§ 29-0503. State agency actions on licenses, permits, or approvals for low-level radioactive waste management facilities.

1. With respect to any particular permanent disposal facilities, all applications for state licenses, permits, or other approvals required for those facilities shall be submitted contemporaneously to the respective state agencies with jurisdiction to grant such licenses, permits, or other approvals; and shall be accompanied by a draft environmental impact statement for those facilities and a list identifying each state license, permit, or other approval for which such applications have been submitted and the jurisdictional state agency for such license, permit, or other approval.

2. Notwithstanding any other provision of law, all applications to a single state agency for required state licenses, permits, or other approvals for particular low-level radioactive waste management facilities shall be consolidated by such state agency and considered in a single proceeding, which shall be completed as expeditiously as possible.

3. All state agencies to which applications for required licenses, permits, or other approvals for particular low-level radioactive waste management facilities have been submitted shall keep each other informed of the procedural status of such applications and the proceedings thereon.

4. With respect to the proceedings on applications for required state licenses, permits, and other approvals for particular low-level radioactive waste management facilities:

a. If any such license, permit, or other approval for the particular low-level radioactive waste management facilities in question is within the jurisdiction of the department, the department shall be the lead agency with respect to environmental review of all applications to state agencies for such licenses, permits, or other approvals.

b. No later than thirty days after submission to the lead agency and

other state agencies of such applications, the lead agency and each such other state agency shall give notice to the applicant that such applications within their respective jurisdictions have been determined to be complete or have been determined to be incomplete; provided, however, that when there is a requirement pursuant to federal law for a tentative determination or draft permit to be prepared prior to public notice or hearing, the time within which the agency shall make its determination whether or not the application is complete shall be extended by thirty days. If any such application has been determined to be incomplete, such notice shall include a detailed list of specific deficiencies in such application.

c. No later than sixty days after the lead agency and other jurisdictional state agencies have made their respective determinations that such applications within their respective jurisdictions are complete, the lead agency shall begin public hearings on the draft environmental impact statement and all other matters related to such applications. Any state agency, other than the lead agency, which determines to conduct public hearings with respect to any action or proceeding before it on such applications shall conduct such public hearings jointly with the public hearings conducted by the lead agency with respect to such facilities. The department shall hold an issues conference prior to the commencement of the hearing. At least one hearing shall be held at a reasonably convenient location in the general geographic vicinity of each of the proposed sites.

d. No later than one hundred fifty days after the commencement of such hearings for any low-level radioactive waste management facilities, such hearings and the period for the receipt of any written comments, arguments, or analyses with respect to matters raised in such hearings shall have been completed.

e. No later than ninety days after completion of such hearings and the period for the receipt of written comments, arguments, or analyses with respect to matters raised in such hearings, the lead agency shall issue a final environmental impact statement related to the applications which were the subject of such hearings. In addition to any other information

otherwise required for a final environmental impact statement, such statement shall include:

(i) Copies of the minutes of the public hearings held on the draft environmental impact statement associated with a state agency action on a license, permit, or approval for a low-level radioactive waste management facility, and the department's responses to the views, comments, information and recommendations thereon; and

(ii) A listing providing a brief description, identification, or reference for each report, study, or other document relied upon by the department for information supporting its analyses or conclusions.

f. The lead agency shall keep each other state agency before which any such application is pending informed of the progress of its development of the final environmental impact statement. Immediately upon issuance of the final environmental impact statement, the lead agency shall deliver a copy to each such other state agency. No later than thirty days after the issuance of such final environmental impact statement, the lead agency and each such other state agency shall issue their decisions with respect to such licenses, permits, and other approvals with any reasonable modifications or conditions which the lead agency, and each such other state agency, respectively, finds required in accordance with the provisions of law and regulations applicable to its respective action or proceeding. Each agency shall publish notice in the state register of its decision with respect to such licensing or other approval. Each such decision shall be based upon the administrative record for the respective action or proceeding.

5. In any action or proceeding of the department or any other state agency on any application for a required state license, permit, or other approval for any low-level radioactive waste management facilities, including any related draft or final environmental impact statement proposed or submitted in connection with such application, the following matters as determined by statute or certified pursuant to section 29-0105 of this article shall not be in issue:

a. the need for such facilities or the alternative of no action;

b. the site or sites of such facilities;

c. for permanent disposal facilities, the disposal methods to be utilized;

d. the nature or type of facilities as specifically required or authorized by statute; and

e. the classes of waste which may be stored or disposed of at such facilities.