

June 16, 2003

Mr. Frank D. Davis  
200 Gettysburg Pike  
Mechanicsburg, PA 17055-8018

Dear Mr. Davis:

I am responding to your letter dated May 7, 2003, requesting an extension of the comment period for 90 days beyond the due date of the scoping process for environmental issues on controlling the disposition of solid materials with no, or very small amounts of, radioactivity from licensed facilities. After considering your letter, we have decided not to make an extension of the current date for the reasons discussed below.

As you know, we are currently examining our approach for controlling solid material and have received and are seeking public input on that process through various forums. An initial step in that process was to issue a paper dated June 30, 1999, (64FR35090) that discussed alternative courses of action and requested public comments as part of the National Environmental Policy Act scoping process. To provide further opportunity for public input on the Issues Paper, we held six public meetings during 1999-2000. We heard from various stakeholders in over 800 written responses and through attendance at the public meetings. A summary of the stakeholder comments was developed and published in an NRC staff paper, SECY-00-0070 in addition to a NUREG/CR-6682, "Summary and Categorization of Public Comments on the Control of Solid Materials." These and other relevant documents can be found on our web-site (Go to [www.nrc.gov/materials.html](http://www.nrc.gov/materials.html) and, under "Key Topics," select "Controlling the Disposition of Solid Materials".) Following public comment on the Issues Paper, we requested the National Academies conduct an independent review of alternatives for the disposition of solid material. As part of their information gathering, the National Academies held three more public meetings in 2001. In March 2002, the National Academies completed a report with a number of recommendations on alternatives and processes for proceeding. Currently, we are conducting technical studies on the possible impacts and practicalities associated with the different alternatives. Some of these studies have been and will be issued for public comment. Also, we have stayed informed of the efforts made by other scientific and government organizations.

Additional to the information collection effort already conducted in this area, we are building on existing information to focus on potential solutions. The February 28, 2003, Federal Register notice re-opened the environmental scoping process for 120 days. This notice solicited new input on rulemaking alternatives for solid material, focusing on the feasibility of those alternatives that would limit where the solid material can be disposed. To assist in this process, we held a public workshop on May 21- 22, 2003, in Rockville, Maryland. Stakeholders including representatives from: the metals, cement, and scrap industries; citizen groups; worker unions; Federal and State agencies; licensee organizations; Tribal governments; scientific organizations; international organizations; and solid waste industries represented a diversity of viewpoints at a roundtable discussion.

Comments and discussions at the May workshop included re-statements of past stakeholder concerns and new perspectives on alternatives. The transcript of the workshop is on the web-site,

and a scoping report with the comments received at the workshop, from the web-site, and through the mail is being prepared and will be available via the web-site.

The Commission has not yet made any decisions about the alternatives, and will review all of the comments and technical information before deciding on a preferred course of action. Work on some of the alternatives (i.e., conditional use and landfill disposal) is on hold until after the close of the scoping period. In late 2004, we plan to issue, for public comment, a proposed rule and the supporting draft environmental impact statement. We look forward to your involvement in this effort.

Although we plan to end the comment period on June 30, 2003, as currently scheduled, comments received after this date will be considered if it is practicable to do so. However, the Commission is able to assure consideration only for comments received on or before this date.

Sincerely,

**/RA/**

Charles L. Miller, Director  
Division of Industrial and  
Medical Nuclear Safety  
Office of Nuclear Material Safety  
and Safeguards

F. Davis

2

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**/RA/**

Charles L. Miller, Director  
Division of Industrial and  
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