

STATE OF OKLAHOMA

2nd Session of the 43rd Legislature (1992)

SENATE BILL NO. 766

BY: SHURDEN of the SENATE

and

LEIST of the HOUSE

AS INTRODUCED

AN ACT RELATING TO RADIOACTIVE WASTE; CREATING THE
RADIOACTIVE WASTE POLICY ACT; PROVIDING SHORT
TITLE; DEFINING TERMS; PROHIBITING RADIOACTIVE
MATERIALS FROM BEING RECYCLED, STORED, INCINERATED
OR DISPOSED IN THE STATE OF OKLAHOMA; PROVIDING
EXCEPTION; AUTHORIZING ANY PERSON TO BRING CERTAIN
LEGAL ACTION FOR VIOLATION OF ACT; AUTHORIZING
COURT TO AWARD CERTAIN DAMAGES; PROVIDING FOR
CODIFICATION; AND DECLARING AN EMERGENCY.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 1-2120 of Title 63, unless there
is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Radioactive
Waste Policy Act".

SECTION 2. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 1-2121 of Title 63, unless there
is created a duplication in numbering, reads as follows:

As used in this act:

1. "Radioactive materials" means any radioactive waste or other radioactive materials resulting from activities of the United States government, the Nuclear Regulatory Commission, its contractors, or Agreement states and their contractors or licensees pursuant to Section 2021 of Title 42 of the United States Code, and which satisfied the definition of low level radioactive wastes in section 2021 (9)(a) of Title 42 of the United States Code as of January 1, 1989. Naturally occurring radionuclides, uranium mill tailings or high-level radioactive waste shall not be included under this definition; and

2. "Approved facility" means any location at which is stored radioactive wastes in above-ground containment and has monitoring systems designed to prevent emissions or spills into the environment and for which the State of Oklahoma approves a license, permit, letter of agreement or by any other means authorizes the storage or destruction of radioactive materials. Such approval shall include, but not be limited to, certification by the appropriate state agencies that the facility will comply with all applicable state and federal laws and regulations pertaining to radioactive and hazardous materials and wastes, air and water pollution control and any other environmental and fiscal responsibility statutes and agency rules.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-2122 of Title 63, unless there is created a duplication in numbering, reads as follows:

No radioactive materials may be recycled, stored, incinerated, or land disposed in the State of Oklahoma except in an approved facility until a closed-loop destruction technology is permitted and utilized for the emission free destruction of radioactive waste.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-2123 of Title 63, unless there is created a duplication in numbering, reads as follows:

Any person may bring an action in district court for injunction, damages, or other appropriate relief for violation by any party of the provisions of this act. Upon a finding that a violation has occurred, the court shall award costs of litigation, including reasonable attorney and expert witness fees, and reasonable costs for monitoring and testing in support of expert testimony and advice.

SECTION 5. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

43-2-1795

MJM