



# SENATE BILL No. 20

January 13, 1993, Introduced by Senator EHLERS and referred to the Committee on Natural Resources and Environmental Affairs.

A bill to amend sections 2, 3, 4, 5, 6, 9, 11, 12, 13, 14, 15, 16, 17, 19, and 20 of Act No. 204 of the Public Acts of 1987, entitled

"Low-level radioactive waste authority act,"

being sections 333.26202, 333.26203, 333.26204, 333.26205, 333.26206, 333.26209, 333.26211, 333.26212, 333.26213, 333.26214, 333.26215, 333.26216, 333.26217, 333.26219, and 333.26220 of the Michigan Compiled Laws; to add section 19a; and to repeal certain parts of the act.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 2, 3, 4, 5, 6, 9, 11, 12, 13, 14, 15,  
2 16, 17, 19, and 20 of Act No. 204 of the Public Acts of 1987,  
3 being sections 333.26202, 333.26203, 333.26204, 333.26205,  
4 333.26206, 333.26209, 333.26211, 333.26212, 333.26213, 333.26214,  
5 333.26215, 333.26216, 333.26217, 333.26219, and 333.26220 of the

1 Michigan Compiled Laws, are amended and section 19a is added to  
2 read as follows:

3 Sec. 2. As used in this act:

4 (A) "ADVISORY BOARD" MEANS THE LOW-LEVEL RADIOACTIVE WASTE  
5 POLICY ADVISORY BOARD ESTABLISHED PURSUANT TO SECTION 17.

6 (B) ~~-(a)-~~ "Authority" means the low-level radioactive waste  
7 authority established in section 3.

8 (C) ~~-(b)-~~ "Candidate site" means a site designated by the  
9 authority as a possible host site pursuant to section 11.

10 (D) ~~-(e)-~~ "Carrier" means a person authorized pursuant to  
11 part 137 who is engaged in the transportation of waste by air,  
12 rail, highway, or water.

13 ~~-(d)- "Commission" means the midwest interstate low level~~  
14 ~~radioactive waste commission created in Act No. 460 of the Public~~  
15 ~~Acts of 1982, being sections 3.751 to 3.752 of the Michigan~~  
16 ~~Compiled Laws.-~~

17 (e) "Commissioner" means the head of the authority.

18 (f) "Compact" means ~~the midwest interstate low level radio-~~  
19 ~~active waste compact entered into by this state pursuant to Act~~  
20 ~~No. 460 of the Public Acts of 1982~~ A CONTRACTUAL, COOPERATIVE  
21 AGREEMENT AMONG 2 OR MORE STATES TO PROVIDE FOR THE DISPOSAL OF  
22 LOW-LEVEL RADIOACTIVE WASTE THAT IS REFLECTED IN THE PASSAGE OF  
23 STATUTES BY THE PARTICIPATING STATES.

24 (g) "Department" means the department of public health.

25 (h) "Director" means the director of public health.

1 (i) "Disposal" means the isolation of waste from the  
2 biosphere by emplacement in the disposal site or as otherwise  
3 authorized in section 13709(3) of part 137.

4 (j) "Disposal site" means a geographic location in this  
5 state upon which the disposal unit and any other structures and  
6 appurtenances are located, the property upon which any monitoring  
7 equipment is located, and the isolation distance from the dis-  
8 posal unit to adjacent property lines.

9 (k) "Disposal unit" means the portion of the disposal site  
10 into which waste is placed for disposal.

11 (l) "Generator" means any person licensed as a generator by  
12 the nuclear regulatory commission and authorized pursuant to part  
13 137 whose act or process results in the production of waste or  
14 whose act first causes waste to become subject to regulation  
15 under part 137 or federal law.

16 (m) "Groundwater" means water below the land surface in a  
17 zone of saturation.

18 (n) "Host site" means the candidate site that is designated  
19 by the ~~authority~~ COMMISSIONER as the location for the disposal  
20 site in this state.

21 (o) "Host site community" means the municipality that is  
22 designated by the ~~authority~~ COMMISSIONER as the host site.

23 (p) "Institutional control" means the continued surveil-  
24 lance, monitoring, and care of the disposal site after site clo-  
25 sure and stabilization to insure the protection of the public  
26 health, safety, and welfare, and the environment until the  
27 contents of the disposal site no longer have a radioactive

1 content that is greater than the natural background radiation of  
2 the host site as determined during its site characterization.

3 (q) "Local monitoring committee" means a committee estab-  
4 lished pursuant to section 14 to represent a candidate site.

5 (r) "Low-level radioactive waste" or "waste" means radioac-  
6 tive material that consists of or contains class A, B, or C  
7 radioactive waste as defined by 10 C.F.R. 61.55, as in effect on  
8 January 26, 1983 but does not include waste or material that is  
9 any of the following:

10 (i) Owned or generated by the department of energy.

11 (ii) Generated by or resulting from the operation or closure  
12 of a superconducting super collider.

13 (iii) Owned or generated by the United States navy as a  
14 result of the decommissioning of vessels of the United States  
15 navy.

16 (iv) Owned or generated as a result of any research, devel-  
17 opment, testing, or production of an atomic weapon.

18 (v) Identified under the formerly utilized sites remedial  
19 action program.

20 (vi) High-level radioactive waste, spent nuclear fuel, or  
21 by-product material as defined in section 11e(2) of the atomic  
22 energy act of 1954, 42 U.S.C. 2014(e)(2).

23 (vii) Contains greater than or equal to 100 nanocuries per  
24 gram of transuranic elements.

25 (viii) Contains concentrations of radionuclides that exceed  
26 the limits established by the nuclear regulatory commission for

1 class C radioactive waste as defined by 10 C.F.R. 61.55, as in  
2 effect January 26, 1983.

3 (ix) Classified as naturally occurring or  
4 accelerator-produced radioactive materials known as  
5 N.A.R.M. waste.

6 (x) Waste that after the effective date of part 137 is  
7 determined by the nuclear regulatory commission to be waste that  
8 is beneath regulatory concern, or B.R.C. waste as defined by the  
9 nuclear regulatory commission, unless the department and the  
10 authority concur with this designation.

11 (s) "Low-level radioactive waste management fund" or "fund"  
12 means the fund created in section 20.

13 (t) "Manifest" means a form provided or approved by the  
14 department that is used for identifying the quantity; composi-  
15 tion, including the class, curie count, and radioactive nuclides;  
16 origin; routing; and destination of waste from the point of gen-  
17 eration to the point of processing, collection, or disposal.

18 (u) "Municipality" means a city, village, township, or  
19 Indian tribe.

20 (v) "Operation" means the control, supervision, or implemen-  
21 tation of the actual physical activities involved in the accep-  
22 tance, storage, disposal, and monitoring of waste at the disposal  
23 site, the maintenance of the disposal site, and any other respon-  
24 sibility pertaining to the disposal unit and the disposal site.

25 (w) "Part 137" means part 137 of the public health code, Act  
26 No. 368 of the Public Acts of 1978, being sections 333.13701 to  
27 333.13741 of the Michigan Compiled Laws.

1       (x) "Performance assessment" means an analysis of the  
2 potential pathways for release of waste to the environment and  
3 the potential impacts of a release during the transportation of  
4 radioactive waste to the disposal site and during the handling  
5 and disposal of waste at the disposal site, including, but not  
6 limited to:

7       (i) A description of the potential pathways for radioactive  
8 nuclide migration beyond the boundaries of the disposal site  
9 during the operation of the site and in the event there is a  
10 release.

11       (ii) A description of the potential pathways for radioactive  
12 nuclide migration beyond the packaging boundaries in the event of  
13 a release that occurs during transportation.

14       (iii) An analysis of safety factors pertaining to the trans-  
15 portation of waste.

16       (iv) The identification of the potential impacts to air,  
17 surface water, and groundwater quality, and vegetation, animals,  
18 and humans, or any other living thing beyond the boundaries of  
19 the disposal site.

20       (v) A description of potential mechanisms for radioactive  
21 release, including, but not limited to, mechanical failure,  
22 structural failure, and human error.

23       (y) "Person" means an individual, partnership, cooperative,  
24 association, corporation, receiver, trustee, or assignee.

25       (z) "Postclosure observation and maintenance" means the sur-  
26 veillance, monitoring, and maintenance of the disposal site after

1 it has been closed and continuing through site closure and  
2 stabilization and institutional control.

3 (aa) "Release" means any intentional or unintentional spill-  
4 ing, leaking, pumping, emitting, emptying, discharging, inject-  
5 ing, escaping, leaching, dumping, disposing, or placing of waste  
6 into the environment, except in compliance with all of the  
7 following:

8 (i) Part 137.

9 (ii) The rules promulgated under part 135 of the public  
10 health code, Act No. 368 of the Public Acts of 1978, being sec-  
11 tions 333.13501 to 333.13536 of the Michigan Compiled Laws.

12 (iii) A permit or license issued pursuant to federal law, if  
13 the person who is responsible for the release holds such a permit  
14 or license.

15 (iv) A permit or license issued pursuant to part 137, if the  
16 person who is responsible for the release holds such a permit or  
17 license.

18 (v) The rules promulgated under this part.

19 (bb) "Remedial actions" means those actions taken in the  
20 event of a radioactive release or threatened release into the  
21 environment to prevent or minimize the radioactive release so  
22 that it does not migrate and cause significant danger to the  
23 present or future public health, safety, or welfare, or to the  
24 environment. Remedial action includes, but is not limited to,  
25 actions at the location of the release such as storage, confine-  
26 ment, perimeter protection which may include using dikes,  
27 trenches, and ditches, clay cover, neutralization, dredging or

1 excavation, repair or replacement of leaking containers,  
2 collection of leachate and runoff, efforts to minimize the social  
3 and economic harm of processing, provision of alternative water  
4 supplies, and any required monitoring to assure that the actions  
5 taken are sufficient to protect the public health, safety, and  
6 welfare, and the environment.

7 (cc) "Site characterization" means the site specific inves-  
8 tigation of a candidate site undertaken pursuant to section 12.

9 (dd) "Site closure and stabilization" means the actions  
10 taken at the disposal site during the time period after the clo-  
11 sure of the disposal unit during which on-site low-level radioac-  
12 tive waste is disposed in accordance with part 137, equipment is  
13 dismantled, decontaminated, removed for reuse or disposed of, and  
14 radioactive residues are removed from, or properly isolated on,  
15 the disposal site in preparation for transfer of ownership of the  
16 disposal site to the federal government.

17 Sec. 3. (1) An authority is created to be known as the  
18 low-level radioactive waste authority. The authority shall be an  
19 autonomous entity within the department of ~~management and~~  
20 ~~budget~~ COMMERCE. The authority shall exercise its powers and  
21 duties independently of the department of ~~management and budget~~  
22 COMMERCE, including the budgeting, procurement, contracting for,  
23 and actual purchase of all equipment, supplies, and services of  
24 whatever kind necessary to implement this act.

25 (2) The head of the authority is the commissioner who shall  
26 be qualified by training and experience to direct the work of the  
27 authority. The commissioner shall be appointed by the governor,



1 by and with the advice and consent of the senate, and shall serve  
2 a 2-year term at the pleasure of the governor. A vacancy occur-  
3 ring in the office of the commissioner shall be filled in the  
4 same manner as the original appointment. The commissioner shall  
5 receive a salary as provided by annual appropriation by the leg-  
6 islature from the low-level radioactive waste management fund.

7 (3) The commissioner shall be exempt from civil service.  
8 The commissioner shall be responsible directly to the governor to  
9 ensure the accountability and integrity of the authority and  
10 accordingly should be a position within the department of  
11 ~~management and budget~~ COMMERCE that is exempt from the classi-  
12 fied state civil service. The department of ~~management and~~  
13 ~~budget~~ COMMERCE shall request that the civil service commission  
14 establish the commissioner's position as a position that is  
15 exempt from the classified state civil service.

16 (4) The commissioner shall employ personnel as necessary to  
17 implement this act.

18 Sec. 4. In addition to the powers provided in this act and  
19 part 137, subject to other applicable requirements of law, the  
20 powers of the authority include all of the following: ~~powers:~~

21 (a) Hold public meetings in compliance with the open meet-  
22 ings act, Act No. 267 of the Public Acts of 1976, being sections  
23 15.261 to 15.275 of the Michigan Compiled Laws.

24 (b) Accept assistance from public agencies, colleges and  
25 universities, private foundations, individuals, corporations, or  
26 associations.

1 (c) Accept and utilize a donation, loan, grant, or  
2 reimbursement of money to obtain equipment, supplies, materials,  
3 or services from any state or the United States or an agency or a  
4 political subdivision of the state or the United States, ~~or from~~  
5 ~~the commission,~~ or from any person. The nature, amount, and  
6 conditions, if any, attached to a donation, loan, or grant  
7 accepted pursuant to this subdivision, together with the identity  
8 of the donor, grantor, or lender, ~~shall be~~ IS public  
9 information. A donor, lender, or grantor shall not derive any  
10 advantage in any matter under this act, part 137, rules promul-  
11 gated under part 137, or federal law by reason of a donation,  
12 loan, or grant. ~~Money~~ THE AUTHORITY SHALL FORWARD MONEY  
13 obtained under this subdivision ~~shall be forwarded~~ to the state  
14 treasurer for deposit in the low-level radioactive waste manage-  
15 ment fund.

16 (d) Form 1 or more advisory committees as considered appro-  
17 priate to make recommendations to the authority regarding the  
18 performance of 1 or more of the responsibilities of the  
19 authority.

20 (e) Exercise the power of eminent domain under the uniform  
21 condemnation procedures act, Act No. 87 of the Public Acts of  
22 1980, being sections 213.51 to 213.77 of the Michigan Compiled  
23 Laws.

24 (f) Perform other functions considered necessary to imple-  
25 ment this act.

26 (g) Establish and use a computer system to maintain,  
27 receive, or transmit any of the following:

(i) A manifest, report, or other record required by this act, or part 137, or the rules promulgated under part 137.

(ii) A disposal shipment certificate.

(iii) The application, or a portion of the application, for a construction and operating license for the disposal site.

(iv) Information the authority is required to provide to the public under this act.

(h) Issue revenue bonds pursuant to section 20a.

(I) NEGOTIATE, CREATE LEGAL MECHANISMS FOR THE STATE OR PRIVATE WASTE GENERATORS, OR BOTH, OR ENTER INTO RELATIONSHIPS WITH OUT-OF-STATE ENTITIES FOR THE DISPOSAL OF LOW-LEVEL RADIOACTIVE WASTE.

Sec. 5. (1) In addition to the duties provided in this act and in part 137, subject to other applicable requirements of law, the duties of the authority include all of the following:

(a) Select the host site.

(b) Submit an application to the department for a construction and operating license for the disposal site that meets the requirements of part 137.

(c) Acquire, purchase, hold, lease, or manage real property, easements, and rights-of-way to implement this act.

(d) Make available and negotiate on behalf of the state monetary and nonmonetary incentives and benefits for the state, the host site community, the county in which the host site community is located, and the municipalities that have a common border with the host site community.

1 (e) Make available to local monitoring committees sufficient  
2 funding to enable the local monitoring committees to fulfill  
3 their responsibilities under section 14.

4 (f) Establish just and reasonable waste disposal fees and  
5 surcharges subject to the requirements of section 19.

6 ~~(g) Negotiate funding with the commission.~~

7 (G) ~~(h)~~ Negotiate and arbitrate with the local monitoring  
8 committee for the host site as provided in section 16.

9 ~~(i) Serve through the representation of the commissioner as~~  
10 ~~the voting member representing this state on the commission.~~

11 ~~(j) Direct the efforts of this state to comply with its~~  
12 ~~lawful responsibilities under the compact.~~

13 (H) ~~(k)~~ Establish and implement a disposal shipment regis-  
14 tration system.

15 (I) ~~(l)~~ Make a continuous study and investigation of the  
16 disposal site in order to ascertain and provide remedies for any  
17 defects in the disposal site through institutional control.

18 ~~(m) Refuse to accept waste for disposal in the disposal~~  
19 ~~site that is generated in a state that is not a member of the~~  
20 ~~compact except upon the affirmative vote of the commission as~~  
21 ~~required in the compact and with the concurrence of the~~  
22 ~~commissioner. In addition, the authority shall refuse to accept~~  
23 ~~waste for disposal in the disposal site from any member of the~~  
24 ~~compact who does either of the following:~~

25 ~~(i) Is delinquent in paying dues or fees payable under the~~  
26 ~~compact.~~

1 ~~(ii) Fails to establish or maintain a permitting and~~  
 2 ~~regulatory system, including penalties and remedies, that equals~~  
 3 ~~or exceeds the laws and rules of this state as they apply to gen-~~  
 4 ~~erators, carriers, processors, and collectors.~~

5 ~~(n) If this state withdraws from the compact and does not~~  
 6 ~~enter any other compact, refuse to accept waste that is not gen-~~  
 7 ~~erated in this state.~~

8 ~~(o) Refuse to accept waste at the disposal site after~~  
 9 ~~December 31, 2013.~~

10 (J) ~~(p)~~ Inspect the construction of the disposal site  
 11 until construction is completed on a weekly basis and submit to  
 12 the department the results of the inspection and the date on  
 13 which the inspection occurred.

14 (K) ~~(q)~~ Hold public hearings every other month during the  
 15 process for selecting a site for the disposal site and every 6  
 16 months after the site for the disposal site is selected through  
 17 the period of institutional control.

18 (2) In addition to the duties provided in this act and in  
 19 part 137 and the rules promulgated under part 137, the authority  
 20 shall do all of the following or enter into contracts to assure  
 21 that all of the following are accomplished:

22 (a) Site characterization.

23 (b) Performance assessment.

24 (c) Development of siting criteria.

25 (d) Disposal site monitoring.

26 (e) Disposal site design, construction, engineering, and  
 27 inspection.

1 (f) Selection of disposal technology.

2 (g) Prepare an application for a construction and operating  
3 license for the disposal site.

4 (h) Disposal site operation.

5 (i) Site closure and stabilization.

6 (j) Postclosure observation and maintenance.

7 (k) Institutional control.

8 Sec. 6. (1) ~~Not later than January 1, 1990, the~~ THE  
9 authority shall submit an application to the department for a  
10 construction and operating license pursuant to the requirements  
11 of part 137. If this state is not a full agreement state, ~~by~~  
12 ~~January 1, 1990,~~ the authority shall also apply to the nuclear  
13 regulatory commission for a construction and operating license.  
14 ~~by January 1, 1990.~~

15 (2) If the authority elects to enter into agreements or con-  
16 tracts with a person to perform a responsibility of the authori-  
17 ty, the authority shall do all of the following:

18 (a) Establish minimum qualifications for the person.

19 (b) Establish the responsibilities of the person and specify  
20 the responsibilities that the authority retains.

21 (c) Determine whether the person ~~shall be~~ IS required to  
22 obtain a surety bond, a secured trust fund, or other suitable  
23 security instrument or mechanism.

24 (d) Comply with all the requirements in part 137 and the  
25 rules promulgated under part 137.

26 (3) If the authority elects to enter into a contract to  
27 prepare an application for a construction and operating license

1 for the disposal site or for the operation of the disposal site,  
2 in addition to the requirements under subsection (2), the author-  
3 ity shall provide public notice and an opportunity for public  
4 comment on the minimum qualifications required of the person.  
5 The authority shall forward a copy of each contract entered into  
6 by the authority to perform a responsibility of the authority to  
7 the department, the department of natural resources, ~~the~~  
8 ~~Michigan environmental review board,~~ and the attorney general.

9       Sec. 9. (1) The authority shall establish final siting  
10 criteria. ~~no later than March 15, 1988.~~

11       (2) In establishing final siting criteria, the authority  
12 shall review and consider the proposed siting criteria that may  
13 be presented by the siting criteria advisory committee estab-  
14 lished pursuant to section 8. Thirty days before establishing  
15 final siting criteria, the authority shall prepare a draft ver-  
16 sion of the final siting criteria and shall make this draft  
17 siting criteria available for public comment. During that 30-day  
18 period, the authority shall hold a public hearing.

19       Sec. 11. (1) The authority shall utilize the powers and  
20 exercise the duties provided in this act to designate 3 qualified  
21 and available candidate sites in this state. ~~Not later than~~  
22 ~~June 1, 1988, the authority shall designate 3 qualified candidate~~  
23 ~~sites.~~

24       (2) In designating 3 candidate sites, the authority shall  
25 exclude any site that is not all of the following:

1 (a) Suitable for providing a stable foundation for  
2 engineered containment structures that comprise the disposal  
3 unit.

4 (b) Located where the groundwater travel time along any  
5 100-foot flow path from the edge of the disposal unit is greater  
6 than approximately 100 years.

7 (c) Located where there is 6 or more meters of soil with a  
8 maximum permeability of  $1.0 \times 10^{-6}$  cm/sec at all  
9 points below and lateral to the bottommost portions of the leak  
10 detection system of the disposal unit or an area that provides  
11 equivalent environmental protection to the public — health,  
12 safety, and welfare, and the environment.

13 (d) Located where the unconfined water table which is not  
14 the potentiometric surface, is sufficiently low to prevent the  
15 intrusion of groundwater into the disposal unit, except as out-  
16 lined under 10 C.F.R. 61.50 (a)(7).

17 (e) Located in an area that is not above an aquifer that is  
18 the primary source of water for a municipality or county or for  
19 persons residing or doing business in the municipality or county  
20 where a candidate site is located.

21 (f) Free of ponding or capable of being drained in a manner  
22 that insures the integrity of the disposal unit.

23 (g) Suitable to insure the isolation of the waste.

24 (3) In designating 3 candidate sites, the authority shall  
25 give preference to sites that are all of the following:

26 (a) Able to meet the long-term performance objectives of  
27 subpart C of 10 C.F.R. part 61.



1 (b) Able to be characterized, modeled, analyzed, and  
2 monitored.

3 (c) Located where natural resources do not exist on or sig-  
4 nificantly near to the candidate site that, if exploited, would  
5 result in failure to meet the performance objectives in subpart C  
6 of 10 C.F.R. part 61.

7 (d) Located where projected population growth and future  
8 developments within the municipality and county where the candi-  
9 date site is located are not likely to affect the ability of the  
10 disposal site to meet the performance objectives in subpart C of  
11 10 C.F.R. part 61 and could not significantly interfere with an  
12 environmental monitoring program.

13 (e) Consistent with the requirements of federal laws,  
14 including all of the following:

15 (i) Atomic energy act of 1954, chapter 1073, 68 Stat. 919.

16 (ii) Federal water pollution control act, chapter 758, 62  
17 Stat. 1155.

18 (iii) Coastal zone management act of 1972, Public Law  
19 89-454, 16 U.S.C. 1451 to 1454b, 1455 to 1459, 1461 to 1463,  
20 1464.

21 (iv) Endangered species act of 1973, Public Law 93-205, 87  
22 Stat. 884.

23 (v) Wild and scenic rivers act, Public Law 90-542, 16  
24 U.S.C. 1271 to 1287.

25 (vi) Wilderness act, Public Law 88-577, 16 U.S.C. 1131 to  
26 1136.

1 (vii) National wildlife refuge system administration act of  
2 1966, Public Law 89-669, 16 U.S.C. 668dd, 668ee.

3 (viii) Chapter 593, 49 Stat. 666, 16 U.S.C. 461 to 467.

4 (ix) The national historic preservation act, Public Law  
5 89-665, 16 U.S.C. 470 to 470a, 470b, 470c to 470w-6.

6 (h) Located so that the upstream drainage area is minimized  
7 to decrease runoff that could erode or inundate waste placed in  
8 the disposal unit.

9 (i) Located where geologic processes such as mass wasting,  
10 erosion, slumping, landsliding, or weathering do not occur to the  
11 extent and with such frequency that the ability of the disposal  
12 site to meet the performance objectives in subpart C, 10  
13 C.F.R. 61.40 to 61.44 is significantly affected or may preclude  
14 defensible modeling and prediction of the long-term impact of  
15 such occurrences.

16 (4) The authority may waive 1 or more of the criteria in  
17 subsection (3) if the authority obtains written approval for the  
18 waiver from the director and the authority and the director  
19 determine that the waiver will not compromise the public health,  
20 safety, or welfare, or the environment and that a site for which  
21 a waiver is sought is an appropriate candidate site despite the  
22 site's inability to meet 1 or more of the criteria in subsection  
23 (3). In addition, prior to waiving 1 or more of the criteria in  
24 subsection (3), the authority shall provide public notice of a  
25 proposed waiver of 1 or more of the criteria in subsection (3)  
26 and shall conduct a public hearing to provide for public comment  
27 regarding the waiver.

1       Sec. 12. (1) Immediately following designation of the  
2 candidate sites by the authority, the authority, after consulta-  
3 tion with the department and the department of natural resources,  
4 shall begin site characterization at each candidate site. The  
5 site characterization shall establish a comprehensive baseline  
6 environmental monitoring program at each of the candidate sites.

7       (2) The monitoring program at each candidate site shall pro-  
8 vide, to the maximum extent feasible, for the participation of  
9 the local monitoring committee for each candidate site and the  
10 training of the members to facilitate their participation. The  
11 program shall be designed to establish baseline environmental  
12 data for at least 1 year at each candidate site, to determine  
13 compliance with the applicable final siting criteria provided for  
14 in section 10, to provide early warning of the magnitude and  
15 extent of any release, and to provide reliable environmental data  
16 to be utilized in preparing the construction and operating  
17 license submitted to the department by the authority and to be  
18 utilized in the design, construction, operation, site closure and  
19 stabilization, postclosure observation and maintenance, and  
20 institutional control of the disposal site. The monitoring pro-  
21 gram for each candidate site shall include collected and analyzed  
22 data concerning standing and running surface water and drainage;  
23 groundwater samples off-site and at the candidate site boundary;  
24 soil, vegetation, animal, and insect samples; atmospheric sam-  
25 ples; and radiological measurements off-site, at the candidate  
26 site boundary, and within the candidate site. Each local  
27 monitoring committee shall be entitled to obtain portions of all

1 samples collected pursuant to the monitoring program for the  
2 candidate site which that local monitoring committee represents  
3 for analysis by an independent laboratory. Each local monitoring  
4 committee is entitled to receive a copy of the results of each  
5 test prepared as a part of site characterization by any state  
6 department or agency.

7 (3) The authority shall provide the review board established  
8 pursuant to section 13 with 12 months of site characterization  
9 data as soon as 12 months of data for each site are available.

10 (4) The authority and authorized representatives of the  
11 authority and the authorized representatives of the department,  
12 the department of natural resources, AND the department of agri-  
13 culture ~~, and the Michigan environmental review board~~ shall  
14 have access to each candidate site for the purpose of conducting  
15 site characterization and performing any of the authority's  
16 responsibilities or duties provided in this act.

17 ~~(5) The site characterization for each of the candidate~~  
18 ~~sites shall begin no later than July 1, 1988 and shall be com-~~  
19 ~~pleted no later than July 1, 1989.~~

20 Sec. 13. (1) Not more than 90 days following the designa-  
21 tion of each candidate site, ~~but not later than September 1,~~  
22 ~~1988,~~ a review board shall be established to provide recommenda-  
23 tions to the authority regarding provisions and stipulations that  
24 would mitigate the concerns of the municipality in which each  
25 candidate site is located if that municipality is selected as the  
26 host site. The review board shall hold public hearings to  
27 provide for the participation of each local monitoring committee

1 and to provide the opportunity for public participation. The  
2 review board shall make its recommendations to the authority no  
3 later than 30 days after 12 months of site characterization data  
4 are available. The recommendations of the review board shall  
5 also be made available to each local monitoring committee. The  
6 review board may recommend to the authority 1 of the 3 candidate  
7 sites as the proposed host site.

8 (2) The review board shall consist of the following 7 voting  
9 members and 1 nonvoting chairperson:

10 (a) Four members shall be members appointed by the governor  
11 with the advice and consent of the senate. The 4 members shall  
12 include:

13 (i) One representative of county governments at large.

14 (ii) Two individuals who by education and experience are  
15 knowledgeable in a technical specialty that is pertinent to  
16 issues related to a disposal site, such as a hydrogeologist,  
17 health physicist, radiation engineer, or a biologist.

18 (iii) One individual who by education and experience is  
19 knowledgeable in a specialty that is pertinent to issues concern-  
20 ing the assessment of social, economic, and community impacts  
21 related to a disposal site.

22 (b) Three members shall be representatives for the munici-  
23 palities in which the 3 candidate sites are located. The govern-  
24 ing body of each of the municipalities where the 3 candidate  
25 sites are located shall appoint 1 member to serve on the review  
26 board.

1 (c) An attorney shall be appointed by the governor, with the  
2 advice and consent of the senate, to serve as the nonvoting  
3 chairperson of the review board. The chairperson shall have  
4 experience in conducting public meetings.

5 (3) Four of the 7 voting members of the board ~~shall~~  
6 ~~constitute~~ CONSTITUTES a quorum for the transaction of the busi-  
7 ness of the board and the concurrence of 4 members shall consti-  
8 tute a legal action of the board. A meeting of the board shall  
9 be held in compliance with the open meetings act, Act No. 267 of  
10 the Public Acts of 1976, being sections 15.261 to 15.275 of the  
11 Michigan Compiled Laws, and notice of the time, date, and place  
12 of the meeting shall be given in the manner required by that  
13 act.

14 (4) A member of the board shall not receive compensation for  
15 his or her services, but shall be reimbursed for expenses that  
16 are necessarily incurred in the performance of duties as a member  
17 of the board.

18 Sec. 14. (1) Within 30 days of the designation by the  
19 authority of the candidate sites, the governing body of a munici-  
20 pality in which a candidate site is located shall establish a  
21 local monitoring committee to represent the interests of the cit-  
22 izens of the municipality in which the candidate site is  
23 located. Each governing body shall determine the size and mem-  
24 bership of its local monitoring committee. The local monitoring  
25 committees shall assure the protection of the public health,  
26 safety, and welfare and the protection of the environment in the

1 municipality in which the candidate site is located. Each of the  
2 local monitoring committees may do all of the following:

3 (a) Represent the interests of the municipality in which the  
4 candidate site is located in proceedings regarding the selection  
5 of the host site.

6 (b) Independently review site characterization data.

7 (c) Prepare for the possible designation of the candidate  
8 site as the host site.

9 (d) Seek funding from the authority to fulfill the responsi-  
10 bilities of the local monitoring committee.

11 (e) Provide for independent technical assistance to fulfill  
12 the responsibilities of the local monitoring committee.

13 (f) Present recommendations to the authority and the review  
14 board established pursuant to section 13 regarding provisions and  
15 stipulations that would mitigate the concerns of the municipality  
16 that is represented by the local monitoring committee if it is  
17 selected as the host site.

18 (2) The local monitoring committees for the municipalities  
19 that are not selected as the host site community shall disband  
20 upon the designation by the ~~authority~~ COMMISSIONER of the host  
21 site community.

22 (3) The local monitoring committee of the host site shall  
23 continue in existence through the period of institutional  
24 control. The local monitoring committee for the host site commu-  
25 nity may do all of the following:

26 (a) Evaluate and submit comments to the department,  
27 department of natural resources, ~~Michigan environmental review~~

1 ~~beard,~~ and the authority regarding the application for a  
2 construction and operating license submitted by the authority.

3 (b) Select a representative for the local monitoring commit-  
4 tee or a technical advisor, or both, to inspect and monitor at  
5 reasonable times and in a reasonable manner the construction of  
6 the disposal site and the monitoring and operation of the com-  
7 pleted disposal site, site closure and stabilization, postclosure  
8 operation and maintenance and institutional control, with due  
9 regard as determined by the authority to the safety of the repre-  
10 sentative of the committee and the technical advisor.

11 (c) Engage in any other activities that are mutually agreed  
12 upon between the local monitoring committee and the authority or  
13 the department, or both.

14 (d) Negotiate and enter arbitration with the authority as  
15 provided in section 16.

16 Sec. 15. (1) The ~~authority~~ COMMISSIONER shall make a pre-  
17 liminary designation of the host site. ~~by September 1, 1989.~~  
18 Immediately following the preliminary designation of the host  
19 site, the authority shall transmit to the secretary of the senate  
20 and the clerk of the house of representatives the name and loca-  
21 tion of that site and any other information that the authority  
22 has regarding that site and the 2 remaining candidate sites.  
23 Upon request, the authority shall also make any information that  
24 the authority has regarding the preliminarily designated host  
25 site and the 2 remaining candidate sites available to members of  
26 the legislature. Upon the expiration of 30 days after  
27 transmittal, that 30 days to commence on the first legislative



1 working day after the designation is transmitted, the preliminary  
2 host site designated by the ~~authority~~ COMMISSIONER shall be the  
3 host site unless within that time period the legislature either  
4 rejects the designated host site, or rejects the designated host  
5 site and designates 1 of the 2 remaining candidate sites. If the  
6 legislature rejects the preliminarily designated host site but  
7 does not designate 1 of the 2 remaining candidate sites as the  
8 host site, the ~~authority~~ COMMISSIONER shall designate 1 of the  
9 2 remaining candidate sites as the host site. ~~As used in this~~  
10 ~~section, "legislative working day" means a day on which both the~~  
11 ~~senate and the house of representatives are called to order and a~~  
12 ~~quorum of both the senate and the house of representatives is~~  
13 ~~present.~~ Once the host site is designated by the ~~authority~~  
14 COMMISSIONER, the terms of the final complete agreement reached  
15 with the authority pursuant to section 16 for the host site com-  
16 munity shall commence.

17 (2) The authority shall assure that the design and construc-  
18 tion of the disposal site is completed in accord with the minimum  
19 criteria established by the department in part 137. ~~and in a~~  
20 ~~timely manner that assures that the disposal site is operational~~  
21 ~~by January 1, 1993.~~

22 (3) AS USED IN THIS SECTION, "LEGISLATIVE WORKING DAY" MEANS  
23 A DAY ON WHICH BOTH THE SENATE AND THE HOUSE OF REPRESENTATIVES  
24 ARE CALLED TO ORDER AND A QUORUM OF BOTH THE SENATE AND THE HOUSE  
25 OF REPRESENTATIVES IS PRESENT.

1        Sec. 16. (1) The local monitoring committee for the host  
2 site community may negotiate with the authority regarding any of  
3 the following:

4        (a) Monetary and nonmonetary forms of compensation.

5        (b) Matters pertaining to disposal site access and transpor-  
6 tation issues resulting from the siting of the disposal site.

7        (c) The landscaping and appearance of the disposal site.

8        (d) Technical assistance available to the municipality and  
9 the local monitoring committee of the candidate site and the host  
10 site community.

11        (e) Matters pertaining to host site community utility and  
12 natural resource utilization.

13        (2) Negotiations between the local monitoring committee for  
14 the host site and the authority may commence no later than 30  
15 days after the designation of the host site. The time and place  
16 of negotiating sessions shall be determined by agreement between  
17 the local monitoring committee and the authority. ~~The local~~  
18 ~~monitoring committee and the authority must conclude negotiations~~  
19 ~~no later than February 1, 1990.~~

20        (3) If negotiations are conducted between the local monitor-  
21 ing committee for the host site and the authority, the local mon-  
22 itoring committee and the authority shall prepare a final report  
23 summarizing the agreements reached during negotiation. The final  
24 report shall be signed by the authority and by a member of the  
25 local monitoring committee who is designated by that local moni-  
26 toring committee. The final report shall be a public document

1 which shall be the subject of a public meeting conducted by the  
2 authority.

3 (4) If the local monitoring committee and the authority  
4 cannot resolve an issue considered during negotiation, the local  
5 monitoring committee and the authority shall each prepare a final  
6 summary of each issue on which there is disagreement. That final  
7 summary shall include both of the following:

8 (a) A statement of the party to negotiation's final best  
9 offer on each issue on which there is disagreement.

10 (b) Information and documentation that supports the party to  
11 negotiation's final best offer on each issue on which there is  
12 disagreement.

13 (5) If the local monitoring committee and the authority  
14 cannot reach agreement on an issue that has been raised during  
15 negotiations, the local monitoring committee or the authority may  
16 require the appointment of an arbitration committee for the pur-  
17 pose of the arbitration of each issue that was considered but  
18 unresolved during negotiations. Arbitration as provided for  
19 under this subsection shall not occur unless the local monitoring  
20 committee or the authority requires the appointment of an arbi-  
21 tration committee. ~~prior to February 1, 1990.~~ Arbitration  
22 shall pertain to only an unresolved issue included in the summary  
23 prepared pursuant to subsection (4). The arbitration committee  
24 shall consist of 3 members and shall include a representative  
25 designated by the local monitoring committee, a representative  
26 designated by the authority, and a chairperson who shall be an

1 arbitrator and shall be selected pursuant to the rules and  
2 procedures of the American arbitration association.

3       (6) All issues resolved during arbitration to the satisfac-  
4 tion of both the representative of the local monitoring committee  
5 and the representative of the authority shall be incorporated  
6 into a written final agreement to be signed by each member of the  
7 arbitration committee. A copy of the agreement shall be made  
8 available to each member of the arbitration committee, the local  
9 monitoring committee, and the authority, and shall be considered  
10 a public document.

11       (7) The arbitration committee shall meet on a schedule and  
12 at a time and place that shall be established by agreement  
13 between the members of the arbitration committee. If the arbi-  
14 tration committee cannot agree on the schedule, time, and place  
15 of the arbitration meetings, the chairperson shall determine the  
16 schedule, time, and place for the meetings.

17       (8) If there is 1 or more issues that are not resolved to  
18 the satisfaction of both the representative of the local monitor-  
19 ing committee and the representative of the authority within 45  
20 days of the commencement of arbitration, ~~but not later than~~  
21 ~~April 1, 1990,~~ arbitration shall cease and each unresolved issue  
22 shall be decided by the chairperson. The decision of the chair-  
23 person as to each unresolved issue shall be limited to the  
24 chairperson's choice of either the final best offer of the local  
25 monitoring committee on an unresolved issue prepared pursuant to  
26 subsection (4) or the final best offer of the authority on an  
27 unresolved issue prepared pursuant to subsection (4). The

1 decision of the chairperson ~~shall be~~ IS final and binding and  
2 shall be incorporated into a final arbitration report issued  
3 within 30 days of the date on which arbitration ceased. ~~The~~  
4 ~~final arbitration report shall not be issued later than May 1,~~  
5 ~~1990.~~ The final arbitration report shall include a final report  
6 prepared pursuant to subsection (3), a final summary prepared  
7 pursuant to subsection (4), a final agreement prepared pursuant  
8 to subsection (6), and a final decision made by the chairperson  
9 pursuant to this subsection. To be valid the final arbitration  
10 report shall be signed by the chairperson. A copy of the final  
11 arbitration report shall be made available immediately to each  
12 member of the arbitration committee, the local monitoring commit-  
13 tee, and the authority, and shall be considered a public  
14 document.

15 (9) The chairperson shall submit a statement of his or her  
16 costs to the authority. The costs of the chairperson shall be  
17 paid by the authority.

18 (10) Each final determination of an issue negotiated or  
19 arbitrated under this section shall be incorporated into a final  
20 complete agreement between the authority and the local monitoring  
21 committee for the host site.

22 Sec. 17. (1) ~~No later than October 1, 1988, the authority~~  
23 ~~shall organize the establishment of an international low level~~  
24 ~~radioactive waste research and education institute. The author-~~  
25 ~~ity may enter into agreements with a state university or college~~  
26 ~~or a consortium of universities or colleges as may be necessary~~  
27 ~~to establish the institute in accordance with this section. The~~

~~1 authority shall establish a process by which a state university~~  
~~2 or college or a consortium of universities or colleges may indi-~~  
~~3 cate an interest in accepting the institute as an independent~~  
~~4 entity. The institute shall be governed by a board of governors~~  
~~5 who shall be jointly selected and appointed by the authority and~~  
~~6 the designated representative of the university, college, or~~  
~~7 consortium. The governors shall be as follows~~ THE AUTHORITY  
 8 SHALL ORGANIZE THE ESTABLISHMENT OF A LOW-LEVEL RADIOACTIVE WASTE  
 9 POLICY ADVISORY BOARD. THE ADVISORY BOARD SHALL CONSIST OF 9 TO  
 10 13 MEMBERS APPOINTED BY THE COMMISSIONER. IN MAKING APPOINTMENTS  
 11 TO THE ADVISORY BOARD, THE COMMISSIONER SHALL INSURE THAT THE  
 12 FOLLOWING GROUPS ARE REPRESENTED:

13 (a) ~~One individual from a major industry that generates~~  
 14 MAJOR INDUSTRIES THAT GENERATE waste.

15 (b) ~~One individual from a small business that generates~~  
 16 SMALL BUSINESSES THAT GENERATE waste.

17 (c) ~~Two individuals from environmental~~ ENVIRONMENTAL or  
 18 public interest organizations.

19 (d) ~~Three individuals from a college or university~~  
 20 COLLEGES OR UNIVERSITIES in the state ~~having~~ WITH FACULTY WHO  
 21 HAVE expertise in waste reduction and neutralization technology.

22 (e) ~~One individual representing the~~ THE general public.

23 ~~(f) If this state is not a member of the compact, a repre-~~  
 24 ~~sentative serving under subsection (2) shall be replaced with 1~~  
 25 ~~individual representing the general public.~~

26 (2) In addition to the ~~governors~~ ADVISORY BOARD MEMBERS  
 27 appointed under subsection (1), if this state is a member of

1 ~~the~~ A compact, the ~~commission~~ GOVERNING BODY OF THE COMPACT  
2 may appoint 1 representative to the ADVISORY board. ~~of~~  
3 ~~governors.~~

4 (3) The powers and duties of the ~~institute shall~~ ADVISORY  
5 BOARD include all of the following:

6 (a) To ~~conduct~~ DEVELOP CONTRACTS WITH UNIVERSITIES AND  
7 OTHER RESEARCH INSTITUTIONS TO CONDUCT research on waste issues,  
8 including, but not limited to, all of the following:

9 (i) The method by which a determination can be made regard-  
10 ing the amounts of wastes specified by radionuclide that are gen-  
11 erated within this state, and within compact member states as  
12 long as this state remains a member of ~~the~~ A compact, to be  
13 disposed of in the disposal site in order to provide an inventory  
14 and guide disposal options and risk assessments.

15 (ii) The construction media, waste forms, and other engi-  
16 neering features necessary to assure containment of wastes, to  
17 reduce the potential for a release of waste.

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

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

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

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

4 (vii) The basic frameworks to provide for institutional con-  
5 trol and the accumulation and use of economic resources necessary  
6 for institutional control.

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

9 (ix) Development of methods for state-of-the-art environmen-  
10 tal monitoring of the disposal site.

11 ~~(b) To train personnel necessary for the management of the~~  
12 ~~disposal site to assure the protection of the public health,~~  
13 ~~safety, and welfare, and the environment.~~

14 (x) ECONOMIC IMPLICATIONS OF DIFFERENT WASTE MANAGEMENT AND  
15 TREATMENT OPTIONS.

16 (B) ~~-(e)-~~ To develop and operate a technical resource pro-  
17 gram to provide information and assistance to persons involved  
18 with public policy issues surrounding the management of the dis-  
19 posal of waste.

20 (C) ~~-(d)-~~ To develop and implement public education programs  
21 that assist the public in understanding issues surrounding the  
22 generation, possession, transportation, processing, collecting,  
23 and disposal of waste and the site closure and stabilization,  
24 post closure observation and maintenance, and institutional con-  
25 trol of the disposal site.

26 (4) The ~~governors~~ MEMBERS OF THE ADVISORY BOARD appointed  
27 as provided in subsections (1) and (2) shall serve for terms of 4



1 years, or until a successor is appointed, whichever is later,  
 2 except that of the ~~governors~~ MEMBERS first appointed, 3 shall  
 3 serve for 2 years ~~—~~ AND 3 shall serve for 3 years. ~~—, and 3~~  
 4 ~~shall serve for 4 years. If this state is not a member of the~~  
 5 ~~compact, a governor appointed as provided in subsection (2) shall~~  
 6 ~~be replaced with a governor who represents the general public as~~  
 7 ~~provided in subsection (1)(f).~~

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

11 (6) A majority of the ~~governors of the institute shall~~  
 12 ADVISORY BOARD MEMBERS constitute a quorum for the transaction of  
 13 business at a meeting of the ADVISORY board. ~~of governors.~~  
 14 Action by the ADVISORY board ~~of governors~~ shall be by a major-  
 15 ity of the votes cast.

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

22 (8) In addition to research grant awards, not more than  
 23 ~~\$1,000,000.00~~ \$250,000.00 annually shall be available for  
 24 appropriation from the low-level radioactive waste management  
 25 fund to meet the general operating expenses of the ~~institute~~  
 26 ADVISORY BOARD.

1       (9) ~~A governor of the institute~~ AN ADVISORY BOARD MEMBER  
2 may receive compensation for his or her service, and shall be  
3 reimbursed for expenses that are necessarily incurred in the per-  
4 formance of duties as a member of the ~~institute~~ ADVISORY  
5 BOARD.

6       (10) The ADVISORY board ~~of governors~~ shall meet ~~within 30~~  
7 ~~days of initial appointment and then shall meet~~ at least  
8 quarterly.

9       (11) THE ADVISORY BOARD MAY FORM A PRIVATE NONPROFIT CORPO-  
10 RATION, IF THE ADVISORY BOARD DETERMINES THAT DOING SO WILL  
11 ASSIST IN FULFILLING ITS FUNCTIONS UNDER THIS SECTION.

12       (12) WITHIN 180 DAYS AFTER THE EFFECTIVE DATE OF THE AMENDA-  
13 TORY ACT THAT ADDED THIS SUBSECTION, THE ADVISORY BOARD SHALL  
14 PREPARE A REPORT ON MANAGEMENT OPTIONS AVAILABLE TO THIS STATE  
15 FOLLOWING THE UNITED STATES SUPREME COURT'S JUNE 1992 RULING ON  
16 THE FEDERAL LAW AND THE REVOCATION OF THIS STATE'S MEMBERSHIP IN  
17 THE MIDWEST COMPACT (NEW YORK VS. U.S. ET AL, 91-543). THE  
18 ADVISORY BOARD SHALL IDENTIFY AND EVALUATE OPTIONS AND MAKE REC-  
19 OMMENDATIONS TO THE AUTHORITY REGARDING INTERIM WASTE STORAGE,  
20 PROVISION OF FINAL DISPOSAL CAPACITY, AND THE CONDUCT OF A VOLUN-  
21 TEER HOST COMMUNITY PROCESS.

22       Sec. 19. (1) The authority shall establish a fee system for  
23 the disposal site that is reasonable and equitable and that pro-  
24 vides the authority with sufficient revenue to cover any and all  
25 costs associated with the disposal site, including, but not  
26 limited to, the planning, siting, licensure, operation,  
27 regulation, monitoring, site closure and stabilization, post

1 closure monitoring and maintenance, institutional control, and  
2 liability pertaining to the disposal site. In addition, the  
3 authority shall assure that sufficient funds will be available in  
4 the low-level radioactive waste fund for all of the following:

5 (a) The authority and all of the expenses the authority  
6 incurs in meeting the requirements of this act, part 137, and the  
7 rules promulgated under part 137.

8 (b) The expenses of the department that pertain to the  
9 department's regulatory responsibility under part 137.

10 (c) If this state is a member of ~~the~~ A compact, the  
11 expenses ~~of the commission~~ RELATED TO COMPACT MEMBERSHIP.

12 (d) The ~~international low level radioactive waste research~~  
13 ~~and education institute established pursuant to section 17~~  
14 ADVISORY BOARD.

15 (e) The review board established pursuant to section 13.

16 (f) Local monitoring committees.

17 (g) The siting criteria advisory committee established pur-  
18 suant to section 8.

19 (h) If this state is a member of ~~the~~ A compact, the  
20 expenses of compact member states that are incurred to obtain  
21 privileges in this state to enable waste generated in the compact  
22 member states to be disposed of in the disposal site.

23 (i) If this state is a member of ~~the~~ A compact, the funds  
24 required to be paid to the commission by the compact member  
25 states.

26 (j) Compensation to the host site community and any county  
27 or municipality in this state for the reasonable direct costs

1 related to the disposal site including, but not limited to,  
2 necessary road and other capital improvements, emergency response  
3 training, and other specialized personnel training.

4 (k) Benefits to the candidate sites and host site community  
5 including incentives available to candidate sites and the host  
6 site community, pursuant to agreements reached by the commission  
7 and with the authority.

8 (l) Provide funds sufficient to fulfill the provisions of  
9 sections 13714 and 13715 of part 137.

10 (m) Annually to this state for unrestricted purposes,  
11 \$500,000.00.

12 (n) Annually to the host site community for unrestricted  
13 purposes, \$800,000.00.

14 (o) Costs incurred by a municipality or county as a result  
15 of externalities associated with the disposal site.

16 (p) Revenue for the funds created in subsection (2).

17 (q) Paying debt service on revenue bonds issued pursuant to  
18 section 20a.

19 (2) The remedial action fund, the long-term liability fund,  
20 the long-term care fund, and the tax contingency fund are created  
21 as separate funds in the department of treasury. The funds cre-  
22 ated in this subsection shall be administered by the authority.  
23 The income and earnings of the funds created in this subsection  
24 shall be added to the assets of the fund which generated the  
25 income. The funds created in this subsection shall be funded and  
26 expended as follows:

1 (a) Not less than \$10,000,000.00 during the period the  
2 disposal site accepts waste for disposal, for deposit in the  
3 remedial action fund which ~~shall be~~ IS available only to pay  
4 for remedial action taken by the authority in the event of a  
5 release or threatened release from the disposal site that  
6 presents a danger to the public health, safety, or welfare, or  
7 the environment.

8 (b) Not less than \$500,000.00 annually for deposit in the  
9 long-term liability fund which shall be available only to pay  
10 judgments or judicially approved settlements of claims against  
11 the authority ~~, the commission,~~ or, IF THIS STATE IS A MEMBER  
12 OF A COMPACT any compact member state for death, personal injury,  
13 illness, or property damage resulting from the disposal of  
14 low-level radioactive waste at the disposal site. The long-term  
15 liability fund shall be used only after funds available pursuant  
16 to sections 13714 and 13715 of part 137 have been exhausted.

17 (c) Not less than \$600,000.00 annually for deposit in the  
18 long-term care fund which ~~shall be~~ IS available only to pay for  
19 the expenses of site closure and stabilization and institutional  
20 control.

21 (d) Not more than \$100,000.00 annually for deposit in the  
22 tax contingency fund which ~~shall be~~ IS available for reasonable  
23 payments in lieu of real property taxes which, but for ownership  
24 of the disposal site by the authority, would be payable with  
25 respect to the disposal site, for as long as the disposal site is  
26 not subject to pay property taxes.

1       (3) The authority shall impose a 20% surcharge to be added  
2 to the disposal fees established under subsection (1). The  
3 surcharge shall be sufficient to cover the following expenses and  
4 shall be distributed by the authority according to the  
5 following:

6       (a) The host site community shall receive 35% of the sur-  
7 charge or \$400,000.00, whichever is greater.

8       (b) One or more municipalities that share a boundary with  
9 the host site community shall receive 20% of the surcharge or  
10 \$400,000.00, whichever is greater. If there is more than 1  
11 municipality that is eligible for funding under this subdivision,  
12 the eligible municipalities shall split equally that funding.

13       (c) The county in which the host site is located shall  
14 receive 15% of the surcharge or \$300,000.00, whichever is  
15 greater.

16       (d) The environmental response fund created in the environ-  
17 mental response act, Act No. 307 of the Public Acts of 1982,  
18 being sections 299.601 to 299.611 of the Michigan Compiled Laws,  
19 shall receive 15% of the surcharge or \$400,000.00, whichever is  
20 greater.

21       (e) The clean Michigan fund created in the clean Michigan  
22 fund act, Act No. 249 of the Public Acts of 1986, being sections  
23 299.371 to 299.393 of the Michigan Compiled Laws, shall receive  
24 15% of the surcharge or \$200,000.00, whichever is greater.

25       (4) The authority may impose a just and reasonable surcharge  
26 on any generator, carrier, processor, or collector who does not  
27 comply with part 137 or the rules promulgated under part 137.

1       (5) In the second and each subsequent year of the operation  
2 of the disposal site, the amount of each fee established in sub-  
3 section (1) shall be increased in proportion to each annual  
4 increase for the preceding year in the annual consumer price  
5 index for all urban consumers as defined and officially reported  
6 by the bureau of labor statistics of the United States department  
7 of labor for the north central region of the United States. If  
8 the disposal site does not operate for the entire year during the  
9 second or last year the disposal site accepts waste, the propor-  
10 tional increase provided for in this subsection shall be prorated  
11 according to the number of months of operation.

12       (6) The fee system created by the authority under subsection  
13 (1) for the disposal of waste in the disposal site shall not be  
14 dependent on revenues received for the disposal of class C waste  
15 and shall be based on both of the following:

16       (a) The volume, radioactivity, and half-life of the waste  
17 deposited in the disposal site. The fee shall be proportionately  
18 higher for waste that has higher levels of radioactivity as mea-  
19 sured in curies, and for waste that has longer half-lives.

20       (b) A realistic model of the projected cost of the disposal  
21 of each classification of waste.

22       (7) All revenues in the fee system created under subsection  
23 (1) that result from the disposal of class C waste in the dis-  
24 posal site shall be deposited in the clean Michigan fund created  
25 in the clean Michigan fund act, Act No. 249 of the Public Acts of  
26 1986, being sections 299.371 to 299.393 of the Michigan Compiled  
27 Laws.

1        SEC. 19A. IF THIS STATE ENTERS INTO A COMPACT AND, PURSUANT  
2 TO AGREEMENTS ENTERED INTO BY THE COMPACT MEMBERS, MICHIGAN IS  
3 SELECTED AS THE HOST STATE FOR THE DISPOSAL SITE AND FULFILLS ITS  
4 OBLIGATIONS TO SERVE AS THE HOST STATE, THE CONTRACTUAL AGREEMENT  
5 AMONG THE COMPACT MEMBERS SHALL INCLUDE A PROVISION THAT PROVIDES  
6 A PENALTY IF ANY OTHER COMPACT MEMBER STATE SUBSEQUENTLY DEFAULTS  
7 IN ANY RESPECT ON ITS OBLIGATION TO SERVE AS THE HOST STATE FOR  
8 THE DISPOSAL SITE. THIS PENALTY SHALL INCLUDE AT LEAST ALL OF  
9 THE FOLLOWING:

10        (A) EXEMPLARY DAMAGES.

11        (B) THE COSTS ESTIMATED TO BE INCURRED BY THIS STATE DUE TO  
12 THE DEFAULT.

13        (C) THE COSTS ESTIMATED TO BE INCURRED BY THIS STATE DUE TO  
14 THE LOST OPPORTUNITY TO JOIN ANOTHER COMPACT OR TO HAVE PROCEEDED  
15 AS AN INDEPENDENT STATE.

16        (D) OTHER EXPENSES AND COSTS THAT THIS STATE WILL INCUR AS A  
17 RESULT OF THE DEFAULT AS DETERMINED BY THE AUTHORITY.

18        Sec. 20. (1) There is hereby created in the state treasury  
19 a low-level radioactive waste management fund that shall be  
20 administered by the authority. The legislature shall make appro-  
21 priations from the fund as provided in part 137 and as necessary  
22 to assure that the authority is able to fully implement its  
23 powers and responsibilities.

24        (2) The authority may expend appropriations by the legisla-  
25 ture from the low-level radioactive waste fund for purposes  
26 listed in section 19 and as are otherwise reasonably related to



1 the full implementation of the powers and duties of the  
2 authority.

3 (3) The source of the revenue of the fund shall include rev-  
4 enue from the following sources:

5 (a) Funds provided by ~~the commission~~ OTHER STATES, IF THIS  
6 STATE IS A MEMBER OF A COMPACT AND THIS STATE IS THE HOST STATE  
7 FOR THE COMPACT, including export fees, funds to be allocated to  
8 candidate site communities, and any other revenue.

9 (b) Rebates received ~~by the commission~~ from the UNITED  
10 STATES department of energy.

11 (c) Funds received pursuant to section 4(c).

12 (d) Disposal fees and surcharges established by the author-  
13 ity under section 19.

14 (4) The assets of the low-level radioactive waste management  
15 fund shall be exempt from all taxation by this state or any of  
16 its political subdivisions.

17 (5) The assets of the low-level radioactive waste management  
18 fund shall be preserved, invested, and expended solely pursuant  
19 to and for the purposes set forth in this act and in part 137 and  
20 shall not be loaned or otherwise transferred or used by the state  
21 for any other purpose.

22 Section 2. Section 21 of Act No. 204 of the Public Acts of  
23 1987, being section 333.26221 of the Michigan Compiled Laws, is  
24 repealed.