

Act No. 12
Public Acts of 1989
Approved by the Governor
May 9, 1989
Filed with the Secretary of State
May 10, 1989

**STATE OF MICHIGAN
85TH LEGISLATURE
REGULAR SESSION OF 1989**

Introduced by Rep. Middaugh

ENROLLED HOUSE BILL No. 4040

AN ACT to amend section 1 of Act No. 113 of the Public Acts of 1978, entitled as amended "An act to regulate the depositing, storing, or both, of radioactive waste," as amended by Act No. 202 of the Public Acts of 1987, being section 325.491 of the Michigan Compiled Laws.

The People of the State of Michigan enact:

Section 1. Section 1 of Act No. 113 of the Public Acts of 1978, as amended by Act No. 202 of the Public Acts of 1987, being section 325.491 of the Michigan Compiled Laws, is amended to read as follows:

Sec. 1. (1) Radioactive waste may not be deposited or stored in this state.

(2) Subsection (1) shall not apply to:

(a) The safe and secure storing or disposal in aboveground facilities at the site of an educational institution that produces radioactive waste consisting of spent fuel rods produced by that educational institution.

(b) The safe and secure storage in aboveground storage that is located at or near a nuclear power generating facility of spent fuel rods, or the safe and secure storage at the site of a nuclear power generating facility of low-level radioactive waste produced at that nuclear power generating facility. With the approval of the nuclear regulatory commission, spent fuel rods may be stored aboveground at or near a nuclear power generating facility while the nuclear regulatory commission operating license for the facility is in effect or until a date that is consistent with the decommissioning plan for the facility. Spent fuel rods shall not be transported from a nuclear power generating facility for storage at any other nuclear power generating facility.

(c) Waste consisting of uranium tailings that result from uranium mining within this state.

(d) The safe and secure temporary storage at the site of a nuclear power generating facility for not more than 2 days of any radioactive materials incidental to transportation of those materials.

(e) The normal usage and safe and secure storage of radioactive materials used by doctor's offices, hospitals, health clinics, or other medical research or medical treatment centers.

(f) The safe and secure storage or disposal, or both, of low-level radioactive waste pursuant to Act No. 460 of the Public Acts of 1982, being sections 3.751 to 3.752 of the Michigan Compiled Laws, and to 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.

(g) The safe and secure storage or disposal of radioactive waste with radioactivity less than the amount that would require a specific license 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 and rules promulgated under that part.

(h) The safe and secure storage of radioactive waste that was being stored before January 1, 1970 and that is stored in a manner approved by the department of public health so as not to create a hazard to the public health, safety, or welfare.

This act is ordered to take immediate effect.

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Clerk of the House of Representatives.

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Secretary of the Senate.

Approved

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Governor.