

THIS SUBTITLE TO AN APPLICANT WHO DOES NOT DEMONSTRATE TO THE DEPARTMENT THAT THERE IS STORAGE OR DISPOSAL CAPACITY AVAILABLE IN OR OUT OF THIS STATE FOR ANY LOW-LEVEL NUCLEAR WASTE WHICH THE APPLICANT MAY GENERATE.

(2) THIS SUBSECTION DOES NOT APPLY:

(I) IF AN INTERSTATE COMPACT OR EXECUTIVE AGREEMENT FOR THE DISPOSAL OF LOW-LEVEL NUCLEAR WASTE OF WHICH THIS STATE IS A MEMBER IS IN EFFECT;

(II) TO LICENSES--ISSUED FACILITIES THAT GENERATED LOW-LEVEL NUCLEAR WASTE BEFORE JANUARY 1, 1986;

(III) TO RENEWAL OF A LICENSE ORIGINALLY ISSUED BEFORE JANUARY 1, 1986; OR

(IV) TO ANY HOSPITAL-OR-MEDICAL, MEDICAL, OR EDUCATIONAL FACILITY IN THIS STATE;

(IV) (V) IF THE DEPARTMENT DETERMINES, UNDER STANDARDS ADOPTED BY REGULATION, THAT:

1. THAT HALF-LIVES OR SPECIFIC ACTIVITY OF THE LOW-LEVEL NUCLEAR WASTE IS, OR WITHIN A PERIOD NOT IN EXCESS OF 3- 6 MONTHS WILL BE, AT SUCH A LEVEL THAT THE WASTE DOES NOT REQUIRE SPECIAL HANDLING OR SUBSURFACE DISPOSAL OR STORAGE; AND

2. THE LOW-LEVEL NUCLEAR WASTE CAN BE SAFELY DISPOSED OF IN THE SAME MANNER AS OTHER HAZARDOUS SUBSTANCES OR HANDLED AS CONVENTIONAL WASTE;-OR

(IV)--(V) (VI) IF THE DEPARTMENT ADOPTS A RULE CERTIFYING THE EXISTENCE OF THE CONDITIONS SPECIFIED IN SUBSECTION (B) OF THIS SECTION; OR

(VII) IF THE GOVERNOR FINDS THAT THERE IS A SUBSTANTIAL LIKELIHOOD THAT THE ABSENCE OF A STORAGE OR DISPOSAL SITE FOR LOW-LEVEL NUCLEAR WASTES IN OR OUT OF THIS STATE WILL CAUSE A CESSATION WITHIN THIS STATE OF POWER GENERATION, MEDICAL TREATMENTS OR DIAGNOSIS, SCIENTIFIC RESEARCH, OR OTHER ACTIVITY RELYING UPON NUCLEAR SOURCES, OR PRESENTING A SERIOUS THREAT TO THE PUBLIC SAFETY OR HEALTH. AN EXECUTIVE ORDER ISSUED UNDER THIS SECTION SHALL BE SUBMITTED TO THE GENERAL ASSEMBLY AND SHALL BECOME EFFECTIVE 30 DAYS AFTER THE DATE OF SUBMISSION UNLESS SPECIFICALLY DISAPPROVED BY A RESOLUTION CONCURRED IN BY A MAJORITY VOTE OF THE MEMBERSHIP OF EACH HOUSE OF THE GENERAL ASSEMBLY, DURING A REGULAR OR SPECIAL SESSION.

(B) THE DEPARTMENT MAY ADOPT A RULE CERTIFYING THAT A DEMONSTRATED TECHNOLOGY OR MEANS FOR THE PERMANENT DISPOSAL OF LOW-LEVEL NUCLEAR WASTE:

(1) HAS BEEN DEVELOPED;