February 3, 2005

MEMORANDUM TO: Scott W. Moore, Chief
Rulemaking and Guidance Branch
Division of Industrial and
Medical Nuclear Safety, NMSS

FROM: Kim Karcagi **/RA/**
Rulemaking and Guidance Branch
Division of Industrial and
Medical Nuclear Safety, NMSS

SUBJECT: SUMMARY OF PUBLIC MEETING WITH THE METALS INDUSTRIES RECYCLING COALITION ON CONTROLLING THE DISPOSITION OF SOLID MATERIALS PROPOSED RULEMAKING EFFORT, FEBRUARY 1, 2005

The staff held a Category 1 public meeting on February 1, 2005, with the Metals Industries Recycling Coalition (MIRC). The meeting was at their request, to discuss the status and schedule for the rulemaking on controlling the disposition of solid materials.

After the U.S. Nuclear Regulatory Commission (NRC) staff briefly updated the participants on the rulemaking effort, MIRC representatives reiterated their position on disposition of solid materials, and the rationale for their position, that they had previously stated at the May 2003, public workshop and in their July 1, 2003, comment letter responding to a February 2003, *Federal Register* notice. The position that MIRC restated at the meeting is that radioactively contaminated scrap metal from impacted or restricted areas should not be released into the stream of commerce. MIRC's rationale for its position includes the following:

a. Lack of benefit: There is little economic or environmental benefit for recycling of metals from licensed facilities.

b. Economic impact - product de-selection: There could be a very large economic impact on metals industries because consumers do not want these products because of concerns, even if only perceived, over the presence of radiation and will not buy products that may be made with materials from licensed facilities.

CONTACT: Kim Karcagi, NMSS/IMNS
(301) 415-6701

c. Business disruption and property contamination: The presence of potential radioactivity in solid materials would affect metals companies' ability to detect and intercept any orphan sources.

MIRC supports disposal of scrap metal originating from restricted or impacted areas in a RCRA landfill as an effective disposition option that would isolate this material from the public.

NRC staff concluded the meeting by answering questions, mainly regarding the GEIS and technical basis, the rulemaking schedule, and involvement with Cooperating Agencies, from members of the audience.

Attachment:
List of Attendees

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Attachment:
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Distribution:
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NAME:	KKarcagi*	FCardile*	TYoung CAbrams*	SMoore	
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U.S. NUCLEAR REGULATORY COMMISSION
PUBLIC MEETING WITH THE METALS INDUSTRIES RECYCLING COALITION
FEBRUARY 1, 2005

LIST OF ATTENDEES

NRC Staff:
Charlotte Abrams
Frank Cardile
Jennifer Davis
Joseph DeCicco
Jean-Claude Dehmel
Don Hammer (ICF)
Kim Karcagi
Scott Moore
Shinichi Murata
Brooke Smith
Phyllis Sobel
Alice Rogers (State of Texas)

Steel Manufacturers Association:
Eric Stuart

Nuclear Information and Resource Service:
Diane D'Arrigo

McGraw-Hill:
Mike Knapik

NEI:
Ralph Andersen

EPA:
Dan Schultheisz

MIRC:
Kristina Nelson
John Wittenborn

Public Citizen:
Melissa Kemp

BWXT:
Mark Elliott
David Spangler

Attachment