

High-Level Radioactive Waste Advisory Council

Section 38-23-08 of the North Dakota Century Code establishes a High-Level Radioactive Waste Advisory Council that is to meet at least once per year, review the site suitability of any proposed high-level radioactive waste facilities and issue a report to the Legislative Assembly and the Industrial Commission, review high-level radioactive waste rules and standards and make recommendations to the Industrial Commission, consider any other matters related to high-level radioactive waste that the council deems as appropriate, and make recommendations to the Industrial Commission regarding the administration of NDCC 38-23.

Advisory Council Members

Senator Jim Roers, District 46, Chairman

Representative Dan Ruby, District 38

Representative Mark Owens, District 37

Senator Dale Patten, District 39

Terry Steinwand, Director of Game and Fish Department

Mylynn Tufte (Dirk Wilke), State Health Officer, Department of Health

Michelle Kommer (Shawn Kessel), Commissioner, Department of Commerce

Garland Erbele (John Paczkowski), State Engineer, State Water Commission

David Glatt, Director of the Department of Environmental Quality

Bill Panos, Director, Department of Transportation

Kenneth Vein, City Government Representative

Dean Pearson, County Government Representative

Rebecca Leier, Agriculture Representative

Ed Murphy, State Geologist, Dept of Mineral Resources - Geological Survey, executive secretary

The Advisory Council met on November 4, 2019 and again on May 6, 2020. The November 2019 meeting was held in the Department of Mineral Resource's Conference Room. The purpose of the meeting was to familiarize the council members with high-level radioactive waste issues. The four-hour-long meeting consisted of a series of PowerPoint presentations regarding a variety of related topics: the State of North Dakota's open meeting and open record laws (Sandra DePountis, Assistant Attorney General), Senate Bill 2156, 65th Legislative Assembly (Representative Jon Nelson, District 14), legislative history of NDCC 38-23 (Chris Joseph, Legislative Council), the events surrounding the proposed deep test hole in Pierce County in late 2015 and early 2016 (Rebecca Leier, representing Community Alliance), the history of high-level radioactive waste in the U.S. (Don Hancock, Southwest Research and Information Center), DEQ's radiation safety program and North Dakota's low-level waste compacts (Dave Glatt and Dale Patrick, Department of Environmental Quality), and Ed Murphy (Geological Survey) presented on North Dakota's high-level radioactive waste law (NDCC 23-20.2) that had been in effect from 1979 - 2019 and on the U.S. Nuclear Waste Policy Act of 1982.

The Geological Survey drafted the high-level radioactive waste rules and they were reviewed by Assistant Attorney General Nici Meyer. The Industrial Commission was informed of the high-level radioactive waste rule draft at their March 9, 2020 meeting and permission was given for the rule making process to proceed. At the May 6, 2020 Advisory Council meeting, Dave Glatt, Department of Environmental Quality, gave a short presentation regarding low-level radioactive waste regulations in North Dakota state and Ed Murphy, DMR – Geological Survey, explained the rule making process and timetable followed by a detailed review of the rule draft. After discussion, the advisory council voted unanimously to approve the rules. The rules then went back to the Industrial commission for approval to move forward in the rule making process with notice given June 5 -12, a public hearing on July 7, and a ten-day comment period that ended on July 17. Since no written or oral comments were received, the rules remained unchanged from what the Advisory Council had approved and so they did not have to go back to the council for additional consideration. An Attorney General Opinion was obtained, final approval was given by the Industrial Commission (ICO 30957 (Case 28514), the rules and Attorney General Opinion were filed with the Legislative Council, the rules packet was presented to the Administrative Rules Committee Hearing on September 15, and the high-level radioactive waste rules (NDAC 43-02-13) were adopted on October 1, 2020.