

SUBTITLE FOR A LOW-LEVEL NUCLEAR WASTE FACILITY PERMIT; AND

(2) (I) THE LOW-LEVEL NUCLEAR WASTE FACILITY PERMIT CONFORMS TO ANY INTERSTATE LOW-LEVEL NUCLEAR WASTE DISPOSAL COMPACT OF WHICH THIS STATE IS A MEMBER;

(II) THE GOVERNOR ISSUES AN EXECUTIVE ORDER UNDER § 7-234 OF THIS SUBTITLE; OR

(III) THE DEPARTMENT DETERMINES UNDER STANDARDS SET BY ITS RULES OR REGULATIONS THAT:

1. THE HALF-LIFE OR SPECIFIC ACTIVITY OF THE LOW-LEVEL NUCLEAR WASTE IS SUCH THAT WITHIN A PERIOD OF NOT MORE THAN 6 MONTHS, THE LOW-LEVEL NUCLEAR WASTE WILL NOT REQUIRE SPECIAL HANDLING, SPECIAL SUBSURFACE DISPOSAL, OR SUBSURFACE SPECIAL STORAGE; AND

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

REVISOR'S NOTE: This section is new language derived without substantive change from former Article 43, 689C(b) and NR § 8-1413.4(a) and (b).

The attention of the General Assembly is directed to an ambiguity in item (2)(iii) 1. of this section and in § 8-402 of this article. It is not clear what point in time the 6 months is measured from. The Department advises including the phrase "from the generation of the low-level nuclear waste".

7-234. EXECUTIVE ORDER.

(A) POWER OF GOVERNOR.

THE GOVERNOR MAY ISSUE AN EXECUTIVE ORDER THAT ALLOWS THE DEPARTMENT TO ISSUE A LOW-LEVEL NUCLEAR WASTE FACILITY PERMIT IF THE GOVERNOR FINDS THAT THERE IS A SUBSTANTIAL LIKELIHOOD THAT THE ABSENCE OF A LOW-LEVEL NUCLEAR WASTE FACILITY, INSIDE OR OUTSIDE THIS STATE, WILL:

(1) CAUSE A CESSATION IN THIS STATE OF POWER GENERATION, MEDICAL TREATMENTS, MEDICAL DIAGNOSIS, SCIENTIFIC RESEARCH, OR OTHER ACTIVITY THAT RELIES ON NUCLEAR SOURCES; OR

(2) OTHERWISE PRESENT A SERIOUS THREAT TO PUBLIC SAFETY OR HEALTH.

(B) SUBMISSION TO GENERAL ASSEMBLY.

THE GOVERNOR SHALL SUBMIT EACH EXECUTIVE ORDER ISSUED