



Idaho National Engineering Laboratory

DOCKET NUMBER
PROPOSED RULE **PR 61**

(59 FR 39485)

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OF
DOCKET
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August 29, 1994

The Secretary of the Commission
U.S. Nuclear Regulatory Commission
Attn: Docketing and Service Branch
Washington, DC 20555

LAND OWNERSHIP REQUIREMENTS FOR LOW-LEVEL RADIOACTIVE WASTE
SITES; ADVANCE FEDERAL REGISTER NOTICE OF PROPOSED RULEMAKING OF
AUGUST 3, 1994 - PDW-127-94

Dear Sir:

The National Low-Level Waste Management Program appreciates the opportunity to provide the following comments on the Nuclear Regulatory Commission's (NRC) Federal Register notice of August 3, 1994, concerning land ownership requirements for low-level radioactive waste (LLW) disposal sites.

We have three primary concerns with the information presented in the Federal Register notice. First, the notice states, "However, on June 28, 1993, the NRC found acceptable an exemption to the above land ownership requirement that was granted to Envirocare of Utah, Inc. (Envirocare) by the State of Utah (an Agreement State)." The notice further states, "The Commission staff, in response to a 2.206 petition from US Ecology, is reviewing whether the State of Utah is controlling Envirocare's LLW site in a manner that provides a substantially equivalent level of protection of the public health and safety as is provided by Federal or State site ownership. The Envirocare site may present a special case for private ownership. On the other hand, it is possible that land use controls could be used at other LLW sites without requiring government ownership; therefore, the Commission is considering amending 10 CFR Part 61 to provide a generic basis for allowing the use of such controls as an alternative to government ownership." These two statements appear contradictory. How can NRC find an exemption acceptable without concurrently finding that Utah is controlling Envirocare's LLW site in a manner that provides a substantially equivalent level of protection of the public health and safety as is provided by Federal or State site ownership? It further appears to us that considering a change to 10 CFR Part 61 at this time is premature. It appears rather that the Commission staff's review and evaluation of US Ecology's petition should be completed prior to the consideration of a generic amendment to 10 CFR Part 61. If it is determined that the restrictions on the land imposed by the State of Utah do not (and cannot) provide a substantially equivalent level of protection



P.O. Box 1625 Idaho Falls, ID 83415

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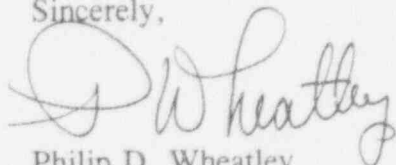
The Secretary of the Commission
August 29, 1994
PDW-127-94
Page 2

of the public health and safety as is provided by Federal or State site ownership, then a generic amendment to 10 CFR Part 61 would appear to be a moot issue.

Our second concern deals with public perception. For over three decades the public has been led to believe that all LLW disposal sites would necessarily be owned and controlled by either a Federal or State government. This, we believe, has been an important factor in convincing many proponent groups and State and local LLW advisory groups that LLW can and will be disposed of in a safe manner. To now try and convince these groups that Federal or State ownership of LLW disposal sites is not required, may be difficult and generate a significant credibility problem.

Our third concern deals with statements and representations set forth in NRC's Draft and Final Environmental Impact Statements (NUREGs-0782 and 0945) on 10 CFR Part 61 "Licensing Requirements for Land Disposal of Radioactive Waste." For example, NRC states in its DEIS (page 1-6 of NUREG-0782 Vol. 2), "With the growth of commercial applications, the AEC announced in 1960 that regional land burial sites for commercial LLW should be established on federal- or state-owned land and that the sites should be operated by private contractors subject to government licensing authority." NRC further states in the DEIS, "Existing rules in 10 CFR Part 20 require that the Commission will not approve any application for a license to receive licensed material from other persons for disposal on land not owned by the federal government or by a state government" (page 8-24 of Vol. 2, underlining added), and "The need for institutional control dictates the continuation of the governmental ownership requirements" (page 8-26 of Vol. 2, underlining added). The tone of such statements appears to indicate that government ownership of LLW disposal sites is absolutely necessary to adequately protect the public health and safety. To now imply that government ownership is not necessary again generates a significant credibility problem in our view.

Sincerely,



Philip D. Wheatley
National Low-Level Waste Management Program

DFH:slf

IMPORT ASSESSMENT TABLE--
Continued
(Raw Cotton Fiber)

| HTS classification | Conversion factor | Cents/kg. |
|--------------------|-------------------|-----------|
| 6302222010 | 0.4091 | 0.4252 |
| 6302222020 | 0.4091 | 0.4252 |
| 6302311020 | 0.8182 | 0.8504 |
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| 6302312055 | 0.8182 | 0.8504 |
| 6302312090 | 0.8182 | 0.8504 |
| 6302312090 | 0.4091 | 0.4252 |
| 6302312040 | 0.4091 | 0.4252 |
| 6302402010 | 0.9935 | 1.0326 |
| 6302511000 | 0.5844 | 0.6074 |
| 6302512000 | 0.8766 | 0.9111 |
| 6302513000 | 0.5844 | 0.6074 |
| 6302514000 | 0.8182 | 0.8504 |
| 6302600010 | 1.1689 | 1.2150 |
| 6302600020 | 1.0520 | 1.0934 |
| 6302600030 | 1.0520 | 1.0934 |
| 6302910005 | 1.0520 | 1.0934 |
| 6302910015 | 1.1689 | 1.2150 |
| 6302910025 | 1.0520 | 1.0934 |
| 6302910035 | 1.0520 | 1.0934 |
| 6302910045 | 1.0520 | 1.0934 |
| 6302910050 | 1.0520 | 1.0934 |
| 6302910060 | 1.0520 | 1.0934 |
| 6303110000 | 0.9448 | 0.9820 |
| 6303910000 | 0.6429 | 0.6682 |
| 6303920000 | 0.2922 | 0.3037 |
| 6304111000 | 1.0629 | 1.1048 |
| 6304190500 | 1.0520 | 1.0934 |
| 6304191000 | 1.1689 | 1.2150 |
| 6304191500 | 0.4091 | 0.4252 |
| 6304192000 | 0.4091 | 0.4252 |
| 6304910020 | 0.9351 | 0.9719 |
| 6304920000 | 0.9351 | 0.9719 |
| 6505901540 | 1.1810 | 1.2275 |
| 6505902060 | 0.9935 | 1.0326 |
| 6505902545 | 0.5844 | 0.6074 |

Dated: July 28, 1994.

Lon Hatamiya,
Administrator.

[FR Doc. 94-18879 Filed 8-2-94; 8:45 am]

BILLING CODE 3410-02-P

NUCLEAR REGULATORY COMMISSION

10 CFR Part 61

RIN 3150-AE88

Land Ownership Requirements for Low-Level Waste Sites

AGENCY: Nuclear Regulatory Commission.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Nuclear Regulatory Commission is considering amending its regulations to allow private ownership of Low-Level Radioactive Waste facility

sites as an alternative to the current requirement for Federal or State ownership. Information to twelve questions is requested to assist in determining if such a change could be made without adversely impacting public health and safety.

DATES: The comment period expires October 3, 1994. Comments received after this date will be considered if it is practical to do so, but the Commission is able to assure consideration only for comments received on or before this date.

ADDRESSES: Mail comments to: The Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch. Deliver comments to: 11555 Rockville Pike, Rockville, Maryland, between 7:45 a.m. and 4:15 p.m. Federal workdays. Examine copies of comments received at: The NRC Public Document Room, 2120 L Street NW. (Lower Level), Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mark Haisfield, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 415-6196.

SUPPLEMENTARY INFORMATION:

Background

The NRC regulations for licensing land disposal of radioactive waste require that the land must be owned by the Federal or State government (§ 61.59(a)). This requirement was issued to assure control of the disposal site after closure, and thereby reduce the potential for inadvertent intrusion, better ensure integrity of the site, and facilitate monitoring of site performance.

However, on June 28, 1993, the NRC found acceptable an exemption to the above land ownership requirement that was granted to Envirocare of Utah, Inc. (Envirocare) by the State of Utah (an Agreement State¹). The State of Utah, using the exemption provision in its regulations, issued an exemption to the land ownership requirement when it issued a license to Envirocare on March 21, 1991, for the land disposal of low-level radioactive waste (LLW). Under the exemption, Envirocare will remain the property owner and remain

¹ Pursuant to the Atomic Energy Act of 1954, as amended, the Commission has the authority to relinquish part of its regulatory authority to a State, contingent upon making a determination that the State's regulatory program is compatible with the Commission's and adequate to protect the public health and safety. Twenty nine States, under formal agreements with the Commission, have assumed this regulatory responsibility. Negotiations with other States are underway.

responsible for the site under the license through the 100 year post-closure period (referred to as the active institutional control period).

The Commission initially reviewed the State of Utah's exemption in April 1992, and determined that the State of Utah had not provided sufficient rationale for issuing the exemption to the land ownership requirement. Subsequently, the NRC proposed, and the State of Utah and Envirocare agreed to, additional provisions imposed by the State of Utah upon Envirocare.

The restrictions on the land imposed by the State of Utah were zoning the property for industrial waste and writing a restrictive covenant which was added as an annotation to the land record. The covenant adds additional restrictions regarding future activities and uses of the land to ensure its integrity, and remains in effect indefinitely.

To provide assurance of financial surety, the State of Utah required Envirocare to establish a trust account under the control of the State. The disbursement of the funds from the account must be approved by the State.

The Commission staff, in response to a 2.206 petition from US Ecology, is reviewing whether the State of Utah is controlling Envirocare's LLW site in a manner that provides a substantially equivalent level of protection of the public health and safety as is provided by Federal or State site ownership. The Envirocare site may present a special case for private ownership. On the other hand, it is possible that land use controls could be used at other LLW sites without requiring government ownership; therefore, the Commission is considering amending 10 CFR Part 61.59 provide a generic basis for allowing the use of such controls as an alternative to government ownership.

Specific Proposal

The Commission is considering amending § 61.59 to allow private ownership of a LLW disposal site under provisions similar to those used for Envirocare by the State of Utah as discussed above. Specifically, § 61.59(a) would be modified to permit private ownership of a LLW disposal site, provided that the integrity of the disposal site is ensured after closure.

Specific Considerations

Advice and recommendations on a proposed rule reflecting the foregoing and on any other points considered pertinent are invited from all interested persons. Comments and supporting reasons are particularly requested on the following questions:

1. The Commission considers that an amendment to 10 CFR Part 61 as described in this ANPRM could facilitate the objectives of the Low-Level Radioactive Waste Policy Act of 1985, as amended, by allowing States additional flexibility in developing new low-level radioactive waste disposal facilities. Would this change be useful for other LLW disposal sites or is it likely that the Utah exemption was one of a kind? The NRC would specifically request Compacts and Agreement States to inform us if private ownership for any potential site in their region is possible or is precluded by State laws or other provisions.

2. Would this change facilitate or hinder future licensing of LLW facilities?

3. Would this change have any adverse impacts on public health and safety and protection of the environment?

4. Would the responsible regulatory agency lose any control over the disposal site if it is not owned by the Federal or State government?

5. Are there valid reasons why land ownership requirements for NRC-regulated disposal sites should be more restrictive than EPA-regulated hazardous waste, municipal waste, and Superfund facilities, where government ownership is not usually a requirement?

6. How would private ownership affect liability for a disposal site?

7. Would States' concerns about assuming liability for a disposal site be alleviated by this proposal?

8. Would deletion of the State or Federal ownership requirement eliminate governmental liability under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) for releases from the site and, if so, does this change have any adverse impacts on public health and safety and protection of the environment, including after the active institutional control period?

9. Should the NRC consider allowing a site owner to be only the licensee, or broaden the proposal to allow other private ownership?

10. Should there be a time period after which the licensee can request termination of the license, even though the land might remain in private ownership?

11. If the NRC were to implement this proposal, are the surety requirements contained in 10 CFR Part 61, Subpart E, sufficient?

12. Under § 61.80(e), all records are to be transferred to Federal and/or State agencies at the time of license termination. If the license remains in effect during the active institutional

control period (licensee is site owner), would there be a need for this records transfer?

List of Subjects in 10 CFR Part 61

Criminal penalties, Low-level waste, Nuclear materials, Reporting and recordkeeping requirements, Waste treatment and disposal.

The authority citation for this document is: Secs. 53, 57, 62, 63, 65, 81, 161, 182, 183, 68 Stat. 930, 932, 933, 935, 948, 953, 954, as amended (42 U.S.C. 2073, 2077, 2092, 2093, 2095, 2111, 2201, 2232, 2233); secs. 202, 206, 88 Stat. 1244, 1246 (42 U.S.C. 5842, 5846); secs. 10 and 14, Pub. L. 95-601, 92 Stat. 2951 (42 U.S.C. 2021a and 5851).

Dated at Rockville, Maryland, this 15th day of July, 1994.

For the Nuclear Regulatory Commission,
James M. Taylor,
Executive Director for Operations.
[FR Doc. 94-18735 Filed 8-2-94; 8:45 am]
BILLING CODE 7590-01-P

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 707

Truth in Savings

AGENCY: National Credit Union Administration.

ACTION: Proposed rule; official staff interpretation.

SUMMARY: The NCUA Board is publishing for comment a proposed official staff commentary to Part 707 of the NCUA Rules and Regulations (Truth in Savings). The commentary applies and interprets the requirements of Part 707 and is a substitute for individual staff interpretations. The proposed commentary incorporates much of the guidance provided when the regulation was adopted, and addresses additional questions that have been raised about the application of its requirements.

DATES: Comments must be postmarked or posted on the NCUA electronic bulletin board by September 19, 1994.

ADDRESSES: Send comments to Becky Baker, Secretary of the Board, National Credit Union Administration, 1775 Duke Street, Alexandria, VA 22314-3428.

FOR FURTHER INFORMATION CONTACT: Martin S. Conrey, Staff Attorney, Office of General Counsel, telephone (703) 518-6540; William Ryan, Compliance Officer, Division of Supervision, Office of Examination and Insurance, telephone (703) 518-6360; or Annette Moore, Senior Analyst, Division of Supervision, Region V, telephone (512) 482-4500. For further information about

the NCUA Electronic Bulletin Board, contact Carey D. Savage, Jr., System Operator, Office of Public and Congressional Affairs, telephone (703) 518-6335.

SUPPLEMENTARY INFORMATION:

(1) Background

The purpose of the Truth in Savings Act ("TISA") (12 U.S.C. 4301 et seq.) is to assist members in comparing share and deposit accounts offered by credit unions. TISA requires credit unions to disclose fees, the dividend or interest rate, the annual percentage yield, and other account terms whenever a member requests the information and before an account is opened. Fees and other information also must be provided on any periodic statement the credit union sends to the member. Rules are set forth for share and deposit account advertisements and advance notices to account holders of adverse changes in terms. TISA restricts how credit unions must determine the account balance on which dividends or interest are calculated. TISA is implemented by part 707 of the NCUA's Rules and Regulations ("part 707") (12 CFR part 707), which becomes effective on January 1, 1995, for most credit unions. TISA authorizes the issuance of official staff interpretations of the regulation.

The Board is publishing a proposed commentary to Part 707. The proposal is designed to provide guidance to credit unions in applying the regulation to specific transactions and is a substitute for, and a supplement to, individual staff interpretations. The Board contemplates updating the commentary periodically to address significant questions that arise. It is expected that this commentary will be adopted in final form in the fall of 1994, with an effective date of the compliance date of Part 707. Due to the special needs of small, nonautomated credit unions, and for the reasons explained by the Board in the Final Rule adopted at the July Board meeting, the Board has decided to extend the compliance date of part 707 until January 1, 1996 for credit unions that are not automated and are under \$2 million in assets as of December 31, 1993.

(2) Proposed Commentary

The Federal Register notices containing the regulation that implemented TISA and notices for subsequent amendments set forth a large amount of supplementary material interpreting the new regulation. (See final rule published on September 27, 1993 (58 FR 50394), and final rule corrections and correcting amendments



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

August 4, 1994

*Staff meeting
Any interest in
sending community?*

AGREEMENT STATES AND NON-AGREEMENT STATES
STATE LIAISON OFFICERS
LOW-LEVEL WASTE DISTRIBUTION

LAND OWNERSHIP REQUIREMENTS FOR LOW-LEVEL WASTE SITES;
ADVANCE NOTICE OF PROPOSED RULEMAKING (SP-94-115)

The Nuclear Regulatory Commission (NRC) is considering amending its regulations to allow private ownership of low-level radioactive waste (LLW) disposal facility sites as an alternative to the current requirement for Federal or State ownership. Information to 12 questions is requested to assist in determining if such a change could be made without adversely impacting public health and safety. Enclosed for your consideration is a copy of the advance notice of proposed rulemaking as it appeared in the Federal Register on August 3, 1994. The 12 questions are included in the notice. The comment period expires on October 3, 1994. Mail comments to: The Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch.

Richard L. Bangart
Richard L. Bangart, Director
Office of State Programs

Enclosure:
As stated

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IMPORT ASSESSMENT TABLE—
Continued

(Raw Cotton Fiber)

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| 6505901540 | 1.1810 | 1.2275 |
| 6505902060 | 0.9935 | 1.0326 |
| 6505902545 | 0.5844 | 0.6074 |

Dated: July 28, 1994.

Lon Hatamiya,

Administrator.

[FR Doc. 94-18879 Filed 8-2-94; 8:45 am]

BILLING CODE 2410-02-P

NUCLEAR REGULATORY
COMMISSION

10 CFR Part 61

RIN 2150-RE08

Land Ownership Requirements for
Low-Level Waste SitesAGENCY: Nuclear Regulatory
Commission.ACTION: Advance notice of proposed
rulemaking.SUMMARY: The Nuclear Regulatory
Commission is considering amending its
regulations to allow private ownership
of Low-Level Radioactive Waste Facility

sites as an alternative to the current requirement for Federal or State ownership. Information to twelve questions is requested to assist in determining if such a change could be made without adversely impacting public health and safety.

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SUPPLEMENTARY INFORMATION:

Background

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However, on June 28, 1993, the NRC found acceptable an exemption to the above land ownership requirement that was granted to Envirocare of Utah, Inc. (Envirocare) by the State of Utah (an Agreement State¹). The State of Utah, using the exemption provision in its regulations, issued an exemption to the land ownership requirement when it issued a license to Envirocare on March 21, 1991, for the land disposal of low-level radioactive waste (LLW). Under the exemption, Envirocare will remain the property owner and remain

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Specific Proposal

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Would this change be useful for other LLW disposal sites or is it likely that the Utah exemption was one of a kind? The NRC would specifically request Compacts and Agreement States to inform us if private ownership for any potential site in their region is possible or is precluded by State laws or other provisions.

2. Would this change facilitate or hinder future licensing of LLW facilities?

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9. Should the NRC consider allowing a site owner to be only the licensee, or broaden the proposal to allow other private ownership?

10. Should there be a time period after which the licensee can request termination of the license, even though the land might remain in private ownership?

11. If the NRC were to implement this proposal, are the surety requirements contained in 10 CFR Part 61, Subpart E, sufficient?

12. Under § 61.80(e), all records are to be transferred to Federal and/or State agencies at the time of license termination. If the license remains in effect during the active institutional

control period (licensee is site owner), would there be a need for this records transfer?

List of Subjects in 10 CFR Part 61

Criminal penalties, Low-level waste, Nuclear materials, Reporting and recordkeeping requirements, Waste treatment and disposal.

The authority citation for this document is: Secs. 53, 57, 62, 63, 65, 81, 161, 182, 183, 68 Stat. 930, 932, 933, 935, 948, 953, 954, as amended (42 U.S.C. 2073, 2077, 2092, 2093, 2095, 2111, 2201, 2232, 2233); secs. 202, 206, 88 Stat. 1244, 1246 (42 U.S.C. 5842, 5846); secs. 10 and 14, Pub. L. 95-601, 92 Stat. 2951 (42 U.S.C. 2021a and 5851).

Dated at Rockville, Maryland, this 15th day of July, 1994.

For the Nuclear Regulatory Commission,
James M. Taylor,

Executive Director for Operations.

[FR Doc. 94-18735 Filed 8-2-94; 8:45 am]

BILLING CODE 7590-01-P

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 707

Truth in Savings

AGENCY: National Credit Union Administration.

ACTION: Proposed rule; official staff interpretation.

SUMMARY: The NCUA Board is publishing for comment a proposed official staff commentary to Part 707 of the NCUA Rules and Regulations (Truth in Savings). The commentary applies and interprets the requirements of Part 707 and is a substitute for individual staff interpretations. The proposed commentary incorporates much of the guidance provided when the regulation was adopted, and addresses additional questions that have been raised about the application of its requirements.

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ADDRESSES: Send comments to Becky Baker, Secretary of the Board, National Credit Union Administration, 1775 Duke Street, Alexandria, VA 22314-3428.

FOR FURTHER INFORMATION CONTACT:

Martin S. Conroy, Staff Attorney, Office of General Counsel, telephone (703) 518-6540; William Ryan, Compliance Officer, Division of Supervision, Office of Examination and Insurance, telephone (703) 518-6360; or Annette Moore, Senior Analyst, Division of Supervision, Region V, telephone (512) 482-4500. For further information about

the NCUA Electronic Bulletin Board, contact Carey D. Savage, Jr., System Operator, Office of Public and Congressional Affairs, telephone (703) 518-6335.

SUPPLEMENTARY INFORMATION:

(1) Background

The purpose of the Truth in Savings Act ("TISA") (12 U.S.C. 4301 et seq.) is to assist members in comparing share and deposit accounts offered by credit unions. TISA requires credit unions to disclose fees, the dividend or interest rate, the annual percentage yield, and other account terms whenever a member requests the information and before an account is opened. Fees and other information also must be provided on any periodic statement the credit union sends to the member. Rules are set forth for share and deposit account advertisements and advance notices to account holders of adverse changes in terms. TISA restricts how credit unions must determine the account balance on which dividends or interest are calculated. TISA is implemented by part 707 of the NCUA's Rules and Regulations ("part 707") (12 CFR part 707), which becomes effective on January 1, 1995, for most credit unions. TISA authorizes the issuance of official staff interpretations of the regulation.

The Board is publishing a proposed commentary to Part 707. The proposal is designed to provide guidance to credit unions in applying the regulation to specific transactions and is a substitute for, and a supplement to, individual staff interpretations. The Board contemplates updating the commentary periodically to address significant questions that arise. It is expected that this commentary will be adopted in final form in the fall of 1994, with an effective date of the compliance date of Part 707. Due to the special needs of small, nonautomated credit unions, and for the reasons explained by the Board in the Final Rule adopted at the July Board meeting, the Board has decided to extend the compliance date of part 707 until January 1, 1996 for credit unions that are not automated and are under \$2 million in assets as of December 31, 1993.

(2) Proposed Commentary

The Federal Register notices containing the regulation that implemented TISA and notices for subsequent amendments set forth a large amount of supplementary material interpreting the new regulation. (See final rule published on September 27, 1993 (58 FR 50394), and final rule, corrections and correcting amendments,