

REPORT ON CONTROLLING THE DISPOSITION OF SOLID MATERIALS  
(APRIL 2004 - OCTOBER 2004)

## 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 6 months, in support of this enhanced participatory rulemaking, include:

- On June 17, 2004, NRC staff from the Office of Nuclear Material Safety and Safeguards and the Office of Nuclear Regulatory Research met with staff from the U.S. Environmental Protection Agency's (EPA's) Office of Solid Waste and Office of Radiation and Indoor Air, to discuss points related to the disposition of solid material. Specific information regarding the different types of Subtitle D landfills was provided by EPA's staff.
- On July 8, 2004, the Commission approved the staff's June 21, 2004, extension request for the finalization of the rule and its necessary components. The due date for submittal of the rule package to the Commission has been extended to March 31, 2005.
- On September 23, 2004, the "Controlling the Disposition of Solid Materials" website [[www.nrc.gov/materials.html](http://www.nrc.gov/materials.html)] (under "Key Topics" link to "Controlling the Disposition of Solid Materials") was updated to include a revised schedule, for the rulemaking, that indicates that the planned date for submittal of the rule package to the Commission has been changed to March 2005. The website also provides some information as to the current status. Information provided in the posting includes NRC's strong consideration of a proposed rule based on those alternatives that would limit the paths by which the public would be exposed to solid material. Also, NRC is considering implementing, in the proposed rule, the nuclide concentrations from the International Atomic Energy Agency Safety (IAEA) Guide No. RS-G-1.7, "Application of the Concepts of Exclusion, Exemption, and Clearance." Use of RS-G-1.7 promotes consistency among nations and minimizes interference with international commerce. Related to this, NRC recently responded to a letter from Texas requesting review of proposed changes, to its regulations for Control of Radiation, that concern clearance. NRC noted that Texas should consider using the IAEA's DS-161 (now IAEA Safety Guide No. RS-G-1.7) in its

Attachment

standard. This revised schedule, a link to the previous schedule, and information on the current status can be found as the first entry on the “Current News” page [[www.nrc.gov/materials.html](http://www.nrc.gov/materials.html)] (under “Key Topics,” link to “Controlling the Disposition of Solid Materials,” and link to “Current News”).

- NRC presented information on the current status of the rulemaking efforts to various stakeholder organizations, including: Conference of Radiation Control Program Directors, May 26, 2004; American Nuclear Society, June 15, 2004; and Health Physics Society, July 13, 2004.
- On September 23, 2004, NRC presented information at the 2004 Annual Organization of Agreement States Meeting. The current status of the rulemaking efforts, which included information on NRC’s strong consideration of a proposed rule based on those alternatives that would limit the paths by which the public would be exposed to solid material and NRC’s consideration of implementing the nuclide concentrations from the IAEA Safety Guide No. RS-G-1.7, and the revised rulemaking schedule were presented at the meeting.

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

- The contractor and the staff have been revising the GEIS to address comments from NRC staff and the cooperating agencies. A working group has been meeting to resolve technical issues related to the GEIS.

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

- A consolidated guidance writing team has been meeting to develop guidance for the implementation of a rule on controlling the disposition of solid material. The team is aware of the latest IAEA guidance on concepts in exclusion, exemption, and clearance.

## **4. International Activities**

- The IAEA Safety Guide No. RS-G-1.7, “Application of the Concepts of Exclusion, Exemption, and Clearance,” was reviewed and approved by the IAEA’s Commission on Safety Standards, at its June 7-9, 2004, meeting. NRC is considering implementing, in the proposed rule, the nuclide concentrations from IAEA Safety Guide No. RS-G-1.7.