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3
4 **CHAPTER 1**
5 **PURPOSE AND NEED**

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9 **1.0 THE PROPOSED ACTION**

10 The Nuclear Regulatory Commission (NRC) is considering whether to promulgate a regulation
11 to control the disposition of solid materials that originate in restricted or impacted areas¹ of
12 NRC/Agreement State-licensed facilities, and have no, or very small amounts of, radioactivity
13 resulting from licensed operations. These solid materials, which are referred to as “potentially
14 clearable” materials, can include furniture and ventilation ducts in buildings; metal equipment;
15 steel and copper pipes; wood, paper, and glass; laboratory materials (gloves, beakers, etc);
16 routine trash; site fences; concrete; soil; or other similar materials. Under the current approach,
17 licensees survey materials to detect the presence of radioactivity from Atomic Energy Act
18 materials above natural background levels. Solid materials can currently be released for any
19 unrestricted use if the survey indicates that existing guidelines are met. The process used to
20 identify, survey and disposition solid materials is found in guidance, not regulations.

21 Other solid materials in these restricted or impacted areas can contain more appreciable levels of
22 radioactivity. However, these materials are required to be disposed of at licensed low-level
23 waste (LLW) disposal sites under NRC’s existing regulations in 10 CFR Part 61. Solid materials
24 containing appreciable levels of radioactivity are not the subject of this NRC rulemaking. Also,
25 solid materials not located in restricted or impacted areas, and considered to be free of
26 radioactivity resulting from licensed operations, are not the subject of this NRC effort.

27 The Proposed Action is to promulgate a regulation to control the disposition of solid materials
28 (metals, concrete, trash, and soil) from NRC-licensed facilities. In the Proposed Action, all
29 materials to be released would undergo a radiation survey and the measured level of radiation
30 (i.e., concentration) would be compared against radionuclide concentration levels for release of
31 solid materials. Solid materials with measured radiation levels below these radiation levels
32 would be released from licensed control. Solid materials with measured radiation levels above
33 the standard would be sent to a LLW disposal facility. NRC regulations in 10 CFR Part 20
34 would be amended to add a new solid material release standard. A new regulation would
35 provide a clear and consistent regulatory basis for determining the disposition of solid materials.
36 In developing the new regulations, the NRC is guided by the goals of its Strategic Plan (NRC,
37 2004d) of which the primary goal is protection of public health and safety and the environment.
38 The proposed rulemaking could result in related rulemakings in the Agreement States.
39 (Agreement States are States that signed an agreement with NRC under which the State regulates
40 the use of by-product, source and small quantities of special nuclear material within that State.)

¹ A restricted area is defined in the NRC regulations at 10 CFR 20.1003 as an area to which access is limited by the licensee for the purpose of protecting individuals against undue risks from exposure to radiation and radioactive materials. An impacted area is defined in 10 CFR 50.2 as an area with some reasonable potential for residual radioactivity in excess of natural background or fallout levels.

1 To support its decision on the proposed rulemaking, the NRC staff determined that a generic
2 environmental impact statement (GEIS) is required by the NRC National Environmental Policy
3 Act (NEPA)-implementing regulations in 10 CFR Part 51. The Draft GEIS is part of the draft
4 rulemaking package on which the public is asked to comment. This Draft GEIS describes the
5 environment potentially affected by the proposal and evaluates the potential environmental
6 impacts of the Proposed Action, including its reasonable alternatives.

7 8 **1.1 BACKGROUND**

9
10 NRC initially considered a proposed rulemaking in 1999. As part of the scoping process, NRC
11 published an Issues Paper on the release of solid materials from licensed facilities in June 1999
12 in the Federal Register (64 FR 35090) (NRC 1999a) and requested public comments. NRC
13 indicated that it was examining alternatives for controlling the disposition of solid materials.
14 NRC held four public meetings during the fall of 1999 as part of the scoping process to receive
15 comments. Over 800 public comment letters were received during the public comment period in
16 1999. Comments were diverse in the views expressed, and provided a number of alternatives for
17 controlling the disposition of solid materials.

18
19 On March 23, 2000, the NRC staff provided the Commission with a paper (SECY-00-0070) on
20 the diversity of views expressed in public comments received on the Issues Paper. Attachment 2
21 of SECY-00-0070 (NRC 2000a) provides a summary of views and comments received;
22 summaries of the comments can also be viewed in NUREG/CR-6682, “Summary and
23 Categorization of Public Comments on the Control of Solid Materials” (September 2000) (NRC
24 2000b). To solicit additional input, the Commission held a public meeting on May 9, 2000, at
25 which stakeholder groups presented their views and discussed alternatives for controlling the
26 disposition of solid materials.

27
28 On August 18, 2000, the Commission decided to defer a final decision on whether to proceed
29 with a rulemaking and directed the staff to request that the National Academies conduct a study
30 of alternatives for controlling the disposition of solid materials. The Commission also directed
31 the staff to continue to develop technical information and to stay informed of international and
32 U.S. agency activities in this area.

33
34 The National Academies study of alternatives for controlling the disposition of solid materials
35 was initiated in August 2000. As part of the study, the National Academies held three
36 information gathering meetings in January, March, and June of 2001, at which it obtained input
37 from various stakeholder groups. The input received was similar to that presented to the NRC
38 earlier. Based on these meetings, and on its deliberations on this topic, the National Academies
39 submitted a report to the NRC in March 2002 titled *The Disposition Dilemma - Controlling the*
40 *Release of Solid Materials from Nuclear Regulatory Commission-Licensed Facilities* (National
41 Research Council 2002). The report contains findings and nine recommendations related to the
42 decision-making process, potential approaches for controlling the disposition of solid materials,
43 and additional technical information needs. An important finding in the National Academies
44 report was that NRC’s current approach for controlling the disposition of solid materials “is
45 sufficiently protective of public health that it does not need immediate revamping.” However,
46 the National Academies report also states that NRC’s current approach is incomplete and

1 inconsistent and concludes that NRC should therefore undertake a process to evaluate a broad
2 range of alternatives to provide clear risk-informed direction on controlling the disposition of
3 solid materials. The report notes that broad stakeholder involvement and participation in the
4 NRC’s decision-making process on the alternatives is critical as the process moves forward. The
5 report also recommends that an individual dose standard of 1 mrem/yr provides a reasonable
6 starting point for the process of considering alternatives for a dose-based standard. A link to the
7 National Academies report is contained in the Background section of the NRC’s web page on
8 controlling the disposition of solid materials.²
9

10 Following completion of the National Academies report, the NRC staff submitted a paper to the
11 Commission on July 15, 2002 (SECY-02-0133) (NRC 2002a) which contained a set of options
12 for proceeding with a regulatory process for examining alternatives for controlling the
13 disposition of solid materials. Based on its review of the National Academies report and of
14 SECY-02-0133, the Commission, in a Staff Requirements Memorandum dated October 25,
15 2002, directed the staff to proceed with an enhanced participatory rulemaking to develop specific
16 requirements for controlling the disposition of solid materials.
17

18 On February 28, 2003, NRC published a notice in the Federal Register (68 FR 9595) (NRC
19 2003a) requesting comments on the scope of the proposed rulemaking and announcing its
20 intention to prepare a GEIS to analyze alternatives for establishing requirements for controlling
21 the disposition of solid materials. On April 18, 2003 NRC published another notice in the
22 Federal Register (68 FR 19232) (NRC 2003b) announcing the dates and location of a public
23 workshop to discuss the proposed rulemaking and the scoping process.
24

25 **1.2 PURPOSE AND NEED FOR AGENCY ACTION**

26
27 Just as is the case for many industrial operations, there are “solid materials” that are no longer
28 needed or useful at facilities licensed by NRC or otherwise need to be removed from restricted or
29 impacted areas. This can occur, for example, during normal facility operations when: (a) metal
30 equipment and tools become surplus, obsolete or worn; (b) glass, plastic, paper, or other trash-
31 like materials are no longer useful; (c) concrete is removed from a building being renovated; or
32 (d) soil is being excavated from a site and is no longer needed. This can also occur at the end of
33 facility operations when a licensee seeks to terminate its NRC license.
34

35 Solid materials can currently be released for any unrestricted use if a survey indicates that
36 existing guidelines are met. Appendix B discusses current guidelines used regarding the release
37 of solid materials from sites for unrestricted use. However, these levels are in NRC guidance and
38 10 CFR Part 20 does not currently specify the dose or concentration limits below which the
39 material can be released. The disadvantages of the current case-by-case approach are (1) the lack
40 of a consistent criterion for controlling solid materials can result in inconsistent release levels,
41 (2) there is no guidance for volumetrically contaminated materials, (3) there have been some
42 inconsistencies when other types of detectors with different sensitivities are used and still lower

² <http://www.nrc.gov/materials.html>. Click on “Controlling the Disposition of Solid Materials”
under “Key Issues.”

1 levels of radioactivity are detected in previously released materials, and (4) additional time and
2 resources are required to evaluate and implement an approach that can vary with each case.
3

4 The purpose and need of the Proposed Action is to develop an efficient and effective regulatory
5 process that ensures the disposition of solid materials are controlled in a manner that ensures
6 protection of public health and safety and the environment. The Proposed Action should provide
7 a consistent criterion for controlling solid materials, guidance for surficially and volumetrically
8 contaminated materials, and a reduction in the time and resources required to evaluate case-
9 specific applications.
10

11 NRC agrees with the findings in the National Academies report (National Research Council,
12 2002) regarding the need to consider modifying its current approach to provide specific direction
13 on controlling the disposition of solid materials. The National Academies report indicates that
14 NRC's current approach for controlling the disposition of solid materials (the No Action
15 Alternative) "is sufficiently protective of public health." However, the National Academies
16 report also indicates that the current approach is incomplete and inconsistent and that NRC's
17 approach should be risk-informed. As a result, the National Academies study states that NRC
18 should conduct a process to evaluate alternatives to provide clear risk-informed direction on
19 controlling the disposition of solid materials. This Draft GEIS is part of that process and
20 considers several alternatives for rulemakings.
21

22 **1.3 SCOPE OF ENVIRONMENTAL ANALYSIS**

23 Scoping Process

24 The NRC is conducting an enhanced participatory process to evaluate alternative courses of
25 action at NRC-licensed facilities for controlling the disposition of solid materials that have no or
26 very small amounts of radioactivity. As part of NRC's examination of its approach for control of
27 solid materials, including the scope of an environmental impact statement, NRC sought early
28 stakeholder input on the major issues associated with this effort, as described in Section 1.1.
29
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31

32 As an additional part of its continuing efforts to solicit stakeholder involvement, NRC published,
33 on February 28, 2003, a Request for Comments on the scope of a proposed rulemaking and
34 notice of a workshop in the Federal Register (68 FR 9595) (NRC 2003a). In this Federal
35 Register Notice, NRC sought stakeholder participation and involvement in identifying
36 alternatives and their environmental impacts that should be considered as part of a rulemaking
37 and analyzed in a GEIS. The NRC also announced in this Federal Register Notice its intent to
38 conduct a workshop to solicit new input with a focus on the feasibility of alternatives that would
39 limit where solid materials could go. The workshop was held at NRC Headquarters in Rockville,
40 MD May 21-22, 2003. A summary of the results of this workshop is available on NRC's website
41 (see footnote 2 on page 1-3).
42

43 Over 2,600 written comments were received in addition to the discussion at the workshop.
44 NUREG/CR-6682 Supplement 1 (*Summary and Categorization of Public Comments on*
45 *Controlling the Disposition of Solid Materials, February 2004*) (NRC 2004a) summarizes the
46 comments received as a result of NRC's request for comments and the workshop discussion.

1 Comments were received from various stakeholder groups, including environmental and
2 citizen's groups, members of the general public, scrap and recycling companies, steel and
3 cement manufacturers, hazardous and solid waste management facilities, the U.S. Environmental
4 Protection Agency (EPA), U.S. Department of Energy (DOE), State agencies, Tribal
5 Governments, scientific organizations, international organizations, and NRC licensees and
6 licensee organizations.

7
8 The scoping process (as described in Appendix A) helped to determine the scope of this Draft
9 GEIS, including significant issues to be analyzed in depth. For example, in response to
10 comments received during the scoping process, the Draft GEIS includes an alternative where the
11 potentially clearable solid material can only be disposed of in a LLW facility (i.e., Prohibition).

12 Scope of the GEIS

13
14
15 The issues analyzed in depth in the Draft GEIS include the impacts and costs associated with
16 rule alternatives for controlling the disposition of solid materials at licensed facilities.
17 Information was developed on (a) types and contamination levels of solid materials potentially
18 available for release at licensed facilities; (b) pathways of exposure from, and environmental
19 impacts of, solid materials released from licensed facilities; and (c) regulatory alternatives and
20 methods of approach for analysis of the alternatives.

21
22 The Draft GEIS recognizes previous and ongoing reports and analyses related to the control of
23 solid materials, including the National Academies report completed in March 2002. In addition,
24 other scientific organizations are engaged in similar processes. Recognized radiation protection
25 organizations like the National Council on Radiation Protection and Measurements (NCRP),
26 International Commission on Radiological Protection (ICRP), and American National Standards
27 Institute (ANSI) have issued findings about possible criteria for controlling the disposition of
28 solid materials. DOE is preparing a Programmatic Environmental Impact Statement on
29 alternatives for disposition of DOE scrap metals. EPA sets radiation protection standards in the
30 general environment, although it does not currently have a program on controlling the
31 disposition of solid materials from licensed facilities. International agencies (such as the
32 International Atomic Energy Agency (IAEA) and the European Commission (EC)) as well as
33 other individual nations, are in the process of establishing standards or have standards for
34 clearance of solid materials.

35
36 NRC's goal in preparing this Draft GEIS is to set forth the impact analyses in a manner which is
37 readily understandable to the public. Decisions and the rationale for those decisions are
38 described and significant impacts discussed in this Draft GEIS. Topical areas whose impacts are
39 less significant are discussed in less detail, with an explanation of why they were found to be less
40 significant. This should allow the readers to focus on issues that were important in reaching the
41 conclusions of the Draft GEIS. The following topical areas and issues are analyzed in the Draft
42 GEIS.

- 43
44 • **Human Health and Safety.** The potential human health impacts of the Alternatives on the
45 workers and the general public are evaluated for normal licensee operations and
46 decommissioning of licensee facilities. Potential exposures to radioactive materials and to

1 chemicals are considered. Models, assumptions, and supporting data used to analyze the
2 impacts from these potential exposures are described.
3

- 4 • **Transportation.** The transportation impacts of shipping released materials under each
5 alternative are discussed. The Draft GEIS contains an analysis of potential impacts resulting
6 from the transportation of each material type by various types of transport, including truck.
7 The Draft GEIS discusses the quantities of material to be shipped and the vehicle miles
8 traveled for each alternative. The impacts of transportation are evaluated in terms of risk to
9 the population during normal transportation (including truck emissions) and under credible
10 accident scenarios.
11
- 12 • **Water Resources.** The Draft GEIS assesses the potential impacts of the alternatives on
13 surface water, groundwater, and drinking water resources.
14
- 15 • **Air Quality.** Potential air quality impacts of each alternative are evaluated in the Draft GEIS.
16 The evaluation includes potential impacts resulting from operational activities for both
17 radiological constituents and other priority air pollutants and compares the anticipated air
18 quality impacts with relevant standards.
19
- 20 • **Ecological Impacts.** Potential impacts of alternatives on ecological receptors (plants and
21 animals) are considered.
22
- 23 • **Waste Management.** The Draft GEIS documents the quantities and types of the various
24 released materials to be disposed for each alternative. The Draft GEIS also considers the
25 disposal capacity impacts associated with the release of these materials for both LLW
26 disposal facilities and EPA/State-regulated landfills.
27
- 28 • **Cumulative Impacts.** The Draft GEIS analyzes the potential cumulative impacts of the
29 alternatives when added to other past, present, and reasonably foreseeable future actions.
30 Both DOE and technologically enhanced naturally occurring radioactive material
31 (TENORM) facilities are considered in this analysis.
32
- 33 • **Unavoidable Adverse Impacts.** A discussion is included on the potential environmental
34 impacts that could not be avoided if any of the alternatives were implemented.
35
- 36 • **Short-Term Use Versus Long-Term Productivity of the Environment.** The Draft GEIS
37 compares the potential adverse impacts on the environment associated with short-term use
38 for the alternatives to the potential adverse impacts on the long-term productivity of the
39 environment.
40
- 41 • **Irreversible and Irrecoverable Commitment of Resources.** The irreversible and irretrievable
42 commitment of resources, including land use, materials, and energy are discussed.
43
- 44 • **Mitigation and Monitoring.** The Draft GEIS assesses whether any monitoring or mitigation
45 measures are anticipated as a result of implementing any of the alternatives.
46

- 1 • **Cost-Benefit Analysis.** The Draft GEIS includes a cost-benefit analysis that summarizes the
2 environmental and other costs and benefits of each of the alternatives compared to the No
3 Action Alternative.
4

5 Issues raised during the scoping period for the Draft GEIS are summarized in Section 2 of
6 Appendix A. Section 3 of Appendix A discusses the subjects and issues that are addressed in
7 depth in the Draft GEIS. Issues raised during the scoping period have been considered in the
8 preparation of the scoping report. As discussed in Section 4 of Appendix A, certain issues are
9 not addressed in depth in the Draft GEIS. NRC has made a determination that some issues are
10 associated with small or no impacts. The following topical areas and issues are not addressed in
11 the Draft GEIS because no impacts are anticipated for these site-specific issues:
12

- 13 • Soils;
14 • Socioeconomics;
15 • Environmental justice;
16 • Land use;
17 • Visual/scenic resources;
18 • Noise; and
19 • Historical, archaeological, and cultural resources.
20

21 Further, the scope of the Proposed Action does not include any activities related to construction
22 of facilities. The scope of the Proposed Action is limited to impacts associated with the release,
23 transportation, recycling, and disposal of solid materials. The potential impacts of any
24 construction of facilities that is proposed would be assessed on a site-specific basis.
25

26 The scope of the Proposed Action does not include any solid materials left on site at licensee
27 facilities after license termination. The scope of the Proposed Action is limited to transfer of
28 solid materials off site for either recycling, reuse, or disposal. Solid materials remaining on site
29 at facilities after license termination are subject to existing NRC regulations that would not be
30 changed by the Proposed Action. When an NRC-licensed facility is decommissioned, the
31 licensee must decontaminate the facility site to at least the minimum prescribed criterion prior to
32 the NRC terminating the license (10 CFR 20 Subpart E). This limit pertains to both the
33 facilities' remaining intrinsic structure (e.g., buildings) and site (e.g., soil). The potential
34 impacts to the General Public, Non Licensed-Facility Workers, and Licensed-Facility Workers of
35 the existing NRC regulations applicable to material left on site have already been analyzed
36 through the NRC rulemaking for these regulations. Therefore, solid materials left on site are not
37 included within the scope of the Draft GEIS.
38

39 Some commenters asked NRC to collect materials that have been previously released. NRC has
40 no plans to collect these materials because once released, there is no tracking of these materials.
41

42 The U.S. imports and exports material that may contain residual radioactivity. The analysis of
43 these imports and exports is outside the scope of the GEIS because this rulemaking only applies
44 to control of the disposition of solid materials from NRC and Agreement State licensed facilities.
45 NRC's requirements in 10 CFR Part 110 already contain requirements for export and import of
46 material that assures that these actions are done in a safe, regulated manner. The proposed

1 rulemaking does not propose to change those requirements or the procedures associated with
2 them. However, this Draft GEIS does consider the use of an international standard (IAEA Safety
3 Guide RS-G-1.7) (IAEA 2004), which would provide more consistency with international
4 numeric guidelines.

6 **1.4 APPLICABLE REGULATORY REQUIREMENTS**

7
8 The NRC's primary mission is to help ensure that public health and safety and the environment
9 are protected in the many different peaceful uses of nuclear materials. The NRC is responsible
10 for regulating various commercial, industrial, academic, and medical uses of nuclear materials.
11 For example, NRC regulates commercial nuclear power plants, fuel cycle and nuclear waste
12 facilities and nuclear materials used in the diagnosis and treatment of cancer and in smoke
13 detectors. Information about NRC is available at NRC's World Wide Web (WWW) site
14 <http://www.nrc.gov>. One way the NRC accomplishes its mission is by issuing regulations. The
15 process of developing regulations is called rulemaking. The NRC's regulations are found in
16 Chapter I of Title 10, "Energy," of the Code of Federal Regulations (CFR). These regulations
17 are binding on all persons and organizations who receive a license from NRC to use nuclear
18 materials or operate nuclear facilities.

19
20 NRC currently addresses the release of solid materials on a case-by-case basis using license
21 conditions and existing regulatory guidance. Appendix B contains details of the current
22 approach. Solid materials can be released for any unrestricted use if a survey indicates that
23 existing guidelines are met.

24
25 Under current NRC regulations, licensees also have the option of proposing disposal methods
26 and procedures that are not otherwise authorized in the regulations. These NRC provisions are
27 contained in 10 CFR Part 20.2002³. Under these provisions, a licensee's application must
28 provide a description of the waste, including the physical, chemical, and radiological properties,
29 for the purpose of assessing potential doses; methods and manner of disposal of such wastes;
30 location and nature of the environment where such wastes will be disposed of; analyses showing
31 projected doses for the proposed disposal methods, and procedures that will be used to maintain
32 doses ALARA for workers and members of the public. NRC policy and guidance for these
33 dispositions uses a dose criterion of "a few millirem" per year. Agreement States have similar
34 provisions in their regulations. Licensees have used the specific process set out in 10 CFR
35 20.2002 to seek approval for the unrestricted release of material for disposal.

36
37 Regulatory Guide 1.86 titled *Termination of Operating Licenses for Nuclear Reactors* (USACE
38 1974) is used to evaluate solid materials before they are released. A similar guidance document
39 is Fuel Cycle Policy and Guidance Directive FC 83-23, titled *Guidelines for Decontamination of*
40 *Facilities and Equipment Prior to Release for Unrestricted Use or Termination of Byproduct,*
41 *Source or Special Nuclear Materials Licenses* (NRC 1983a). Both documents contain a table of
42 surface contamination criteria which may be applied by licensees for use in demonstrating that

³ Part 20.2002 - Method for Obtaining Approval of Proposed Disposal Procedures. Before the revision of Part 20 (January 1, 1994), these provisions were contained in Part 20.302 under the same title.

1 solid material with surface contamination can be safely released with no further regulatory
 2 control.

3
 4 The Agreement States use a variety of practices and criteria for the release of solid materials on a
 5 case-by-case basis, including the use of radiation levels that are indistinguishable from
 6 background, use of guidelines similar or equivalent to Regulatory Guide 1.86, and the use of dose
 7 based analyses.

8
 9 NRC shares responsibility for radioactive material transport with the U.S. Department of
 10 Transportation (DOT). DOT is responsible for regulating safety in transportation of all
 11 hazardous materials, including radioactive materials, whereas NRC is responsible for regulating
 12 safety in receipt, possession, use, and transfer of byproduct, source, and special nuclear materials.
 13 NRC recently amended 10 CFR Part 71 - *Packaging and Transportation of Radioactive Material*
 14 to make it compatible with DOT's regulations at 49 CFR and with the latest version of the
 15 International Atomic Energy Agency standards in TS-R-1 (*Regulations for the Safe Transport of*
 16 *Radioactive Materials*) (NRC 2004b) and to address the Commission's goals for risk-informed
 17 regulations and eliminating inconsistencies with other regulatory approaches. The 10 CFR Part
 18 71 Final Rule was published in the Federal Register (69 FR 3698) (NRC 2004b) on January 26,
 19 2004. DOT published a parallel rule in the Federal Register (69 FR 3632) (DOT 2004) on the
 20 same date. Table 1-1 lists the major agencies, acts and activities evaluated in this Draft GEIS.

21
 22 **Table 1-1 Federal Regulations**

23
 24

Agency	Authority	Activity Covered
Nuclear Regulatory Commission	Atomic Energy Act	Licensing Decommissioning Release of Solid Materials
Nuclear Regulatory Commission	National Environmental Policy Act (10 CFR Part 51)	Environmental Impact Statement
U.S. Environmental Protection Agency	Resource Conservation and Recovery Act (RCRA)	Landfill disposal
U.S. Environmental Protection Agency	Clean Air Act	Air Quality Permits
U.S. Environmental Protection Agency	Clean Water Act	National Pollutant Discharge Elimination System Permits
U.S. Environmental Protection Agency	Clean Water Act	National Primary Drinking Water Regulations
U.S. Department of Transportation	49 CFR Parts 171 - 180	Transportation Regulations

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2 **1.5 COOPERATING AGENCIES**
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4 EPA, DOE, and the State of Massachusetts are cooperating agencies in the preparation of this
5 Draft GEIS, pursuant to the President’s Council on Environmental Quality (CEQ) regulations
6 (40 CFR 1501.6).
7

8 EPA has an interest in the proposed rulemaking because EPA sets radiation protection standards
9 in the general environment. EPA previously had related rulemaking activities, coordinated with
10 NRC on the development of the technical information bases on controlling the disposition of
11 solid materials, and currently is engaged in rulemaking activities on Resource Conservation and
12 Recovery Act (RCRA) landfill disposal. Cooperating agency status will assist EPA in its own
13 rulemaking process, focused on landfill disposal of materials containing residual radioactivity.
14 EPA’s Office of Radiation and Indoor Air serves as the principal point of coordination for the
15 Draft GEIS (Appendix C).
16

17 NRC invited DOE to be a cooperating agency in the development of the Draft GEIS because of
18 DOE’s experience and efforts in the control and release of property containing residual
19 radioactivity. Participating as a cooperating agency will help DOE stay apprised of the relevant
20 issues and will provide a mechanism for DOE to contribute its expertise to the review process,
21 while ensuring effective communication between NRC and DOE. Cooperating agency status
22 will also assist DOE in its own EIS process involving DOE scrap metal, which is a separate,
23 ongoing effort. The Office of Air, Water and Radiation Protection Policy and Guidance is
24 serving as DOE’s principal point of coordination for DOE participation in the Draft GEIS
25 (Appendix C).
26

27 NRC asked the Conference of Radiation Control Program Directors (CRCPD) and the
28 Organization of Agreement States (OAS) to assist in the development of the Draft GEIS because
29 the proposed NRC rulemaking would result in related rulemakings in the Agreement States. In a
30 joint decision, CRCPD and OAS appointed the State of Massachusetts to act as a cooperating
31 agency on their behalf. Massachusetts’ participation as a cooperating agency in the preparation
32 of the Draft GEIS will keep the Agreement States apprised of the issues associated with
33 controlling the disposition of solid material and provide a mechanism for the States to contribute
34 their expertise to the review process, as well as ensure effective communication between NRC
35 and the States.
36
37