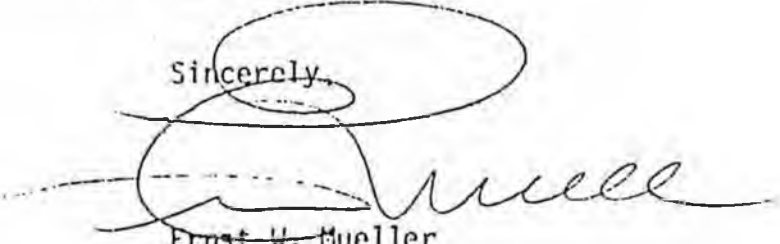
November 24, 1982

The Honorable John Spellman
Governor
State of Washington
Olympia, WA 98504

Dear Governor Spellman:

With reference to Governor Hammond's November 9, 1982 letter concerning the Northwest Interstate Compact for Low-level Waste Management, I have designated Mr. Stanley W. Hungerford to represent the State of Alaska. He is the supervisor of the Air & Solid Waste Management Section, and will be developing the necessary legislation to enable Alaska to become party to the Compact.

Sincerely,



Ernst W. Mueller
Commissioner

FILE # :

SB 233 - "An act enacting the Northwest Interstate Compact on Low-level Radioactive Waste Management; and providing for an effective date."

Alaska Department of Environmental Conservation
Position Paper


Before the Senate Resources Committee

April 6, 1983

This department supports the addition of the proposed Chapter 45 (Interstate Compacts) to AS 46. The State of Alaska should enter into the compact based on the following:

1. Low-level radioactive waste is generated by medical research and industrial activities which use radioisotopes.
2. Safe disposal of low-level waste cannot be accomplished at any existing or planned site in the State of Alaska.
3. Development of a site would be a vast undertaking, requiring at least one year for construction alone. A suitable location for such a project would be difficult to find.
4. The best present disposal method is shipment to a facility in Hanford, Washington. If the State of Washington enters the compact and the State of Alaska does not, the compact members will have the option of refusing to accept waste from Alaska.

The highly controversial disposal of low-level radioactive waste is an increasingly difficult problem across the country. The low-level waste disposal alternatives are already limited. Entering this compact will ensure a good disposal method for Alaska without the need for a disposal site in the state.



Richard A. Nevé
Commissioner

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).

SB 233

Congress passed the Low-Level Radioactive Waste Policy Act of 1980 which established as national policy that each state is responsible for providing for disposal of its own low-level radioactive waste. Further, to avoid proliferation of disposal sites and for cost-effectiveness, Congress sanctioned regional management, which groups of states could implement by means of interstate compacts. The National Governors Association has endorsed this policy. Seven groupings of states have been set up, and Alaska is eligible to join the Northwest Compact with the states of Hawaii, Idaho, Montana, Oregon, Utah and Washington. All six of these states have now joined the compact by legislative action.

Washington State is the "host" state for the region, with its Hanford site. A 1980 study indicated that the low-level waste generating rates for the northwestern states were:

<u>STATE</u>	<u>VOLUME (cubic meters)</u>
Alaska	<1
Hawaii	51
Idaho	<1
Montana	6
Oregon	1430
Utah	76
Washington	595

The essential features of the Northwest Compact are:

1. All party states are required to adopt practices which would assure that all low-level waste shipments conform to the applicable packaging and transportation regulations of the host state.
2. Generally, no host state may accept waste from non-party states after the date of exclusion goes into effect except with a 2/3 vote of the Northwest Low-Level Waste Compact Committee, including the affirmative vote of the host state.

3. Each state is required to exercise good faith with respect to the siting and development of additional low-level waste disposal facilities when needed.
4. The host state is empowered to establish fees and requirements related to its facility to assure that closure, perpetual care and maintenance, and contingency requirements are met, including bonding.
5. The governor of each party state will appoint one official of the state to constitute the Northwest Compact Committee.
6. The Compact Committee is empowered to enter into special or emergency arrangements with states, provinces, individual generators, or regional compact entities outside the Northwest Compact with a 2/3 vote of the Committee required to approve such an agreement, including the approving vote of the host state.
7. Party states will:
 - a. maintain an inventory of low-level waste generators;
 - b. make periodic unannounced inspections at generator's site;
 - c. authorize shipping containers;
 - d. perform inspection of carriers and enforce regulations;
 - e. take appropriate enforcement action after receiving notification from the host state that a generator is in violation.

Alaska State Legislature

BETTYE FAHRENKAMP, Chairman
ROBERT H. ZIEGLER, SR., Vice Chairman
DICK ELIASON
PAUL FISCHER
VIC FISCHER
BOB MULCAHY
ARLISS STURGULEWSKI



POUCH V
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JUNEAU, ALASKA 99811
(907) 465-3834
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Senate

Committee on Resources

TO: Senator Don Bennett
Senator John Sackett
Co-Chairs, Senate Finance Committee

FROM: Senator Bettye Fahrenkamp *BFF*
Senate Resources Committee

RE: SB 233, Compact on Radioactive Waste Management

DATE: May 23, 1983

The Senate Resources Committee considered and unanimously passed out SB 233, which ratifies the Northwest Regional Low-Level Radioactive Waste Compact.

Under the Federal Low-Level Radioactive Waste Policy Act of 1980, a compact for joint disposal of wastes was negotiated by Alaska and seven other states that rely on the Hanford, Washington disposal site. Under the terms of the federal act, the member states will be authorized to prohibit importation of wastes from non-member states. At this time, all party states except Alaska have ratified the compact. It is therefore imperative that the State of Alaska also move toward ratification or we may be prohibited from future use of the Washington facility.

I urge you to support passage of this important legislation.

Alaska State Legislature

BETTYE FAHRENKAMP, Chairman
ROBERT H. ZIEGLER, SR., Vice Chairman
DICK ELIASON
PAUL FISCHER
VIC FISCHER
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I urge you to support passage of this important legislation.

POSITION PAPER

CS FOR SENATE BILL NO. 127

PAGE 1

"An Act relating to the power and jurisdiction of court in cases involving minors."

The Committee Substitute for Senate Bill Number 127 would accomplish five major purposes. The Act would:

1. Hold older, violent juveniles offenders accountable as adults within the adult criminal court jurisdiction.
2. Change the standard for judicially waiving serious or repeat juvenile offenders to adult jurisdiction, and define factors which the court must consider in making waiver decisions;
3. Define sentencing and confinement procedures for juveniles who are waived to adult jurisdiction;
4. Increase the civil, financial liability of parents or guardians of unemancipated minors and the liability of emancipated minors for the destructive acts committed by those youths;
5. Allow the release of information about disposition of juvenile court matters involving minors to the victims of the minors' offenses, or, in appropriate instances to the parents or guardians of the youths.

JURISDICTION OVER MINORS

CS Senate Bill 127, would accomplish a significant change in policy concerning the method of dealing with older juveniles accused of the most serious of offenses - unclassified felonies. Under the provisions of CS SB 127, sixteen and seventeen year old juveniles accused of unclassified felonies would be prosecuted under the adult criminal jurisdiction of the Superior Court precisely as would an adult. All other juveniles would be subject to juvenile jurisdiction of the Superior Court unless waived to adult jurisdiction through the judicial waiver process.

Another provision of the Bill would provide procedural protection for those youths who, though automatically waived because they were accused of an unclassified felony, were actually convicted of a lesser offense which would not make them eligible for automatic waiver. These youths

POSITION PAPER

CS FOR SENATE BILL NO. 127

PAGE 2

could petition the court to refer them to juvenile jurisdiction for disposition. At a hearing on the matter the court would determine the likelihood of rehabilitating the youth under the juvenile system. It would be the burden of the youth to establish that he or she could be successfully rehabilitated under the juvenile justice system. Youths waived judicially could also petition for disposition within juvenile jurisdiction if convicted of an offense less serious than the charged offense which led to their waiver.

JUDICIAL WAIVER STRENGTHENED

The CS for Senate Bill 127 would strengthen the existing judicial waiver mechanism by changing the standard by which the court makes waiver decisions. Under the provisions of CS SB 127, the court would have to find only that "there is no substantial likelihood" a youth could be successfully rehabilitated within the juvenile justice system. Presently the court must find that a youth is not amenable to treatment under jurisdiction of the juvenile justice system in order to waive juvenile jurisdiction and subject the youth to prosecution under the adult system.

In addition to enacting a less difficult standard for making judicial waiver decisions, CS SB 127 would also set forth nine specific factors which the court must consider in determining the likelihood of successful rehabilitation of a youth. These factors are similar to factors which the Supreme Court determined must be considered in adult sentencing proceedings. The Court would be allowed to determine the weight to be given to each of the factors and make a determination to waive the youth to adult jurisdiction to be made based on any one, or a combination of the factors. This would make achieving a judicial waiver of a juvenile far easier to accomplish and increase the willingness of prosecutors to attempt waivers. It would also eliminate much of the criticism of the existing waiver mechanism.

This Bill would in some ways provide greater protection for those juveniles who had committed minor offenses by allowing for waiver of only those juveniles accused of having committed felonies.

SENTENCING AND CONFINEMENT PROCEDURE FOR WAIVED JUVENILE OFFENDERS

This Bill would define in a logical and fair manner the procedures concerning confinement and sentencing of juvenile offenders who were waived to the adult system.

Under provisions of this Bill juveniles waived to and convicted under adult jurisdiction would not be subject to presumptive minimum sentences. This would allow the court sufficient discretion to address

POSITION PAPER

CS FOR SENATE BILL NO. 127

PAGE 3

the unavoidable differences in maturity and sophistication of these juvenile offenders and the disparity in specifics of the offenses committed. Thus all relevant factors could be considered by the court in fashioning just sentences.

It would also provide adequate safeguards to preclude punitive over-charging by police or prosecutors. The Bill would provide that juveniles sixteen and seventeen years of age accused of unclassified felonies would be confined in juvenile facilities until indicted by a grand jury or other legal procedures had occurred which determined that probable cause existed that the youth had committed the crime alleged. Following the accomplishment of these due process procedures juveniles would be confined in adult facilities. This would ensure discriminatory or vindictive over-charging did not occur and that juveniles were not unnecessarily or wrongfully housed in adult facilities.

All other juveniles accused of offenses would be held in juvenile facilities unless and until children's court jurisdiction had been waived under the judicial waiver mechanism and the youth had been indicted, or, through other due process, probable cause had been found to believe they had committed the offense charged.

Juveniles who have been waived to adult criminal jurisdiction either through the automatic or judicial waiver would be confined in adult facilities while awaiting sentencing or during any period of incarceration to which they had been sentenced.

INCREASED FINANCIAL LIABILITY OF PARENTS AND EMANCIPATED MINORS

CS SB 127 would raise from \$2,000 to \$5,000 the amount of damages which may be recovered by victims through civil litigation against the parents or legal guardian of an unemancipated minor or against an emancipated minor who destroyed or damaged real or personal property. The Bill would relieve the parents or guardians of emancipated minors from legal responsibility for damages caused by those youths. It would also expand the definition of emancipated minor to include youths at least sixteen years of age who are living apart from their parents or guardians, and are capable of self-support.

This proposed increase in the amount of damages civilly recoverable by victims of delinquent minors represents an adjustment to a more realistic figure in existing economic circumstances. In the great majority of instances it would allow a victim to fully recover damages if the prospect of recovery through restitution is unrealistic.

RELEASE OF INFORMATION TO VICTIMS

Under this Bill the court would be required to disclose to the victim of a minor, or the victim's parents or guardian upon their request, the manner in which the court disposed of matters concerning the minor. This would alter the present law which prohibits such disclosure without specific order of the court. These provisions would clarify and make uniform disclosure of information to victims. Currently, disclosure of such information is treated variously by courts in the four judicial districts depending upon the differing circumstance of each specific case. This Bill would retain existing provisions which define the circumstances under which a juvenile offenders identity may be disclosed.

Informing victims of the outcome of court proceedings concerning delinquent minors would be an appropriate method of increasing accountability of the courts and other agencies and increasing public confidence in Alaska's institutions of justice. The prohibition against disclosing the identity of a minor, with the exceptions existing in present statute are prudent. This Bill would ensure that victims obtain sufficient information and also promotion rehabilitation of youths.

THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES STRONGLY SUPPORTS CS SB 127

The provisions contained in CS SB 127 would accomplish significant and much needed change in the method of dealing with the most pressing problems of juvenile delinquency. These provisions would adequately address the problem inherent in dealing with older violent, serious juvenile offenders by holding them accountable in the same manner as adults but allowing the court sufficient discretion to consider all relevant factors in sentencing. Such sentencing discretion would be necessary to justly address the disparity in levels of maturity and sophistication of the juveniles as well as the disparity in the specifics of the offenses committed by the juveniles. In addition, the strengthened judicial waiver would be far superior to the existing mechanism and would provide much needed definition to the judicial waiver process and satisfactory guidance to the court in making waiver determinations.

In combination these provisions - automatic and strengthened judicial waiver - would provide far greater protection for the public and also allow the juvenile justice system to focus on those youths for whom the expectation and likelihood of rehabilitation is much greater. The juvenile justice system could maintain a comprehensive approach to protecting the public and rehabilitating youths without the necessity of structuring programs to deal with those older violent or serious repeat juvenile offenders who differ significantly from the vast majority of juvenile delinquents.

POSITION PAPER

CS FOR SENATE BILL NO. 127

PAGE 5

This would focus directly on the highly publicized problem of violent juvenile offenders which is the cause of much public mispreception of juvenile crime and juvenile offenders. It should greatly increase the public's confidence in its system of justice and would increase the protection of the public.

Those provisions dealing with the release of information to victims and the amount of damages civilly recoverable by victims are also strongly supported by the Department as a means to recognize the rights and appropriate interests of victims and to increase the public's satisfaction with and confidence in its system of justice.

The Department of Health and Social Services believes that CS SB 127 represents the most comprehensive and balanced approach to dealing with the most significant and troublesome problems of the juvenile justice system. The Department strongly supports the Bill.

RECOMMENDED:

Michael L. Price
Michael L. Price, Director
Division of Family and
Youth Services

DATE:

May 10, 1983

APPROVED BY:

Robert L. Smith
Robert London Smith,
Ph.D.
Commissioner, *Adoption*

DATE:

19 May 83