

NOTATION VOTE

RESPONSE SHEET

RELEASED TO THE PDR

1/7/93
date

g
initials

TO: SAMUEL J. CHILK, SECRETARY OF THE COMMISSION

FROM: COMMISSIONER REMICK

SUBJECT: SECY-92-380 - NOTICE OF PROPOSED RULEMAKING
TO ESTABLISH PROCEDURES AND CRITERIA FOR
ON-SITE STORAGE OF LOW-LEVEL RADIOACTIVE
WASTE, AFTER JANUARY 1, 1996

APPROVED X ^{in/comm} DISAPPROVED _____ ABSTAIN _____

NOT PARTICIPATING _____ REQUEST DISCUSSION _____

COMMENTS:

I approve with attached edits

080073

9301110290 921130
PDR COMMS NRCC
CORRESPONDENCE PDR


SIGNATURE

RELEASE VOTE ☒

30 Nov 92

DATE

WITHHOLD VOTE ☐

ENTERED ON "AS" YES ☒ NO ☐

2002

be NRC's responsibility to provide for emergency access to operating LLW disposal facilities for the LLW it prohibits from on-site storage.

of This needs to be updated to reflect approval of the final rule

Response. The NRC is not pursuing a "no on-site storage" option. The NRC recognizes that some generators will have to store LLW on-site. The NRC seeks to minimize the amount of LLW placed in storage, by requiring generators to exhaust all other reasonable waste management options. The guidance governing implementation of the emergency-access provision, of the Act, contained in Information Notice 91-65, "Emergency Access to Low-Level Radioactive Waste Disposal Facilities," will remain in effect. The NRC does not anticipate any situation where the provisions of this rule, in addition to a lack of access, would create a serious and immediate threat to the public health and safety or common defense and security, thereby requiring emergency access.

Comment. A more immediate concern, directly related to the storage of waste, is the authority of a generator to accept its processed waste after this waste has been sent off-site for treatment.

Response. The NRC has initiated a rulemaking to allow nuclear power reactor licensees to receive back LLW after off-site treatment.

Comment. Any rulemaking on this issue must incorporate maximum flexibility, consistent with the protection of the public health

5. In §40.41, paragraph (h) is added to read as follows:

§40.41 Terms and conditions of licenses.

* * * * *

(h) The following conditions are contained in every license issued under the regulations in this part.

(1) Low-level radioactive waste (LLW) may be stored on-site, provided it is authorized under existing conditions of the license, and storage is consistent with existing authorities and procedures, and all relevant licensing and regulatory requirements applicable to on-site storage. LLW may not be stored on-site by the generator beyond January 1, 1996, except as specified in paragraph (h)(2) of this section.

(2) For on-site storage of LLW beyond January 1, 1996 (other than reasonable short-term storage necessary for decay or for collection or consolidation for shipment off-site, in the case where the licensee has access to an operating LLW disposal facility), the licensee shall document that it has exhausted other reasonable waste management options which would include taking all reasonable steps to contract, either directly or through the State, for disposal of LLW.

(3) The licensee shall retain all relevant documentation regarding the actions taken pursuant to paragraph (h)(2) of this section, for at least three years, and shall make the

procedures, and all relevant licensing and regulatory requirements applicable to on-site storage. LLW may not be stored on-site by the generator beyond January 1, 1996, except as specified in paragraph (1)(2) of this section.

(2) For on-site storage of LLW beyond January 1, 1996 (other than reasonable short-term storage necessary for decay or for collection or consolidation for shipment off-site, in the case where the licensee has access to an operating LLW disposal facility), the licensee shall document that it has exhausted other reasonable waste management options which would include taking all reasonable steps to contract, either directly or through the State, for disposal of LLW.

(3) The licensee shall retain all relevant documentation regarding the actions taken pursuant to paragraphs (1)(2) of this section, for at least three years, and shall make the documentation available for NRC inspection. X

PART 72 - LICENSING REQUIREMENTS FOR INDEPENDENT STORAGE OF
SPENT NUCLEAR FUEL AND HIGH-LEVEL RADIOACTIVE WASTE

10. The authority citation for Part 72 is revised to read as follows:

Authority: Secs. 51, 53, 57, 62, 63, 65, 69, 81, 161, 182, 183, 184, 186, 187, 189, 68 Stat. 929, 930, 932, 933, 934, 935, 948, 953, 954, 955, as amended, sec. 234, 83 Stat. 444, as

11. In §72.44, paragraph (h) is added to read as follows:

§72.44 License conditions.

* * * * *

(h) The following conditions are contained in every license issued under the regulations in this part:

(1) Low-level radioactive waste (LLW) may be stored on-site, provided it is authorized under existing conditions of the license, and storage is consistent with existing authorities and procedures, and all relevant licensing and regulatory requirements applicable to on-site storage. LLW may not be stored on-site by the generator beyond January 1, 1996, except as specified in paragraph (h)(2) of this section.

(2) For on-site storage of LLW beyond January 1, 1996 (other than reasonable short-term storage necessary for decay or for collection or consolidation for shipment off-site, in the case where the licensee has access to an operating LLW disposal facility), the licensee shall document that it has exhausted other reasonable waste management options which would include taking all reasonable steps to contract, either directly or through the State, for disposal of the LLW.

(3) The licensee shall retain all relevant documentation regarding the actions taken pursuant to paragraphs (h)(2) of this section, for at least three years, and shall make the

X