

LEG. FINANCE - BILLS 1983 - 1984 2071

SB 233 - SB 240

2071

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 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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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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10 terms and conditions as the committee considers appropriate. However,
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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)

GENERAL FUND		18.0	8.0	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:

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

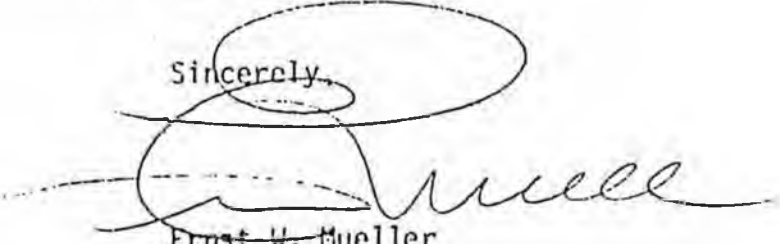
November 24, 1982

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 other 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
STATE CAPITAL
JUNEAU, ALASKA 99811
(907) 465-3834
(907) 465-3835

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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Committee on Resources

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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

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

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.

POSITION PAPER

CS FOR SENATE BILL NO. 127

PAGE 4

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

COMMITTEE REPORT
SENATE

4/6/83

FURTHER: Finance

Date: 4-23-83

Mr. President:

The Committee on Resources has had SB 233

Enacting the Northwest Interstate Compact on Low-level
Radioactive Waste Management; and eff. date.

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

MEMBERS SIGNING
DO PASS

Fischer

Zig

Bob Mulken

Johnson

Paul Fuchs

Walter Jurgens

MEMBERS HAVING
OTHER RECOMMENDATIONS:

Dutton Chairman Do Pass

CHAIRMAN

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:

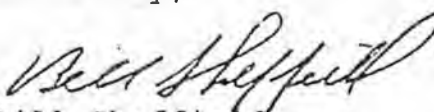
Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill ratifying the Northwest Regional Low-Level Radioactive Waste Compact.

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,


Bill Sheffield
Governor

STATE OF ALASKA
FISCAL NOTE

Revision Date _____, 1983

I. REQUEST

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

II. FISCAL DETAIL

Agency Affected: Environmental Conservation
 Program Category Affected: Solid Waste
 3RU, 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 Billie Trent for 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

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.

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. Mgt., 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)

GENERAL FUND		18.0	8.0	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:

None

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Glenn Miller *GM*
 Division: Environmental Quality Mgmt.

Phone: 465-2666
 Date: 4-13-83

Approved by Commissioner: Richard A. Neve
 Department: Environmental Conservation

Date: 4-14-83

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)

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

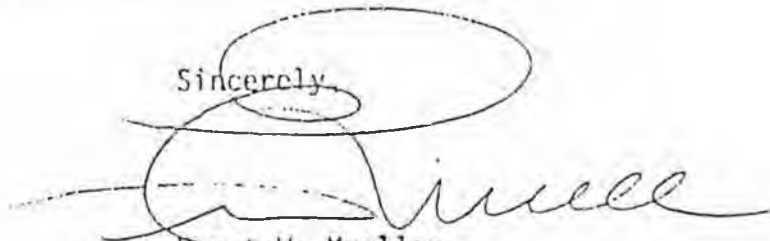
November 24, 1982

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,

A handwritten signature in cursive script, appearing to read "Ernst W. Mueller". The signature is written in dark ink and is positioned above the printed name and title.

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

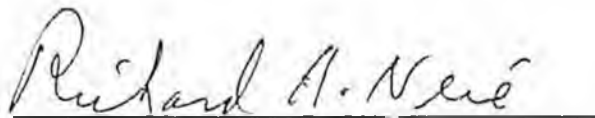
Before the Senate Resources Committee

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. Neve
Commissioner

FACT SHEET

NORTHWEST INTERSTATE COMPACT ON LOW-LEVEL WASTE MANAGEMENT

The Northwest Interstate Compact on Low-Level Waste Management is the first compact established in the nation for managing low-level waste on a regional basis, fulfilling the Congressional intent set forth in Public Law 96-573, the Low-Level Radioactive Waste Policy Act. In the spring of 1981, the legislatures of Idaho and Washington formally adopted the Compact. Oregon adopted Compact language in July 1981, Utah passed the necessary legislation in February 1982. Montana has joined by executive order of Governor Schwinden in November 1981. Hawaii passed the Compact language in June 1982. Alaska and Wyoming are also eligible for membership. The Compact must be ratified by Congress before all of its provisions can take effect.

Basically, the purpose of the Compact is to provide for the health and safety of the citizens of member states, with the responsibility for low-level radioactive waste management shared equally by the states. Membership in the Compact requires a party state in which a disposal facility is located (Washington has such a site) to accept waste from other member states. Waste from non-Compact states will not be accepted after Congress ratifies the Compact and authorizes the Compact states to prohibit importation. In addition to low-level waste, participants recognize the principle of reciprocity in accepting hazardous chemical wastes.

Under the Compact provisions, the Governor of each member state has named a representative to the Northwest Low-Level Waste Compact Committee. The Committee meets to consider matters arising under the jurisdiction of the Compact such as the review of low-level waste management regulations and approval of disposal of waste from non-member states. In addition, the Committee functions to enhance and extend communications efforts among the Northwest states and with the other regions.

There is one low-level waste disposal site in the Northwest Interstate Compact located on the U.S. DOE Hanford Reservation near Richland, Washington. The 100 acre site is operated by US Ecology, Inc. under sublease from Washington State. In 1981 1,500,000 cubic feet of low-level waste was disposed at the site, which compromised approximately 50 percent of the low-level waste disposed in the nation.

NORTHWEST INTERSTATE COMPACT COMMITTEE MEMBERS

<u>State</u>	<u>Governor's Representative</u>	<u>Date of Authorizing Legislation</u>
Hawaii	Mr. Melvin Koizumi Deputy Director Environmental Health Department of Health P. O. Box 3378 Honolulu, Hawaii 96801 (801) 548-4139	June 1982
Idaho	Mr. Robert Funderburg Manager of Radiation Control Division of Environment 450 W. State 5th Floor Boise, Idaho 83720 (208) 334-4107	April 1981
Montana	Mr. Larry Lloyd, Chief Occupational Health Bureau Department of Health and Environmental Sciences Room A-113 Cogswell Building Helena, Montana 59601 (406) 449-3671	November 1981*
Oregon	Mr. Donald Godard, Administrator Siting and Regulation Section Department of Energy Labor & Industries Building Room 102 Salem, Oregon 97310 (503) 378-6469	July 1981
Utah	Mr. Darrell Warren, Director Bureau of Radiation Control P. O. Box 2500 150 W. North Temple Salt Lake City, Utah 84110 (801) 533-6734	February 1982
Washington	Mr. David Stevens, Chairman Policy Assistant for Energy and Natural Resources Office of the Governor Legislative Building Mail Stop AS-13 Olympia, Washington 98504 (206) 753-6780	April 1981

rec 4-21-83

STATE OF ALASKA

BILL SHEFFIELD, GOVERNOR

DEPT. OF ENVIRONMENTAL CONSERVATION

465-2600

POUCH D - JUNEAU 99811

April 20, 1983

The Honorable Bettye Fahrenkamp
Senator
Chairman, Senate Resources
Committee
Pouch V
Juneau, Alaska 99811

Dear Senator Fahrenkamp:

I am pleased your committee will soon be reviewing Senate Bill 233 concerning the NW Low-Level Radioactive Compact. I consider favorable action on it during the current legislative session essential. The following information should help you understand the implications of your actions on this matter.

Low-level radioactive waste is generated by analytical, medical, and research laboratories, as well as by oil exploration and other industrial activities which use radioisotopes. Each user and potential generator of low-level waste is required to have a license from the Nuclear Regulatory Commission. Most radioactive source material used in Alaska is eventually returned by the user to the manufacturer. The federal government has strict standards for transport and disposal of such wastes. They prohibit interstate transportation of low-level radioactive waste after 1985.

The University of Alaska annually generates about one cubic meter of waste and contaminated protective clothing that requires disposal. Two methods are available to accomplish this. The first would be for the state to join the Northwest Interstate Compact so that wastes can be shipped to the Hanford Washington disposal site. To join, the compact language must be incorporated into state statutes by legislative action during the 1982-83 session.

The second choice is to provide for in-state disposal of low-level radioactive waste. Senate Bill 29 (June 1981), amending AS 46.03.250-260, gives the department authority to establish standards, safeguards, and procedures, and to issue permits for discharge and disposal of low-level radioactive wastes in the state. However, no standards and procedures which conform to federal requirements have been developed.

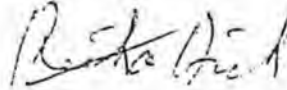
A portion of the waste material generated in Alaska may be incinerated, but the ash and other wastes would have to be landfilled. At present, there is no suitable landfill in the state; the federal requirements for building and operating such a landfill site are extremely rigid. In-state landfilling of radioactive wastes would require a staffing increase of one to three persons

in each of three different departments, identification and development of a suitable site, and a state budget increase of 1.5 to 2 million dollars per year.

The Department of Environmental Conservation urges passage of the proposed legislation so that Alaska can be a party to the Northwest Compact. This alternative is the least costly and can be accomplished in the least amount of time. It would, however, require an increase of \$8-10 thousand in travel expenses to allow DEC representation on the Northwest Compact Committee.

Questions regarding this matter should be directed to Mr. Stan Hungerford, Section Chief for Air and Solid Waste Management (phone 465-2666).

Sincerely,



Richard A. Neve'
Commissioner

STATEMENT BY J. R. STRONG

DIVISION OF HEALTH

BEFORE

ALASKA STATE LEGISLATURE
SENATE RESOURCES COMMITTEE

Juneau, Alaska

April 22, 1983

3:00 p.m.

I am T. R. Strong, Head of the Radiatic Control Section for the state of Washington.

Mr. Hungerford has indicated that you are interested in several specific issues associated with the Northwest Interstate Compact on Low-Level Radioactive Waste Management. These include:

- The history of the Northwest Interstate Compact and comments about each of the eligible states.
- Status of consent legislation in Congress with regard to the Northwest Interstate Compact.
- Status of low-level waste compacts in other parts of the United States.
- The consequences of not joining a compact.

Since Governor Dixy Lee Ray closed and later reopened Washington's low-level waste disposal site at Richland in 1979 there has been a steadily increasing sentiment expressed by the citizens of the state of Washington that the volume of waste coming to Washington for disposal should be significantly decreased. The legislature in 1980 adopted two separate compact documents, one in the Senate and one in the House. As a result of the two chambers not being able to agree on a single version, an initiative was presented to the voters which would have banned the importation for disposal of all radioactive waste except medical wastes. The initiative was approved by 75 percent of those voting in the 1980 general election. Because of supremacy and commerce clause problems with the constitution of the United States, the initiative was subsequently held unconstitutional. The 1981 session of the Washington legislature adopted the compact which you are now considering.

There are eight Northwest states eligible for membership. Washington, Oregon and Idaho adopted the compact language at essentially the same time in early 1981. Utah joined by Executive Order in 1981 and obtained legislative approval in February 1982. Montana joined by Executive Order in November 1981 and the 1983 session of the Montana legislature has ratified the compact. Hawaii introduced legislation to join the compact in 1982 and Hawaii's governor signed the authorization in June of 1982. Wyoming has determined that it will join the Rocky Mountain Compact and not the Northwest Compact, although it remains eligible to join the Northwest through June 30, 1983. Alaska remains eligible to join.

Washington's Senator Slade Gorton introduced consent language in Congress in the fall of 1982 and has reintroduced it in the new session in January of this year. A subcommittee hearing was conducted by the Judiciary Committee in Seattle in November 1982 and the full Judiciary Committee heard testimony on the Northwest Interstate Compact consent language in March 1983. Congress has expressed specific interest in the circumstances under which Federal agency wastes generated at any point in the country would be accepted by any compact in the United States; and the conditions under which waste generated in states which are not members of a compact region would continue to be disposed in existing commercial disposal sites after the exclusion date in the Low-Level Waste Policy Act. It is my understanding that Congress is not likely to permit any compacting region to exclude waste generated in other regions until there is a nationwide mechanism with disposal sites available for all of the nation's waste.

From the perspective of the state of Washington the progress made by other regions in negotiating compacts and in states joining those compacts was painfully slow until late in 1982. Almost all states are now members of at least one prospective compact region. After the Northwest with its functioning compact committee, the Southeast region, centered around South Carolina's disposal site, is the best developed. The Rocky Mountain states had a prospective site in Colorado, think they have another site which might work, and are continuing to struggle with their problems. Probably the least developed is the Northeast. California and Texas are not aligned with any compact region; Texas has indicated it will attempt to go it alone and California is unhappy because neither the Northwest nor the Southwest invited it to join. The "go it alone" idea is not consistent with the Low-Level Waste Policy Act but Congress has not indicated what it will do in this situation.

The consequences of Alaska not joining the Northwest Compact or some other existing compact group probably boils down to whether or not Alaskans want a low-level radioactive waste disposal site of their own. The cost of shipping the almost insignificant amount of waste you produce to Richland versus the cost of finding, siting, licensing, operating and maintaining in perpetuity a site of your own would seem to me to make your choice clear.

This concludes my formal remarks. I would be happy to try to answer questions you might have.

CORRECTION

THIS DOCUMENT
HAS BEEN REPHOTOGRAPHED
TO ASSURE LEGIBILITY

From the perspective of the state of Washington the progress made by other regions in negotiating compacts and in states joining those compacts was painfully slow until late in 1982. Almost all states are now members of at least one prospective compact region. After the Northwest with its functioning compact committee, the Southeast region, centered around South Carolina's disposal site, is the best developed. The Rocky Mountain states had a prospective site in Colorado, think they have another site which might work, and are continuing to struggle with their problems. Probably the least developed is the Northeast. California and Texas are not aligned with any compact region; Texas has indicated it will attempt to go it alone and California is unhappy because neither the Northwest nor the Southwest invited it to join. The "go it alone" idea is not consistent with the Low-Level Waste Policy Act but Congress has not indicated what it will do in this situation.

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This concludes my formal remarks. I would be happy to try to answer questions you might have.

1983 SESSION COSTS
 (Estimate as of April 1, 1983 for SB 240)

144 days
 ↑
 82 sess

	<u>Daily Costs</u>		
Personal Services			
226 Session Positions for Legislators	28,400		
Agency Positions - Legal Services, Public Services and Admin. Svcs.	<u>1,119</u>	29,519	22,780
Travel			
Legislators Per Diem	4,740		
Misc. Comm. and Extra Travel by Members	<u>200</u>	4,940	✓
Contractual Services			
Telephone, Equip. Rental, Xeroxing, Misc. Contracts, etc.		15,241	15,000
Television Coverage			
		2,984.44	✓
Commodities			
Paper, and Office and Lounge Supplies		<u>2,000</u>	✓
Total w/o Television (Per Day)		51,700	
Total with Television (Per Day)	<u>2,984.44</u>	54,684.44	
30 Day Extension w/o Television		1,551,000	
30 Day Extension with Television		1,640,533	

Other Considerations

Speaker Hayes is presently funding seven positions from his leadership funds. He is concerned that he may run short before the end of the fiscal year, especially if the session adjourns and he must allocate funds for his committees to function prior to July 1. Therefore he is requesting session funds retroactive to opening of session to pick up the costs of these seven positions.

226.0

1983 Session Costs
Page Two

The cost of the above for 120 days (opening of Session to the 120th Day) is \$113,000.

While reviewing the above with President Kerttula, the Senate President requested that a similar amount be provided for in SB 240 for Senate use if necessary.

Accordingly SB 240 appropriates \$1,866,533 which is the total for a 30 day extension with television coverage plus the amount needed to satisfy the House request and provide parity for the Senate.

COMMITTEE REPORT

SENATE

FURTHER:

Date: _____

Mr. President:

The Committee on _____ has had _____

_____ supplemental information for the purposes of the _____
_____.

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
- and recommends _____ new title
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

CHAIRMAN

Introduced: 4/7/83
Referred: Finance

Funding Information	
General Fund	\$1,866,533
Other Funds	-0-
	<hr/>
	\$1,866,533

1 IN THE SENATE

BY KERTTULA

2

SENATE BILL NO. 240

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act making a supplemental appropriation for the
7 operation of the legislature; and providing for an
8 effective date."

9

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

10

* Section 1. The sum of \$1,866,533 is appropriated from the general
11 fund to the Legislative Affairs Agency for the operation of the Thirteenth
12 Legislature-First Session from the 91st through the 120th day.

13

* Sec. 2. The unexpended and unobligated portion of the appropriation
14 made by this Act lapses into the general fund June 30, 1983.

15

* Sec. 3. This Act takes effect immediately in accordance with AS 01.-

16

10.070(c).

COMMITTEE REPORT
HOUSE

FURTHER:

117

Date: 1-12-52

4/13/53

Mr. Speaker:

The Committee on Finance has had SB 90

"An act relating to a supplemental appropriation for the operation of the legislature; and providing for an effective date."

under consideration and reports it back as follows:

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

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

CHAIRMAN

Original sponsor: Kerrettula

Funding Information

General Fund	\$1,640,533
Other Funds	-0-
	<u>\$1,640,533</u>

1 IN THE SENATE

BY THE FINANCE COMMITTEE

2 HOUSE CS FOR SENATE BILL NO. 240 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act making a supplemental appropriation for the
7 operation of the legislature; and providing for an
8 effective date."

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

10 * Section 1. The sum of \$1,640,533 is appropriated from the general
11 fund to the Legislative Affairs Agency for the operation of the Thirteenth
12 Legislature-First Session from the 91st through the 120th day. The appro-
13 priation made by this section may not be directly or indirectly used to pay
14 for television coverage of the 1983 legislative session.

15 * Sec. 2. The unexpended and unobligated portion of the appropriation
16 made by this Act lapses into the general fund June 30, 1983.

17 * Sec. 3. This Act takes effect immediately in accordance with AS 01.-
18 10.070(c).
19

The following individuals will be available for questions on SB 240:

Myrt Charney, Executive Director, Legislative Affairs Agency

Wally Harrison, Director, Division of Administrative Services, Legislative Affairs Agency

The following individuals will be available for questions on SB 240:

Myrt Charney, Executive Director, Legislative Affairs Agency

Wally Harrison, Director, Division of Administrative Services, Legislative Affairs Agency

The following individuals will be available for questions on SB 240:

Myrt Charney, Executive Director, Legislative Affairs Agency

Wally Harrison, Director, Division of Administrative Services, Legislative Affairs Agency