

"AN ACT TO DEFINE LOW-LEVEL RADIOACTIVE WASTE; TO PROVIDE THAT IF ARKANSAS IS REQUIRED TO PROVIDE FACILITIES FOR DISPOSAL OR STORAGE OF LOW-LEVEL RADIOACTIVE WASTES, SUCH FACILITIES SHALL BE ABOVE GROUND FACILITIES AND SHALL MEET REQUIREMENTS PRESCRIBED HEREIN; AND FOR OTHER PURPOSES."

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. (a) As used in this Act, the term "low-level radioactive waste" means radioactive material that:

(1) is not high-level radioactive waste, spent nuclear fuel, or by-product material (as defined in section 11e(2) of the Atomic Energy Act of 1954) (42 U.S.C. 2014(e)(2)); and

(2) the Nuclear Regulatory Commission, consistent with existing law and in accordance with paragraph (A), classifies as low-level radioactive waste.

(b) As used in this Act, the term "above-ground facility" means any facility which has a substantial portion of its structure above ground.

SECTION 2. In the event that low-level radioactive waste is required to be disposed of or stored in the State of Arkansas, such waste shall be disposed of or stored only in above ground facilities. All such above ground facilities shall be so designed, constructed and maintained as to prevent any accidental release of such wastes or any harmful substance therein as a result of flooding, earth quakes, tornadoes, or other occurrences, and to permit effective surveillance of the facility and the wastes therein, and to permit retrievability of any waste stored in such facilities for testing and other appropriate purposes.

SECTION 3. Neither the Department of Pollution Control and Ecology nor any other agency or authority having the responsibility for approving and issuing permits for facilities for the disposal or storage of low-level radioactive waste in the State shall have authority to approve or issue a permit for any such facility unless such facility will fully comply with the requirements of this Act in all respects.

SECTION 4. Provided that the implementation of this Act will not affect Arkansas' continued membership in the Central States Low-Level Radioactive Waste Compact Commission, and if any provision of this Act is in conflict with the provisions of the Compact, the provisions of the Compact shall be controlling.

SECTION 5. All laws and parts of laws in conflict with this Act are hereby repealed.

APPROVED: 4/2/87

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