

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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SENATE BILL 779

Short Title: Delay Low-Level Site Pending Investigation.

(Public)

Sponsors: Senators Conder, Albertson, Gulley, Gunter, Hunt, Lee, Parnell, Plyler, Marshall, Sands, Walker, Warren; Ballance, Smith, and Shaw.

Referred to: Environment and Natural Resources.

April 8, 1993

A BILL TO BE ENTITLED

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2 AN ACT TO DELAY THE SITING PROCESS UNDER CHAPTER 104G OF THE
3 NORTH CAROLINA GENERAL STATUTES BY THE NORTH CAROLINA
4 LOW-LEVEL RADIOACTIVE WASTE MANAGEMENT AUTHORITY UNTIL
5 AN INDEPENDENT INVESTIGATOR REPORTS TO THE JOINT SELECT
6 COMMITTEE ON LOW-LEVEL RADIOACTIVE WASTE ON THE STATUS OF
7 LOW-LEVEL RADIOACTIVE WASTE.

8 Whereas, the United States Congress passed the Low-Level Radioactive
9 Waste Policy Act of 1980 which authorized interstate compact membership and
10 authorized the exclusion of waste generated from outside the compact; and

11 Whereas, the federal government established a policy that each state is
12 responsible for providing for the availability of capacity of low-level radioactive waste
13 generated within its borders, and that such waste can be managed most efficiently on a
14 regional basis; and

15 Whereas, the policy of the federal government in 1980 envisioned the
16 development of between 12 and 15 regional sites for the disposal of low-level
17 radioactive waste; and

18 Whereas, the Low-Level Radioactive Waste Policy Act was amended in 1985
19 to provide that any state that did not arrange for the disposal of its in-state low-level
20 radioactive waste generators by a specified date would have to take title to the waste
21 and assume liability for any damages that ensue; and

1 Whereas, in 1992 the United States Supreme Court invalidated the "take title"
2 provision in the Low-Level Radioactive Waste Policy Act, thus providing no incentive
3 for states to secure low-level radioactive waste disposal for their generators; and

4 Whereas, states in other compacts have failed to proceed in good faith in the
5 siting of low-level radioactive waste facilities to the extent that North Carolina may be
6 one of the only states capable of siting a low-level radioactive waste facility in this
7 century; and

8 Whereas, the amount of low-level radioactive waste generated in the country
9 has sharply declined and estimates of capacity have been substantially reduced to the
10 extent that if a low-level radioactive waste facility were sited at full capacity under the
11 Southeast Compact (32,000,000 cubic feet), that facility could provide enough capacity
12 for the entire country; and

13 Whereas, George Miller, a distinguished member of the North Carolina
14 House of Representatives and member of the Southeast Compact, has recently proposed
15 that a Legislative Committee hire an independent investigator to review the status of the
16 disposal of low-level radioactive waste, including recent court decisions and capacity
17 issues; Now, therefore,

18 The General Assembly of North Carolina enacts:

19 Section 1. The North Carolina Low-Level Radioactive Waste Management
20 Authority shall cease to site a low-level radioactive waste facility under Chapter 104G
21 of the North Carolina General Statutes until the Joint Select Committee on Low-Level
22 Radioactive Waste has completed its investigation of the status of the disposal of low-
23 level radioactive waste.

24 Sec. 2. This act is effective upon ratification.