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FOR IMMEDIATE RELEASE
(Tuesday, July 18, 1995)

NRC WITHDRAWS ADVANCE NOTICE OF RULEMAKING
ON PRIVATE OWNERSHIP OF LAND FOR WASTE DISPOSAL

The Nuclear Regulatory Commission has decided not to amend its regulations that require federal or state land ownership for low-level radioactive waste disposal sites. An advance notice of proposed rulemaking issued last August 3 on this subject will be withdrawn.

The Commission's existing regulations, which will remain in effect, state that disposal of radioactive waste received from other persons is permitted only on land owned by the federal or state government. Under these regulations, the governmental land owner must physically control access to the disposal site, and conduct an environmental monitoring program at the disposal site, following transfer of control of the disposal site from the operating licensee. The land owner must continue these controls for a period to be determined by the Commission, but the controls may not be relied on for more than 100 years in analyzing the safety of a proposed site.

The State of Utah, which is an "Agreement State" (a state that has accepted authority, under an agreement with the NRC, over the licensing of most uses of nuclear materials within the state), issued a license to Envirocare of Utah to dispose of certain types of low-level radioactive wastes from others. The state exempted the licensee from the requirement for federal or state government ownership and allowed Envirocare to own the site. The NRC recognized that the Envirocare site could be a one of a kind and has accepted Utah's arrangement.

As a result of the Utah action, the NRC considered developing a change to its regulations to allow private land ownership in the future without the need for an exemption.

As noted in the advance notice of proposed rulemaking, the purpose for changing the regulations would have been to facilitate the objectives of the Low-Level Radioactive Waste Policy Act, which gives the states, preferably acting in compacts, responsibility for low-level radioactive waste disposal. The change is not needed for health and safety

purposes, other than to provide a mechanism that could encourage low-level waste facility licensing without endangering public health and safety.

The Commission is withdrawing the advance notice of proposed rulemaking issued in August that would have set this change in motion because it has decided, after evaluation of comments received on the advance notice and further evaluation, that a rule change is not needed. The states and low-level waste compact commenters have generally indicated that they do not need, nor would they allow, private ownership of low-level waste disposal facilities in their states. In addition, they believe that this rule change could be potentially disruptive to the current low-level waste program.

Nebraska was the only state that submitted a comment indicating a desire to actively consider changes permitting private ownership. The NRC believes that assisting Nebraska, if requested and appropriate, on an individual basis is preferable to developing a generic rule change. The Commission noted that, if any state wants to grant an exemption, an analysis can be performed on a case-by-case basis.

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