

From: "Stan Marshall" <smarshal@govmail.state.nv.us>
To: "Thomas O'Brien" <TJO@nrc.gov>
Date: Tue, Nov 16, 1999 3:07 PM
Subject: Re: Information Request on Release of Solid Materials

Nevada response to this request:

1. Our radiological criteria for release of solid material is a background release criteria that applies to all media. Since there is no quantified level higher than background levels, etc., the concept is directly applicable to all materials.

Adopted by the Nevada State Board of Health, the background level release concept is associated with background radiation exposure levels necessary to make a land parcel, piece of equipment or other object available for unrestricted use where exposure is not subject to radiation control standards or requiring the item or property to be considered a restricted area as a result of the radiation exposure/contamination.

2. Awkward question - Radiological criteria for release of solid materials is achieved through licensee's commitment to guidance that he/she chooses which, if found suitable, is reiterated by reference in license condition. All together, the licensee's commitments to the agency reiterated in license condition for his compliance of the regulatory standard achieves the objective.

3. Surveying/monitoring methodologies may include but are not limited to NUREG documents, MARSSIM or other protocols proposed by the licensee. This agency does not prescribe methods for compliance with regulatory requirements. Review is conducted on an obvious case-by-case basis.

4. All instrumentation parameters are prescribed by the licensee, subject to review and acceptance by the agency. Obviously, inappropriate instrumentation would not be accepted. Again, the agency does not prescribe or limit instrumentation available to licensee for their own compliance determination responsibilities.

5. Our release criterion is background level. The licensee is responsible to submit a protocol that makes logical sense and sound basis for complying with the regulatory requirement.

6. We presume that volumetric release authorization means volume averaging of residual contamination. We have no licenses issued to authorize volumetric contamination averaging.

Lastly, I would ask whether the Department of Energy and contractors have been asked these same questions as they could allow such activities to happen within the AEA exemption with no control by Congress or the NRC. Seems a double standard to be pursuing Agreement States and not including DOE.

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