

MICHRAD

January 29, 1991

Mr. James Kennedy
Office of Nuclear Materials Safety
and Safeguards
US Nuclear Regulatory Commission
Washington, DC 20555

SUBJECT: SECY-90-318 - LOW-LEVEL RADIOACTIVE WASTE POLICY
AMENDMENTS ACT TITLE AND POSSESSION PROVISIONS

Dear Mr. Kennedy:

These comments are submitted by MichRad, the Michigan Coalition of Radioactive Material Users, Inc. MichRad consists of 59 members including medical facilities, industrial firms, universities, and utilities with nuclear power plants. Fifty-one entities in Michigan generate low-level radioactive waste (LLRW) which must be stored onsite because the sited states of South Carolina, Nevada and Washington will not permit the disposal of their LLRW. The sited states closed their doors to LLRW generated in Michigan because of the perceived lack of progress toward siting a LLRW disposal facility to service the Midwest Compact. Present schedule for a disposal facility in Michigan is 1998 at the earliest.

Additional onsite storage of LLRW should be permitted at licensed facilities by the NRC to allow continued use or development of nuclear technology. This is particularly true for hospitals, universities and industrial firms, and to a lesser extent for nuclear power plants. The benefits of nuclear technology should not be denied to the public for want of onsite storage for the generated LLRW. Proper packaging of the LLRW for storage and monitoring the stored LLRW can insure its containment against affecting the environment and safety of the public.

SECY-90-318 provides several options for the NRC in regulating LLRW. In selecting an option, the NRC should keep the continued use of nuclear technology foremost in mind. In addition, Enclosure 3, "Guidance for Governors," should be used placing emphasis on the obligations of the states under LLWPAA-85. These obligations include the management of LLRW generated in the state including timely and safe disposal.

With respect to the specific questions posed by the NRC in FR50064 and FR50065 of December 4, 1990, the following comments are submitted:

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1. Factors to be considered in authorizing onsite storage.

The major factor for consideration as pointed out above is continued use of nuclear technology for the public benefit. Of equal importance is the packaging of LLRW for onsite storage and the monitoring program to insure containment of the LLRW.

2. Potential health and safety impacts.

Denying authorization for onsite storage of LLRW may prevent the use of nuclear technology for the public benefit especially in the medical area. Commensurate with the public benefits is the necessity for properly packaging LLRW and monitoring it to insure containment against contamination of the environment and possible effect on the health of the public. We urge the NRC to not rate for demonstrated harm, but take a proactive role in assuring continued use of nuclear technology, rather than a reactive role.

3. Adverse impact of onsite storage on incentives to provide permanent disposal.

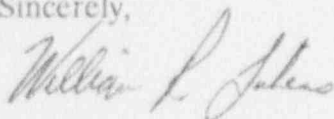
It is felt that the state governments will eventually meet their obligations under LLWPAA-85 in providing safe management and ultimate permanent disposal of LLRW generated within its boundaries. Denying onsite storage as an incentive for action on the part of state governments will have marginal effects. If such denial prevents the use of nuclear technology, the effects could be counterproductive and actually be detrimental to the public if for example medical use of nuclear technology were prevented because of lack of onsite storage of LLRW. Failure of states to act is ultimately a punishment of the private sector users.

4. through 8.

No comment.

MichRad recommends that the NRC use its regulatory role to insure the safe use of nuclear technology for the benefit of the public by permitting onsite storage of LLRW where necessary and requiring storage capability that provides containment of the LLRW.

Sincerely,



William R. Lukens
Executive Director