

**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Chapter 1**

[FRL-7585-6]

RIN 2060-AL71

**Approaches to an Integrated Framework for Management and Disposal of Low-Activity Radioactive Waste: Request for Comment****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Advance notice of proposed rulemaking (ANPR).

**SUMMARY:** This Advance Notice of Proposed Rulemaking (ANPR) requests public comment regarding options to promote a more consistent framework for the disposal of radioactive waste with low concentrations of radioactivity ("low-activity"). Of immediate interest is low-activity mixed waste (LAMW). This waste is both chemically hazardous according to the Resource Conservation and Recovery Act (RCRA) and is radioactive with low radionuclide concentrations under the purview of the Atomic Energy Act of 1954 (AEA). Such waste is regulated and managed under both authorities but under certain conditions, one authority may be sufficient to provide public health and environmental protection. In particular, given appropriate limits on radionuclide concentrations in LAMW, disposal of LAMW in RCRA Subtitle C hazardous waste landfills, with their prescribed engineering design and associated RCRA requirements (e.g., waste treatment, waste form), may provide protection of public health and the environment. This document focuses on effective use of the RCRA-C disposal technology for the disposal of LAMW. We (the Environmental Protection Agency) seek comment on standards that would codify this approach and provide greater flexibility for the safe disposal of LAMW.

Beyond LAMW, however, there is a wide variety of radioactive wastes with relatively low concentrations of radioactivity; these wastes are not considered mixed wastes because they are not regulated under both RCRA and the AEA. Examples of such low-activity waste include certain AEA radioactive wastes, certain wastes from the extraction of uranium or thorium (such as those generated by the Formerly Utilized Sites Remedial Action Program (FUSRAP)), a variety of wastes that fall into the technologically enhanced naturally occurring radioactive materials (TENORM) category, and

certain decommissioning wastes. Some AEA wastes are deferred from regulation, such as "unimportant quantities" of source material with less than 0.05 percent uranium or thorium, and would be characterized as another form of low-activity radioactive waste (LARW, of which low-activity mixed waste would be a subset). Some radioactive wastes are regulated strictly down to the last atom while other low-activity wastes are regulated primarily for their chemically hazardous constituents. Some of these wastes may be unregulated or regulated under a framework lacking clarity and consistency. We seek comment on possible regulatory and non-regulatory options to provide a more coherent framework to manage LARW, and information to improve the scientific characterization of such wastes.

We envision that any standards promulgated to address the use of the RCRA-C disposal technology for LAMW (or, more broadly, LARW) would offer a new disposal option for these wastes. This would provide the flexibility to allow States, disposal facility operators, and waste generators to account for specific State or local regulatory constraints and economic considerations in determining whether they would choose to implement this disposal option for protective management and disposal of these wastes.

**DATES:** To ensure that your comments will be considered in future actions related to this document, please submit your comments no later than March 17, 2004.

**ADDRESSES:** Comments may be submitted by mail to: Air and Radiation Docket, Environmental Protection Agency, EPA West Room B108, Mailcode: 6102T, 1200 Pennsylvania Ave., NW., Washington, DC 20460, Attention Docket ID No. OAR-2003-0095. Comments may also be submitted electronically, or through hand delivery/courier. Follow the detailed instructions as provided in Unit I.B of the **SUPPLEMENTARY INFORMATION** section. Please be aware that mail addressed to EPA headquarters may experience delays in delivery resulting from physical security screening. We will consider that fact when evaluating comments received after the end of the comment period.

**FOR FURTHER INFORMATION CONTACT:** Dan Schultheisz, Radiation Protection Division, Office of Radiation and Indoor Air, Mailcode: 6608J, United States Environmental Protection Agency, Washington, DC, 20460-0001; telephone

(202) 343-9300; e-mail [schultheisz.daniel@epa.gov](mailto:schultheisz.daniel@epa.gov).**SUPPLEMENTARY INFORMATION:****I. General Information***A. How Can I Get Copies of Related Information?*

1. *Docket.* EPA has established an official public docket for this action under Docket ID No. OAR-2003-0095. The official public docket consists of the documents specifically referenced in this action, any public comments received, and other information related to this action. Although a part of the official docket, the public docket does not include Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. The official public docket is the collection of materials that is available for public viewing at the Air and Radiation Docket in the EPA Docket Center (EPA/DC), EPA West, Room B102, 1301 Constitution Ave., NW., Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the Air and Radiation Docket is (202) 566-1742.

2. *Electronic Access.* You may access this **Federal Register** document electronically through the EPA Internet under the "**Federal Register**" listings at <http://www.epa.gov/fedrgstr/>. It will also be available, along with general information relevant to this ANPR, such as Frequently Asked Questions (FAQ), through EPA's Radiation Program Home Page at <http://www.epa.gov/radiation/>.

An electronic version of the public docket is available through EPA's electronic public docket and comment system, EPA Dockets. You may use EPA Dockets at <http://www.epa.gov/edocket/> to submit or view public comments, access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically. Once in the system, select "search," then key in the appropriate docket identification number.

Certain types of information will not be placed in the EPA Dockets. Information claimed as CBI and other information whose disclosure is restricted by statute, which is not included in the official public docket, will not be available for public viewing in EPA's electronic public docket. EPA's policy is that copyrighted material will not be placed in EPA's electronic public docket but will be available only in printed, paper form in the official public