

LEGISLATIVE BILL 72

Approved by the Governor April 15, 1994

Introduced by Baack, 47; Dierks, 40; Priester, 5, at the request of the Governor

AN ACT relating to low-level radioactive waste; to amend sections 71-3508.02 and 81-15,102, Reissue Revised Statutes of Nebraska, 1943; to eliminate provisions relating to the acceptance or acquisition of radioactive waste by the state; and to repeal the original sections. Be it enacted by the people of the State of Nebraska,

Section 1. That section 71-3508.02, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-3508.02. (1) In addition to the provisions of the Low-Level Radioactive Waste Disposal Act, the state may accept or acquire, by gift, transfer, or purchase, from another governmental agency or private person, suitable sites including land and appurtenances for the management of low-level radioactive waste. Sites received by gift or transfer shall be subject to approval and acceptance by the Legislature.

(2) Lands and appurtenances which are used for the management of low-level radioactive waste shall be acquired in fee simple absolute and used exclusively for such purpose until the department determines that such exclusive use is not required to protect the occupational and public health and safety or the environment. Before such site is leased for other use, the radioactive waste history of the site shall be recorded in the permanent land records of the site. ~~All radioactive material accepted by the site operator or by any agent of the site operator for management on a radioactive waste management site shall become the property of the state.~~

(3) The department may contract with third parties for management of a low-level radioactive waste site acquired pursuant to subsection (2) of this section or which is already owned by the state. A contract operator shall be subject to the surety and long-term care funding provisions of section 71-3508.04 and to appropriate licensing by the federal Nuclear Regulatory Commission or by the department.

(4) The department shall not approve any application for a license to receive radioactive waste from other persons for disposal on land not owned by the state or federal government.

Sec. 2. That section 81-15,102, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-15,102. (1) The state may accept or acquire, by gift, transfer, or purchase, from another governmental agency or private person, suitable sites including land and appurtenances for the disposal of low-level radioactive waste. Sites received by gift or transfer shall be subject to approval and acceptance by the Legislature on behalf of the state.

(2) The applicant shall notify the Governor and the Legislature before beginning any onsite geological activity, such as soil core sampling, to determine the suitability of a site in the State of Nebraska for use as a facility.

(3) Lands and appurtenances which are used for the disposal of low-level radioactive waste shall be acquired in fee simple absolute and used exclusively for such purpose until the department determines that such exclusive use is not required to protect the public health, safety, welfare, or environment. Before such a site is leased for other use, the department shall require and assure that the radioactive waste history of the site be recorded in the permanent land records of the site. ~~All radioactive material accepted for disposal at a radioactive waste disposal site shall become the property of the state, except that remedial Remedial cleanup costs which become necessary during the period of custodial care shall be assessed first to the facility operator, then proportionately against the generators of the radioactive waste.~~

(4) The state may contract for the operation of a disposal site owned by the state or acquired pursuant to subsection (1) of this section. The contract operator shall be subject to licensing by the department and shall be subject to the surety and custodial care funding provisions of section 81-15,103.

Sec. 3. That original sections 71-3508.02 and 81-15,102, Reissue Revised Statutes of Nebraska, 1943, are repealed.