

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

333.26202 Definitions.

Sec. 2. As used in this act:

- (a) "Authority" means the low-level radioactive waste authority established in section 3.
- (b) "Candidate site" means a site designated by the authority as a possible host site pursuant to section 11.
- (c) "Carrier" means a person authorized pursuant to part 137 who is engaged in the transportation of waste by air, rail, highway, or water.
- (d) "Commissioner" means the head of the authority.
- (e) "Compact" means a contractual, cooperative agreement among 2 or more states to provide for the disposal of low-level radioactive waste that is reflected by the passage of statutes by the participating states.
- (f) "Department" means the department of public health.
- (g) "Director" means the director of public health.
- (h) "Disposal" means the isolation of waste from the biosphere by emplacement in the disposal site or as otherwise authorized in section 13709(3) of part 137.
- (i) "Disposal site" means a geographic location in this state upon which the disposal unit and any other structures and appurtenances are located, the property upon which any monitoring equipment is located, and the isolation distance from the disposal unit to adjacent property lines.
- (j) "Disposal unit" means the portion of the disposal site into which waste is placed for disposal.
- (k) "Generator" means any person licensed as a generator by the nuclear regulatory commission and authorized pursuant to part 137 whose act or process results in the production of waste or whose act first causes waste to become subject to regulation under part 137 or federal law.
- (l) "Groundwater" means water below the land surface in a zone of saturation.
- (m) "Host site" means the candidate site that is designated by the commissioner as the location for the disposal site in this state.
- (n) "Host site community" means the municipality that is designated by the commissioner as the host site.
- (o) "Institute" means the international low-level radioactive waste research and education institute.
- (p) "Institutional control" means the continued surveillance, monitoring, and care of the disposal site after site closure and stabilization to insure the protection of the public health, safety, and welfare, and the environment until the contents of the disposal site no longer have a radioactive content that is greater than the natural background radiation of the host site as determined during its site characterization.
- (q) "Local monitoring committee" means a committee established pursuant to section 14 to represent a candidate site.
- (r) "Low-level radioactive waste" or "waste" means radioactive material that consists of or contains class A, B, or C radioactive waste as defined by 10 C.F.R. 61.55, as in effect on January 26, 1983, but does not include waste or material that is any of the following:
 - (i) Owned or generated by the department of energy.
 - (ii) Generated by or resulting from the operation or closure of a superconducting super collider.
 - (iii) Owned or generated by the United States navy as a result of the decommissioning of vessels of the United States navy.
 - (iv) Owned or generated as a result of any research, development, testing, or production of an atomic weapon.
 - (v) Identified under the formerly utilized sites remedial action program.
 - (vi) High-level radioactive waste, spent nuclear fuel, or byproduct material as defined in section 11(e)(2) of the atomic energy act of 1954, chapter 1073, 68 Stat. 922, 42 U.S.C. 2014.
 - (vii) Contains greater than or equal to 100 nanocuries per gram of transuranic elements.
 - (viii) Contains concentrations of radionuclides that exceed the limits established by the nuclear regulatory commission for class C radioactive waste as defined by 10 C.F.R. 61.55, as in effect January 26, 1983.
 - (ix) Classified as naturally occurring or accelerator-produced radioactive materials known as N.A.R.M. waste.
- (x) Waste that after December 22, 1987 is determined by the nuclear regulatory commission to be waste that is beneath regulatory concern, or B.R.C. waste as defined by the nuclear regulatory commission, unless the department and the authority concur with this designation.
- (s) "Low-level radioactive waste management fund" or "fund" means the fund created in section 20.
- (t) "Manifest" means a form provided or approved by the department that is used for identifying the quantity; composition, including the class, curie count, and radioactive nuclides; origin; routing; and destination of waste from the point of generation to the point of processing, collection, or disposal.

(u) "Municipality" means a city, village, township, or Indian tribe.

(v) "Operation" means the control, supervision, or implementation of the actual physical activities involved in the acceptance, storage, disposal, and monitoring of waste at the disposal site, the maintenance of the disposal site, and any other responsibility pertaining to the disposal unit and the disposal site.

(w) "Part 137" means part 137 of the public health code, Act No. 368 of the Public Acts of 1978, being sections 333.13701 to 333.13741 of the Michigan Compiled Laws.

(x) "Performance assessment" means an analysis of the potential pathways for release of waste to the environment and the potential impacts of a release during the transportation of radioactive waste to the disposal site and during the handling and disposal of waste at the disposal site, including, but not limited to:

(i) A description of the potential pathways for radioactive nuclide migration beyond the boundaries of the disposal site during the operation of the site and if there is a release.

(ii) A description of the potential pathways for radioactive nuclide migration beyond the packaging boundaries if a release occurs during transportation.

(iii) An analysis of safety factors pertaining to the transportation of waste.

(iv) The identification of the potential impacts to air, surface water, and groundwater quality, and vegetation, animals, and humans, or any other living thing beyond the boundaries of the disposal site.

(v) A description of potential mechanisms for radioactive release, including, but not limited to, mechanical failure, structural failure, and human error.

(y) "Person" means an individual, partnership, cooperative, association, corporation, receiver, trustee, or assignee.

(z) "Postclosure observation and maintenance" means the surveillance, monitoring, and maintenance of the disposal site after it has been closed and continuing through site closure and stabilization and institutional control.

(aa) "Release" means any intentional or unintentional spilling, leaking, pumping, emitting, emptying, discharging, injecting, escaping, leaching, dumping, disposing, or placing of waste into the environment, except in compliance with all of the following:

(i) Part 137.

(ii) The rules promulgated under part 135 of the public health code, Act No. 368 of the Public Acts of 1978, being sections 333.13501 to 333.13536 of the Michigan Compiled Laws.

(iii) A permit or license issued pursuant to federal law, if the person who is responsible for the release holds such a permit or license.

(iv) A permit or license issued pursuant to part 137, if the person who is responsible for the release holds such a permit or license.

(v) The rules promulgated under this part.

(bb) "Remedial actions" means those actions taken in the event of a radioactive release or threatened release into the environment to prevent or minimize the radioactive release so that it does not migrate and cause significant danger to the present or future public health, safety, or welfare, or to the environment. Remedial action includes, but is not limited to, actions at the location of the release such as storage, confinement, perimeter protection which may include using dikes, trenches, and ditches, clay cover, neutralization, dredging or excavation, repair or replacement of leaking containers, collection of leachate and runoff, efforts to minimize the social and economic harm of processing, provision of alternative water supplies, and any required monitoring to assure that the actions taken are sufficient to protect the public health, safety, and welfare, and the environment.

(cc) "Site characterization" means the site specific investigation of a candidate site undertaken pursuant to section 12.

(dd) "Site closure and stabilization" means the actions taken at the disposal site during the time period after the closure of the disposal unit during which on-site low-level radioactive waste is disposed in accordance with part 137, equipment is dismantled, decontaminated, removed for reuse or disposed of, and radioactive residues are removed from, or properly isolated on, the disposal site in preparation for transfer of ownership of the disposal site to the federal government.

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

Administrative rules: R 325.5001 et seq., R 325.5801 et seq., and R 325.5901 et seq. of the Michigan Administrative Code.