

subsection (b)(1) of this section.

8-403. CERTIFICATION OF DEMONSTRATED TECHNOLOGY.

(A) POWERS OF SECRETARY.

THE SECRETARY MAY ADOPT A RULE OR REGULATION CERTIFYING THAT A DEMONSTRATED TECHNOLOGY OR MEANS FOR THE PERMANENT DISPOSAL OF LOW-LEVEL NUCLEAR WASTE:

(1) HAS BEEN DEVELOPED;

(2) WILL BE IN OPERATION AND WILL PROVIDE ADEQUATE CAPACITY AT THE TIME THAT THE ACTIVITY LICENSED UNDER THIS TITLE REQUIRES THE AVAILABILITY OF DISPOSAL CAPACITY FOR LOW-LEVEL NUCLEAR WASTE; AND

(3) HAS BEEN APPROVED BY:

(I) THE APPROPRIATE FEDERAL AGENCY;

(II) AN AUTHORIZED AGENCY OF A STATE THAT IS A PARTY TO A COMPACT OR AGREEMENT WITH THIS STATE;

(III) A REGIONAL COMPACT OR EXECUTIVE AGREEMENT AMONG STATES TO WHICH THIS STATE IS A PARTY MEMBER; OR

(IV) THE DEPARTMENT.

(B) PUBLIC HEARING.

ON PETITION BY ANY PERSON, THE SECRETARY SHALL SCHEDULE AND CONDUCT PUBLIC HEARINGS AND MAKE SPECIFIC FINDINGS AS TO THE CONDITIONS DESCRIBED IN THIS SECTION.

(C) LEGISLATIVE REVIEW.

(1) THE ADMINISTRATIVE, EXECUTIVE, AND LEGISLATIVE REVIEW COMMITTEE OF THE GENERAL ASSEMBLY SHALL REVIEW AT A PUBLIC HEARING EACH RULE OR REGULATION PROPOSED FOR ADOPTION UNDER SUBSECTION (A) OF THIS SECTION.

(2) THE COMMITTEE PROMPTLY SHALL NOTIFY THE GENERAL ASSEMBLY OF THE TEXT OF THE PROPOSED RULE OR REGULATION AND OF THE DATE OF THE COMMITTEE'S HEARING ON THE PROPOSED RULE OR REGULATION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Article 43, § 689F(b), (c), and (d).

In the introductory language of subsection (a) of this section, "Secretary" is substituted for "Department" because, under § 8-301 of this