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NRC WITHDRAWS PROPOSED RULE ON AGENCY AUTHORITY
OVER LOW-LEVEL WASTE AT REACTOR SITES IN AGREEMENT STATES

The Nuclear Regulatory Commission has withdrawn a proposed rule that would have reasserted NRC's jurisdiction over low-level radioactive wastes generated and disposed of at reactor sites in what are known as agreement states.

The agency is taking this action after analyzing public comments — most of which opposed the proposal — and after considering the relatively low hazards associated with on-site disposal of low-level radioactive waste. NRC and comparable state regulations already require that such on-site waste disposal be authorized on a case-by-case basis.

It was in 1988 that NRC proposed to reassert its authority over low-level waste generated and disposed of at reactor sites within agreement state borders. The proposed rule also would have clarified the jurisdiction over the disposal of non-critical waste quantities of special nuclear material at fuel cycle facilities. (Agreement states, which now number 29, are so named because they have agreements with NRC to regulate the uses of radioactive byproduct and source materials, including low-level radioactive wastes. Special nuclear material includes plutonium and certain types of uranium which, by law, are federally regulated.)

At the time, NRC once thought the move necessary for greater assurance that such waste disposal did not present a health hazard and would not unnecessarily complicate or delay decommissioning. But the NRC staff reconsidered the proposed action after reviewing the public comments. It also has taken note of the fact that, since the rulemaking was first proposed nearly eight years ago, agreement state authorities in a number of instances have authorized on-site disposal of low-level wastes without any problems.

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