§ 29-0505. General provisions on environmental review and judicial review.

Notwithstanding any other provision of law:

1. In the event of any inconsistency between the provisions of this article and the provisions of article eight or seventy of this chapter, or regulations issued pursuant thereto, the provisions of this article shall have precedence and apply to the exclusion of such provisions of article eight or seventy of this chapter or the regulations issued pursuant thereto.

2. a. Any person aggrieved by any administrative action or proceeding in connection with the adoption of siting criteria regulations pursuant to section 29-0103 of this article, with a certification or refusal to certify a site or disposal method selection pursuant to section 29-0105 of this article or with the issuance or denial of a required state license, permit, or other approval for low-level radioactive waste management facilities may seek judicial review of such administrative action or proceeding in accordance with the provisions of this subdivision. Any such special proceeding for judicial review shall be brought in the appellate division of the supreme court of the judicial department embracing the county wherein the site of the facilities is located, or, if the certification or the application for a state license, permit, or other approval is denied, the county wherein the commission or applicant proposed to site or locate the facilities. Such review may be initiated only by the filing of a petition in such court within thirty days after publication in the state register of notice of the administrative action or decision, together with proof of service of a demand on the commission, the department, and other state agencies, as applicable, for the filing with the court of a copy of the administrative record. Upon receipt of such petition and demand, a copy of the administrative record and any decision shall forthwith be delivered by the commission, the department, or other state agency, as applicable, to the court. The petition and any subsequent appeal shall be heard on the administrative record without requirement of reproduction. No objection that has not been urged on the administrative record shall be considered by the court, unless the failure or neglect

to urge such objection below shall be excused because the information underlying such objection was unknown at the time of the administrative proceeding or because of other extraordinary circumstances.

b. If such facilities are proposed to be sited or located in more than one judicial department, such proceeding may be brought in any one but only one of such departments. If petitions are filed in more than one court, the court in which a petition was first filed shall retain exclusive jurisdiction of the proceeding, and all other petitions shall be transferred forthwith to said court. Upon motion by any party to the proceeding, or on its own motion, said court may transfer the proceedings to the appellate division in any other judicial department for good cause. The jurisdiction of the appellate division shall be exclusive and its judgment and order shall be final, subject to review by the court of appeals in the same manner and form and with the same effect as provided for appeals in a special proceeding. All such special proceedings shall be heard and determined by the appellate division and by the court of appeals as expeditiously as possible and with precedence over all other matters except special proceedings under the election law.

c. Except as otherwise provided in this subdivision, article seventy-eight of the civil practice law and rules shall apply to special proceedings and appeals therefrom taken pursuant to this subdivision.