WM DOCKET CONTROL
CENTER

'86 DEC 18 P12:19

DEPARTMENT OF ENERGY & TRANSPORTATION
Dickson Building, 510 George Street
Jackson, Mississippi 39202-3096
601/961-4733

December 15, 1986

Joseph O. Bunting, Chief
Policy and Program Control Branch
Division of Waste Management
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Mr. Bunting:

In response to a request you made to James I. Palmer of the Governor's office, please find the enclosed State Nuclear Waste Law. This law delineates the responsibility of Mississippi Energy and Transportation Board.

If additional information is needed, please contact us.

Sincerely yours,

John W. Green

John W. Green
Executive Director

JWG/is

WM Record File 106
WM Project 16
Docket No.
PDR ✓
LPDR ✓
Distribution:
JOB
NSE11
JLinehan
(Return to WM, 623-SS)
Sac

8701230199 861215
PDR WASTE
WM-16 PDR

1516

Work Copy



## CHAPTER 49 [New]

## Nuclear Waste Storage and Disposal

SEC.

57-49-1. Purpose.
57-49-3. Definitions.
57-49-5. General powers and duties of energy and transportation board.
57-49-7. Nuclear waste policy advisory council; qualifications; terms; vacancies; compensation; expenses.
57-49-9. Duties of nuclear waste policy advisory council.
57-49-11. Nuclear waste technical review committee; membership; alternate and additional members; compensation; expenses.
57-49-13. Duties of nuclear waste technical review committee.
57-49-15. Board, council and committee as advocates for citizens before federal agencies.
57-49-17. Board to promote and coordinate educational programs.
57-49-19. Review of application for funds for program related to nuclear waste storage or disposal; disposition.
57-49-21. Monitoring of federal activities related to nuclear waste storage or disposal.
57-49-23. Protection of state's interest in nuclear waste storage or disposal matters through judicial proceedings.
57-49-25. Application for permit to conduct site characterization studies; contents.
57-49-27. Written agreement required between state and federal department of energy prior to nuclear waste site characterization activity.
57-49-29. Agreements related to nuclear waste storage or disposal negotiated by board with federal agencies; local hearings.
57-49-31. Separate agreements required for each stage of evaluating and selecting site for nuclear waste storage or disposal; contents.
57-49-33. Agreements and summaries of local hearings to be submitted to governor.
57-49-35. Board review of adequacy of federal department of energy site selection and plan; recommendation by board; decision by governor.
57-49-37. Board to implement agreements.
57-49-39. Funding of expenses.
57-49-41. Assistance from other state agencies.
57-49-43. Chapter does not imply acceptance of nuclear waste storage or disposal site.

### § 57-49-1. Purpose.

The purpose of this chapter is to clarify the manner in which the Mississippi Energy and Transportation Board shall perform its duty to develop, coordinate and review all nuclear-related activities in the state. In order to assist and advise the Mississippi Energy and Transportation Board in the implementation of this duty, there is hereby created a nuclear waste policy advisory council and a nuclear waste technical review committee.

SOURCES: Laws, 1982, ch. 474, § 1, eff from and after passage (approved April 21, 1982).

Cross references—
As to Mississippi Energy and Transportation Board, generally, see §§ 57-39-1 et seq.
As to membership and duties of nuclear waste policy advisory council, see §§ 57-49-7, 57-49-9.
As to membership and duties of nuclear waste technical review committee, see §§ 57-49-11, 57-49-13.
For additional provisions relative to radioactive waste storage and disposal facilities, see §§ 17-17-48 through 17-17-51.

## § 57-49-3. Definitions.

Unless the context otherwise requires, the words defined in this section shall have the following meaning when found in this chapter:

(a) "Board" shall mean the Mississippi Energy and Transportation Board.

(b) "Committee" shall mean the nuclear waste technical review committee.

(c) "Concurrence" shall mean an incremental process involving an increase in public confidence and the development of a technical, social and political consensus that the nuclear waste management program can be accomplished with minimal risks to public health and safety and with acceptable socioeononomic costs.

(d) "Consultation" shall mean the sharing of information on planned nuclear waste programs and activities and the right of others to review, comment and offer recommendations on such activities.

(e) "Council" shall mean the nuclear waste policy advisory council.

(f) "Federal department of energy" shall mean the federal department of energy or any successor agency, including contractors or subcontractors thereto, which is assigned responsibility for the long-term or temporary storage or permanent disposal of high-level radioactive waste and transuranic waste.

(g) "High-level radioactive waste" shall mean fuel that is withdrawn from a nuclear reactor after irradiation and which is packaged and prepared for storage and/or disposal, or highly radioactive waste resulting from reprocessing irradiated nuclear fuel, including both the liquid waste which is produced directly in reprocessing and any solid material into which the liquid waste is transformed, and which is packaged for storage and/or disposal.

(h) "Transuranic waste" shall mean waste material containing alpha-emitting radioactive elements having an atomic number

greater than ninety-two (92) in concentrations greater than ten (10) nanocuries per gram.

(i) "Densely populated area" shall mean any area in which more than five hundred (500) people reside within a five-mile radius of the outer boundary of a proposed site of a permanent repository for the disposal of radioactive waste.

(j) "State-chartered public interest group" shall mean any non-profit organization chartered by the state. No organization shall have a direct financial interest in the outcome of the decisions of the council, or be directly related to state or federal government, nor shall an electric utility corporation or its subsidiaries be included in said term.

SOURCES: Laws, 1982, ch. 474, § 2, eff from and after passage (approved April 21, 1982).

## § 57-49-5. General powers and duties of energy and transportation board.

(1) The energy and transportation board shall serve as the initial agency in this state to be contacted by the federal department of energy or any other federal agency on any matter related to the long-term or temporary storage and/or permanent disposal of high-level radioactive waste or transuranic waste.

(2) The board shall serve as the initial agency in this state to receive any report, study, document, information or notification of proposed plans from the federal department of energy or any other federal agency on any matter related to the long-term or temporary storage and/or permanent disposal of high-level radioactive waste or transuranic waste. Notification of proposed plans include notification of proposals to conduct field work, on-site evaluation, on-site testing or any other related studies.

(3) The board shall disseminate or arrange with the federal department of energy or other federal agency to disseminate information received under subsection (2) of this section to the council, the committee, appropriate state agencies, appropriate local units of government and interested citizen groups.

(4) The board, in accordance with the recommendations and advice of the council and committee, shall respond to contacts made under subsection (1) of this section and information received under subsection (2) of this section if a response is appropriate. The board shall consult with the council, the committee, and with appropriate state agencies and local units of government. The council and the committee shall prepare written comments for use by the board in preparing its response.

(5) The board, in consultation with the council and the commit-

tee, is authorized to promulgate all rules and regulations and establish all procedures necessary to enable it to discharge i duties and powers under this chapter and to carry out the pu poses and objectives of this chapter. This authority shall includ but shall not be limited to, the establishment of procedure regarding the issuance of any permits the board may require fc any type of testing to be conducted in connection with evaluatin and selecting a site for the long-term or temporary storage and/c permanent disposal of high-level radioactive waste or transurani waste.

SOURCES: Laws, 1982, ch. 474, § 5, eff from and after passage (approve April 21, 1982).

## § 57-49-7. Nuclear waste policy advisory council; qualifica tions; terms; vacancies; compensation; expenses.

The nuclear waste policy advisory council hereby created anc hereinafter referred to as the "council" shall exercise the power: and duties and discharge the responsibilities enumerated herein The council shall consist of the following members, each of whom shall be a qualified elector.

Two (2) members shall be appointed by the speaker of the house of representatives from among the membership of the house; two (2) members shall be appointed by the lieutenant governor from among the membership of the senate; four (4) members shall be appointed by the governor, one (1) of whom shall be a member of the governor's staff, one (1) of whom shall be a member of a statewide, chartered, public interest group, one (1) of whom shall be a resident from the various counties, except Perry County, which comprise the fifth congressional district of the State of Mississippi as it exists on the date of the passage of this chapter and one (1) of whom shall be from Perry County at large; one (1) member who shall be the nuclear waste program manager of the energy and transportation board; one (1) member who shall be the attorney general or his staff designee and who shall serve in a nonvoting capacity; one (1) member shall be appointed by the Perry County Board of Supervisors from among the nongovernmental members of the general public legally residing in Perry County; and one (1) member shall be appointed by the Town of Richton Board of Aldermen from among the nongovernmental members of the general public legally residing in the Town of Richton, Perry County, Mississippi; one (1) member shall be appointed by the New Augusta Board of Aldermen from among the nongovernmental members of the general public legally residing in the Town of New Augusta, Perry County, Mississippi; one

(1) member shall be appointed by the Beaumont Board of Aldermen from among the nongovernmental members of the general public legally residing in Beaumont, Perry County, Mississippi; and one (1) member shall be appointed by the board of supervisors of each county in the State of Mississippi wherein an operational commercial nuclear facility is located. A chairman and a secretary shall be elected annually from among the membership of the council.

The original appointments of the council shall be made within thirty (30) days of passage of this chapter, but no later than June 30, 1982, for terms of two (2) years to begin on July 1, 1982. Vacancies in office shall be filled by appointment in the same manner as the original appointment to the position which becomes vacant. An appointment to fill a vacancy other than by expiration of a term of office shall be for the balance of the unexpired term.

The members of the council shall receive reimbursement for mileage and actual expenses incurred in the performance of their duties at the rate authorized by section 25-3-41. Members of the council who are state employees shall be reimbursed for those expenses incurred which are authorized by section 25-3-41.

Provided that funding is available under section 57-49-39, the members of the council shall receive per diem compensation at the rate authorized by section 25-3-69 for each day spent in the actual discharge of their duties when attending a meeting of the council.

**SOURCES: Laws, 1982, ch. 474, § 4, eff from and after passage (approved April 21, 1982).**

**Cross references—**

As to duties of nuclear waste policy advisory council, see § 57-49-9.

As to source of funds for payment of per diem and expenses under this section, see § 57-49-39.

As to attorney general, generally, see §§ 7-5-1 et seq.

## § 57-49-9. Duties of nuclear waste policy advisory council.

The responsibilities and duties of the council shall include, but not be limited to, the following:

(a) To recommend state nuclear waste policy to the board and advise the board on any matters relating to state nuclear waste policy, including matters to be addressed in memorandums of understanding and other agreements with the federal department of energy.

(b) To recommend legislative proposals related to nuclear waste for consideration by the state legislature.

(c) To review all data, plans, conclusions and other documents

produced by the federal department of energy, which relate to any phase of high-level nuclear waste programs or activities.

(d) To hear and evaluate public comment and make recommendations based thereon to the board and the state legislature.

(e) To advise the board on socio-economic issues which impact on affected areas as a result of activities proposed or conducted under the authority of this chapter.

(f) To critically review and comment on any socio-economic impact statements, studies, or lack of such, and transportation risks and concerns.

**SOURCES: Laws, 1982, ch. 474, § 5, eff from and after passage (approved April 21, 1982).**

## § 57-49-11. Nuclear waste technical review committee; membership; alternate and additional members; compensation; expenses.

The nuclear waste technical review committee hereby created and hereinafter referred to as the "committee" shall exercise the powers and duties and discharge the responsibilities enumerated herein.

The committee shall originally consist of twelve (12) members, one (1) of whom shall be the director of the department of natural resources, one (1) of whom shall be the director of the emergency management agency, one (1) of whom shall be the state health officer, one (1) of whom shall be the director of the bureau of geology and energy resources, one (1) of whom shall be the executive director of the research and development center, one (1) of whom shall be the chairman of the board of trustees of state institutions of higher learning, one (1) of whom shall be the director of the mineral resources institute, one (1) of whom shall be the executive director of the wildlife conservation commission, one (1) of whom shall be the executive director of the energy and transportation board, one (1) of whom shall be the nuclear waste program manager of the energy and transportation board who shall serve as secretary in a nonvoting capacity, one (1) of whom shall be the director of the board of economic development, and one (1) of whom shall be the executive director of the soil and water conservation commission. The chairman shall be elected from among the membership of the committee.

Committee members shall be permitted to designate substitute or alternate members to act in their stead, should they be unable to assume the responsibility of serving on the committee. The committee, by a majority vote of its membership, may recommend to the chairman that additional appointments should be made to

the committee from other state agencies and the chairman shall make such appointments.

The members of the committee shall receive reimbursement for mileage and actual expenses incurred in the performance of their duties at the rate authorized by section 25-3-41. Members of the committee who are state employees shall be reimbursed for those expenses incurred which are authorized by section 25-3-41.

Provided that funding is available under section 57-49-39, the members of the committee shall receive per diem compensation at the rate authorized by section 25-3-69 for each day spent in the actual discharge of their duties when attending a meeting of the committee.

**SOURCES: Laws, 1982, ch. 474, § 6, eff from and after passage (approved April 21, 1982).**

**Cross references—**

As to executive director of board of economic development, generally, see § 57-1-5.

As to director of research and development center, generally, see § 57-13-5.

As to executive director of energy and transportation board, generally, see § 57-39-7.

As to duties of nuclear waste technical review committee, see § 57-49-13.

As to source of funds for payment of per diem and expenses under this section, see § 57-49-39.

As to director of emergency management agency, generally, see § 33-15-7.

As to president of board of trustees of state institutions of higher learning, generally, see § 37-101-7.

As to executive director of department of natural resources, generally, see §§ 49-2-11, 49-2-13.

As to director of bureau of geology and energy resources, generally, see § 49-2-15.

As to executive director of wildlife conservation department, generally, see §§ 49-4-11, 49-4-13.

## § 57-49-13. Duties of nuclear waste technical review committee.

The responsibilities and duties of the committee shall include, but not be limited to, the following:

(a) To advise the board and council on all technical matters related to high-level nuclear waste activities within the state.

(b) To assist and advise the board and council in formulating studies, plans and other implementations of the state nuclear waste program.

(c) To assist in the implementation of directives of the board and council which relate to the state nuclear waste program.

(d) To perform a critical review of all data and documents produced by the federal department of energy which related to

any phase of high-level nuclear waste activities and submit comments on same to the board.

(e) To provide technical information to the attorney general of the State of Mississippi and the state legislature which will assist their efforts to assure the health, safety, and welfare of the citizens of the State of Mississippi.

(f) To perform initial review of all applications for permits to conduct nuclear waste related activities within the state. Such review, to be completed within ninety (90) days, would determine if the application is in compliance with the requirements of this chapter. Upon completion of such review, the committee shall either:

(i) File the application with the board for its consideration, and thereafter, the board will deny, grant, or grant with certain conditions, requirements and stipulations a permit to conduct the applied for nuclear waste activities; or

(ii) Notify the applicant that the requirements of this chapter have not been met or satisfactorily completed and return the application for resubmittal. Such notification to applicants shall include a listing of deficiencies in complying with application procedures. Provided, however, the applicant may reapply by submitting the original application with amendments listing provisions which satisfy previous deficiencies in the application.

**SOURCES: Laws, 1982, ch. 474, § 7, eff from and after passage (approved April 21, 1982).**

## § 57-49-15. Board, council and committee as advocates for citizens before federal agencies.

The board, the council and the committee shall serve as advocates on behalf of the citizens of this state before the federal department of energy and other federal agencies on matters related to the long-term or temporary storage and/or permanent disposal of high-level radioactive waste and transuranic waste.

**SOURCES: Laws, 1982, ch. 474, § 8, eff from and after passage (approved April 21, 1982).**

## § 57-49-17. Board to promote and coordinate educational programs.

The board shall promote and coordinate educational programs which provide information on the nature of high-level radioactive waste and transuranic waste, the long-term or temporary storage and/or permanent disposal of these wastes, the activities of the board, the council and the committee. the activities of the federal department of energy and other federal agencies related to the

long-term or temporary storage and/or permanent disposal of high-level radioactive waste and transuranic waste.

SOURCES: Laws, 1982, ch. 474, § 9, eff from and after passage (approved April 21, 1982).

Cross references—
As to agreement for federal department of energy to provide funding for educational programs required by this section, see § 57-49-31.

## § 57-49-19. Review of application for funds for program related to nuclear waste storage or disposal; disposition.

The board, in consultation with the council and the committee, shall review any application to the federal department of energy, other federal agency, or contractor thereof, by a state agency, including the state institutions of higher learning, a local unit of government, or a regional planning and development district for funds for any program related to the long-term or temporary storage and/or permanent disposal of high-level radioactive waste or transuranic waste. If the board finds that the application is not consistent with the state's nuclear waste policy or that the application is not in the best interests of the state, the board, in accordance with the council and the committee, shall forward its findings to the governor, the legislative committees on conservation and water resources in the house of representatives and on public health and welfare in the senate, and the federal agency to which the application for funds is being made. If the board finds that the application of a state agency is not consistent with the state's nuclear waste policy or that the application of a state agency is not in the best interests of the state, the findings forwarded to the governor shall include a recommendation that the governor take action necessary to safeguard the interests of the state by stipulating certain conditions for the acceptance of the funds.

SOURCES: Laws, 1982, ch. 474, § 10, eff from and after passage (approved April 21, 1982).

## § 57-49-21. Monitoring of federal activities related to nuclear waste storage or disposal.

The board, through the council and the committee, shall monitor activity by Congress and the federal government related to the long-term or temporary storage and/or permanent disposal of high-level radioactive waste and transuranic waste. The board, upon recommendation of the council, may advise the congressional delegation from this state of action which is necessary to protect the interests of the state.

joint concurrent resolution authorizing initiation of additional phases of site characterization. If the findings of the council and the committee and the recommendation of the board indicate inadequate identification of deficiencies and/or inadequate resolution of same, the governor may recommend that the conflict resolution procedure outlined in the agreement be initiated.

SOURCES: Laws, 1982, ch. 474, § 14, eff from and after passage (approved April 21, 1982).

## § 57-49-29. Agreements related to nuclear waste storage or disposal negotiated by board with federal agencies; local hearings.

(1) The board shall serve as the agency in this state to negotiate written nuclear waste site characterization agreements and modifications and/or technical revisions to these agreements, with the federal department of energy on any matter related to the long-term or temporary storage and/or permanent disposal of high-level radioactive waste or transuranic waste.

(2) The board shall serve as the agency in this state to negotiate such written agreements and modifications and/or technical revisions to these agreements, with any federal agency other than the federal department of energy on any matter related to the long-term or temporary storage and/or permanent disposal of high-level radioactive waste or transuranic waste.

(3) The board shall consult with the council and the committee during the negotiation of any agreement or modification and/or technical revisions to an agreement executed under subsections (1) or (2) of this section. The council and the committee shall prepare such written comments on any agreement or draft agreement being negotiated by the board as is appropriate and needed.

(4) The board in concert with the council shall hold at least one (1) public hearing within the county or counties wherein the site is located on any proposed agreement or modification and/or technical revision to an agreement negotiated under subsection (1) or (2) of this section. The board shall issue thirty (30) days' notice of the day and location of hearings conducted under this subsection. The board shall prepare a written summary of testimony presented at hearings conducted under this subsection and shall consider the need for modifications or technical revisions to the negotiated agreement as a result of the hearing(s).

(5) No agreement or modification and/or technical revision to an agreement negotiated under subsection (1) or (2) may take effect unless it is approved by a majority of the members of the board.

SOURCES: Laws, 1982, ch. 474, § 15, eff from and after passage (approved April 21, 1982).

Cross references—
As to requirement for prior written agreements and procedures governing site characterization activities, see § 57-49-27.
As to contents of agreement negotiated pursuant to this section, see § 57-49-31.
As to submission to governor written agreements and summaries of local hearings under this section, see § 57-49-33.

## § 57-49-31. Separate agreements required for each stage of evaluating and selecting site for nuclear waste storage or disposal; contents.

(1) The board shall negotiate separate agreements with the federal department of energy concerning different stages of the process of evaluating and selecting a site for the long-term or temporary storage and/or permanent disposal of high-level radioactive waste or transuranic waste. The board shall negotiate a separate agreement with the federal department of energy for the final stages of the selection of any site for the long-term or temporary storage and/or permanent disposal of high-level radioactive waste or transuranic waste.

(2) Any agreement negotiated by the board with the federal department of energy under section 57-49-29 shall include, but not be limited to:

(a) A general description of the roles of the state and the federal department of energy in the execution of the agreement;

(b) A compliance schedule which includes a list of significant events and stages which are expected to be reached as the federal department of energy assesses the suitability of the site for the long-term or temporary storage and/or permanent disposal of high-level radioactive waste or transuranic waste and a description of the actions to be taken by the federal department of energy and the state at each event and stage;

(c) The criteria that the federal department of energy shall use in evaluating the suitability of any site in the state for the long-term or temporary storage and/or permanent disposal of high-level radioactive waste or transuranic waste;

(d) A requirement that the federal department of energy shall comply with all federal laws, state laws and local ordinances and shall respect state sovereignty consistent with the United States Constitution and the Tenth Amendment, regardless of the ownership of the land on which the activity takes place;

(e) A requirement that the federal department of energy and any of its contractors or subcontractors shall provide the board

with all reports and documents the board requests and any other relevant reports and documents in a timely manner and in accordance with any applicable law, regulation or rule. The requirement shall specify that the federal department of energy may not charge a fee for searching for or for supplying reports and documents requested by the board. The requirement shall specify that the federal department of energy shall provide the board with all reports and documents the board requests and any other relevant reports and documents from contractors and subcontractors after the reports and documents are submitted to the federal department of energy regardless of whether the reports and documents have received the final approval of the department of energy;

(f) A requirement that, upon request by the board, the federal department of energy shall provide the data, methods and underlying assumptions used in the preparation of reports and documents in accordance with any applicable law, regulation or rule;

(g) A requirement that the federal department of energy shall notify the board of any grants related to the long-term or temporary storage and/or permanent disposal of high-level radioactive waste and transuranic waste from the federal department of energy to any person in this state;

(h) A requirement that the federal department of energy shall notify the board in a timely manner of any proposed field work, on-site evaluation, on-site testing or similar activities it or any contractor or subcontractor intends to conduct and a requirement that the federal department of energy shall allow the board to monitor these activities by any appropriate means;

(i) A requirement that the federal department of energy shall provide the board in a timely manner with a copy of any requests for proposals and final contracts issued by the federal department of energy relating to the evaluation, selection or construction of a site for the long-term or temporary storage and/or permanent disposal of high-level radioactive waste or transuranic waste in this state;

(j) A provision that the federal department of energy shall agree to provide funds to be used to provide educational programs as set forth in section 57-49-17, and to review the activities of the federal department of energy and its contractors and subcontractors which relate to assessing the suitability of the site(s) for the long-term or temporary storage and/or permanent disposal of high-level radioactive waste or transuranic waste;

(k) A process for resolving disputes between the board and the federal department of energy including disputes concerning alleged violations of the written agreement and disputes concerning

technical assessments made by the federal department of energy. The process for resolving disputes concerning technical assessments made by the federal department of energy may involve a process of scientific review and mediation;

(l) A requirement that the federal department of energy and the board shall identify impacts associated with studies related to the characterization of an area or site(s) for its potential as a repository or the impacts associated with the development of a site as a repository for the long-term or temporary storage and/or permanent disposal of high-level radioactive waste or transuranic waste and that the federal department of energy will provide a mechanism to mitigate those impacts;

(m) A requirement that if the federal department of energy selects a site in the state for construction of a repository for the long-term or temporary storage and/or permanent disposal of high-level radioactive waste or transuranic waste, the federal department of energy shall prepare, prior to submission of an application to license or construct the repository, a repository plan which shall include descriptions of the federal department of energy's plans for construction of the repository, transportation of wastes to the repository, operation of the repository, closing of the repository and monitoring the repository after closure; and

(n) A requirement that the location of any site for the long-term or temporary storage and/or permanent disposal of high-level radioactive or transuranic waste shall not be in a densely populated area.

(3) Any agreement negotiated by the board with the federal department of energy under section 57-49-29 shall include a list of reasons for which the board may object to the selection of a site within this state for the long-term or temporary storage and/or permanent disposal of high-level radioactive waste and transuranic waste. These reasons shall include, but not be limited to, the following:

(a) The site or the transportation of waste to the site poses a danger to public health and safety or to the environment;

(b) The federal department of energy fails to address to the satisfaction of the board the potential socioeconomic effects of the site or of the transportation of waste to the site;

(c) The federal department of energy is violating or has violated a written agreement or revision approved under section 57-49-29;

(d) In the judgment of the board, the federal department of energy fails to comply with criteria, regulations or standards of other federal agencies concerning the long-term or temporary

storage and/or permanent disposal of high-level radioactive waste or transuranic waste, including criteria which excludes a proposed site from consideration because of previous mining or drilling of any type within the area which could be affected by the construction of the site or by the heat resulting from the long-term or temporary storage and/or permanent disposal of high-level radioactive waste or transuranic waste at the site;

(e) In the judgment of the board, the federal department of energy fails to use generally accepted scientific and technical practices in evaluating the suitability of a site for the long-term or temporary storage and/or permanent disposal of high-level radioactive waste or transuranic waste.

(4) Any agreement negotiated by the board with the federal department of energy which does not comply with the requirements or standards prescribed in this section shall be void and of no effect.

**SOURCES: Laws, 1982, ch. 474, § 16, eff from and after passage (approved April 21, 1982).**

**Cross references—**

As to requirement for prior written agreements and procedures governing site characterization activities, see § 57-49-27.

As to review of federal department of energy site selection and plan, see § 57-49-35.

## § 57-49-33. Agreements and summaries of local hearings to be submitted to governor.

The board shall submit any written agreement or modification or technical revision to an agreement negotiated under section 57-49-29, and approved by the board and approved by the federal department of energy or other federal agency, to the governor, through the council. The board shall submit with the agreement, modification or technical revision a written summary of the hearings held under section 57-49-29.

**SOURCES: Laws, 1982, ch. 474, § 17, eff from and after passage (approved April 21, 1982).**

**Cross references—**

As to requirement for prior written agreements and procedures governing site characterization activities, see § 57-49-27.

## § 57-49-35. Board review of adequacy of federal department of energy site selection and plan; recommendation by board; decision by governor.

(1) If the federal department of energy selects a site in the state for construction of a repository for the long-term or temporary storage and/or permanent disposal of high-level radioactive waste

or transuranic waste, the board shall review the adequacy of the selected site and of the site plan prepared by the federal department of energy pursuant to section 57-49-31(2)(m). The review shall include a full scientific review of the adequacy of the selected site and the site plan. The board shall solicit written comments on the selected site and the site plan from the council and the committee. The board may utilize recognized experts in conducting its scientific review. The board shall conduct at least one (1) public hearing in the affected county on the site plan and shall make available to the public arguments and evidence for and against the site plan. The board shall provide thirty (30) days' notice of the date and location(s) of the public hearing(s). The board shall solicit comments from appropriate state agencies, local units of government, and interested citizen groups on the adequacy of the selected site and the site plan. The board shall make these comments available to the public.

(2) After completing this review, the board shall submit a recommendation, complete with supporting reasons for the recommendation, to the speaker of the house of representatives, the lieutenant governor and the governor on the issue of whether the state should accept the site and site plan selected by the federal department of energy. The governor, after review of the recommendation and findings of the board, may confer with the board, council, committee, representatives of state agencies, institutions of higher learning and/or representatives of the affected county or locality. The governor shall thereafter determine the advisability of such facility at the proposed site. If the governor's decision, after such consultations, is favorable to the establishment of the nuclear waste disposal site, he shall recommend to the legislature a proposed bill to authorize the creation of such disposal or storage facility. All such disposal or storage shall be made in strict adherence to guidelines established by the federal government, the division of Radiological health of the state board of health, the Mississippi Emergency Management Agency and the provisions of this section.

**SOURCES: Laws, 1982, ch. 474, § 18, eff from and after passage (approved April 21, 1982).**

**Cross references—**
As to Mississippi Emergency Management Agency, see § 33-15-7.

## § 57-49-37. Board to implement agreements.

The board, in consultation with the committee and council, shall implement all agreements, modifications and technical revisions approved pursuant to this chapter. In doing so, the board may

solicit the views of appropriate state agencies, local units of government, and interested citizen groups.

SOURCES: Laws, 1982, ch. 474, § 19, eff from and after passage (approved April 21, 1982).

## § 57-49-39. Funding of expenses.

The board shall attempt to finance all of its expenses from monies received from the federal department of energy and other federal agencies and from gifts and grants received from other persons. Expenses of the council and committee members to attend meetings shall be reimbursed by the board from these funds at the rates set forth in sections 57-49-7 and 57-49-11.

SOURCES: Laws, 1982, ch. 474, § 20, eff from and after passage (approved April 21, 1982).

## § 57-49-41. Assistance from other state agencies.

The board shall rely on the expertise of staff in other state agencies to assist the board in its duties whenever possible and these other state agencies shall assist the board as much as possible in fulfilling its duties.

SOURCES: Laws, 1982, ch. 474, § 21, eff from and after passage (approved April 21, 1982).

## § 57-49-43. Chapter does not imply acceptance of nuclear waste storage or disposal site.

Nothing in this chapter shall be interpreted by the federal government or the federal department of energy as an expression by the people of this state to accept the establishment of a site for the long-term or temporary storage and/or permanent disposal of high-level radioactive waste or transuranic waste.

SOURCES: Laws, 1982, ch. 474, § 22, eff from and after passage (approved April 21, 1982).