

LOW-LEVEL RADIOACTIVE WASTE AUTHORITY ACT (EXCERPT)
Act 204 of 1987

333.26217 International low-level radioactive waste research and education institute; establishment; agreements; independent entity; board of governors; appointment, qualifications, and terms of governors; powers and duties of institute; vacancy; quorum; action of board; meetings; general operating expenses; compensation of governor; formation of private nonprofit corporation; reports; availability of writings.

Sec. 17. (1) No later than October 1, 1988, the authority shall organize the establishment of an international low-level radioactive waste research and education institute. The authority may enter into agreements with a state university or college or a consortium of universities or colleges as may be necessary to establish the institute in accordance with this section. The authority shall establish a process by which a state university or college or a consortium of universities or colleges may indicate an interest in accepting the institute as an independent entity. The institute shall be governed by a board of governors who are jointly selected and appointed by the authority and the designated representative of the university, college, or consortium. The governors shall be as follows:

(a) One individual from a public utility that produces low-level radioactive waste as a result of the generation of electrical power.

(b) One individual from a business that is not a public utility but produces low-level radioactive waste.

(c) One individual from a medical facility that generates radioactive waste.

(d) Two individuals from environmental or public interest organizations.

(e) Three college or university faculty or staff members who have expertise in nuclear physics or nuclear chemistry and in the handling, processing, or reduction of low-level radioactive waste.

(f) One individual representing the general public.

(g) The director of public health or his or her authorized representative.

(h) The attorney general or his or her authorized representative.

(2) In addition to the governors appointed under subsection (1), if this state is a member of a compact, the governing body of the compact may appoint 1 representative to the board of governors who shall serve as an ex officio nonvoting member.

(3) The powers and duties of the institute shall include all of the following:

(a) To develop contracts with universities and other research institutions to conduct research on waste issues, including, but not limited to, all of the following:

(i) The method by which a determination can be made regarding the amounts of wastes specified by radionuclide that are generated within this state, and within compact member states as long as this state remains a member of a compact, to be disposed of in the disposal site in order to provide an inventory and guide disposal options and risk assessments.

(ii) The construction media, waste forms, and other engineering features necessary to assure containment of wastes, to reduce the potential for a release of waste.

(iii) The development of features to detect and control a release of waste.

(iv) The cost versus risk analysis of available waste treatment methods, with an emphasis on waste treatment methods that could adversely or positively affect the long-term performance of the disposal site.

(v) Transportation management systems that prevent public radiation exposure and facilitate incident response planning.

(vi) The use of mediation and human resource methods to facilitate positive interaction between the operators of the disposal site and the public.

(vii) The basic frameworks to provide for institutional control and the accumulation and use of economic resources necessary for institutional control.

(viii) Development of new materials and methods to reduce or eliminate the generation of waste.

(ix) Development of methods for state-of-the-art environmental monitoring of the disposal site.

(x) Economic implications of different waste management and treatment options.

(b) To develop and operate a technical resource program to provide information and assistance to persons involved with public policy issues surrounding the management of the disposal of waste.

(c) To develop and implement education programs that assist the public in understanding issues surrounding the generation, possession, transportation, processing, collecting, and disposal of waste and the site closure and stabilization, post closure observation and maintenance, and institutional control of the disposal site.

(4) The governors appointed as provided in subsections (1) and (2) shall serve for terms of 4 years, or until a successor is appointed, whichever is later, except that of the members first appointed, 3 shall serve for 2

years and 3 shall serve for 3 years.

(5) If a vacancy occurs on the board of governors, an appointment shall be made for the unexpired term in the same manner as the original appointment.

(6) A majority of the governors of the institute shall constitute a quorum for the transaction of business at a meeting of the board. Action by the board of governors shall be by a majority of the votes cast.

(7) A meeting of the board of governors shall be held in compliance with the open meetings act, Act No. 267 of the Public Acts of 1976, being sections 15.261 to 15.275 of the Michigan Compiled Laws, and notice of the time, date, and place of the meeting shall be given in the manner required by that act.

(8) In addition to research grant awards, not more than \$250,000.00 annually shall be available for appropriation from the low-level radioactive waste management fund to meet the general operating expenses of the institute.

(9) A governor of the institute may receive compensation for his or her service, and shall be reimbursed for expenses that are necessarily incurred in the performance of duties as a member of the institute.

(10) The board of governors shall meet at least quarterly.

(11) The institute may form a private nonprofit corporation, if the board of governors determines that doing so will assist in fulfilling its functions under this section.

(12) The board of governors shall annually prepare a report that details the sources of funds, amount of funds received from each source, and the use of all funds that are received by the institute or a nonprofit corporation formed by the board of governors during the reporting year. Any report prepared by or on behalf of the board of governors shall include a list of all of the sources that contribute funds for the operation of the institute.

(13) Within 180 days after the effective date of the amendatory act that added this subsection, the board of governors shall prepare the following reports and provide these reports to the appropriate standing committees of the senate and house of representatives that primarily address issues pertaining to the environment and natural resources.

(a) A report on waste management options available to this state. The report shall also list and evaluate feasible options to encourage a reduction in the amount of waste generated in this state. The board of governors shall identify and evaluate options and make recommendations to the authority regarding interim waste storage and provision of final disposal capacity.

(b) A volunteer host community program plan which, at a minimum, incorporates the provisions of section 7. The authority shall obtain public comment in the preparation of this plan.

(14) A writing prepared, owned, used, in possession of, or retained by the board of governors in the performance of an official function is subject to the freedom of information act, Act No. 442 of the Public Acts of 1976, being sections 15.231 to 15.246 of the Michigan Compiled Laws.

History: 1987, Act 204, Imd. Eff. Dec. 22, 1987;—Am. 1994, Act 434, Imd. Eff. Jan. 6, 1995.