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

4201

2009-2010 Regular Sessions

I N A S S E M B L Y

January 30, 2009

Introduced by M. of A. THIELE, WALKER -- Multi-Sponsored by -- M. of A. GIGLIO -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to directing the commissioner of health to evaluate the history of the radioactive emissions from a nuclear power plant prior to the extension of a license to operate

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

Section 1. Legislative findings. The legislature finds and declares that:

1. Historically, the nuclear power industry has obtained operating licenses with a finite time period and many of these licenses are reaching the end of such time periods. The re-licensing and/or transfer of these operating licenses is a large commitment of public resources that should be made with the utmost caution and opportunity for public comment.

2. A recent study has shown that infant death rates near five U.S. nuclear plants dropped significantly after the reactors closed and raised questions about the federal government's refusal to consider the effects of radioactive emissions from nuclear plants on local residents. In the first two years after the reactors closed, infant death rates fell fifteen to twenty percent from the previous two years, compared to an average national decline of only six percent between 1985 and 1996. In each of the five areas studied, no other nuclear reactor operates within seventy miles of the closed reactor, essentially creating a "nuclear-free zone." The study detailed the plunges in newly-diagnosed leukemia and cancer cases and birth defect deaths in children under five years in the four-county local area downwind from Rancho Seco. This excessive decline has continued through the first seven years after the June 1989 closing. In contrast, the local infant death rate rose in the two years after Rancho Seco began operations in 1974.

3. Moreover, dramatic decreases in childhood cancer cases and deaths from birth defects, which are strongly affected by radiation exposure, occurred near one of the reactors. Because this study raises questions

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

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about the risks to the health of forty-two million Americans living downwind and under fifty miles of nuclear power plants, it is incumbent upon the state of New York to consider the potential adverse health effects associated with nuclear plant operations before the renewal of plant licenses.

S 2. Article 2 of the public health law is amended by adding a new title 6 to read as follows:

TITLE VI

NUCLEAR POWER PLANT EVALUATION

SECTION 267. NUCLEAR POWER PLANT EVALUATION.

268. NUCLEAR POWER PLANT CITIZEN ADVISORY BOARD.

S 267. NUCLEAR POWER PLANT EVALUATION. 1. THE DEPARTMENT IS HEREBY AUTHORIZED AND DIRECTED TO CONDUCT AN EVALUATION OF ANY NUCLEAR POWER PLANT OPERATING IN THIS STATE PRIOR TO THE ISSUANCE OF A LICENSE TO EXTEND THE PERIOD OF OPERATION OF SUCH PLANT. THE DEPARTMENT IS DIRECTED TO CONSULT AND COOPERATE WITH ANY NUCLEAR PLANT LICENSING AGENCY TO EFFECTUATE THE PROVISIONS OF THIS SECTION. SUCH EVALUATION SHALL CONSIST OF A COMPREHENSIVE STUDY OF THE HISTORY OF THE RADIOACTIVE EMISSIONS FROM SUCH NUCLEAR POWER PLANT AND A STUDY OF THE CHANGES IN THE RATES OF CANCER, TYPES OF CANCER AND PATTERNS OF CANCER IN THE GEOGRAPHIC AREA AROUND SUCH PLANT. UPON THE COMPLETION OF SUCH EVALUATION, THE DEPARTMENT SHALL ISSUE A WRITTEN REPORT CONTAINING THE FINDINGS OF SUCH EVALUATION TO THE NUCLEAR POWER PLANT LICENSING AGENCY AND THE NUCLEAR POWER PLANT.

2. NO NUCLEAR POWER PLANT OPERATING IN THIS STATE SHALL OBTAIN A LICENSE TO EXTEND THE PERIOD OF OPERATION OF SUCH PLANT WITHOUT FIRST OBTAINING A REPORT FROM THE DEPARTMENT PURSUANT TO SUBDIVISION ONE OF THIS SECTION.

S 268. NUCLEAR POWER PLANT CITIZEN ADVISORY BOARD. 1. THERE IS HEREBY ESTABLISHED WITHIN THE DEPARTMENT A NUCLEAR POWER PLANT CITIZEN ADVISORY BOARD. SUCH BOARD SHALL CONSIST OF THIRTEEN MEMBERS AS FOLLOWS:

A. THE COMMISSIONER;

B. THREE MEMBERS FROM THE PUBLIC HEALTH COMMUNITY FROM THE STATE UNIVERSITY OF NEW YORK, ONE OF WHOM SHALL BE APPOINTED BY THE GOVERNOR, ONE BY THE TEMPORARY PRESIDENT OF THE SENATE AND ONE BY THE SPEAKER OF THE ASSEMBLY;

C. THREE MEMBERS FROM ORGANIZATIONS WHICH ADVOCATE ON BEHALF OF PERSONS WITH BREAST CANCER, ONE OF WHOM SHALL BE APPOINTED BY THE GOVERNOR, ONE BY THE TEMPORARY PRESIDENT OF THE SENATE AND ONE BY THE SPEAKER OF THE ASSEMBLY;

D. THREE MEMBERS FROM RECOGNIZED AND ESTABLISHED ENVIRONMENTAL COMMUNITIES, ONE OF WHOM SHALL BE APPOINTED BY THE GOVERNOR, ONE BY THE TEMPORARY PRESIDENT OF THE SENATE AND ONE BY THE SPEAKER OF THE ASSEMBLY; AND

E. THREE MEMBERS FROM ORGANIZATIONS WHICH ADVOCATE ON BEHALF OF CHILDREN WITH CANCER, ONE OF WHOM SHALL BE APPOINTED BY THE GOVERNOR, ONE BY THE TEMPORARY PRESIDENT OF THE SENATE AND ONE BY THE SPEAKER OF THE ASSEMBLY.

2. THE ADVISORY BOARD, IN COOPERATION WITH THE DEPARTMENT, SHALL DEVELOP THE METHOD AND PROCEDURE FOR THE EVALUATION OF NUCLEAR POWER PLANTS REQUIRED BY SECTION TWO HUNDRED SIXTY-SEVEN OF THIS TITLE AND SHALL ISSUE A WRITTEN REPORT WITH RECOMMENDATIONS TO THE DEPARTMENT WITHIN SIX MONTHS OF THE EFFECTIVE DATE OF THIS TITLE.

S 3. This act shall take effect immediately.