

REPORT ON CONTROLLING THE DISPOSITION OF SOLID MATERIALS  
APRIL 2003 - SEPTEMBER 2003

## BACKGROUND

The material in this Semiannual Report is intended to provide information on the status of rulemaking efforts, generic environmental impact statement (GEIS) progress, regulatory guidance development, and other related factors pertinent to decision-making during the past 6-month period.

Up-to-date information on documents prepared, opportunities for stakeholder input, and links to other related documents, can be found at the U.S. Nuclear Regulatory Commission's (NRC's) website on controlling the disposition of solid materials, [www.nrc.gov/materials.html](http://www.nrc.gov/materials.html), (under "Key Topics" link to "Controlling the Disposition of Solid Materials").

### 1. Actions Related to Rulemaking

In accordance with the direction in the October 25, 2002, Staff Requirements Memorandum, the staff is conducting an enhanced participatory rulemaking on disposition of solid materials. Activities during the past six months include:

- In a February 28, 2003, Federal Register notice, the staff announced a 120-day comment period for the scope of the rulemaking and GEIS. The comment period closed on June 30, 2003. A letter explaining the staff's decision to deny a request to extend the comment period was sent on June 16, 2003, and is available on the website. Staff is currently developing a summary of the 2600 comments submitted. Also, the staff is preparing a NUREG that will organize and summarize the comments and a scoping report that will include a discussion of the significant issues raised by the commenters.
- On May 21-22, 2003, the staff held a public workshop to solicit new input on rulemaking alternatives for solid material with no, or very small amounts of, radioactivity, with a focus on the feasibility of those alternatives that would limit where the solid material can go. This workshop provided an opportunity to discuss the rulemaking effort, as well as the National Environmental Policy Act scoping process, for preparation of a GEIS. Stakeholders offered input on the potential alternatives, with particular focus on whether the conditional use and U.S. Environmental Protection Agency-regulated landfill disposal alternatives: (1) are effective; (2) are reasonably possible to implement; and (3) would increase public confidence in the process. A general summary of the meeting, and transcripts, are available on the "Controlling the Disposition of Solid Materials" website. A more detailed summary of the workshop is attached to this report and is also available on the website.
- On September 10, 2003, the staff held a public meeting, at Nuclear Energy Institute's (NEI's) request, for NEI to provide further information and clarification on its comment letter.

- Other related interactions include:
  - On June 12, 2003, the staff provided information to the National Academies' committee on low-activity wastes, on the status of the rulemaking, and a summary of stakeholder inputs from the May 21-22, 2003 workshop.
  - On June 18, 2003, the staff provided information to the Low-Level Radioactive Waste Decisionmakers' Forum & Technical Symposium on low-activity wastes, on the status of the rulemaking, and a summary of stakeholder inputs from the May 21-22, 2003 workshop.
  - A presentation of the status of NRC's efforts on the issue of "Controlling the Disposition of Solid Materials" was made at the 2003 Federal Facilities Program Managers Symposium. This August 20-22, 2003, Symposium, sponsored by the Association of State and Territorial Solid Waste Management Officials, was an opportunity for State, territorial, and Federal facilities program managers to interact with their State peers and various Federal agencies.
  - A presentation of the status of NRC's efforts on the issue of "Controlling the Disposition of Solid Materials" was made at the September 22-23, 2003, meeting of the Low-Level Waste Forum. This meeting was an opportunity to foster information sharing between State, interstate, and Federal officials about the implementation of the Federal Low-Level Radioactive Waste Policy Amendments Act.

## **2. Development of the GEIS**

- NUREG-1640, Volumes 1 and 3, were published in June 2003 and are now available on the website. This report provides technical information on individual doses from recycle of steel, copper, aluminum, and concrete as part of NRC's rulemaking effort on controlling the disposition of solid material.
- EPA, DOE, CRCPD, and OAS were sent letters requesting their participation as cooperating agencies on the GEIS. In response to this invitation, a representative from one Agreement State will participate as a representative for CRCPD and OAS. We are awaiting written responses from EPA and DOE.
- On September 30, 2003, the contractor provided two reports for staff review: a report on collective doses for metals, concrete, and trash and a report on collective doses for soils. A draft report on multiple sources is in staff review.

## **3. Development of Regulatory Guidance**

- A consolidated guidance writing team has been meeting to develop guidance for the implementation of a rule on control of the disposition of solid material.

#### **4. International Activities**

- International Atomic Energy Agency (IAEA) Draft Safety Guide (DS) 161, "Radionuclide Content in Commodities Not Requiring Regulation for Purposes of Radiation Protection," was discussed at a consultants' meeting January 27-31, 2003, and a Radiation Safety Standards Committee (RASSC)/Waste Safety Standards Committee (WASSC) meeting in March 2003. U.S. Member State comments were transmitted to IAEA by the Office of International Programs on August 15, 2003. A joint RASSC/WASSC meeting was held the week of September 29, 2003.