

March 23, 1993

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The Secretary of the Commission
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555
Attn: Docketing and Service Branch

Re: RIN 3150-AE22

Dear Mr. Secretary:

On February 2, 1993, the NRC published a proposed rule (FR 58(20):6731-6740) on "The Procedures and Criteria for On-Site Storage of Low Level Radioactive Waste." The Michigan Coalition of Radioactive Material Users (MichRad) urges you NOT to adopt this proposed rule. It will not meet its goal of encouraging the States and Compacts to move forward with the development of low level waste (LLW) disposal facilities, and it will not increase the protection of the health and safety of the public and the environment.

MichRad represents generators of LLW in the State of Michigan who have been storing waste on-site since late 1990. We have been painfully experiencing and paying a penalty for the slow development of low-level radioactive waste disposal sites. The States and Compacts should be encouraged to fulfill their obligations, but the indirect incentives placed on the licensees (i.e., generators) are neither equitable nor effective. The Low Level Waste Policy Act and its amendments set milestones and penalties in this indirect manner.

This proposed rule would require each waste generator to make an annual request for access to each operating disposal facility. Waste generators would have to document these requests, and they would be required to receive a reply and maintain documentation for three years. We believe this is a senseless exercise of bureaucratic paper shuffle. g. If an operating disposal facility has restricted the receipt of wastes from a generator, an annual requirement placed on the generator would serve no purpose and would be an unnecessary administrative burden and expense. For example, because the State of Michigan has 54 waste generators, each operating disposal site should expect 54 requests from Michigan. Nationally, the number of requests could easily be greater than 1,000 for each disposal site. Additionally, it would be a burden for an operating facility to reply to each request. These disposal facilities will be in States and Compact regions that have met their responsibilities. The States that need to be encouraged will not be effected by the proposed rule.

MICHIGAN COALITION OF RADIOACTIVE MATERIAL USERS, INC.

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The Secretary of the Commission
March 23, 1993
Page 2

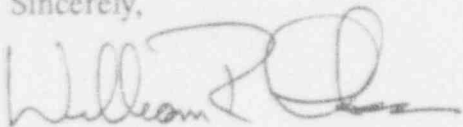
The status of waste generator's access to an operating disposal facility is best known by the facility itself. All the NRC needs to do is simply request from the few disposal facilities a listing of generators with access to their site.

The Michigan experience to date has shown that access to disposal sites is driven by the political decisions of state government. Petitions by Michigan generators, and even a lawsuit, have been unsuccessful in gaining access to a current disposal site. We have been and continue to pursue actively those pathways in our state legislature and with sited states, which will hopefully provide access to a disposal facility.

MichRad is also deeply concerned by the proposed requirement that "the licensee . . . has exhausted other reasonable waste management options . . .". Who determines "reasonable" -- the NRC or the licensee? What might be available to one licensee may be an exorbitant cost to another, e.g., supercompaction for hospital waste. The NRC has not demonstrated that a problem exists in the current management, nor that "exhaustive measures" will achieve their policy goal of disposal rather than long-term, on-site storage.

The NRC has a current policy discouraging waste storage that can be used to effectively discourage the long-term storage of waste. Licensees are committed to ensure that waste storage will not compromise safe operations nor decrease the level of safety. Thus, this rule will not increase the level of safety or protection and provides no benefit.

Sincerely,

A handwritten signature in dark ink, appearing to read 'William R. Lukens', with a stylized flourish at the end.

William R. Lukens
Executive Director, MichRad