

AGENCY: Nuclear Regulatory Commission

ACTION: Notice Of Issuance Of Branch Technical Position On Screening Methodology For Assessing Prior Land Burials Of Radioactive Waste Authorized Under Former 10 CFR 20.304 and 20.302 For Interim Use And Comment

SUMMARY: This notice is to advise the public of the U.S. Nuclear Regulatory Commission's issuance of a Branch Technical Position (BTP) which provides a screening methodology that the staff finds acceptable to determine the need for further characterization and/or remediation of prior low-level radioactive waste disposal conducted under the provisions of former 10 CFR 20.304 and 20.302.

Burial of certain quantities of radioactive waste in soil, by licensees, without prior NRC approval, was authorized on January 29, 1959 (22 FR 548). This authorization was codified in former 10 CFR 20.304. On January 28, 1981, the NRC concluded that it was inappropriate to continue generic authorizations of burials pursuant to 10 CFR 20.304 without regard to factors such as location of burial, concentrations of radioactive material, form of packaging, and notification of NRC. Therefore, NRC rescinded 10 CFR 20.304 (45 FR 71761). As of January 28, 1981, licensees wishing to perform on-site disposal of the type previously authorized under 10 CFR 20.304 were required to obtain prior NRC approval in accordance with 10 CFR 20.302.

Disposals made pursuant to former 10 CFR 20.304 and 20.302 at facilities licensed under 10 CFR Parts 30, 40, and 70, and that have been unused for NRC licensed

operations for a period of 24 months, are subject to the requirements of the "Final Rule on Timeliness in Decommissioning Nuclear Facilities" (59 FR 36026, effective August 15, 1994) (hereinafter called the "Timeliness Rule"). Licensees who have unused outside areas (e.g., burial areas) containing elevated levels of licensed radioactive materials, are required to notify NRC, that they are in possession of these areas and must begin following a schedule for decommissioning these areas. For timing provisions related to decommissioning, see 10 CFR 30.36(d), 40.42(d), 70.38(d), and 72.54(d).

On August 19, 1996, NRC published Information Notice 96-47 "Recordkeeping, Decommissioning Notifications for Disposal of Radioactive Waste by Land Burial Authorized under Former 10 CFR 20.304, 20.302, and Current 20.2002." This notice re-emphasized NRC's position that former burials are covered under the Timeliness Rule, outlined the decommissioning schedule required by the rule, and stated that NRC would develop a screening methodology for assessing former burials. This screening methodology is being issued as a draft BTP and is attached to this notice.

Because of the deadlines associated with the Timeliness Rule, this BTP is being issued for public use and comment for 90 days. At the end of the 90 day period, the comments received will be evaluated to determine if the BTP should be revised. Since there is a possibility that the comments could result in a substantial change to the BTP, NRC will not make any decisions regarding the assessment of prior burials until after the comments can be evaluated.


All comments should be addressed to Heather Astwood, Mail Stop T-7F-27, U.S. Nuclear Regulatory Commission, Washington, DC 20555. A copy of the BTP is also located in the NRC's Public Document Room, 2120 L Street NW., Washington, DC 20555.

A copy is also on the NRC homepage which can be accessed at www.nrc.com.

FOR FURTHER INFORMATION CONTACT: Heather Astwood, Division of Waste Management, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Mail Stop T-7F-27, Washington, DC 20555, telephone (301) 415-5819.

Dated at Rockville, MD this 25th day of October 1996.

FOR THE U.S. NUCLEAR REGULATORY COMMISSION


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