

1530

2009-2010 Regular Sessions

I N S E N A T E

February 2, 2009

Introduced by Sens. MORAHAN, BONACIC, DeFRANCISCO, GOLDEN, KRUEGER --
read twice and ordered printed, and when printed to be committed to
the Committee on Veterans, Homeland Security and Military Affairs

AN ACT to amend the executive law, in relation to notice of emissions at
nuclear power plants

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-
BLY, DO ENACT AS FOLLOWS:

- 1 Section 1. The executive law is amended by adding a new section 29-f
2 to read as follows:
3 S 29-F. EMISSIONS FROM NUCLEAR POWER PLANTS; PURPOSE, NOTICE REQUIRED,
4 REPORTS AND PENALTIES. 1. THE LEGISLATURE FINDS THAT NUCLEAR POWER
5 PLANTS ROUTINELY RELEASE RADIOACTIVE MATERIALS TO THE ENVIRONMENT. THESE
6 RADIOACTIVE MATERIALS ARE GENERALLY RELEASED IN A CONTROLLED MANNER AND
7 WITHIN THE LIMITS ESTABLISHED BY THE UNITED STATES NUCLEAR REGULATORY
8 COMMISSION. SOME OF THESE RELEASES HAVE BEEN UNPLANNED, UNSCHEDULED AND
9 INADVERTENT. ON OCCASION, THEY EXCEED TECHNICAL SPECIFICATION LIMITS.
10 MOST AUTHORITIES AGREE THAT IT SHOULD BE ASSUMED THAT RADIATION AT ANY
11 DOSE LEVEL HAS A FINITE RISK. THE LEGISLATURE FINDS, THEREFORE, THAT THE
12 PUBLIC WELFARE WILL BE BETTER PROTECTED IF THE PUBLIC IS FULLY INFORMED
13 ON ANY RELEASE OF RADIOACTIVE MATERIALS TO THE ENVIRONMENT.
14 2. FOR THE PURPOSES OF THIS SECTION, "OPERATOR" SHALL MEAN THE CORPO-
15 RATION, OR OTHER BUSINESS ENTITY, THAT OWNS OR MANAGES A NUCLEAR POWER
16 PLANT.
17 3. THE OPERATOR OF ANY NUCLEAR POWER PLANT IN THIS STATE, OR ITS
18 DESIGNEE, SHALL MAINTAIN A TOLL-FREE TELEPHONE NUMBER FOR THE PURPOSE OF
19 MAKING INFORMATION RELATED TO THE EVENTS DETAILED IN SUBDIVISION FOUR OF
20 THIS SECTION AVAILABLE TO THE PUBLIC. ANY SUCH OPERATOR OR DESIGNEE
21 SHALL ALSO PROVIDE NOTICE OF THE EVENTS DETAILED IN SUBDIVISION FOUR OF
22 THIS SECTION TO:
23 (A) THE PUBLIC;
24 (B) THE COMMISSIONER OF HEALTH;

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
[] is old law to be omitted.

LBD06960-01-9

1 (C) THE CHIEF EXECUTIVE OFFICER OF THE COUNTY IN WHICH THE NUCLEAR
2 POWER PLANT IS LOCATED; AND

3 (D) THE CHIEF EXECUTIVE OFFICER OF THE CITY, TOWN OR VILLAGE IN WHICH
4 THE NUCLEAR POWER PLANT IS LOCATED.

5 4. THE NOTICE REQUIRED IN SUBDIVISION THREE OF THIS SECTION SHALL BE
6 FOR ANY OF THE FOLLOWING:

7 (A) SCHEDULED RELEASES OF RADIOACTIVE MATERIALS AT LEAST TWENTY-FOUR
8 HOURS BEFORE THE RELEASE IS PLANNED TO OCCUR;

9 (B) UNSCHEDULED RELEASES OF RADIOACTIVE MATERIALS, AS SOON AS POSSI-
10 BLE, BUT NOT MORE THAN TWENTY-FOUR HOURS AFTER THE DISCOVERY OF THE
11 RELEASE; AND

12 (C) BREAKDOWNS OR MALFUNCTIONS OF ANY SAFETY-RELATED EQUIPMENT THAT
13 MUST BE REPORTED UNDER THE UNITED STATES CODE OF FEDERAL REGULATIONS,
14 TITLE 10, PART 21, AS SOON AS POSSIBLE, BUT NOT MORE THAN TWENTY-FOUR
15 HOURS AFTER THE DISCOVERY OF THE BREAKDOWN OR MALFUNCTION.

16 5. THE NOTICE REQUIRED BY THIS SECTION SHALL CONTAIN A DESCRIPTION OF
17 THE FOLLOWING:

18 (A) THE TOTAL AMOUNT OF RADIOACTIVITY RELEASED OR PLANNED TO BE
19 RELEASED;

20 (B) THE ESTIMATED INDIVIDUAL DOSE THAT MAY OCCUR DUE TO THE EVENT;

21 (C) WEATHER CONDITIONS OR PREDICTED WEATHER CONDITIONS AT THE TIME OF
22 THE RELEASE OR SCHEDULED RELEASE;

23 (D) THE AREA AFFECTED OR ANTICIPATED TO BE AFFECTED BY THE EVENT;

24 (E) THE EQUIPMENT THAT MALFUNCTIONED, OR THE OPERATOR ERROR OR OTHER
25 CONDITION THAT CAUSED THE RELEASE; AND

26 (F) CORRECTIVE ACTIONS TAKEN.

27 6. (A) THE INFORMATION PROVIDED IN THE NOTICE REQUIRED BY THIS
28 SECTION SHALL BE SUBMITTED IN THE FORM OF A REPORT TO THE DEPARTMENT OF
29 HEALTH.

30 (B) THE COMMISSIONER OF HEALTH, OR HIS OR HER DESIGNEE, SHALL REVIEW
31 AND STUDY THE REPORTS, IF ANY, AND CONSOLIDATE THEM FOR DISTRIBUTION TO
32 THE PUBLIC SERVICE COMMISSION, STATE AGENCIES AND PUBLIC OFFICIALS
33 CONCERNED WITH NUCLEAR ENERGY AND INTERESTED MEMBERS OF THE PUBLIC. SUCH
34 REPORT SHALL INCLUDE AN ABSTRACT THAT IS EASILY UNDERSTOOD BY THE GENER-
35 AL PUBLIC.

36 (C) REPORTS OF RELEASE WHICH EXCEED TECHNICAL SPECIFICATION LIMITS OR
37 RESULT IN OVEREXPOSURE TO PLANT PERSONNEL OR MEMBERS OF THE PUBLIC SHALL
38 BE REVIEWED EXPEDITIOUSLY BY THE COMMISSIONER OF HEALTH, OR HIS OR HER
39 DESIGNEE, AND A REPORT SHALL BE FORWARDED TO THE INDIVIDUALS AND AGEN-
40 CIES AS PROVIDED IN THIS SECTION.

41 7. THE OPERATOR OF ANY NUCLEAR POWER PLANT IN THIS STATE, OR HIS OR
42 HER DESIGNEE, SHALL SUBMIT AN ANNUAL REPORT BY MARCH THIRTY-FIRST, TO
43 THE PUBLIC SERVICE COMMISSION, WITH A COPY SENT TO THE NEW YORK STATE
44 LIBRARY; WHICH SHALL INCLUDE THE FOLLOWING INFORMATION:

45 (A) A LIST AND SUMMARY DESCRIPTION OF ANY SAFETY-RELATED INCIDENTS AT
46 THAT NUCLEAR POWER PLANT REPORTED TO THE UNITED STATES NUCLEAR REGULATO-
47 RY COMMISSION DURING THE PREVIOUS CALENDAR YEAR, INCLUDING A STATEMENT
48 OF THE CAUSE OF THE INCIDENT, ITS EFFECTS ON HUMAN HEALTH AND THE ENVI-
49 RONMENT, CORRECTIVE MEASURES WHICH HAVE BEEN TAKEN AND THE COSTS;

50 (B) A LIST AND SUMMARY DESCRIPTION OF THOSE UNRESOLVED SAFETY ISSUES
51 AS DEFINED BY THE UNITED STATES NUCLEAR REGULATORY COMMISSION WHICH
52 PERTAIN TO THAT NUCLEAR POWER PLANT AND THE STATUS OF RESOLUTION AND
53 IMPLEMENTATION OF THOSE UNRESOLVED SAFETY ISSUES; AND

54 (C) A LIST AND SUMMARY DESCRIPTION OF ANY UNRESOLVED SAFETY ISSUES
55 WHICH HAVE BEEN CONVERTED TO REGULATION BY THE UNITED STATES NUCLEAR
56 REGULATORY COMMISSION FOR IMPLEMENTATION AT THAT NUCLEAR POWER PLANT,

1 TOGETHER WITH THE BEST AVAILABLE ESTIMATES OF THE COST AND TIME REQUIRED
2 FOR THAT IMPLEMENTATION.
3 8. ANY OPERATOR OF A NUCLEAR POWER PLANT IN THIS STATE WHO FAILS TO
4 COMPLY WITH THE PROVISIONS OF THIS SECTION SHALL BE SUBJECT TO A FINE OF
5 NOT LESS THAN ONE THOUSAND DOLLARS AND NOT TO EXCEED TWENTY-FIVE THOU-
6 SAND DOLLARS PER VIOLATION TO BE LEVIED BY THE DEPARTMENT OF HEALTH
7 AFTER NOTICE AND OPPORTUNITY TO BE HEARD PURSUANT TO SECTION TWELVE-A OF
8 THE PUBLIC HEALTH LAW.
9 S 2. This act shall take effect on the first of April next succeeding
10 the date on which it shall have become a law.