

SUBSTITUTE FOR
SENATE BILL NO. 948

A bill to amend 1978 PA 113, entitled
"An act to regulate the depositing, storing, or both, of
radioactive waste,"
by amending the title and section 1 (MCL 325.491), the title as
amended by 1987 PA 202 and section 1 as amended by 1989 PA 12, and
by adding section 2; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1

TITLE

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An act to regulate the **IMPORTING**, depositing, **AND** storing ~~or~~
~~both,~~ of radioactive waste; **TO ESTABLISH A GREAT LAKES PROTECTION**
RADIOACTIVE WASTE ADVISORY BOARD; AND TO REPEAL ACTS AND PARTS OF
ACTS.

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Sec. 1. (1) **AS USED IN THIS ACT, "CLASS A WASTE", "CLASS B**
WASTE", OR "CLASS C WASTE" MEANS CLASS A WASTE, CLASS B WASTE, OR
CLASS C WASTE, RESPECTIVELY, AS DESCRIBED IN 10 CFR 61.55 THAT IS

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1 LOW-LEVEL RADIOACTIVE WASTE AS DEFINED IN SECTION 13703 OF THE
2 PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.13703.

3 (2) Radioactive waste ~~may~~**SHALL** not be deposited or stored in
4 this state.

5 (3) ~~(2)~~Subsection ~~(1)~~**shall**~~(2)~~ **DOES** not apply to **ANY OF THE**
6 **FOLLOWING:**

7 (a) The safe and secure ~~storing~~**STORAGE** or disposal in
8 aboveground facilities at the site of an educational institution
9 that produces radioactive waste consisting of spent fuel rods
10 produced by that educational institution.

11 (b) The safe and secure storage in aboveground storage that is
12 located at or near a nuclear power generating facility of spent
13 fuel rods, or the safe and secure storage at the site of a nuclear
14 power generating facility of low-level radioactive waste produced
15 at that nuclear power generating facility. With the approval of the
16 nuclear regulatory commission, spent fuel rods may be stored
17 aboveground at or near a nuclear power generating facility while
18 the nuclear regulatory commission operating license for the
19 facility is in effect or until a date that is consistent with the
20 decommissioning plan for the facility. Spent fuel rods shall not be
21 transported from a nuclear power generating facility for storage at
22 any other nuclear power generating facility.

23 (c) Waste consisting of uranium tailings that result from
24 uranium mining within this state.

25 (d) The safe and secure temporary storage at the site of a
26 nuclear power generating facility for not more than 2 days of any
27 radioactive materials incidental to transportation of those

1 materials.

2 (e) The normal usage and safe and secure storage of
3 radioactive materials used by doctor's offices, hospitals, health
4 clinics, or other medical research or medical treatment centers.

5 (f) The safe and secure storage or disposal, or both, of low-
6 level radioactive waste pursuant to ~~Act No. 460 of the Public Acts~~
7 ~~of 1982, being sections 1982 PA 460, MCL 3.751 to 3.752, of the~~
8 ~~Michigan Compiled Laws, and to part 137 of the public health code,~~
9 ~~Act No. 368 of the Public Acts of 1978, being sections 1978 PA 368,~~
10 ~~MCL 333.13701 to 333.13741. of the Michigan Compiled Laws.~~ **HOWEVER,**
11 **THIS SUBDIVISION DOES NOT APPLY TO PERMIT STORAGE OR DISPOSAL OF**
12 **ANY OF THE FOLLOWING:**

13 (i) CLASS A WASTE THAT IS GENERATED OUTSIDE THIS STATE.

14 (ii) CLASS B WASTE THAT IS GENERATED OUTSIDE THIS STATE.

15 (iii) CLASS C WASTE.

16 (g) The safe and secure storage or disposal of radioactive
17 waste with radioactivity less than the amount that would require a
18 specific license under part 135 of the public health code, ~~Act No.~~
19 ~~368 of the Public Acts of 1978, being sections 333.13501 to~~
20 ~~333.13536 of the Michigan Compiled Laws 1978 PA 368, MCL 333.13501~~
21 **TO 333.13537,** and rules promulgated under that part.

22 (h) The safe and secure storage of radioactive waste that was
23 being stored before January 1, 1970 and that is stored in a manner
24 approved by the department of ~~public health~~ **ENVIRONMENTAL QUALITY**
25 so as not to create a hazard to the public health, safety, or
26 welfare.

27 **SEC. 2. (1) THE GREAT LAKES PROTECTION RADIOACTIVE WASTE**

1 ADVISORY BOARD IS CREATED.

2 (2) THE BOARD SHALL CONSIST OF THE FOLLOWING MEMBERS:

3 (A) THREE INDIVIDUALS WITH EDUCATION AND EXPERIENCE IN A
4 TECHNICAL SPECIALTY THAT IS PERTINENT TO ISSUES RELATED TO
5 RADIOACTIVE WASTE DISPOSAL, SUCH AS A HYDROGEOLOGIST, HEALTH
6 PHYSICIST, RADIATION ENGINEER, OR BIOLOGIST, APPOINTED BY THE
7 SENATE MAJORITY LEADER.

8 (B) AN INDIVIDUAL REPRESENTING AN INDIAN TRIBE RECOGNIZED BY
9 THE FEDERAL GOVERNMENT, APPOINTED BY THE GOVERNOR.

10 (C) AN INDIVIDUAL REPRESENTING AN INDUSTRY GENERATING CLASS C
11 RADIOACTIVE WASTE, APPOINTED BY THE GOVERNOR.

12 (D) AN INDIVIDUAL REPRESENTING AN ENVIRONMENTAL ORGANIZATION,
13 APPOINTED BY THE SPEAKER OF THE HOUSE.

14 (E) AN INDIVIDUAL REPRESENTING A MEMBER OF A PRIVATE
15 CONSERVATION ORGANIZATION WITH A PRESENCE IN THE GREAT LAKES BASIN,
16 APPOINTED BY THE SPEAKER OF THE HOUSE.

17 (F) AN INDIVIDUAL WITH EXPERTISE IN ARCHAEOLOGICAL,
18 HISTORICAL, AND CULTURAL RESOURCES IN THE GREAT LAKES BASIN,
19 APPOINTED BY THE SPEAKER OF THE HOUSE.

20 (G) THE EXECUTIVE DIRECTOR OF AN ORGANIZATION OF STATES AND
21 PROVINCES ESTABLISHED TO PROTECT AND CONSERVE THE GREAT LAKES,
22 SPECIFIED BY THE SPEAKER OF THE HOUSE.

23 (H) THE DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY,
24 OR HIS OR HER DESIGNEE.

25 (I) THE DIRECTOR OF THE DEPARTMENT OF LICENSING AND REGULATORY
26 AFFAIRS, OR HIS OR HER DESIGNEE.

27 (3) THE MEMBERS FIRST APPOINTED TO THE BOARD SHALL BE

1 APPOINTED WITHIN 30 DAYS AFTER THE EFFECTIVE DATE OF THIS SECTION.

2 (4) MEMBERS OF THE BOARD SHALL SERVE FOR THE LIFE OF THE
3 BOARD. IF A VACANCY OCCURS ON THE BOARD, THE VACANCY SHALL BE
4 FILLED IN THE SAME MANNER AS THE ORIGINAL APPOINTMENT WAS MADE. THE
5 SENATE MAJORITY LEADER OR SPEAKER OF THE HOUSE OF REPRESENTATIVES
6 MAY REMOVE A MEMBER OF THE BOARD APPOINTED BY THAT OFFICER FOR
7 INCOMPETENCE, DERELICTION OF DUTY, MALFEASANCE, MISFEASANCE, OR
8 NONFEASANCE IN OFFICE, OR ANY OTHER GOOD CAUSE.

9 (5) THE FIRST MEETING OF THE BOARD SHALL BE CALLED BY THE
10 DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY. AT THE FIRST
11 MEETING, THE BOARD SHALL ELECT FROM AMONG ITS MEMBERS A CHAIRPERSON
12 AND OTHER OFFICERS AS IT CONSIDERS NECESSARY OR APPROPRIATE. AFTER
13 THE FIRST MEETING, THE BOARD SHALL MEET AT LEAST QUARTERLY, OR MORE
14 FREQUENTLY AT THE CALL OF THE CHAIRPERSON OR IF REQUESTED BY 2 OR
15 MORE MEMBERS.

16 (6) A MAJORITY OF THE MEMBERS OF THE BOARD CONSTITUTE A QUORUM
17 FOR THE TRANSACTION OF BUSINESS AT A MEETING OF THE BOARD. A
18 MAJORITY OF THE MEMBERS PRESENT AND SERVING ARE REQUIRED FOR
19 OFFICIAL ACTION OF THE BOARD. THE BUSINESS THAT THE BOARD MAY
20 PERFORM SHALL BE CONDUCTED AT A PUBLIC MEETING OF THE BOARD HELD IN
21 COMPLIANCE WITH THE OPEN MEETINGS ACT, 1976 PA 267, MCL 15.261 TO
22 15.275.

23 (7) A WRITING PREPARED, OWNED, USED, IN THE POSSESSION OF, OR
24 RETAINED BY THE BOARD IN THE PERFORMANCE OF AN OFFICIAL FUNCTION IS
25 SUBJECT TO THE FREEDOM OF INFORMATION ACT, 1976 PA 442, MCL 15.231
26 TO 15.246.

27 (8) MEMBERS OF THE BOARD SHALL SERVE WITHOUT COMPENSATION.

1 HOWEVER, MEMBERS OF THE BOARD MAY BE REIMBURSED FOR THEIR ACTUAL
2 AND NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF THEIR
3 OFFICIAL DUTIES AS MEMBERS OF THE BOARD.

4 (9) BY 1 YEAR AFTER THE EFFECTIVE DATE OF THIS SECTION, THE
5 BOARD SHALL SUBMIT TO THE LEGISLATURE AND THE GOVERNOR A REPORT
6 ASSESSING A BROAD RANGE OF POTENTIAL PUBLIC HEALTH, NATURAL
7 RESOURCE, CULTURAL, ARCHAEOLOGICAL, AND HISTORICAL IMPACTS IN THE
8 GREAT LAKES BASIN THAT MAY RESULT FROM A DEEP GEOLOGIC REPOSITORY
9 FOR RADIOACTIVE WASTE TO BE CONSTRUCTED AND OPERATED NEAR OR ALONG
10 THE SHORE OF ANY OF THE GREAT LAKES. TO GATHER INFORMATION FOR THE
11 REPORT, THE BOARD SHALL CONDUCT AT LEAST 3 PUBLIC HEARINGS IN AREAS
12 OF THIS STATE THAT MAY BE AFFECTED BY THE PROPOSED GEOLOGIC
13 REPOSITORY. THE BOARD MAY ALSO CONSULT WITH PERSONS FOR ASSISTANCE
14 IN PREPARATION OF THE REPORT.

15 (10) THIS SECTION IS REPEALED 1 YEAR AND 90 DAYS AFTER ITS
16 EFFECTIVE DATE.