

October 29, 2003

MEMORANDUM TO:

Patricia G. Norry
Deputy Executive Director
for Management Services

FROM:

Charles L. Miller, Director
Division of Industrial and **/RA/ Patricia Holahan for**
Medical Nuclear Safety, NMSS

SUBJECT:

COMMUNICATION PLAN FOR "CONTROLLING THE
DISPOSITION OF SOLID MATERIALS"

The attached plan describes the methods and tools for communicating with internal and external stakeholders about the rulemaking for "Controlling the Disposition of Solid Materials." This plan will guide our communication efforts and related activities as we proceed with the rulemaking and development of the generic environmental impact statement (GEIS) being prepared in support of the rulemaking.

Implementation of this plan will contribute to our ability to achieve our strategic performance goal to increase public confidence. Towards that end, this plan will facilitate communication within the agency to enable the staff to provide timely, consistent, and understandable information to our external stakeholders. In addition, this plan identifies opportunities for meaningful involvement to enhance the public's understanding of our safety and regulatory activities.

Attachment: As stated

cc: Mindy Landau

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DIVISION OF INDUSTRIAL AND MEDICAL NUCLEAR SAFETY
RULEMAKING AND GUIDANCE BRANCH

COMMUNICATION PLAN
for
Controlling the Disposition of Solid Materials

Objectives

Nuclear regulation is the public's business, and it must be transacted publicly and candidly. The public must be informed about and have the opportunity to participate in the regulatory processes. Open channels of communication must be maintained with Congress, other government agencies, licensees, and the public, as well as with the international nuclear community.

The Rulemaking and Guidance Branch (RGB) of the Division of Industrial and Medical Nuclear Safety (IMNS) keeps these key elements of communication in mind when developing and implementing rules and regulations that govern licensed nuclear activities. For the purposes of this Communication Plan, RGB has been tasked with the implementation of communication of the rulemaking for controlling the disposition of solid materials. The staff is conducting an enhanced participatory rulemaking on alternatives for controlling the disposition of solid materials that originate in restricted or impacted areas of NRC-licensed facilities, and that have no, or very small amounts of, radioactivity resulting from licensed operations. The objective of this document is to summarize RGB's plan to communicate the development and implementation strategy for this rule to stakeholders. The details of the communication plan, such as tasks, specific dates, and responsible personnel are highlighted in the key milestones schedules for the rulemaking on controlling the disposition of solid materials.

Goals

Strategic Goal of Nuclear Materials Safety

The principal focus of NRC's regulation of nuclear materials is to prevent radiation-related deaths and illnesses, promote the common defense and security, and protect the environment in the use of source, byproduct, and special nuclear material. The NRC Strategic Plan identifies four outcome-based performance goals that support the Commission's strategic goal. These are:

- Maintain safety, protection of the environment, and the common defense and security;
- Increase public confidence;
- Make NRC activities and decisions more effective, efficient, and realistic; and
- Reduce unnecessary regulatory burden on stakeholders.

Communication Goal of Nuclear Materials Safety

Developing and implementing communication plans for projects in which stakeholder participation is desired is an important means by which the NRC will reach the Agency's goals.

As NRC takes the steps necessary to achieve its goals, we recognize that achieving public trust and confidence requires diligence. We will address our goal to communicate by:

- Providing technically credible, accurate and timely information to stakeholders;
- Establishing and maintaining relationships with diverse stakeholder groups by understanding and considering each stakeholder group's particular concern; and
- Actively engaging stakeholders by inviting input on NRC activities and using this input to develop and improve NRC regulatory products; and providing specific feedback on how stakeholder input is considered.

Communication Goal of Controlling the Disposition of Solid Materials

As a result, NRC has launched several initiatives, including development of communication plans to implement strategies to effectively communicate with and involve diverse stakeholders. The communication plan is a tool to help us better communicate our major program initiatives, issues, and key messages.

The Communication Plan will support the NRC technical staff in the implementation of the controlling the disposition of solid materials rulemaking by:

- Developing communication tools that convey key policy and technical messages;
- Providing necessary unbiased research to help the NRC staff proceed with the rulemaking and make a decision on the scope or details of the regulation; and
- Committing the time and resources to prepare adequately for effective communication with the broader stakeholder community.

Key Messages

The following broad messages restate the major strategies for maintaining safety, protection of the environment, and promoting the common defense and security, as stated in the Nuclear Materials Safety Strategic Arena:

- NRC's mission is to apply its regulatory authority to protect public health and safety, promote the common defense and security, and protect the environment.
- In carrying out this mission, NRC will act in a manner that fosters public confidence, that is effective and efficient, and that directs resources toward regulatory actions that further safety while reducing unnecessary burden on those we regulate and on the public we protect.
- The NRC's regulatory decisions with regard to Controlling the Disposition of Solid Materials will be reached in a fair and public process, and will be based on an objective evaluation of the technical evidence.

The RGB staff developed the following specific key messages that are important to communicate to all involved parties include the following attributes of the new rule:

- The solid material that is subject of this rulemaking has no or very small amounts of radioactivity.
- This rulemaking activity has been developed in partial response to the National Academies' report that indicated that although NRC's current approach protects public health, NRC should create a more risk-informed approach to controlling the disposition of solid materials. Currently, NRC requirements in 10 CFR Part 20, which licensees now follow, do not specify the level below which the material can be released. Decisions on disposition of solid materials are currently made using levels contained in a set of existing guidelines that are based on capabilities of survey instruments that measure radioactivity on or in material.
- There has been considerable information gathered to date - the staff plans to consider comments and varying views from stakeholders and the National Academies study, that contain a number of recommendations.
- A GEIS and guidance will be developed along with the rulemaking. The schedule approved by the Commission calls for a proposed rule and supporting draft GEIS to be published for comment in Fall 2004.

Background

History of the rulemaking on controlling the disposition of solid materials:

There are "solid materials" that are no longer needed or useful at facilities licensed by NRC. This can occur, for example, during normal facility operations when: (a) metal equipment and tools become surplus, obsolete or worn; (b) glass, plastic, paper, or other trash-like materials are no longer useful; or (c) concrete from a building being renovated or soil being excavated from a site is no longer needed. This can also occur at the end of facility operations when a licensee seeks to terminate its NRC license. At such times, NRC's licensees seek disposition alternatives for solid material that are protective of public health and safety and are economical for the licensee.

NRC licensees fall into broad categories that include: (a) academic--university laboratories and small reactors that use radioactivity for research and teaching purposes; (b) medical--hospitals and clinics that use radioactivity for diagnostic and therapeutic medical purposes; (c) manufacturing--facilities and labs that manufacture products that use radioactivity, e.g., smoke detectors, certain types of gauges; and (d) power production--reactor facilities and fuel cycle facilities that handle radioactivity as part of the generation of electricity.

This effort is focused on controlling the disposition of solid materials that are present in areas in NRC-licensed facilities where radioactive materials are used or stored. These areas of the facilities are generally referred to as either "restricted" or "impacted" areas. Despite their location in these restricted or impacted areas, much of this solid material has no, or very small amounts of, radioactivity resulting from licensed operations either because the material was exposed to radioactivity in the facility to only a limited extent or because it has been decontaminated. These solid materials can include furniture and ventilation ducts in buildings; metal equipment and pipes; wood, paper, and glass; laboratory materials (gloves, beakers, etc); routine trash; site fences; concrete; soil; or other similar materials.

A restricted area is defined in the NRC's regulations in 10 CFR 20.1003. An impacted area is defined in the Multi-Agency Radiation Survey and Site Investigation Manual (MARSSIM) which was jointly prepared by the U.S. Environmental Protection Agency (EPA), the U.S. Department of Energy (DOE), the U.S. Department of Defense, and the NRC. An impacted area is defined in MARSSIM as an area with a possibility of containing residual radioactivity in excess of natural background or fallout levels.

Other solid materials in these restricted or impacted areas can contain more appreciable levels of radioactivity. However, these are separated from those materials with no, or very small amounts of, radioactivity at the licensed facility and are required to be disposed of at licensed low-level waste (LLW) disposal sites under NRC's existing regulations in 10 CFR Part 61. Solid materials containing appreciable levels of radioactivity are not the subject of this NRC rulemaking.

Solid materials not located in restricted or impacted areas, and considered to be free of radioactivity resulting from licensed operations, are not currently required to be part of a disposition radiological survey program. Such materials can include furniture, glass bottles, paper, equipment, or trash in administrative buildings or office areas. This rulemaking does not propose to alter this approach, and therefore, these materials are also not the subject of this NRC effort.

Currently, the NRC has requirements in its regulations in 10 CFR Part 20 that require that solid materials that have been in restricted or impacted areas be surveyed before leaving the site. Solid materials can currently be released for any unrestricted use if the survey does not detect radioactivity from licensed operations on the material or, if it does detect radioactivity, the amount is below a level that is considered to be protective of public health and safety and the environment.

However, 10 CFR Part 20 does not currently specify the level below which the material can be released. Decisions on disposition of solid materials are currently made using levels contained in a set of existing guidelines that are based primarily on the ability of survey meters to measure the radioactivity level on, or in, the solid material.

The NRC's Issues Paper, published in the FR for public comment on June 30, 1999 (64FR35090), indicated that NRC was examining its alternatives for controlling the disposition of solid materials. To provide further opportunity for public input, NRC held a series of four public meetings during the fall of 1999. The NRC received over 800 public comment letters from stakeholders representing the metals, metal scrap, and concrete industries; citizens groups; licensees and licensee organizations; landfill operators; Federal and State agencies; and Tribal governments. Comments were also received from stakeholders at the four public meetings. Comments were sharply diverse in the views expressed, and there was support and rationale provided by commenters for a range of alternatives for controlling the disposition of solid materials.

On March 23, 2000, the NRC staff provided the Commission with a paper (SECY-00-0070) on the diversity of views expressed in public comments received on the Issues Paper. Attachment 2 of SECY-00-0070 provides a summary of views and comments received; summaries of the comments can also be viewed in NUREG/CR-6682, "Summary and

Categorization of Public Comments on the Control of Solid Materials” (September 2000). SECY-00-0070 also provided the status of the staff’s technical analyses being developed as support for making decisions in this area and noted the related actions of international and national organizations and agencies that could be factors in NRC’s decision-making.

To solicit additional input, the Commission held a public meeting on May 9, 2000, at which stakeholder groups presented their views and discussed alternatives for controlling the disposition of solid materials.

On August 18, 2000, the Commission decided to defer a final decision on whether to proceed with rulemaking and directed the staff to request that the National Academies conduct a study of alternatives for controlling the disposition of solid materials. The Commission also directed the staff to continue to develop technical information and to stay informed of international and U.S. agency activities in this area.

The National Academies study of alternatives for controlling the disposition of solid materials was initiated in August 2000. As part of the study, the National Academies held three information gathering meetings in January, March, and June of 2001, at which it obtained input from various stakeholder groups similar to those that presented information to the NRC earlier. Based on these meetings, and on its deliberations on this topic, the National Academies submitted a report to the NRC in March 2002. The report contains nine recommendations on the decision-making process, potential approaches for controlling the disposition of solid materials, and additional technical information needed. In particular, the National Academies report indicates that NRC’s current approach for controlling the disposition of solid materials protects public health and does not need immediate revamping. However, the National Academies report also states that NRC’s current approach is incomplete and inconsistent and concludes that NRC should therefore conduct a process to evaluate a broad range of alternatives to provide clear risk-informed direction on controlling the disposition of solid materials. The report notes that broad stakeholder involvement and participation in the NRC’s decision-making process on the alternatives is critical as the process moves forward.

The NRC agrees with the findings in the National Academies report regarding the need to consider modifying its current approach to provide specific direction on controlling the disposition of solid materials. The generally accepted process that Federal Agencies use to examine or replace an approach that needs improvement is to conduct a rulemaking to amend the Code of Federal Regulations (CFR). A rulemaking is an open process that evaluates the advantages and disadvantages of a range of alternatives and that invites public input on the alternatives early on and throughout the process.

In February 2003, the NRC issued a notice in the FR (68FR9595) inviting the public to provide additional input, and to discuss the National Environmental Policy Act (NEPA) process and the alternatives being considered. The February 2003 notice also announced a workshop that was held on May 21-22, 2003; the workshop focused on the feasibility of the conditional use and landfill disposal alternatives. In over 2600 comment letters and at the workshop, commenters have provided updated views on the alternatives. Many of the viewpoints are similar to those provided earlier, although additional information and some areas of revised views were provided.

Recently, in September 2003, the NRC held a Category 1 public meeting with Nuclear Energy Institute (NEI), at their request, for them to provide further information on their comment letter on "Controlling the Disposition of Solid Materials". Other stakeholders provided input on the various issues as well.

The NRC website for the subject rulemaking (Go to www.nrc.gov/materials.html and, under "Key Topics," select "Controlling the Disposition of Solid Materials") contains links to comment letters and other related reports. The website will be updated routinely through the rulemaking process.

History of the Alternatives to the Rule:

Paths by which solid materials with no, or very small amounts of, radioactivity could leave a licensed facility fall into general disposition categories of "release" or "disposal." A set of preliminary alternatives for controlling the disposition of solid materials along these paths was first described in the NRC Issues Paper (see above); these alternatives are summarized here:

A. Release: In this disposition path, solid materials could be released into general commerce if a radiation survey verifies that public health and safety is protected and if the materials have some benefit in either a recycled or re-used product. Alternatives for control include:

(1) Unrestricted use: Unrestricted use means that solid materials could be released for any use in general commerce after a radiation survey verifies that an allowable level has been met. Two unrestricted use alternatives are:

Alternative 1: Continue NRC's current approach which allows unrestricted use based on existing guidance on survey capabilities;

Alternative 2: Amend the NRC's regulations to include a dose based criterion for unrestricted use.

(2) Conditional use: In this alternative, solid material could be released, but its further use would be restricted to only certain authorized uses with limited public exposures such as use in controlled or low exposure environments. Examples might include industrial uses such as metals in bridges, sewer lines, or industrial components in a factory, or concrete in road fill.

B. Disposal: In this disposition path, solid materials would be prohibited from general commerce and isolated from the public. Alternatives for control include:

Other terms have been used for this alternative, including “prohibition” and “no release.” The terms listed here (landfill disposal, low-level waste disposal) are considered to be clearer in that they provide more information as to the destination of the material and hence are used throughout the remainder of this document.

(1) Landfill disposal: In this alternative, solid material would be prohibited from general commerce by requiring it to be placed in an EPA-regulated landfill;

(2) NRC/Agreement State (AS)-licensed low-level waste (LLW) disposal site: In this alternative, solid material would be prohibited from general commerce by requiring it to be placed in an NRC/AS-licensed LLW disposal site and regulated under the NRC's regulations in 10 CFR Part 61.

History of the Rulemaking Process:

NRC's overall policy, as discussed in NUREG-1614 entitled “U.S. Nuclear Regulatory Commission Strategic Plan, Fiscal Year 2000-2005,” is that the nation's use of radioactive material be conducted in a manner that protects public health and safety and the environment. In carrying out this policy, the NRC is guided by broad “performance goals” that include:

- (1) Maintain safety, protection of the environment, and the common defense and security;
- (2) Increase public confidence in our regulatory process;
- (3) Make NRC's activities and decisions effective, efficient, and realistic;
- (4) Reduce unnecessary regulatory burden on stakeholders.

- This rulemaking is being developed using enhanced public participation.
- In an October 2002 Staff Requirements Memorandum (SRM), the Commission directed the staff to continue this rulemaking process, involve stakeholders in the process, build on previous efforts, concentrate on certain alternatives, and increase web use to interact with stakeholders.
- A working group and steering group have been created from members of various offices and management to assist in the writing and decision making process.
- Stakeholders have been involved in this issue through several public meetings. The most recent public meeting, on September 10, allowed for public input on issues raised by NEI. Another recent public involvement opportunity was a workshop, on May 21-22, which was announced through a February 28, 2003, notice in the FR and was attended by a diverse group of stakeholders.

Audiences (stakeholders)

Internal and external stakeholders comprise two groups that will be addressed in this plan. Audiences within these groups are shown in the following table.

| INTERNAL to NRC | EXTERNAL to NRC |
|--|---|
| HQ Staff and Management within NMSS: IMNS and DWM | Federal Government Agencies (including DOE and EPA), State agencies |
| HQ Staff and Management outside NMSS: NRR, RES, OSTP, ADM, OPA, OGC | Metals, scrap, and concrete industries, sanitary waste operators, Nuclear industry |
| Office of the Commissioners | Media |
| Regional Staff and Management | Workers, Labor Unions, and Individuals |
| Advisory Committees: ACNW, ACMUI | Tribes, Environmental Groups, and Citizen Groups |

The following subsections briefly describe the members of the internal stakeholder groups and their level of involvement in the rulemaking.

Internal Stakeholders

Office of Nuclear Material Safety and Safeguards

The Office of NMSS has responsibility for the rulemaking process for controlling the disposition of solid materials. The activities for which each NMSS Division is responsible are discussed below.

a. NMSS/Industrial and Medical Nuclear Safety (IMNS)/Rulemaking and Guidance Branch (RGB)

Develops and organizes efforts for the rulemaking process. Proposes and initiates rulemaking based on technical and scientific information. Coordinates the review and planning of all Office rulemaking activities, such as the technical basis, regulatory analysis and the GEIS, and monitors and schedules rulemaking activities to ensure that the rule is developed in a time frame specified by Commission guidance. Manages the contracts necessary to support the development of the rulemaking, and coordinates with other divisions, offices, government agencies, and national and international scientific and standards organizations having related responsibilities. Updates website for “Controlling the Disposition of Solid Materials.”

b. NMSS/Division of Waste Management (DWM)

Assumes lead responsibility for preparing the GEIS and manages the contracts necessary to support the GEIS and scoping comments. Provides guidance and input on the rulemaking and technical basis.

Offices outside NMSS

a. Advisory Committee on Nuclear Waste (ACNW)

The Committee reports to and advises the Commission on all aspects of nuclear waste management. The ACNW will undertake studies and activities related to the transportation, storage, and disposal of high-level and low-level radioactive waste, including the interim storage of spent nuclear fuel; materials safety; decommissioning; application of risk-informed, performance-based(RIPB) regulations; and evaluation of licensing documents, rules, regulatory guidance, and other issues as requested by the Commission.

b. Executive Director for Operations (EDO)

The EDO is the chief operational and administrative officer of the Commission and is authorized and directed to discharge such licensing, regulatory, and administrative functions of the NRC and to take actions as are necessary for day-to-day operations of the agency. The EDO supervises and coordinates policy development and operational activities of EDO staff and program offices. The EDO implements Commission policy directives pertaining to these offices.

c. Office of Administration (ADM)

The ADM provides advice and assistance to NRC offices and the public regarding NRC regulations and procedures for filing petitions for rulemaking and reviews draft and final rules. The office ensures that NRC regulations comply with the Regulatory Flexibility Act and publication requirements of the Federal Register Act.

d. Office of the Commissioners

The Commission staff provides the planning and scheduling of the activities related to the rulemaking process. The Commission makes decisions on issues related to the rule through memorandums directing staff actions.

e. Office of Congressional Affairs (OCA)

The OCA is responsible for ensuring that the NRC meets its statutory responsibility to keep the appropriate Congressional committees fully and currently informed with respect to the rule. OCA will provide advice and assistance to the Chairman, Commission, and the NRC staff on all relations with the Congress.

f. Office of General Counsel (OGC)

The OGC will assist the RGB staff with legal issues, including questions on the legal interpretation of regulations and legal interpretations related to the proposed rule, guidance, and supporting GEIS.

g. Office of Public Affairs (OPA)

The RGB staff will work with OPA staff to develop press releases for significant regulatory actions. The OPA may also provide support at public meetings by serving as the primary point-of-contact with members of the media for questions and comments regarding the rule. For this reason, it is important that the OPA staff and management have awareness of the major rulemaking issues, activities, and schedules for which Congress or the media may have interest.

h. Office of State and Tribal Programs (OSTP)

The OSTP serves as the primary contact and is responsible for establishing and maintaining effective communications and working relationship between the NRC and States, local government, other Federal agencies and Native American Tribal Governments. The office keeps the Agency apprized of these groups' activities as they may affect NRC and conveys to NRC management these groups' views toward NRC policies, plans, and activities. Additionally, OSTP administers the Agreement State Program.

i. Office of Nuclear Reactor Regulation/Division of Inspection Program Management

Conducts reviews to ensure the effectiveness and accuracy of the technical basis and rulemaking.

j. Office of Nuclear Regulatory Research/Division of Systems Analysis and Regulatory Effectiveness/Radiation Protection, Environmental Risk and Waste Management Branch

Develops and manages the technical basis to better evaluate alternatives for the rulemaking and the GEIS. The technical basis includes background information on uses of reused soil, radiological surveys for controlling solid materials, and estimating individual doses if solid materials are released from licensed facilities.

External Stakeholders

This section lists the involved or interested external stakeholders and their particular concern or interest in the rulemaking. This list may be expanded as additional stakeholders are identified.

A. Local, State, and Federal Government

- **Federal:**
 - DOE
 - Believes that conditional use situations should be dealt with in a case-by-case basis rather than a generic standard.
 - EPA
 - Notes that cleared material can go into a RCRA C or D site on a case-by-case basis.

- **States:**
 - States are generally against conditional use because it would be another layer of complexity on regulations and it would be difficult for states to control the disposition of material.
 - A process exists that allows low activity material in RCRA D sites. NRC should be in charge of and license landfill disposal facilities.
 - CRCPD notes that NRC should establish clearance levels.

b. Nuclear Industry Companies and Groups

- **Nuclear Fuel Cycle Industry representatives (NEI/Fuel Cycle Forum)**
 - Believes that there may be specific conditional uses that can be characterized. A rule should lay out a process for conditional use, similar to the 10 CFR 20.2002 process.
 - Notes that recycling within the industry should not be part of the rulemaking because material is still under license and recycling is already done routinely.
- **University, medical, research, DOD licensees:**
 - Notes that material with short-lived nuclides are used in the medical community and current regulations in Part 35 allow for decay-in-storage.
- **Scrap recyclers:**
 - Suggest that a task force of metals industry, licensees, and consumers, convene with NRC assistance, to review material origins and which specific industries should take the material.
- **Steel manufacturers:**
 - Believes that conditional use of steel is not viable because conditional reuses (bridges or sewers) would result in metal being recycled continuously and a dedicated mill for this effort may not be economically feasible.
- **Concrete manufacturers:**
 - Believes that the alternative to recycle the material into consumer products should be eliminated.
- **Solid waste operators:**
 - Believes that NRC should authorize material to go to a landfill, but State and locals should have authority to accept it. NRC should do research to ensure that landfills are acceptable for this material.
 - Some landfill operators state that radioactive material should not be released to landfills because it will be hard to site landfills that accept this material, there would be added cost of monitoring for effluents, it would be difficult to predict doses due to remixing, existing LLW sites can handle the material, and there may be problems if alarms are activated.

- **Recyclers:**
 - If material is free released, the recycling industry could make a business decision if they want to accept the material or not.

- **Decontamination Technologists:**

c. Individuals, Labor Unions, Tribes, Environmental, and Public Interest Groups

- **Health Physics Society**

- **NCRP**

- Suggests that a 'clearinghouse' in which the recycle process was consolidated into one or a few licensed facilities that could separate, characterize, and track material.

- **Tribal organizations:**

Prairie Island Indian Community

- **International:**

International Atomic Energy Agency, etc.

- France has had problems of policy regarding metals.
- European approach is to apply 1 mrem/yr to man-made nuclides.
- International harmonization is needed.

- **Citizens groups:**

Nuclear Information and Resource Service

Environmental Coalition on Nuclear Power

Public Citizen

North American Water Office

- Believes that any non-nuclear conditional use is unacceptable because of the need to track the material over years and the possible re-use of material.
- Believes that there is a need to consider health effects of low-level radiation exposure.

Application of Public Outreach Tools and Techniques

A major challenge facing those responsible for public outreach in the area of controlling the disposition of solid materials is dealing with the majority of the public's negative perception of the rulemaking. Also, the staff is well aware of issues raised with past efforts with Below Regulatory Concern (BRC) and License Termination Rule (LTR). The staff is trying to reeducate and inform the public that our past efforts in the area of LTR and BRC are not equivalent to this rulemaking.

With regard to external communications, a feedback form was provided at the most recent May 2003 public workshop requesting comments from stakeholders on the scope of the GEIS and proposed rule. Comments were also submitted via e-mail, letter, etc. during the scoping period. The staff has found that posting all the comments on the "Controlling the Disposition of Solid

Materials” website aids in our efforts to keep the public well-informed and more positive about our rulemaking procedures. As a way to help the staff in proceeding with the rulemaking and with its decision making, the staff developed a set of specific questions for public input in an FR notice. This FR notice was published and posted on the web prior to the workshop. Also, the staff created a plain language information packet on the topic of controlling the disposition of solid materials to help keep the public informed, as well.

Progress on internal communications can be made by measuring the increased use of communication tools such as the site dedicated to the rulemaking on the NRC public website and also the increased involvement with various stakeholders. The staff has improved in the communication arena by thoroughly preparing for interactions with the public, such as the recent workshop. The staff has and continues to work with a working group, steering group, workshop facilitator, and consultant to help prepare for staff’s interaction with the public. These groups include representatives from Agreement States (CRCPD/OAS).

Findings resulting from this public outreach program will be reported in a number of ways, including, but not limited to: the NMSS web page; Commission papers and briefings; participation of NRC staff in various meetings, workshops, and conferences; lessons learned and evaluations.

Just as with NRC’s other important regulatory products that address dynamic subjects, we expect that this communication plan will be an evolving document which will be amended and improved as a result of open dialogue with interested members of the stakeholder community.

List of Techniques and Tools Implemented by Each Cooperating Office:

| | NMSS/IMNS | NMSS/DWM | ADM | OPA | OGC | OSTP | NRR | RES |
|---|----------------------|------------------------------------|------------|------------|------------------------------------|------------------------------------|------------------------------------|------------------------------------|
| Designate a project manager/meeting coordinator for specific meetings or groups of meetings. | Lead Project Manager | | | | | | | |
| Establish program area public outreach teams to meet regularly and take ownership of innovating, coordinating and supporting public communication efforts. | Lead Project Manager | Steering and Working Group Members | | | Steering and Working Group Members |
| Review transcripts and feedback from meetings to identify issues of concern to stakeholders, to ascertain lessons learned and to incorporate these in preparation for future interactions. | Lead Project Manager | GEIS Project Manager | | | | | | |
| Develop an FRN with plain language questions that have been reviewed, and agreed upon, and that reinforces the key messages identified above, and requests stakeholder input on the alternatives. | Lead Project Manager | Steering and Working Group Members | | | Steering and Working Group Members |

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| <p>Improve information dissemination via electronic and public document room access to documents, fact sheets; websites; newsletters; press releases; issue papers; Commission papers; technical reports; presentations; public briefings; journal articles; posters; etc.</p> | <p>Lead Project Manager</p> | | <p>Website Coordinator</p> | | | | | |
| <p>Identify key technical topics which are frequently misunderstood or misrepresented. Develop plain language explanations and illustrations that address these topics in an Information Packet.</p> | <p>Lead Project Manager</p> | | | | | | | |
| <p>Incorporate plain language, creative graphics and photographs in the development of brochures, posters, handouts, NUREGs, Regulatory Guides, handbooks, and information notices.</p> | <p>Lead Project Manager</p> | | | | | | | |

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| <p>Ensure that all staff who are scheduled to speak at public meetings receive appropriate risk communication training and support in developing audience-appropriate presentation materials.</p> | <p>Lead Project Manager</p> | <p>GEIS Project Manager</p> | | | | | | |
| <p>Enhance appearance and content of existing "Controlling the Disposition of Solid Materials" Home page on the IMNS (NMSS) website. The site should provide easier access via links to: rulemaking details; public comment letters; documents generated by the NRC staff; documents pertinent to workshops; and other documents of interest to the public and the stakeholders involved.</p> | <p>Lead Project Manager</p> | | <p>Website Coordinator</p> | | | | | |
| <p>Schedule a variety of public interactions (meetings, workshops, round-table discussions, etc.) on topics of interest to stakeholders</p> | <p>Lead Project Manager</p> | | | | | | | |

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| <p>Expand the number and types of stakeholder interactions, among these: public comments; public scoping meetings including environmental and technical information when appropriate during the rulemaking process. Modify schedules to reflect additional time necessary to accommodate expanded stakeholder interactions.</p> | <p>Lead Project Manager</p> | <p>GEIS Project Manager</p> | | | | | | |
| <p>Use, neutral, professionally-trained facilitation, when appropriate, to support interactions with stakeholders, and to inspire trust that all points of view are welcome and will be considered.</p> | <p>Lead Project Manager</p> | | | | <p>Facilitator</p> | | | |
| <p>Provide wider dissemination of information regarding opportunities for stakeholder participation. This includes explaining who recognized parties are to a given proceeding and who they represent.</p> | <p>Lead Project Manager</p> | | | | | | | |
| <p>Establish and maintain more contacts with local opinion leaders, as well as with local media and editorial boards.</p> | <p>Lead Project Manager</p> | | | <p>OPA Representative</p> | | | | |

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| Develop guidance for technical staff for responding to phone calls, e-mails, and letters from the public as well as for appropriate interactions with media representatives. | Lead Project Manager | | | OPA Representative | | | | |
| Participate in national and international conferences on enhancing stakeholder confidence in radioactive waste management. | Management | Management | | | | | | |

Cost and Schedule

The option to proceed with an enhanced participatory rulemaking is a resource and time-intensive effort that requires significant staff effort over a three year period. Although the staff has previously obtained a range of stakeholder views and developed technical bases on control of solid material, the strong and diverse viewpoints held by stakeholders indicate that the resources to be expended may be similar to any large-scale rulemaking. Thus, this rulemaking is anticipated to involve a minimum of 10 to 15 full-time equivalents (FTEs) and over \$1 million in contract support, over a 3 year period, to develop a final rule, prepare the regulatory analyses and GEIS, develop technical bases for implementation, respond to public comments, and conduct a public workshop. The FTE resources and funding for contract support are available in the current fiscal year (FY) 2003 budget; resources for control of solid materials-related activities beyond FY 2003 have been addressed in the proposed budget request under rulemaking activities.

Schedule for Rulemaking on Controlling the Disposition of Solid Materials

| ITEM | SCHEDULED DATE |
|--|------------------------|
| Rulemaking plan and schedule to Commission and Agreement States | Completed in Jan 2003 |
| Contracting actions on costs, conditional use, soils, and GEIS and RIA | Completed in Jan 2003 |
| FRN on status/conditional use/GEIS scoping issued for public comment | Completed in Feb 2003 |
| Workshop on status/conditional use as part of GEIS scoping | Completed in May 2003 |
| End comment period | Completed in June 2003 |
| Initiate Reg Guide writing team | Completed in July 2003 |
| Prepare DGEIS/RIA/Reg Guide input | May 2004 |
| Complete proposed rule, DGEIS, and draft Reg Guide | July 2004 |
| SECY paper to Commission | July 2004 |
| Issue proposed rule, DGEIS, and draft Reg Guide | Sept 2004 |
| Comment period closes | Dec 2004 |
| Final rule, FGEIS, and Reg Guide to EDO | Nov 2005 |

Key Milestones

Rulemaking Initiative

| Activity | Date | Responsible Organization |
|--|---------------------|---|
| Rulemaking Plan and Schedule | January 2003 | NMSS/IMNS/RGB |
| Approval of Rulemaking Plan | January 2003 | EDO |
| Establish a Working Group | | NMSS/IMNS/RGB, Concurring Offices, OGC, and Agreement State representative |
| Establish a Steering Group | | NMSS/IMNS/RGB, Senior Managers from affected offices and OGC |
| Submit an entry for public participation in Ruleforum and/or in the <u>Federal Register</u> since the rulemaking is designated for enhanced public participation | February 2003 | NMSS/IMNS/RGB |
| Prepare for a public meeting or workshop | March - May 2003 | NMSS/IMNS/RGB |
| Provide a copy of the rulemaking to Agreement States and/or Advisory Committees for review, if applicable | | NMSS/IMNS/RGB |
| Obtain appropriate concurrences (all other affected NRC offices; OGC; ADM; etc.) for each significant action during the rulemaking process | | NMSS/IMNS/RGB |
| Provide the rulemaking proposal, final rule, to the EDO signature | November 2005 | NMSS/IMNS/RGB |
| Send the final rule to Rules and Directives Branch (RDB) for transmittal to the OFR | | NMSS/IMNS/RGB |
| Prepare congressional letters and, for final rules, the standard forms to the Speaker of the House, the President of the Senate, and the General Counsel for the General Accounting Office necessary to comply with the congressional notification procedures of the Small Business Regulatory Enforcement Fairness Act (SBREFA) | | NMSS/IMNS/RGB |

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| For a final rule, forward the SBREFA to OCA | | RDB, ADM |
| Prepare and issue the public announcement so that it coincides with the publication of the proposed or final rule in the <i>Federal Register</i> | | NMSS/IMNS/RGB and OPA |
| Ensure that the final GEIS is made available for public comment | September 2004 | NMSS/IMNS/RGB |
| Complete a Regulatory History of the rule | | NMSS/IMNS/RGB |

Key Milestone Schedule for the Preparation of a Public Meeting or Workshop

| Prior to Workshop/Meeting | Person Responsible | Timing |
|---|--|--|
| Reserve room for public workshop | Project manager | 3 months prior to the workshop/meeting |
| FR notice: Scope of Proposed Rulemaking and Notice of Workshop | Project manager or designee | 60 days prior to the workshop/meeting |
| FR notice: Workshop Details and Agenda | Project manager or designee (Consult with facilitator) | 20-30 days prior to the workshop/meeting |
| Post workshop announcement and agenda on NRC website (include on Public Meeting webpage and on Controlling the Disposition of Solid Material webpage) | Project manager or designee (Consult with PMNS) | 20-30 days prior to the workshop/meeting |
| Send FR notice and meeting notice information to Office of Public Affairs (OPA) | Project manager or designee | 20-30 days prior to the workshop/meeting |
| Press release including the names of the presenters | OPA | Before and/or after the workshop/meeting |
| Distribution of the feedback form | Project manager or designee | At the workshop/meeting |
| Development of sign-in sheet | Secretary | Prior to the workshop/meeting |
| Development of direction signs | Secretary | Prior to the workshop/meeting |
| Development of name tags for key members of the staff and name tents for speakers | Secretary | Prior to the workshop/meeting |
| Follow-up to contact presenters | Project manager and facilitator | 20 days prior to the workshop/meeting |
| Input visitors' names in the computer system | Secretary or licensing assistant | 1 week prior to the workshop/meeting |
| Contact security (assign escorts) | Project manager or designee | First contact: 30 days prior to the workshop/meeting Second contact: 3 days prior to the workshop/meeting |

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| Arrange for transcriber | Secretary or licensing assistant | 2 months prior to the workshop/meeting and follow-up with transcriber 1 week prior to the workshop/meeting |
| Copies of presentation materials from workshop speakers | Secretary | 1 week prior to the workshop/meeting |
| Complete draft handouts, presentation slides, fact sheets, etc. | Project manager (consult with consultant) | 20-30 days prior to the workshop/meeting |
| Complete final handouts, presentation slides, fact sheets, etc. | Project manager or designee (consult with a consultant) | 2 weeks prior to the workshop/meeting |
| Compile a list of possible questions | Project manager and steering group | 20-30 days prior to the workshop/meeting |
| Attend public workshop preparation session conducted by a consultant | NRC workshop presenters | 2 weeks prior to the workshop/meeting |
| Copy center - copies of handouts | Secretary | 1 week prior to the workshop/meeting |
| Hotel/Block of Rooms | Secretary | 2 months prior to the workshop/meeting |
| | | |
| Equipment List | | |
| Consult with facilitator about necessary equipment and presentation layout | Secretary or licensing assistant | 1 month prior to the workshop/meeting |
| Consult with Building Services about the presentation layout of the auditorium | Secretary or licensing assistant | 1 month prior to the workshop/meeting |
| Screen | Secretary or licensing assistant | 1 month prior to the workshop/meeting |
| Overhead projector | Secretary or licensing assistant | 1 month prior to the workshop/meeting |
| Walking mike (2) | Secretary or licensing assistant | 1 month prior to the workshop/meeting |

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| Flip chart (2) | Secretary or licensing assistant | 1 month prior to the workshop/meeting |
| Markers for flip chart and overhead | Secretary or licensing assistant | 1 month prior to the workshop/meeting |
| Extension cords | Secretary or licensing assistant | 1 month prior to the workshop/meeting |
| 3-way plug adapters | Secretary or licensing assistant | 1 month prior to the workshop/meeting |
| Computer | Secretary or licensing assistant | 1 month prior to the workshop/meeting |
| Easels (6) | Secretary or licensing assistant | 1 month prior to the workshop/meeting |
| Podium with mike | Secretary or licensing assistant | 1 month prior to the workshop/meeting |
| | | |
| After Workshop Day | | |
| Develop Workshop Summary | Project manager or designee | 1-2 weeks after the workshop/meeting |
| Add Workshop Summary on Web-site | Project manager or designee | 1-2 weeks after the workshop/meeting |
| De-brief/lessons learned | Project manager | 2-3 weeks after the workshop/meeting |
| Develop a summary and produce copies of feedback forms | Project manager | 3-4 weeks after the workshop/meeting |
| Feedback forms and copy of the summary of the feedback forms sent to OPA | Project manager | 3-4 weeks after the workshop/meeting |