

**211.896 Conditions for reopening of closed facility.**

- (1) Any nuclear waste disposal facility, licensed and regulated by the Kentucky Cabinet for Health and Family Services, which is closed either because there is doubt as to the public safety of the site, the integrity of the site, the economic feasibility of financing perpetual care and maintenance and decommissioning of the site, or compliance with cabinet regulations, shall not reopen without:
  - (a) A finding of fact by the secretary of the Cabinet for Health and Family Services and the secretary of the Energy and Environment Cabinet that all reasons for site closure have been addressed and resolved such that there is no longer any doubt as to the public safety or integrity of the site or the ability to adequately finance the perpetual care and maintenance and decommissioning of the site or the compliance of the site with cabinet regulations; and
  - (b) A public hearing and the taking of public comment on such findings of fact; and
  - (c) Approval of a majority of the members of the House of Representatives and a majority of the members of the Senate; and
  - (d) Approval of the Governor.
- (2) The Cabinet for Health and Family Services shall be responsible for organizing the public hearings, which shall be held in the county in which the nuclear waste disposal facility is located and shall be at a time and place convenient for public participation. Adequate notification shall be given to the public of the intention to reopen a nuclear waste disposal site and the cabinet shall make available to the public the data and information upon which its decision to recommend approval of reopening of the site is based.

**Effective:** July 15, 2010

**History:** Amended 2010 Ky. Acts ch. 24, sec. 315, effective July 15, 2010. -- Amended 2005 Ky. Acts ch. 99, sec. 389, effective June 20, 2005. -- Amended 1998 Ky. Acts ch. 426, sec. 329, effective July 15, 1998. -- Created 1980 Ky. Acts ch. 17, sec. 3, effective July 15, 1980.