

Ms. Teresa McCormick  
203 North 143<sup>rd</sup> Street  
Seattle, WA 98133

May 19, 2003

Dear Ms. McCormick:

I am responding to your note to Senator Patty Murray regarding your concerns about the recycling of "slightly radioactive" scrap metal. This note was referred to us from the Environmental Protection Agency.

The U.S. Nuclear Regulatory Commission (NRC) has a set of regulations that control operations at a variety of facilities that use radioactive materials, including hospitals and clinics, universities, power plants, and manufacturing facilities. The guiding principle of our regulations is to ensure that these facilities use radioactive materials in a manner that protects public health and safety and the environment.

Just as is the case for other industrial operations, there is solid material that is no longer needed or useful at facilities licensed by the NRC (e.g., structural beams, common trash, equipment, etc.). Despite its presence at licensed facilities, some of this solid material has no, or very low amounts of, radioactivity either because it was exposed to radioactivity to only a limited extent or because it has been cleaned. Our current approach for this material, which involves a careful radiation survey and release only if the radioactivity is below a specified level that is a small fraction of natural background. This level is protective of public health and consistent with other NRC and Environmental Protection Agency approaches for the disposition of materials. However, our current approach has some inconsistencies, and, therefore, we are engaged in a rulemaking effort.

Rulemaking is a process to change our regulations and is an open process used by Federal agencies to consider a range of alternatives and to invite public input on the alternatives throughout the process. As part of this process so far, we have sought public input in several ways, including requesting written comment; holding six meetings open to the public; and sponsoring a study on alternatives by the National Academies, which held three additional public meetings as part of their study. You can read more about these activities on our website on this topic at [www.nrc.gov/materials.html](http://www.nrc.gov/materials.html) (link to "Controlling the Disposition of Solid Materials" under "Key Topics").

The alternatives for disposition of this material include: (a) permitting its release if the resulting radiation exposure to members of the public is below an exposure level considered protective of public health (the National Academies study suggested a level of 1 millirem per year (1 mrem/yr) as a starting point for discussion on such a level); (b) permitting its release in only certain conditional situations that restrict where the material can go (e.g., certain industrial uses like bridge supports); and (c) prohibiting its release and instead sending all of it to a licensed disposal site. We have received a range of comments providing differing views on the alternatives in letters and at the public meetings from a variety of stakeholders, including citizen groups, metals and concrete industries, licensees, Federal and State agencies, and Tribal

governments. More discussion on the alternatives and on the input we have received on them can be found on our website noted above.

Mindful of the comments received, our rulemaking process is giving fair consideration to each of the alternatives and trying to build on the information and views we have already collected to focus on potential solutions. We have not made any decisions on acceptable alternatives and are encouraging stakeholder participation and involvement in consideration of the alternatives. In particular, we have recently invited public comment on the alternatives and are holding a public workshop on May 21-22, 2003, to solicit additional input (you can provide further comments to us by going to the website noted above or by sending comments to us at [secy@nrc.gov](mailto:secy@nrc.gov)). Our current plan calls for preparing and issuing a proposed rule in this area by September 2004. When the proposed rule is published, there will be additional opportunity for public comment. Following consideration of the comments received on the proposed rule, a final rule would then be issued and compliance would be required by all NRC licensees.

Although we have not made any decisions on alternatives in this area and are continuing to study this matter and seek further public input, it is worthwhile to note that the National Academies study noted that a radiation exposure level of 1 mrem/yr is:

- A small fraction (less than  $\frac{1}{2}$  of 1 percent) of the radiation received each year from natural background sources;
- Significantly less than the amount of radiation we receive from our own bodies due to radioactive potassium and other elements that occur naturally in our bodies; and
- Within the range of values used in developing health-based standards in the United States.

I want to assure you that any decision that we make regarding controlling the disposition of solid material will be based on a full evaluation of the health and environmental impacts of all alternatives, as well as related economic impacts, and consideration of all issues in an open public forum.

Sincerely,

**/RA/**

William D. Travers  
Executive Director  
for Operations

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Although we have not made any decisions on alternatives in this area and are continuing to study this matter and seek further public input, it is worthwhile to note that the National Academies study noted that a radiation exposure level of 1 mrem/yr is:

- A small fraction (less than ½ of 1 percent) of the radiation received each year from natural background sources;
- Significantly less than the amount of radiation we receive from our own bodies due to radioactive potassium and other elements that occur naturally in our bodies; and
- Within the range of values used in developing health-based standards in the United States.

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Sincerely,  
/RA/

William D. Travers  
Executive Director  
for Operations

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