

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

333.26211 Designation of 3 qualified candidate sites; exclusion of certain sites; preference to be given certain sites; waiver of criteria; notice; public hearing.

Sec. 11.

(1) The authority shall utilize the powers and exercise the duties provided in this act to designate 3 qualified and available candidate sites in this state.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(ii) Federal water pollution control act, chapter 758, 86 Stat.816, 33 U.S.C. 1251 to 1252, 1253 to 1254, 1255 to 1257, 1258 to 1271, 1281, 1282 to 1293, 1294 to 1299, 1311 to 1313, 1314 to 1330, 1341 to 1345, 1361 to 1377, and 1381 to 1387.

(iii) Coastal zone management act of 1972, title III of the marine resources and engineering development act of 1966, Public Law 89-454, 16 U.S.C. 1451 to 1455a, 1456 to 1463, and 1464.

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

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

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

(vii) National wildlife refuge system administration act of 1966, sections 4 and 5 of Public Law 89-669, 16 U.S.C. 668dd and 668ee.

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

(ix) National historic preservation act, Public Law 89-665, 16 U.S.C. 470 to 470a, 470b, and 470c to 470x-6.

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

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

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

comment regarding the waiver.

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