

SENATE BILL No. 948

May 21, 2014, Introduced by Senators PAVLOV, PROOS, BRANDENBURG, GREEN, SCHUITMAKER, HOPGOOD, JONES, HANSEN, MARLEAU, KOWALL and HILDENBRAND and referred to the Committee on Natural Resources, Environment and Great Lakes.

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:

TITLE

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.**

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

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

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

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

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

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

(d) The safe and secure temporary storage at the site of a

1 nuclear power generating facility for not more than 2 days of any
2 radioactive materials incidental to transportation of those
3 materials.

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

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

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

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

17 (iii) **CLASS C WASTE.**

18 (g) The safe and secure storage or disposal of radioactive
19 waste with radioactivity less than the amount that would require a
20 specific license under part 135 of the public health code, ~~Act No.~~
21 ~~368 of the Public Acts of 1978, being sections 333.13501 to~~
22 ~~333.13536 of the Michigan Compiled Laws 1978 PA 368, MCL 333.13501~~
23 **TO 333.13537,** and rules promulgated under that part.

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

1 welfare.

2 SEC. 2. (1) THE GREAT LAKES PROTECTION RADIOACTIVE WASTE
3 ADVISORY BOARD IS CREATED.

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

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

10 (B) AN INDIVIDUAL REPRESENTING AN INDIAN TRIBE RECOGNIZED BY
11 THE FEDERAL GOVERNMENT, APPOINTED BY THE SENATE MAJORITY LEADER.

12 (C) AN INDIVIDUAL REPRESENTING AN INDUSTRY GENERATING CLASS C
13 RADIOACTIVE WASTE, APPOINTED BY THE SPEAKER OF THE HOUSE.

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

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

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

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

25 (H) THE CHIEF OF THE RADIOLOGICAL PROTECTION DIVISION OF THE
26 DEPARTMENT OF ENVIRONMENTAL QUALITY, OR HIS OR HER DESIGNEE.

27 (I) THE CHIEF OF THE RADIATION SAFETY SECTION OF THE

1 DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS.

2 (3) THE MEMBERS FIRST APPOINTED TO THE BOARD SHALL BE
3 APPOINTED WITHIN 30 DAYS AFTER THE EFFECTIVE DATE OF THIS SECTION.

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

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

18 (6) A MAJORITY OF THE MEMBERS OF THE BOARD CONSTITUTE A QUORUM
19 FOR THE TRANSACTION OF BUSINESS AT A MEETING OF THE BOARD. A
20 MAJORITY OF THE MEMBERS PRESENT AND SERVING ARE REQUIRED FOR
21 OFFICIAL ACTION OF THE BOARD. THE BUSINESS THAT THE BOARD MAY
22 PERFORM SHALL BE CONDUCTED AT A PUBLIC MEETING OF THE BOARD HELD IN
23 COMPLIANCE WITH THE OPEN MEETINGS ACT, 1976 PA 267, MCL 15.261 TO
24 15.275.

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

1 TO 15.246.

2 (8) MEMBERS OF THE BOARD SHALL SERVE WITHOUT COMPENSATION.
3 HOWEVER, MEMBERS OF THE BOARD MAY BE REIMBURSED FOR THEIR ACTUAL
4 AND NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF THEIR
5 OFFICIAL DUTIES AS MEMBERS OF THE BOARD.

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

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