S T A T E O F N E W Y O R K

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 ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The executive law is amended by adding a new section 29-f to read as follows:

S 29-F. EMISSIONS FROM NUCLEAR POWER PLANTS; PURPOSE, NOTICE REQUIRED, REPORTS AND PENALTIES. 1. THE LEGISLATURE FINDS THAT NUCLEAR POWER PLANTS ROUTINELY RELEASE RADIOACTIVE MATERIALS TO THE ENVIRONMENT. THESE RADIOACTIVE MATERIALS ARE GENERALLY RELEASED IN A CONTROLLED MANNER AND WITHIN THE LIMITS ESTABLISHED BY THE UNITED STATES NUCLEAR REGULATORY COMMISSION. SOME OF THESE RELEASES HAVE BEEN UNPLANNED, UNSCHEDULED AND INADVERTENT. ON OCCASION, THEY EXCEED TECHNICAL SPECIFICATION LIMITS. MOST AUTHORITIES AGREE THAT IT SHOULD BE ASSUMED THAT RADIATION AT ANY DOSE LEVEL HAS A FINITE RISK. THE LEGISLATURE FINDS, THEREFORE, THAT THE PUBLIC WELFARE WILL BE BETTER PROTECTED IF THE PUBLIC IS FULLY INFORMED ON ANY RELEASE OF RADIOACTIVE MATERIALS TO THE ENVIRONMENT.

2. FOR THE PURPOSES OF THIS SECTION, "OPERATOR" SHALL MEAN THE CORPORATION, OR OTHER BUSINESS ENTITY, THAT OWNS OR MANAGES A NUCLEAR POWER PLANT.

3. THE OPERATOR OF ANY NUCLEAR POWER PLANT IN THIS STATE, OR ITS DESIGNEE, SHALL MAINTAIN A TOLL-FREE TELEPHONE NUMBER FOR THE PURPOSE OF MAKING INFORMATION RELATED TO THE EVENTS DETAILED IN SUBDIVISION FOUR OF THIS SECTION AVAILABLE TO THE PUBLIC. ANY SUCH OPERATOR OR DESIGNEE SHALL ALSO PROVIDE NOTICE OF THE EVENTS DETAILED IN SUBDIVISION FOUR OF THIS SECTION TO:

(A) THE PUBLIC;

(B) THE COMMISSIONER OF HEALTH;

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

LBD06960-01-9

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

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

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

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

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

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

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

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

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

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

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

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

(F) CORRECTIVE ACTIONS TAKEN.

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

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

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

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

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

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

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

TOGETHER WITH THE BEST AVAILABLE ESTIMATES OF THE COST AND TIME REQUIRED FOR THAT IMPLEMENTATION.

8. ANY OPERATOR OF A NUCLEAR POWER PLANT IN THIS STATE WHO FAILS TO COMPLY WITH THE PROVISIONS OF THIS SECTION SHALL BE SUBJECT TO A FINE OF NOT LESS THAN ONE THOUSAND DOLLARS AND NOT TO EXCEED TWENTY-FIVE THOUSAND DOLLARS PER VIOLATION TO BE LEVIED BY THE DEPARTMENT OF HEALTH AFTER NOTICE AND OPPORTUNITY TO BE HEARD PURSUANT TO SECTION TWELVE-A OF THE PUBLIC HEALTH LAW.

S 2. This act shall take effect on the first of April next succeeding the date on which it shall have become a law.