

LOW-LEVEL WASTE

NRC withdraws LLW rule interpretation

The Nuclear Regulatory Commission has withdrawn a proposed interpretation of its low-level radioactive waste regulations that would have permitted licensees to dispose of waste by transferring it to persons who hold specific NRC exemptions. “The proposal is being withdrawn based on the NRC staff’s assessment that the proposed changes may not benefit the regulatory framework for the disposal of low-level radioactive waste,” the NRC said in a *Federal Register* notice.

After releasing the proposed rule for public comment on March 6, 2020, the NRC received about 200 individual comment submissions and approximately 15,000 form letter submissions, the vast majority of which were in opposition to the proposed rule.

“We have strongly disputed the argument by various groups who misrepresented the proposal as deregulation of radioactive waste disposal,” NRC spokesperson David McIntyre told the *Courthouse News Service* in a December 16 report. “This would not have changed anything, just made an existing case-by-case approval process more efficient.”

The proposed rule would have expanded NRC guidance on who is an authorized recipient of radioactive waste, allowing very low-level radioactive waste (VLLW) to be disposed of at approved non-licensed disposal sites. A licensee would be allowed to dispose of VLLW at a hazardous and solid waste facility—if it had been granted an exemption by the NRC to dispose of such waste—without having to seek specific approval from the NRC to transfer the waste.

According to the NRC, many of the comments it received on the proposed rule indicated that current VLLW disposal regulations are sufficient and already allow for an alternative method of disposal on a case-by-case basis. Comments also expressed a preference that changes to LLW regulations be pursued through the NRC’s formal rule-making process and not as an interpretation of an existing regulation.

The NRC said that in addition to the public comments, the board of the Organization of Agreement States and 10 individual NRC Agreement States submitted comments that did not support the proposed rule, with many citing state restrictions that would prevent them from implementing the change.

“The NRC staff assesses that the potential main benefit of the proposed interpretive rule—the potential for fewer regulatory approvals related to disposal at an authorized disposal site—would not outweigh the costs of implementing the proposed interpretive rule, especially given the lack of Agreement State support and a limited number of potential users,” the NRC said in the *FR* notice. ☒



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