

PDR



UNITED STATES  
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

February 15, 2000

CHAIRMAN

The Honorable Paul D. Wellstone  
United States Senator  
2550 University Avenue, West  
Court International Building  
St. Paul, Minnesota 55114

Dear Senator Wellstone:

I am responding to your December 17, 1999, letter expressing opposition to the proposal to allow radioactive metal and other materials from maintenance and decommissioning of nuclear power and weapons factories to be cleared for free release into the marketplace.

At this time, the Nuclear Regulatory Commission (NRC) is in the preliminary stages of reexamining its approach for controlling the release of solid material and is seeking public input to its decision-making process through various forums. An initial step in that process was to publish, for public comment, a paper that discusses issues associated with alternative courses of action. This "Issues Paper" was noticed in the Federal Register on June 30, 1999 (64 FR 35090), with a comment period that was originally scheduled to close on November 15, 1999, but which was extended to December 22, 1999. To provide further opportunity for public input, the NRC noticed and held a series of facilitated public meetings during the Fall of 1999 at four locations throughout the Nation. Information about current NRC efforts in this area, including the contents of the Issues Paper, opportunities for public comment, and summaries of comments at the public meetings held to date, is available on NRC's website. The NRC website has the following address: <http://www.nrc.gov/NMSS/IMNS/controlsolids.html>.

The NRC staff will brief the Commission, in May 2000, on stakeholder concerns expressed both during the public meetings and in written public comments, and on staff recommendations for proceeding. In addition, the Commission will conduct a second public meeting with various stakeholders to afford them an opportunity to present their views and concerns on these important issues directly to the Commission. The Commission will review information presented at the briefing before arriving at a preferred course of action. The Commission briefings will be open to the public.

In addition to the four public meetings noted above, and the opportunity for written comment on the Issues Paper, there will be substantial additional opportunity for public input on possible alternatives if the Commission were to decide to proceed with a rulemaking. Specifically, the NRC staff plans to hold additional stakeholder information meetings to discuss a preliminary version of a draft environmental impact statement (EIS), if it proceeds with rulemaking, in addition to the normal opportunity for public comment on a draft EIS and proposed rule.

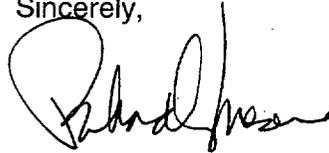
Please be assured that we will consider the comments of your various constituents, along with those of others that are received, as part of the NRC's decision-making process.

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There are two specific issues in your letter that I would like to address with some additional detail. The first is the concern you raise that NRC is adopting a "new policy" to allow solid materials to be cleared into the marketplace. The second issue relates to scientific investigation into the effects of long-term, low-level exposure. These issues are addressed in the enclosure to this letter.

I trust this reply responds to your concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard A. Meserve". The signature is fluid and cursive, with a large initial "R" and "M".

Richard A. Meserve

Enclosure:  
Discussion of Specific Issues

## Enclosure

### Discussion of Specific Issues

#### A) NRC examination of its approach for control of solid materials at licensed facilities

##### Issue

NRC is adopting a "new policy" to allow solid materials to be cleared into the marketplace.

##### Response:

NRC is not adopting a new policy, but is instead re-examining its approach for control of solid materials.

Some material at licensed nuclear facilities may have small amounts of radioactive contamination. There are currently no generally applicable NRC regulations, and no other national standard, governing release of materials with small amounts of radioactivity. Nonetheless, licensees may seek to release materials when they are obsolete or no longer useful, or when the facility is being shut down or decommissioned.

In the absence of a national standard, NRC has developed guidance, for use on a case-specific basis, as to the acceptable levels that can be used by NRC staff and licensees in releasing such material. Therefore, NRC's decisions are currently being made on a case-by-case basis. Although the guidance is considered safe, the lack of criteria creates the possibility of inconsistent release levels. The approach for solid materials is different from that for effluents and liquid disposals, which are controlled by codified release standards.

In order to try and address the limitations of the case-by-case approach, NRC is reexamining its approach for control of solid materials. The principal question is whether all material, in particular material with small amounts of radioactivity, should be buried in a licensed low-level waste disposal site, or alternatively, whether to allow the reuse or recycle of some of these materials (or dispose of them in a public landfill) if the radioactivity levels are low enough. In its reexamination, NRC fully intends to consider all issues in an open public forum, and look at a full analysis of all the health and environmental impacts involved with the situation, as well as evaluating the related economic impacts.

#### B) Issues related to scientific investigations into the effects of long term, low level exposure

##### Issue

Scientific investigation into the effects of long term, low level exposure is incomplete.

##### Response:

There are continuing efforts by scientific bodies to study health impacts associated with low levels of radiation. This includes the current study by the National Academy of Sciences.

However, it is important to put in context the potential dose levels being considered in connection with the NRC's examination of the control of solid materials.

The possible alternatives mentioned in the June 30, 1999, Issues Paper (Federal Register Notice 64 FR 35090) include a dose standard to the maximally exposed individual arising from the release of 0, 0.1, 1.0, or 10 millirem per year above background. The National Council on Radiation Protection and Measurements (NCRP) considers 1.0 millirem per year to be a negligible individual dose -- a level below which the dose can be dismissed from consideration in risk estimates. By way of comparison, the NRC's individual public dose limit from licensed activities is 100 millirem per year, and is consistent with the recommendations of national and international organizations (e.g., NCRP and the International Commission on Radiological Protection). In addition, EPA allows the use of coal ash that is recycled into concrete blocks so long as the resulting dose is less than 10 millirem per year.

Any NRC decision-making with respect to the release of solid materials will be based on a full evaluation of the health and environmental impacts of all alternative approaches.