November 1, 2000

The Honorable Patsy T. Mink
United States House of Representatives
Washington, D.C. 20515

Dear Congresswoman Mink:

I am responding to your letter of September 26, 2000, expressing concerns that the Nuclear Regulatory Commission (NRC) is developing new standards that would allow recycling of radioactive metals. At this time, the NRC is in the preliminary stages of examining its approach on controlling all solid material.

After considering public comments on this issue received in response to an issues paper published in the Federal Register in June 1999 and at multiple public meetings on this issue that were held across the country in the fall of 1999, the Commission, on August 18, 2000, deferred a decision on whether to proceed with a rulemaking on control of solid materials. We are awaiting completion of a study by the National Academy of Sciences (NAS) on possible alternatives for release of slightly contaminated materials. The NAS study is expected to take 18 months to complete. In the meantime, the NRC staff was also directed to continue the development of a technical information base to support a Commission policy decision in this area.

NRC's efforts in examining its approach for control of solid materials reflect an attempt to develop a national approach for regulation of materials at licensed facilities, with very low amounts of radioactivity, that both protects public health and safety and provides a reasonably cost-effective means of handling this material. NRC believes that this action could benefit a wide range of stakeholders, including ratepayers and taxpayers. There are currently no generally applicable NRC regulations, and no other national standard, governing release of materials with small amounts of radioactivity. There are, however, international regulations. Therefore, it is important for the U.S. to consider having regulations that would control the amounts of radioactivity that could be authorized for release, as well as to ensure that incoming materials are within existing regulations.

The principal question being addressed in NRC's examination of the issue is whether all material, in particular material with small amounts of, or no, radioactivity, should be buried in licensed low-level waste disposal sites, or alternatively, whether to allow the reuse or recycle of some of these materials (or disposal of them in a public landfill) if the radioactivity levels are low enough so as to have no adverse effect or impact on public health and safety. In its reexamination, NRC fully intends to continue considering all issues in a open public forum and to look at a full analysis of all the health and environmental impacts involved with the situation, as well as to evaluate the related economic impacts.

I have enclosed, for your information, copies of NRC's Federal Register Notice of June 30, 1999, an NRC staff paper, SECY-00-0070, "Control of Solid Materials: Results of Public Meetings, Status of Technical Analyses, and Recommendations for Proceeding" (April, 2000), and the Commission directive of August 18, 2000. Other NRC documents on this issue, as well as public comments received, are available at the following NRC's Web site address: http://www.nrc.gov/NMSS/IMNS/controlsolids.html.

I want to assure you that the Commission's decision on whether to proceed with rulemaking on the release of solid materials will be based on a full evaluation of the health and environmental impacts of all alternative approaches. If you have any further questions, please contact me.

Sincerely,

/RA/

Richard A. Meserve

Enclosures: As stated