

environmental management systems (such as the ISO 14000 series) to emphasize sustainable environmental performance and an integrated view of environmental activities to move agencies "beyond compliance." CEMP was reaffirmed as a basis for environmental performance and leadership in Executive Order 13148 ("Greening the Government Through Leadership in Environmental Management," April 21, 2000).

- **Energy Star**—Energy Star was introduced by the U.S. Environmental Protection Agency in 1992 as a voluntary labeling program designed to identify and promote energy-efficient products, in order to reduce carbon dioxide emissions. EPA partnered with the U.S. Department of Energy in 1996 to promote the Energy Star label, with each agency taking responsibility for particular product categories. Energy Star has expanded to cover new homes, most of the buildings sector, residential heating and cooling equipment, major appliances, office equipment, lighting, consumer electronics, and other product areas.

3. National Academy of Sciences Studies

Though not limited to non-regulatory considerations, two efforts of the National Academy of Sciences (NAS) have a bearing on our approach to LARW. In 1999, NAS provided a report evaluating the existing guidelines for exposures to TENORM. NAS concluded that different guidelines among regulatory agencies were primarily related to policy, rather than scientific or technical, judgments. (*See* "Evaluation of Guidelines for Exposures to Technologically Enhanced Naturally Occurring Radioactive Materials," National Academy Press, 1999.) In addition, NAS is about to conduct a study of options for managing LARW, including low-level radioactive waste, TENORM, and FUSRAP wastes. NAS could make recommendations for statutory, regulatory, policy, or other actions. Financial support for this study is being provided by EPA, NRC, DOE, USACE, and the Southeastern Low-Level Radioactive Waste Compact. We believe this study will help us in developing our rulemaking and in identifying other non-regulatory approaches that might prove effective. We intend to follow this study and, with this action, seek the views of the general public on these matters as input to develop an integrated strategy for assuring the proper management of such diverse wastes.

B. Non-Regulatory Approaches for LAMW and Other Low-Activity Radioactive Wastes

1. Develop Guidance

While establishing Federal regulations for pre-UMTRCA byproduct material and TENORM wastes faces certain hurdles, establishing guidance may achieve many of the same goals but without a complex regulatory framework. While guidance would not have the enforcement "teeth" of a regulation, guidance does provide a common reference point and to depart from such guidance risks damaged credibility for those industries or entities not following accepted guidance. Another question is what kind of guidance; Federal guidance, suggested guidance, joint guidance, and State guidance are all possibilities. It may be possible to establish Federal guidance for both pre-UMTRCA byproduct material and TENORM wastes but Federal guidance has traditionally been used to guide Federal agencies in matters related to radiation protection. Given that not all of this material falls under Federal agency purview, the usefulness of Federal guidance for pre-UMTRCA byproduct material and TENORM may be limited. While not Federal guidance, strictly speaking, we have published suggested guidance for dealing with the radioactive residues from treating drinking water. (*See* 56 FR 33091, July 18, 1991.) Guidance in the form of "suggested State regulations" has been developed over the years for a variety of radiation protection issues, including TENORM, by the Conference of Radiation Control Program Directors (CRCPD). Whether a unified guidance applicable to both pre-UMTRCA byproduct material and TENORM wastes is possible and practical is open to question. We welcome the views of stakeholders on this matter. Perhaps joint State-Federal guidance would be appropriate to cover both pre-UMTRCA byproduct material and TENORM wastes.

2. Partner With Selected Stakeholders To Develop Waste-Specific "Best Practices"

An alternative approach to guidance might be a partnership between Federal, State, and industry representatives to establish "best practices" targeted to specific industries or waste types. Again, lacking the "teeth" of a formal regulation, a code of "best practice" creates a common reference point of accepted practice that brings peer pressure and public pressure on those entities failing to abide by such a code.

Establishing such best practice that is endorsed and used by the industries in question may also lessen the need for formal regulation and result in cooperation rather than confrontation. It is possible that industry could establish an in-house panel of recognized experts and affected stakeholders that would develop, monitor, and facilitate the implementation of best practices by companies within a given industry, even allowing the use of the panel's code of "best practices" logo to companies abiding by this code. This might work in a manner similar to our Energy Star program, a voluntary program to identify and promote energy efficient products. We welcome views on the possible application of this approach, or other approaches. What wastes or specific industries could benefit most from this approach? How useful might the development of best practices be for the affected industries? What incentives exist or may be encouraged to promote the development and implementation of best practices?

In an action that combines aspects of the guidance and "best practices" approaches, EPA recently issued a "Guide for Industrial Waste Management" (EPA530R-03-001). EPA joined with members of State governments, tribes, industry, and environmental groups to develop this guidance on how best to manage non-hazardous industrial solid wastes, which are generated in much larger volumes than municipal solid wastes. The Guide is intended to be a practical resource, covering engineering and scientific principles applicable to developing and operating waste management units, effective communication, risk assessment, and other topics. Computer models and other tools are included in the Guide, which is also available on CD-ROM (EPA530-C-03-002). *See* <http://www.epa.gov/epaoswer/non-hw/industd/index.htm> for more information.

C. Request for Information: Non-Regulatory Alternatives to Our Disposal Concept

In general, we request information that would help us to evaluate whether non-regulatory approaches might be effective in addressing issues associated with low-activity radioactive waste management and disposal (see also questions in D, below). We also request information that would help us determine what types of non-regulatory actions would be most effective, how they would be developed, and who might need to be involved in their