

LOW-LEVEL RADIOACTIVE WASTE AUTHORITY ACT (EXCERPT)
Act 204 of 1987

333.26216 Negotiations; final report; final summary; appointment of arbitration committee; arbitration and resolution of issues; written final agreement; copies; meetings of arbitration committee; cessation of arbitration; decision by chairperson; final arbitration report; costs of chairperson; statement; incorporation of final determinations into final complete agreement.

Sec. 16.

(1) The local monitoring committee for the host site community may negotiate with the authority regarding any of the following:

- (a) Monetary and nonmonetary forms of compensation.
- (b) Matters pertaining to disposal site access and transportation issues resulting from the siting of the disposal site.
- (c) The landscaping and appearance of the disposal site.
- (d) Technical assistance available to the municipality and the local monitoring committee of the candidate site and the host site community.
- (e) Matters pertaining to host site community utility and natural resource utilization.

(2) Negotiations between the local monitoring committee for the host site and the authority may commence no later than 30 days after the designation of the host site. The time and place of negotiating sessions shall be determined by agreement between the local monitoring committee and the authority.

(3) If negotiations are conducted between the local monitoring committee for the host site and the authority, the local monitoring committee and the authority shall prepare a final report summarizing the agreements reached during negotiation. The final report shall be signed by the authority and by a member of the local monitoring committee who is designated by that local monitoring committee. The final report shall be a public document which shall be the subject of a public meeting conducted by the authority.

(4) If the local monitoring committee and the authority cannot resolve an issue considered during negotiation, the local monitoring committee and the authority shall each prepare a final summary of each issue on which there is disagreement. That final summary shall include both of the following:

- (a) A statement of the party to negotiation's final best offer on each issue on which there is disagreement.
- (b) Information and documentation that supports the party to negotiation's final best offer on each issue on which there is disagreement.

(5) If the local monitoring committee and the authority cannot reach agreement on an issue that has been raised during negotiations, the local monitoring committee or the authority may require the appointment of an arbitration committee for the purpose of the arbitration of each issue that was considered but unresolved during negotiations. Arbitration as provided for under this subsection shall not occur unless the local monitoring committee or the authority requires the appointment of an arbitration committee. Arbitration shall pertain to only an unresolved issue included in the summary prepared pursuant to subsection (4). The arbitration committee shall consist of 3 members and shall include a representative designated by the local monitoring committee, a representative designated by the authority, and a chairperson who shall be an arbitrator and shall be selected pursuant to the rules and procedures of the American arbitration association.

(6) All issues resolved during arbitration to the satisfaction of both the representative of the local monitoring committee and the representative of the authority shall be incorporated into a written final agreement to be signed by each member of the arbitration committee. A copy of the agreement shall be made available to each member of the arbitration committee, the local monitoring committee, and the authority, and shall be considered a public document.

(7) The arbitration committee shall meet on a schedule and at a time and place that shall be established by agreement between the members of the arbitration committee. If the arbitration committee cannot agree on the schedule, time, and place of the arbitration meetings, the chairperson shall determine the schedule, time, and place for the meetings.

(8) If there is 1 or more issues that are not resolved to the satisfaction of both the representative of the local monitoring committee and the representative of the authority within 45 days of the commencement of arbitration, arbitration shall cease and each unresolved issue shall be decided by the chairperson. The decision of the chairperson as to each unresolved issue shall be limited to the chairperson's choice of either the final best offer of the local monitoring committee on an unresolved issue prepared pursuant to subsection (4) or the final best offer of the authority on an unresolved issue prepared pursuant to subsection (4). The decision of the chairperson is final and binding and shall be incorporated into a final arbitration report issued within 30 days of the date on which arbitration ceased. The final arbitration report shall include a final report prepared pursuant to subsection (3), a final summary prepared pursuant to subsection (4), a final agreement prepared pursuant to subsection (6), and a final

decision made by the chairperson pursuant to this subsection. To be valid the final arbitration report shall be signed by the chairperson. A copy of the final arbitration report shall be made available immediately to each member of the arbitration committee, the local monitoring committee, and the authority, and shall be considered a public document.

(9) The chairperson shall submit a statement of his or her costs to the authority. The costs of the chairperson shall be paid by the authority.

(10) Each final determination of an issue negotiated or arbitrated under this section shall be incorporated into a final complete agreement between the authority and the local monitoring committee for the host site.

History: 1987, Act 204, Imd. Eff. Dec. 22, 1987 ;-- Am. 1994, Act 434, Imd. Eff. Jan. 6, 1995