

NUCLEAR REGULATORY COMMISSION

Notice of Public Workshop for Rulemaking and Scoping for Environmental Issues on Controlling the Disposition of Solid Materials

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of public workshop.

SUPPLEMENTARY INFORMATION: As discussed in a **Federal Register** Notice (FRN) issued February 28, 2003, the Nuclear Regulatory Commission (NRC) 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. As noted in that FRN, the NRC is seeking stakeholder participation and involvement in identifying alternatives and their environmental impacts that should be considered as part of the rulemaking. Considerable information collection effort has been conducted in this area and the Commission is building on existing information to focus on potential solutions. The NRC has not made a decision on the scope or details of a regulation and is continuing to develop a solid technical basis for the rulemaking.

To assist in obtaining stakeholder input to this process, the NRC is holding a workshop, on May 21–22, 2003, to solicit new input on the rulemaking alternatives with a focus on the feasibility of alternatives that would limit where the solid material can go. This workshop provides an opportunity to discuss the rulemaking effort as well as to re-open the National Environmental Policy Act (NEPA) scoping process that began in 1999 for the preparation of a generic environmental impact statement (EIS) in support of the control of the disposition of solid materials rulemaking effort. Issues raised in 1999, at public workshops and in public comments will be considered along with any new issues or alternatives identified at this workshop. The workshop will provide an opportunity for stakeholders to offer additional input on the alternatives, with particular focus on the alternatives of conditional use and EPA regulated landfill disposal. Earlier information collection efforts did not result in sufficient information to clearly indicate the viability or economic feasibility of these two alternatives. Thus, the Commission specifically directed the

staff to explore and document the feasibility of these alternatives and, in particular, noted that the staff should have discussions with stakeholders with regard to whether the alternatives: (1) Are effective; (2) are reasonably possible to implement; and (3) would increase public confidence in the process.

To assure that a diversity of viewpoints on the alternatives will be presented, we are inviting stakeholders representing the metals and cement industries, citizens groups, Federal and State agencies, licensees, tribal governments, and landfill operators to sit in a roundtable discussion. Although the focus of the meeting will be on the roundtable discussion, there will be opportunities for members of the audience to offer comments and ask questions. To further assist stakeholders, the staff has placed on its Web site an information packet which includes questions for stakeholders on the alternatives and issues, describes how to provide comments to the NRC, and links to other documents. (Go to <http://www.nrc.gov/materials.html> and, under “Key Topics,” select “Controlling the Disposition of Solid Materials.”) Also, the workshop agenda, which is provided in this FRN, has been included on the Web page.

Workshop Details: This workshop will be held on May 21–22, 2003 from 8:30 a.m.—5:30 p.m. in the NRC Auditorium, 11545 Rockville Pike, Rockville, Maryland 20852.

Agenda

Wednesday, May 21, 2003

8:30 a.m. Opening remarks, participant introductions
Francis “Chip” Cameron, Facilitator
9:15 a.m. Welcome, Workshop Objectives
Martin J. Virgilio, Director, Office of Nuclear Material Safety and Safeguards
9:30 a.m. Background and context
NRC activities and plans—where are we now and how did we get here?
Frank Cardile, Office of Nuclear Material Safety and Safeguards
The NEPA process and potential alternatives for the disposition of solid materials
Phyllis Sobel and Frank Cardile, Office of Nuclear Material Safety and Safeguards
Participant questions
10:10 a.m. Break
10:30 a.m. The international regulatory framework
Gordon Linsley, IAEA
Participant questions
11:00 a.m. Participant discussion on the alternatives being considered on the disposition of solid materials

Perspectives include: paramount issues of concern to participants, updates on participant views on alternatives, other alternatives that have not been identified, and stakeholder participation and involvement in identifying alternatives and their environmental impacts.

12:00 p.m. Audience comments and questions

12:30 p.m. Lunch

1:30 p.m. Continued discussion of participant perspectives on the alternatives

2:30 p.m. The conditional use alternative
Participant discussion

Discussion topics: What criteria should guide the acceptability of conditional use from a public health and safety perspective? What type of conditional use might be acceptable? What is the feasibility of the conditional use alternative, *i.e.*, are there any constraints or impediments to implementing this alternative? What types of regulatory controls may be necessary to ensure that any conditional use program will be effectively implemented? Is there any additional information that must be developed to fully evaluate this alternative?

3:30 p.m. Break

4:00 p.m. Continued discussion of the conditional use alternative

5:00 p.m. Audience comments and questions and review of the next day's agenda and adjourn

Thursday, May 22, 2003

8:30 a.m. Agenda check

8:45 a.m. Recap previous day's discussion

9:30 a.m. The disposal alternative
Participant discussion

Discussion topics: What criteria should guide the acceptability of disposal from a public health and safety perspective? What type of disposal might be acceptable, for example, RCRA Subtitle C or Subtitle D landfills, other types of disposal facilities? What is the feasibility of the disposal alternative, *i.e.*, are there any constraints or impediments to implementing this alternative? What types of regulatory controls may be necessary to ensure that any disposal program will be effectively implemented? Is there any additional information that must be developed to fully evaluate this alternative?

10:30 a.m. Break

11:00 a.m. Continued discussion of the disposal alternative

12:15 p.m. Audience comments and questions

12:30 p.m. Lunch

1:30 p.m. Major recommendations