



JAMES H. SAMMONS, M.D.
Executive Vice President
(751-6200)

AMERICAN MEDICAL ASSOCIATION

535 NORTH DEARBORN STREET • CHICAGO, ILLINOIS 60610 • PHONE (312) 751-6000 • TWX 910-221-0300

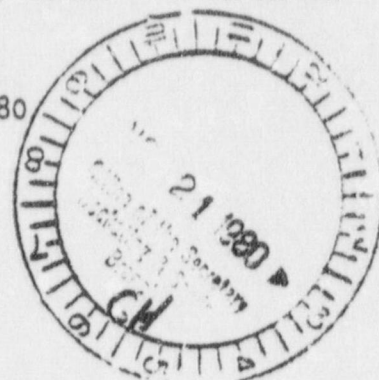
NOV 21 1980

November 18, 1980

BUCKET RULING
PROPOSED RULE

PR 20

45 FR 67018



Mr. Samuel J. Chilk
Secretary of the Commission
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

THIS DOCUMENT CONTAINS
POOR QUALITY PAGES

Re: Notice of Proposed Rulemaking:
"Standards for Protection
against Radiation." Federal
Register of October 8, 1980
(45 F.R. 67018).

Dear Mr. Chilk:

The American Medical Association is pleased to support the proposed amendments to certain Nuclear Regulatory Commission regulations which would: (a) "...permit licensees greater leeway in disposing of liquid scintillation media and animal carcasses containing tracer levels of hydrogen-3 (tritium) or carbon-14" (by allowing for disposal of such media and carcasses containing less than 0.05 microcuries of such radionuclides per gram without regard to their radioactivity), and (b) raise the limit for sanitary sewage disposal of hydrogen-3 and carbon-14 (allowing the disposal by release to a sanitary sewage system of up to 5 curies of hydrogen-3 and 1 curie of carbon-14 per year, in addition to the presently allowed 1 curie per year for all radionuclides).

The AMA would like the record to reflect our support for both of these proposed amendments, in that they pose no unreasonable risk to the public health, safety and welfare, while at the same time holding promise for the conservation of valuable radioactive waste burial space which is in short supply and which could be made available for more hazardous radioactive waste.

The AMA is deeply concerned with the low-level radioactive waste disposal issue, particularly as it relates to the disposal of low-level medical nuclear wastes. We viewed the temporary closings in 1979 of the low-level nuclear waste disposal sites in Hanford, Washington and Beatty, Nevada with a great deal of concern. Testifying on our behalf before the Subcommittee on Energy Research and Production of the Committee on Science and Technology of the United States House of Representatives on November 7, 1979, Leonard M. Freeman, M.D., President of the Society of Nuclear Medicine at that time, stated:

The practice of medicine has particularly benefited from advances in nuclear technology. Countless lives have been saved as a result of the valuable contribution

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that the use of radiopharmaceuticals have made in improving the detection and treatment of disease. Radioisotopes have been especially helpful in the early detection and the effective treatment of various forms of cancer. Of equal significance has been the contribution that radiopharmaceuticals have made in medical research.

Inability to dispose of low-level medical nuclear waste products threatens to make these lifesaving diagnostic and therapeutic procedures unavailable to thousands of persons who desperately need these services.

The AMA strongly believes that the practice of nuclear medicine and research is essential to the health and welfare of the citizens of this country, and that there is a need to ensure the continued availability of such practice and research. In this regard, we are pleased to note NRC's recognition of the fact that "radionuclide tracers are used extensively in biomedical research and for the diagnosis of diseases in humans" and its attempt to remove unnecessary barriers to their use. Furthermore, we commend NRC's attempt to "conserve waste burial capacity that is already in short supply," consistent with protection of the public health, safety and welfare.

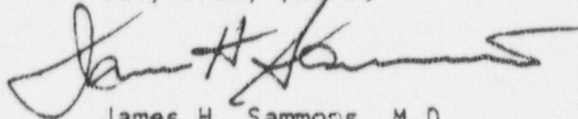
In our November 7, 1979 testimony before the Subcommittee on Energy Research and Production, it was also stated that:

The development of a long-range nuclear waste disposal program cannot occur overnight. Such a policy must embrace methodologies for both developing additional disposal sites and also for reducing the volume of waste that is to be buried.

We have taken efforts in furtherance of this course of action, through the adoption of model state legislation to provide for the establishment of low-level radioactive waste disposal sites (copy enclosed).

We applaud the NRC's proposal, which is consistent with the protection of the public health, safety and welfare, to reduce the volume of low-level radioactive waste to be buried and to thereby conserve critically necessary waste burial capacity.

Very truly yours,

A handwritten signature in dark ink, appearing to read "James H. Sammons", written in a cursive style.

James H. Sammons, M.D.

JHS:jg
Enc.



AMERICAN MEDICAL ASSOCIATION

June, 1980

AMA MODEL BILL ON DISPOSAL OF MEDICAL NUCLEAR WASTE AND OTHER LOW-LEVEL RADIOACTIVE WASTE -- SUMMARY

The issue of low-level medical radioactive waste disposal is an extremely important one, and has in the past posed a significant problem, which remains unresolved at the current time. As a result of its concern regarding the issue, the AMA has recently developed model state legislation pertaining to the disposal of medical nuclear waste materials and other low-level radioactive waste materials. Attached please find a copy of the AMA model bill.

Basically, the bill requires an appropriate state agency to "...consider various locations within [the] State as potential locations for the establishment of disposal sites" and, within a specified period of time, "recommend to the Governor at least three locations which it finds satisfactory for the establishment of such sites..." The bill further requires that, "within twelve months after the Governor's receipt of the ...recommendations as to potential locations for the establishment of disposal sites within the State ... and after due consideration of such recommendations, [the] State shall commence and proceed with all due diligence with the establishment of a disposal site at one or more of such recommended locations or shall enter into an agreement or compact with one or more other States to establish and/or have access to a disposal site in such other State or States..."

May, 1980

IN THE GENERAL ASSEMBLY

STATE OF _____

AN ACT to provide for the disposal of medical nuclear waste materials and other low-level radioactive waste materials generated in this State.

Be it enacted by the People of the State of _____, represented in the General Assembly:

Section 1. The Legislature finds:

(1) there is a definite distinction between those nuclear waste materials that may be considered to be "high-level nuclear waste" and those that may be considered to be "low-level nuclear waste".

(2) the great majority of wastes generated from radioactive materials, including radiopharmaceuticals, are of the low-level waste category and contain a very low level of radioactivity, as opposed to those radioactive waste materials generated by nuclear power plants and atomic weapons production.

(3) the lower level of radioactivity and the shorter half-lives associated with medical nuclear waste materials render them a far lesser hazard than their high-level counterparts.

(4) the practice of medicine has particularly benefitted from advances in nuclear technology, in that countless lives have been saved as a result of the valuable contribution that the use of radiopharmaceuticals have made in improving the detection and treatment of life-threatening diseases. The contribution of radiopharmaceuticals in medical research has been equally significant.

(5) a crisis is present in terms of the lack of availability of sites for disposal of medical nuclear waste materials. The inability to dispose of low-level medical nuclear waste products threatens to make life-saving diagnostic and therapeutic procedures unavailable to thousands of persons in this State.

(6) the practice of nuclear medicine and research is essential to the health and welfare of the citizens of this State, and there is a need to ensure the continued availability of such practice and research within its borders and a corresponding need to establish additional low-level radioactive waste disposal sites.

(7) it is the purpose of this Act, and of any rules and regulations which may be promulgated hereunder, to authorize and require the performance of certain actions deemed necessary to assure the safe storage and disposal of all low-level radioactive waste generated in this State.

Section 2. As used in this Act:

(1) "disposal" means, unless the context clearly indicates otherwise, the discarding of low-level radioactive waste by means of permanent burial, in conformity with all applicable federal and state laws and regulations.

(2) "disposal site" means a location for disposal.

(3) "low-level radioactive waste" means radioactive waste from naturally occurring and accelerator produced materials, byproduct materials (reactor produced) and calibration sources. Sealed sources for teletherapy, brachytherapy and industrial radiography are excluded from this definition, as are all radioactive wastes related to the fuel cycle, nuclear power reactors or nuclear weapons.

(4) "Department" means the agency or instrumentality of the State designated to implement and administer the provisions of this Act.

Section 3. The Governor of this State may enter into agreements and compacts with other States to establish disposal sites in this State or in such other States.

Section 4. The Department shall consider various locations within this State as potential locations for the establishment of disposal sites and shall, within six months after the effective date of this Act, recommend to the Governor at least three locations which it finds satisfactory for the establishment of such sites, ranking them in order of acceptability and listing the reasons therefor. In considering various locations for the establishment of such sites, the Department shall take into account such criteria as: (a) the implications of the location as to the health and safety of the populace in its immediate vicinity, as well as to the health and safety of those individuals to be employed on site, (b) the geological, geographical and topographical characteristics of the location, and (c) the effect that decommissioning of the location would have on the environment.

In considering and recommending to the Governor potential locations for the establishment of disposal sites, the Department must conform to those site selection criteria contained in all applicable existing federal regulations.

If the Department, within six months after the effective date of this Act, determines that at least three locations within this State are not feasible as disposal sites, it shall recommend to the Governor such lesser number of locations, if any, together with an explanation of the conditions which preclude the feasibility of a greater number of locations to serve as potential disposal sites.

Section 5. Within twelve months after the Governor's receipt of the Department's recommendations as to potential locations for the establishment of disposal sites within the State, as required by Section 4 of this Act, and after due consideration of such recommendations, this State shall commence and proceed with all due diligence with the establishment of a disposal site at one or more of such recommended locations or shall enter into an agreement or compact with one or more other States to establish and/or have access to a disposal site in such other State or States. Any disposal site established in this State may accept low-level radioactive waste for disposal from any other States having entered into an agreement or compact with this State for such purpose.

Section 6.

(1) Any disposal site shall represent a continuing and perpetual responsibility in the interests of the public health, safety and general welfare, and shall ultimately be reposed in the state without regard for the existence or nonexistence of any particular state agency, instrumentality, department, division or officer.

(2) Lands, buildings and grounds which are acquired pursuant to this section as disposal sites shall be acquired in fee simple and dedicated in perpetuity to such purpose. All rights, title and interest in, of and to any low-level radioactive waste accepted for disposal at such sites, shall upon acceptance become the property of the state.

(3) The Department may acquire by purchase, gift, grant, devise, condemnation or otherwise, any lands, buildings or grounds where low-level radioactive waste produced by industrial, medical, agricultural, scientific or other organizations can be disposed of in a manner consistent with the public health and safety.

(4) The Department may accept, receive, and issue receipt for monies or lands, buildings and grounds for and in behalf of this state, given by the federal government under any federal law to this state or by any other public or private agency, for the acquisition or operation of any disposal site. Such funds received by the Department pursuant to this section shall be deposited in a specially established fund. Such funds or properties shall be used only for the purposes for which they are contributed.

(5) The Department may lease such properties as it may acquire under the provisions of this section to a private firm or firms for the purpose of operating disposal sites. Regardless of whether the disposal site is operated by the State itself or by a private firm, the operator of the site may require the payment of fees for the receipt and disposal of low-level radioactive waste.

Where a disposal site is operated by a private firm, such firm shall indemnify the State for any and all costs occasioned by acceptance for disposal of low-level radioactive waste in violation of the terms of the lease.

(6) The operation of any disposal site shall be subject to the direct supervision of the Department and shall be in accordance with regulations promulgated and enforced by the Department to protect the public health and safety.

The Department may enter into such contracts as it may deem necessary for carrying out the provisions of this section.

Section 7. All users of radioactive materials who generate low-level radioactive waste shall comply with all existing federal and state laws and regulations regarding the licensing, packaging, use, labeling, transportation and disposal of such materials.

Section 8. Insofar as is consistent with all applicable federal and state laws and regulations, hospitals and other medical and biomedical facilities engaged in patient care, research and training which generate low-level radioactive waste may segregate such waste according to half-life and retain segregated waste with a half-life of less than a certain number of days (to be determined by the Department by rule) in certain locations in their facilities, or in central storage sites or warehouses for decay rather than disposing of it by burial. Once decayed to background level, it may then be disposed of, consistent with applicable federal and state laws and regulations, through compactors, other trash systems or in any other manner.

Section 9. The sum of \$ _____ is hereby appropriated to the Department for the purpose of carrying out the provisions of this Act.

Section 10.

(1) The Department may adopt, promulgate and enforce such rules and regulations as are consistent with federal laws and regulations and are consistent with and necessary to implement the provisions of this Act, including but not limited to: rules and regulations governing disposal sites in general, rules and regulations concerning what can be buried and what should be decayed through storage, and rules and regulations establishing a simplified regulatory procedure for certification that low-level radioactive waste has effectively decayed.

(2) There is hereby created the Advisory Panel on Storage and Disposal of Low-Level Radioactive Waste (hereinafter called "Panel"). The Panel shall consist of the Director of the Department and of five other members to be appointed by the Governor. All Panel members shall be residents of this State.

Two members shall be licensed physicians with particular experience and expertise relating to the practice of nuclear medicine or research. One member shall be an individual possessing a doctoral degree in nuclear physics. One member shall be an individual possessing a doctoral degree in nuclear chemistry. One member shall be a public representative, who need not necessarily satisfy any particular educational or professional qualifications as a condition of membership on the Panel. The Director of the Department shall serve as Chairman of the Panel.

Members shall continue to serve at the discretion of the Governor. Each member of the Panel shall be reimbursed for reasonable and necessary expenses incurred in connection with the performance of his or her duties as a Panel member.

The Panel shall meet whenever necessary to accomplish its purpose, which shall be the furnishing of technical expertise to the Department with regard to any rules and regulations which the Department proposes to promulgate under this Act. The Panel shall function in an advisory capacity only.

*Section 11. Prior to the Department's recommendations to the Governor of potential locations for the establishment of disposal sites within the State, as required by Section 4 of this Act, the Department shall hold one or more public hearings on the subject. At such hearings, interested persons shall have the right to appear and to present relevant oral and/or written comments, arguments and evidence. An official record of the hearing shall be maintained, at the expense of the Department.

Furthermore, the Department may conduct public hearings prior to its promulgation of any rule or regulation pursuant to Section 10(1) of this Act.

Section 12. If any provision of this Act or the application thereto to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to that end, the provisions of this Act are declared to be severable.

* This Section is intended to be optional, with its inclusion to be determined by each individual state enacting the bill.

Section 13. The provisions of this Act are declared to be cumulative and are intended to supplement existing laws, and no part shall be construed to repeal any existing law which is not inconsistent with this Act and which was specifically enacted for the protection of the public health, safety, or welfare.

Section 14. This Act shall become effective immediately upon being enacted into law.