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FOR IMMEDIATE RELEASE  
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NUCLEAR REGULATORY COMMISSION NOTICES INTENT  
TO UPDATE REGULATIONS GOVERNING USE OF URANIUM AND THORIUM

The Nuclear Regulatory Commission has issued an Advance Notice of Proposed Rulemaking which will reexamine and update the requirements, contained in Part 40 of its regulations, governing the possession and use of the source materials uranium and thorium.

The focus of this rulemaking is to ensure that the requirements governing source material are comparable to those governing radioactive byproduct materials and to bring them into conformance with the Commission's revised radiation protection requirements (Part 20 of its regulations).

The Commission's staff also has underway analyses to reevaluate the potential radiation exposure to the public from the various uses of source materials which are exempt from the NRC's licensing requirements as well as the exemptions for byproduct materials contained in Part 30 of the Commission's regulations and may, in the future, reconsider the appropriateness of some of these exemptions.

The Advance Notice of Proposed Rulemaking addresses those issues which the staff has preliminarily identified as being candidates for a Part 40 rulemaking. They are:

1) Improvements in the control of source material released for unrestricted uses through more specific requirements for licensees who commercially distribute products or materials to persons exempt from licensing.

2) Reconsideration of two general licenses contained in Part 40. One authorizes commercial and industrial firms, research, educational and medical institutions and Federal, state and local governments to use and transfer not more than 15 pounds of source material at any one time (or not more than 150 pounds per year) for research, development, educational, commercial or operational purposes. The other authorizes, subject to specified conditions, the receipt, acquisition, possession, use or transfer of depleted uranium contained in industrial products or devices

for the purpose of providing a concentrated mass in a small volume of the product or device.

3) Possible revisions of the requirements governing specific licensees to make them more specific or detailed and possibly tailored to major categories of use.

4) Issues involving mills and mill tailings including: the use of alternative feed materials in uranium mills; the disposal of waste materials that do not meet the definition of byproduct material in mill tailings compounds; licensing of a commercial disposal site for mill tailings including wastes from in-situ extraction operations; the disposal of waste from in-situ leaching operations; and the obligation of the NRC to obtain concurrence from the Environmental Protection Agency that NRC regulations governing uranium mill tailings are comparable to those of the EPA. A separate rulemaking proceeding will be used to conform the NRC's Part 40 requirements governing radon emissions from the operation of uranium mills and the disposition of tailings or wastes to those being proposed by the Environmental Protection Agency.

Part 40 was first promulgated by the former Atomic Energy Commission in 1947 and, with one exception, has not been systematically reviewed for effectiveness and consistency with other NRC regulations since that time. In 1961, the requirements in Part 40 were amended to establish licensing procedures, terms and conditions for source material that were substantially similar to those for byproduct material set forth at that time in Part 30 of the Commission's regulations.

Accordingly, the Advance Notice of Proposed Rulemaking contemplates an overall revision of Part 40 to deal with all of the identified areas and issues. However, depending on the information received in response to the Advance Notice, rulemakings on discrete issues--such as obtaining better information on products and materials being distributed for use under an exemption and for use under a general license or to deal with mill issues--could be initiated.

Written comments on the Advance Notice, including comments on a number of specific matters identified in the notice, should be received by January 25, 1993. They should be addressed to the Secretary of the Commission, Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch.