

**USEcology**

an American Ecology company

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Washington, DC 20555-0001

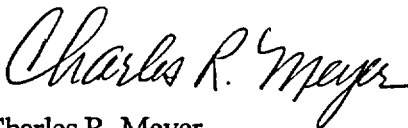
Attention: Phyllis Sobel

RE: Request for Comments FR68, 9595

Dear Ms. Sobel:

US Ecology, Inc. is pleased to provide its comments on the "Rulemaking on Controlling the Disposition of Solid Materials: Scoping Process for Environmental Issues..." in the enclosed document.

Respectfully,



Charles R. Meyer  
Corporate Radiation Officer  
US Ecology

Enclosure (1)

cc: Stephen A. Romano

Template = SECY-067

## Comments on Scope of Proposed Rulemaking on Controlling the Disposition of Solid Materials

In keeping with the performance goals stipulated in the introductory section of the request for comments, US Ecology offers the following comments:

- 1) US Ecology understands the potential benefit of establishing a mechanism for clearing materials for uncontrolled release, however, given the history of the NRC's previous attempts to develop regulations governing this practice, we recommend that other alternate solutions be separated from that effort. We recommend that alternate disposal options for the SRSM materials be sought first and independently of other solutions for the following reasons:
  - a) The DOE has already performed analyses of the disposal of low concentrations of radionuclides in RCRA Subtitle C and D facilities. The TSD-DOSE modeling software was developed by Argonne National Laboratory for DOE as a mechanism for assessing doses in these types of facilities resulting from the disposal of SRSM.
  - b) Dose based standards already exist for using this disposal methodology, i.e., the allowable dose to members of the general public would apply to site workers and transporters and decommissioning limits to members of the critical group after facility closure.
  - c) In chapter 3 of its report the National Academy of Sciences ("NAS") notes that between 2006 and 2030 as much as 15,612,500 metric tons of non-metallic SRSM is projected to be generated. Unless the material is excluded from the requirement to be disposed as radioactive waste, disposal options are very limited. By increasing the number of facilities that can be authorized to accept the material, a more competitive environment will be created leading to more cost-effective disposal.
  - d) Proceeding with just the option of authorizing disposal of SRSM in RCRA facilities is in accord with one of the key findings of the NAS that "...the NRC should move ahead without delay and start the process of evaluating alternatives to the current system and its shortcomings".
  - e) This initiative would be consistent with previous decisions to exempt unimportant quantities of source material generated at licensed facilities from the requirement for disposal at low-level radioactive disposal facilities only. RCRA Subtitle C facilities with appropriate performance assessment, radiation safety programs, environmental monitoring and related practices offer adequate protection for such wastes.
- 2) US Ecology would also recommend that a conditional clearance level be considered for disposal only for the following reasons:
  - a) Resistance has already been encountered from the recycled metals industry, based on fears of loss of sales resulting from concerns about radioactivity of their product. That industry has pointed out that recycled contaminated metal represents a very small fraction of the metals being recycled.
  - b) Limiting the use of recycled SRSM that has been conditionally cleared would present a burdensome system that would require a smelter/recycler to track the metal from specific melts to assure it did not get used for a prohibited purpose. Also the path of the radionuclides in the smelter should be well known to guard against the violation of the conditions of release.
- 3) While the industry would comply with new requirements to dispose of SRSM, US Ecology does not believe additional regulatory authority is necessary. A general license specifying the required permit requirements to be included in an existing RCRA permit is a more cost-effective and efficient solution. These requirements could appropriately be worked out in an MOU between the NRC and EPA.