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NRC AMENDS REGULATIONS TO ESTABLISH TIME LIMITS
FOR DECOMMISSIONING NUCLEAR MATERIALS FACILITIES

The Nuclear Regulatory Commission is amending its regulations to establish specific time periods for decommissioning nuclear materials facilities after operations have been terminated.

Decommissioning consists of removing a nuclear facility safely from service and reducing residual radioactivity to a level that meets NRC requirements for termination of the license.

The new regulations require that, within 60 days of certain triggering events, licensees authorized to operate materials facilities (such as uranium fuel fabrication plants or uranium mills) must notify the Commission. They must also either (a) begin by that time to decommission their site, or any separate building or outdoor area that has radiation levels that exceed NRC limits, or (b) submit within 12 months a decommissioning plan for NRC approval and begin decommissioning once the plan is approved. A decommissioning plan is required if the procedures and activities necessary to decommission have not been previously approved by the Commission and these procedures could increase potential health and safety impacts to workers or to the public.

Licensees must complete decommissioning of the site or separate building or outdoor area as soon as practical, but no later than 24 months following initiation of decommissioning, unless the NRC approves an alternative schedule.

The events that trigger the requirements to notify the Commission and begin decommissioning or submit a decommissioning plan are:

- (1) The license has expired;
- (2) The licensee has decided to permanently cease its principal activities at the entire site or in a separate building or outdoor area of the site;
- (3) No principal activities under the license have been conducted for 24 months; or

(4) No principal activities have been conducted for 24 months in any separate building or outdoor area that contains residual radioactivity making the building or outdoor area unsuitable for release in accordance with NRC requirements.

The Commission may grant a request to delay or postpone initiation of decommissioning if it determines that such a delay is not detrimental to the public health and safety and is otherwise in the public interest.

The regulation does not apply to nuclear power plants, which are covered by other parts of the Commission's regulations. They require reactor licensees to submit a decommissioning plan no later than one year before expiration of the operating license, or, for a reactor that shuts down early, within two years after permanently ceasing operations.

The new rule for materials facilities is intended to reduce the potential risk to public health and the environment from radioactive material remaining for long periods of time after licensed activities are over. When decommissioning is delayed for long periods, there is a risk that safety practices may become lax, as key personnel relocate and management interest wanes. In addition, bankruptcy, corporate takeovers, or other unforeseen changes in a company's financial status may complicate and perhaps further delay decommissioning.

A proposed rule on this subject was published in the Federal Register on January 13, 1993. As a result of comments received that questioned the practicality of the proposed 18-month period for completion of decommissioning, the NRC has extended the time limit to 24 months.

The new regulation will become effective on August 15, 1994.

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