

Mr. Edward Paul
120-6 Clements Bridge Road
Barrington, NJ 08007

December 9, 1999

Dear Mr. Paul:

I am responding to your e-mail requesting an extension of the comment period for the Nuclear Regulatory Commission's (NRC's) process for issues related to control of release of solid materials from licensed facilities. After considering the points made in your e-mail, we have decided to not make any further extensions of the current dates.

The NRC is still in the preliminary stages of examining its approach for controlling solid material and is seeking public input on that process through various forums. An initial step in that process was to prepare, for public comment, a paper that discusses issues associated with alternative courses of action. This Issues Paper was published in a Federal Register notice (FRN) on June 30, 1999 (64 FR 35090), with a comment period that was originally scheduled to close on November 15, 1999. The Issues Paper was also made available on NRC's website. To provide further opportunity for public input on the issues and alternatives discussed in the Issues Paper, the NRC scheduled a series of four public meetings. The initial public meeting was scheduled for Chicago, Illinois, on August 4-5; however, to provide additional time for public review of the Issues Paper, the meeting was rescheduled to December 7-8, 1999, and the public comment period was extended to December 22, 1999.

The June 30, 1999, FRN noted that, in addition to requesting comments on the Issues Paper, the NRC was also announcing a process for developing the scope of an environmental impact statement (EIS), i.e., a "scoping process." It was noted that these efforts were being combined because the principal points discussed in the Issues Paper (Section III of the FRN) and discussed about EIS scoping (Section IV of the FRN) are the same, and the Commission believed it beneficial to seek and hold discussions on both at the same time in order to best use and coordinate available expertise and input. The Commission continues to believe this to be the case and the NRC staff and meeting attendees have discussed information about environmental impacts of alternatives during the four public meetings.

On September 20, 1999, the Commission directed the NRC staff to brief the Commission, in March 2000, on stakeholder concerns expressed both during the public meetings and in written public comments, and to provide a recommendation as to whether to proceed with rulemaking on control of solid materials. The Commission has not made any decisions about alternatives yet, and will review the comments before arriving at a preferred course of action. We look forward to your involvement in this effort and to incorporating your input and views.

The public will have substantial opportunity for input both before and after the March 2000 briefing. In addition to the four meetings, and the opportunity for written comment until December 22, 1999, it is planned that there will be open NRC staff working group meetings before March 2000. Also, the March 2000 briefing will be a meeting open to the public. The Commission has indicated that it will decide whether to proceed with rulemaking, based on a consideration of the summary and analysis of stakeholder concerns and comments to be

presented at the March 2000 briefing. There will be ample additional opportunity for comment on the scope and implementation of possible alternatives, if the Commission were to decide to proceed with rulemaking. Specifically, the Commission directed the staff, on September 20, 1999, to hold additional stakeholder information meetings to discuss a preliminary version of a draft generic EIS, if it proceeds with rulemaking, in addition to the normal opportunity for public comment on a draft generic EIS and proposed rule. Also, 10 CFR Part 51, which provides regulations on the scoping process, notes that at any time before issuance of the draft generic EIS, the NRC may revise the scope if significant new information arises that bears on the proposed action or its impacts. If the Commission were to decide to proceed with rulemaking, the preliminary draft generic EIS would likely not be available until Spring 2001.

Based on the above discussion of the continuing opportunities for public comment, we plan to end the 6-month comment period on December 22, 1999, as currently scheduled. This approach will allow the staff to provide input to the Commission in a timely manner.

Sincerely,

Original signed by

Carl J. Paperiello
Deputy Executive Director for Materials
Research and State Programs

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