

(STP-01-081, November 2001, Program, Release of Soils)

November 28, 2001

ALL AGREEMENT STATES  
MINNESOTA, PENNSYLVANIA, WISCONSIN

**PROGRAM MANAGEMENT INFORMATION: CASE-SPECIFIC LICENSING DECISIONS ON  
RELEASE OF SOILS FROM LICENSED FACILITIES (STP-01-081)**

Enclosed for your information is a copy of a July 27, 2001 memorandum (and attachments) from Donald Cool, Director, Division of Industrial and Medical Nuclear Safety, Office of Nuclear Material Safety and Safeguards (IMNS/NMSS). This is an updated version of the August 7, 2000 memorandum from William Kane, Director, NMSS and Samuel Collins, Director, Office of Nuclear Reactor Regulations (NRR) - Case-Specific Licensing Decisions on Release of Soils from Licensed Facilities that was sent by All Agreement States Letter [STP-00-070](#).

On August 7, 2000, Mr. Kane, NMSS, and Mr. Collins, NRR, sent a joint memorandum to the Regional Administrators and to Headquarters licensing divisions to inform the staff of the approach that should be used for making decisions on specific licensing actions and any generic requests concerning the release of solid materials. It also noted that because of the pending outcome of a National Academies study on alternatives for rulemaking on the control of solid materials, in the interim, NRC staff should evaluate licensee requests on a case-by-case basis using existing guidance.

This information is made available to both NRC Regions and Agreement States as an additional tool for the review of retrospective and/or prospective cases involving soil disposition.

If you have any questions regarding this correspondence, please contact me or the individual named below.

POINT OF CONTACT:	Osiris Siurano	INTERNET:	OSP@NRC.GOV
TELEPHONE:	(301) 415-2307	FAX:	(301) 415-3502

**/RA/**

Frederick C. Combs, Deputy Director  
Office of State and Tribal Programs

Enclosure:  
As stated

July 27, 2001

MEMORANDUM TO: Those on the Attached List

FROM: Donald A. Cool, Director  
Division of Industrial and /RA/ SMF for  
Medical Nuclear Safety, NMSS

SUBJECT: UPDATE OF THE AUGUST 7, 2000 MEMO FROM WILLIAM  
KANE, NMSS AND SAMUEL COLLINS, NRR - CASE-SPECIFIC  
LICENSING DECISIONS ON RELEASE OF SOILS FROM  
LICENSED FACILITIES

On August 7, 2000, William Kane, Director, NMSS, and Samuel Collins, Director, NRR, sent a joint memorandum (Attachment 1) to Regional Administrators and to headquarters licensing divisions to inform staff of the approach that should be used at this time for making decisions on specific licensing actions, as well as any generic requests, concerning release of solid materials. The memorandum noted that, based on a prior staff recommendation, a decision on possible rulemaking on the control of solid materials had been deferred pending the outcome of a National Academies study on alternatives and that, in the interim, NRC staff should continue to evaluate licensee requests for release of solid materials on a case-by-case basis using existing guidance.

Since the issuance of the August 7, 2000, memorandum, NMSS and NRR staff have been involved in case-specific reviews regarding implementation of the guidance contained in that memorandum. Two recent cases involved staff review of soil disposition at two facilities licensed by NMSS that are currently undergoing decommissioning. Based on its review, the staff has determined that the following approaches are consistent with the August 7, 2000, memorandum and should be used in review of retrospective and prospective cases involving soil disposition:

- 1) For retrospective cases - if offsite soil releases have been identified, reviewed, and accepted in an approved decommissioning plan based on Site Decommissioning Management Plan (SDMP) Action Plan criteria, a 20.2002 disposal, a license termination plan, or other specific license condition,
  - ! previously approved offsite soils releases should be considered as final, but further examination is recommended if offsite soil releases could produce a dose of more than 100 mrem/yr to a member of the public under realistic conditions. The examination should be based on a case-specific dose assessment rather than a conservative screening assessment.

CONTACT: Frank Cardile, NMSS/IMNS  
(301) 415-6185

- 2) For prospective cases or cases that are not grand-fathered - where proposed offsite soils releases are not covered under an existing decommissioning plan, 20.2002 disposal, license termination plan, or other specific license condition,

! there may be approval under a criterion of a "few mrem" (pursuant to a 20.2002 procedure, decommissioning plan, license termination plan, or other specific license amendment) rather than use of license termination criteria either in Subpart E of 10 CFR Part 20 or in the SDMP Action Plan. Requests for such approvals should be coordinated with the staff contacts provided in Attachment 2 on a case-by-case basis.

As a separate matter, the Commission has chosen to address transfer of unimportant quantities of source material from facilities under 10 CFR 40.13(a) in an independent Commission-directed initiative on Part 40. The Commission provided direction to the staff on such transfers in Staff Requirements Memoranda dated March 9, 2000 and December 17, 1998. This direction remains in effect pending Commission decision on rulemaking on Part 40.

Attachments:

1. August 7, 2000, memorandum from William Kane, NMSS, and Samuel Collins, NRR
2. List of NRC staff contacts

MEMORANDUM TO: Those on the Attached List

Addressees - Memorandum Dated July 27, 2001

SUBJECT: UPDATE OF THE AUGUST 7, 2000 MEMO FROM WILLIAM KANE, NMSS AND SAMUEL COLLINS, NRR - CASE-SPECIFIC LICENSING DECISIONS ON RELEASE OF SOIL MATERIALS FROM LICENSED FACILITIES

John W. Craig  
Assistant for Operations

Joseph R. Gray, Associate General Counsel  
for Licensing and Regulation  
Office of the General Counsel

Ashok Thadani, Director  
Office of Nuclear Regulatory Research'

Paul Lohaus, Director  
Office of State Programs

George Pangburn, Director  
Division of Nuclear Materials Safety, Region I

Douglas Collins, Director  
Division of Nuclear Materials Safety, Region II

Cynthia Pederson, Director  
Division of Nuclear Materials Safety, Region III

Dwight Chamberlain, Director  
Division of Nuclear Materials Safety, Region IV

John Greeves, Director  
Division of Waste Management, NMSS

William Brach, Director  
Spent Fuel Project Office, NMSS

Michael Weber, Director  
Division of Fuel Cycle Safety and Safeguards, NMSS

Stuart Treby, Assistant General Counsel  
for Rulemaking and Fuel Cycle  
Office of the General Counsel

Brian Sheron, Associate Director  
Project Licensing and Technical Analysis, NRR

Jon Johnson, Associate Director  
Inspection and Programs, NRR

John Zwolinski, Director  
Licensing and Project Management, NRR

Christopher Grimes, Chief  
License Renewal and Standardization Branch, NRR

Ledyard Marsh, Chief  
Events Assessment, Generic Communications,  
and Non-Power Reactors Branch, NRR

Cynthia Carpenter, Chief  
Generic Issues, Environmental, Financial,  
and Rulemaking Branch, NRR

Bruce Boger, Director  
Inspection Program Branch, NRR

Glenn Tracy, Chief  
Operator Licensing, Human Performance,  
and Plant Support, NRR

Kathy Halvey Gibson, Chief  
Emergency Preparedness  
and Health Physics Section, NRR

August 7, 2000

**ATTACHMENT 1**

MEMORANDUM TO: Those on the Attached List

FROM: William F. Kane, Director  
Office of Nuclear Material Safety  
and Safeguards

Samuel J. Collins, Director /RA/ RPZ for  
Office of Nuclear Reactor Regulation

SUBJECT: CASE-SPECIFIC LICENSING DECISIONS ON RELEASE OF  
SOLID MATERIALS FROM LICENSED FACILITIES

The purpose of this memorandum is to inform staff within Headquarters and the Regional Offices of the approach that should be used at this time for making decisions on specific licensing actions, as well as any generic requests, concerning release of solid materials.

Existing NRC regulations do not contain generally applicable standards for the control of solid materials with relatively small amounts of radioactivity in, or on, materials and equipment. A paper has been provided to the Commission (SECY-00-0070) which recommends, in part, that a final decision be deferred on rulemaking on the control of solid materials, pending the outcome of a National Academy of Sciences study of alternatives. During this period, it is expected that licensees will continue to seek to release solid materials and that these will continue to be evaluated on a case-by-case basis using existing guidance, e.g. application of Regulatory Guide 1.86 and its equivalent, Fuel Cycle Policy and Guidance Directive FC 83-23, for materials licensees and Office of Inspection and Enforcement Circular 81-07 and Information Notices 85-92 and 88-22 for reactor facilities.

To ensure a consistent approach for controlling the release of solid materials, NRC reviews of licensee requests to release solid materials using criteria other than those in existing guidance are to be coordinated with NMSS or NRR Divisions. A list of staff contacts is provided in Attachment A. This approach will continue to remain in effect until Commission-directed studies, such as the NAS study, have been completed.

Attachment: As stated

CONTACT: Tony Huffert, NMSS/DWM  
(301) 415-6416

MEMORANDUM TO: Those on the Attached List

Addressees - Memorandum Dated August 7, 2000

SUBJECT: CASE-SPECIFIC LICENSING DECISIONS ON RELEASE OF  
SOLID MATERIALS FROM LICENSED FACILITIES

John W. Craig  
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for Licensing and Regulation  
Office of the General Counsel

Ashok C. Thadani, Director  
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Paul H. Lohaus, Director  
Office of State and Tribal Programs

Janice Dunn Lee, Director  
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Hubert J. Miller, Administrator  
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Luis A. Reyes, Administrator  
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James E. Dyer, Administrator  
Region III

Ellis W. Merschoff, Administrator  
Region IV

John Greeves, Director  
Division of Waste Management, NMSS

William Brach, Director  
Spent Fuel Project Office, NMSS

Donald Cool, Director  
Division of Industrial and  
Medical Nuclear Safety, NMSS

Mike Weber, Director  
Division of Fuel Cycle Safety  
and Safeguards, NMSS

Attachment A

List of NRC Staff Contacts for Requests Concerning the Release of Solid Materials

NRC Office	NRC Division	Name	Contact
Office of Nuclear Materials Safety and Safeguards	Division of Waste Management	Tony Huffert	Tel: 301-415-6416 Fax: 301-415-5398 email: amh1@nrc.gov Mail Stop: T8-F37
Office of Nuclear Materials Safety and Safeguards	Division of Industrial, Medical and Nuclear Safety	Frank Cardile	Tel: 301-415-6185 Fax: 301-415-5385 email: fpc@nrc.gov Mail Stop: T9-F31
Office of Nuclear Reactor Regulation	Division of Inspection Program Management	Steve Klementowicz	Tel: 301-415-1084 Fax: 301-415-2968 email: sxk@nrc.gov Mail Stop: 06-H16

**ATTACHMENT 2**

List of NRC Staff Contacts for Requests Concerning Release of Soil Materials

NRC Office	Name	Contact
NMSS/DWM	Tony Huffert	Tel: 301-415-6416 email: amh1@nrc.gov
NMSS/IMNS	Frank Cardile	Tel: 301-415-6185 email: fpc@nrc.gov
NMSS/FCSS	Julie Olivier	Tel: 301-415-7292 email: jao@nrc.gov
NRR	Steve Klementowicz	Tel: 301-415-1084 email: sxk@nrc.gov