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DEPARTMENT OF JUSTICE

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RELATED CORRESPONDENCE

July 24, 1979



James Yore, Chairman
Atomic Safety and Licensing Board
5101 Acacia Avenue
Bethesda, Maryland 20014

Dear Mr. Yore:

Enclosed is a copy of B-Engrossed House Bill 2570, enacted by the Oregon Legislative Assembly and signed by Governor Victor Atiyeh. The bill prohibits the Energy Facility Siting Council from issuing a site certificate for the proposed Pebble Springs project until November 15, 1980, at the earliest.

Under the bill, the Oregon Department of Energy is required to conduct a study of the Three Mile Island incident "to ascertain what action, if any, should be taken by the State of Oregon to prevent or avoid similar problems from occurring in this state." The DOE is also required to study the issue of the availability and costs of long-term storage of radioactive waste. The DOE must file its findings with the EFSC no later than July 1, 1980, unless an extension is granted based upon a showing of good cause. The material filed must be made a part of the record of the Pebble Springs site certification proceedings, and the parties thereto must have an opportunity to rebut the DOE's findings by cross-examination or other testimony.

The legislature also provided that the EFSC can commence its deliberations on issues in the Pebble Springs proceeding unaffected by House Bill 2570.

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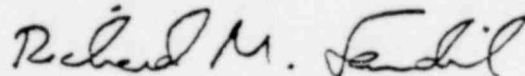
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The Oregon DOE is commencing the tasks assigned it by HB 2570 immediately. Once a schedule for further proceedings is developed by the EFSC, I will transmit it to the licensing boards and parties in the Pebble Springs and Skagit proceedings pending before the Nuclear Regulatory Commission.

Sincerely,



Richard M. Sandvik
Assistant Attorney General

RMS/sg
Enclosure

cc: (w/encl.)
Pebble Springs NRC Service List
Skagit NRC Service List

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POOR ORIGINAL

OREGON LEGISLATIVE ASSEMBLY—1979 Regular Session

B-Engrossed
House Bill 2570

Ordered by the Senate June 20

(Including Amendments by House April 24 and House Minority Report No. 1 May 3 and by Senate June 20)

Sponsored by Representatives BAUMAN, BURROWS, FADELEY, KAFOURY, KLEIN, STARR, Senators BROWN, KULONGOSKI, ROBERTS, WYERS, Representatives CREST, FAWBUSH, KITZHABER, MONROE, PRIESTLEY, RICHARDS, Senators FADELEY, GARDNER, HALLOCK, WINGARD

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Directs Department of Energy to conduct study of incident at Three Mile Island nuclear plant in Pennsylvania to ascertain actions necessary to prevent similar problems in Oregon and to file findings with siting council before July 1, 1980. Makes those findings a part of all pending applications before council for site certificate. Requires council make as part of findings determination that adequate repository for nuclear waste will be available. Does not apply to nuclear plants for which site certificate granted before effective date. Prohibits granting of any pending or subsequent site certificate applications until study completed. Repeals provisions of Act July 1, 1981.

Declares emergency, effective July 1, 1979.

A BILL FOR AN ACT

1
2 Relating to nuclear-fueled thermal power plants; prescribing an effective date; and declaring an emergency.

3 Be It Enacted by the People of the State of Oregon:

4 SECTION 1. The Department of Energy shall conduct a study of the incident which occurred at the Three
5 Mile Island Nuclear Plant in the State of Pennsylvania on or about March 30, 1979, to ascertain what action, if
6 any, should be taken by the State of Oregon to prevent or avoid similar problems from occurring in this state.
7 The department shall also include in the study, an examination of the availability of long-term storage for
8 radioactive wastes generated by nuclear-fueled thermal power plants and the costs of such long-term storage.

9 SECTION 2. The Department of Energy shall file its findings relating to the Three Mile Island incident and
10 its recommendations regarding the same with the Energy Facility Siting Council no later than July 1, 1980. An
11 appropriate extension of the foregoing time limit may be granted by the Energy Facility Siting Council for good
12 cause shown.

13 SECTION 3. The findings and recommendations of the Department of Energy shall be made a part of all
14 proceedings now pending before the Energy Facility Siting Council for site certificates for nuclear installations
15 and nuclear-fueled thermal power plants subject to the right of any participant in such proceeding to rebut such
16 findings and recommendations by cross-examination or other testimony. The council as part of any final order
17 on any pending or subsequent application for a site certificate for a nuclear installation or nuclear-fueled
18 thermal power plant shall make as a part of its findings a determination that there will be an available and
19 adequate repository for the terminal storage of radioactive waste generated by nuclear-fueled thermal power
20 plants and that the economic cost of such terminal storage is known and reasonable.

21 SECTION 4. The provisions of section 3 of this Act do not apply to any nuclear-fueled thermal power plant
22 for which a site certificate was granted before the effective date of this Act.

NOTE: Matter in bold face in an amended section is new; matter (*italic and bracketed*) is existing law to be omitted; complete new sections begin with SECTION.

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POOR ORIGINAL!

1 SECTION 5. Notwithstanding the provisions of subsection (3) of ORS 469.370, no pending or subsequent
2 application for a site certificate for a nuclear installation or a nuclear-fueled power plant shall be approved by
3 the Energy Facility Siting Council before November 15, 1980, and until the provisions of sections 1 to 3 of this
4 Act have been satisfied. Nothing in this section shall prevent the Energy Facility Siting Council from making
5 appropriate findings on other issues before it pending receipt of the study required under section 1 of this Act.

6 SECTION 6. The cost of the study required under section 1 of this Act shall be paid from the fee required
7 of the applicant under subsection (2) of ORS 469.420.

8 SECTION 7. Sections 1 to 6 of this Act are repealed on July 1, 1981.

9 SECTION 8. This Act being necessary for the immediate preservation of the public peace, health and
10 safety, an emergency is declared to exist, and this Act takes effect July 1, 1979.
