



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

April 28, 1997

Ms. Elizabeth Cotsworth, Acting Director
Office of Solid Waste
U.S. Environmental Protection Agency
401 M St. SW
Washington, DC 20460

Dear Ms. Cotsworth:

I am writing to express my appreciation for the outstanding effort by your staff in assisting the Nuclear Regulatory Commission staff in developing the technical position entitled "Disposition of Cesium-137 Contaminated Emission Control Dust and Other Incident-Related Material." The final technical position, which was published in the Federal Register on March 19, 1997, provides the steel recycling industry with an environmentally protective, cost-effective, alternative for the disposal of this mixed waste that is the result of the inadvertent melting of Cesium-137 sources. Nancy Hunt and the Mixed Waste Team worked tirelessly with NRC staff to resolve numerous technical and policy issues associated with the technical position and provided several innovative methods to ensure that the approach outlined in the technical position was in compliance with the Environmental Protection Agency's (EPA's) criteria for the disposal of hazardous waste. The Mixed Waste Team also independently validated the NRC staff's estimate of doses resulting from the use of the technical position, lending further credibility to the conclusion that the technical position provides a waste disposal alternative that is protective of public health and the environment. The efforts by Ms. Hunt and the Mixed Waste Team in the timely completion of this technical position is an excellent illustration of how issues confronting the regulated community can be successfully resolved through a cooperative effort by agencies of the Federal government. Please pass on a "well done" to Ms. Hunt and the Mixed Waste Team for their effort.

In your letter dated December 4, 1996, forwarding the EPA's comments on the draft technical position, you acknowledged that the NRC's June 1996 rulemaking requiring companies terminating their radioactive materials license to forward certain records to successor companies or the NRC should strengthen the tracking of licensed sources. In recognition of the need to better address the accountability of licensed material, the Commission directed the staff to pursue several concurrent courses of action. One of these has led to the development of the proposed technical position, while another has led to an Agreement State-NRC Working Group that is developing recommendations to address the accountability issue. The Working Group has held several meetings and a workshop, and recommendations were sent to the Commission in late 1996. The NRC staff is in the process of evaluating the NRC/Agreement States Working Group's recommendations for increased control over, and accountability for, devices containing radioactive material. Once the NRC staff completes its evaluation, it will submit an action plan to the Commission outlining measures to improve control over, and accountability for, devices. Currently it is expected that this action plan will be forwarded to the Commission in the next few months. Thus, NRC is moving forward to address the "front-end" of the issue but, recognizing that incident-related material currently exists, and

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future incidents may not be prevented with 100 percent confidence. NRC has also taken action to address the "back end" of the problem.

With the publication of the technical position on contaminated emission control dust, I hope that the NRC and EPA staffs can now move forward to complete several on-going projects, namely the completion of the joint guidance documents on mixed waste testing and storage. In addition, the NRC staff is ready and is looking forward to working with EPA staff to evaluate the issues associated with mixed waste that will be addressed in EPA's Hazardous Waste Identification Rule.

Again, please pass on my sincere thanks to Ms. Hunt and the Mixed Waste Team for their invaluable assistance in completing the technical position.

Sincerely,

[ORIGINAL SIGNED BY:]

Carl J. Paperiello, Director
Office of Nuclear Material Safety
and Safeguards

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