

November 3, 1999

OTHER INFORMATION: REQUEST FOR TECHNICAL INFORMATION (SP-99-074)

The Nuclear Regulatory Commission (NRC) received the enclosed letter, dated October 25, 1999, from the U.S. House of Representatives Committee on Commerce. The letter requests a response to 45 questions. Two of the questions, numbers 42 and 43, require information from Agreement States so that a complete response can be provided by NRC.

As stated in question 42, please identify whether you have a definition, and provide the definition for the following terms: waste; disposal; effluent, byproduct material; transfer; and release limits. If you have other terms similar to the above or that may be related to the release of radioactive material, please provide those definitions.

Question 43 contains several parts and we are limiting our request to you to only identify what, if any, radiological criteria (e.g., total activity, activity per unit area, or dose rate) that pertain to the unrestricted release of solid materials are used in any State standards, guidance, or State license authorizations. If the criteria differentiate between surficial and volumetric contamination, please identify that fact.

Due to the need to promptly respond, we would greatly appreciate your response by November 8, 1999. Please also note that to assist in our continuing effort to solicit public input on the release of solid materials, we also seek additional information on your current Agreement State program practices. A list of these questions is enclosed. We will appreciate your response to these questions by November 12, 1999. Please direct your responses and any questions to Tom O'Brien, Telephone: (301) 415-2308 or E-mail: tjo@nrc.gov, Office of State Programs, USNRC, Washington, DC 20555-0001.

This information request has been approved by OMB 3150-0029, expiration 04/30/2001. The estimated burden per response to comply with this voluntary collection request is 3 hours. Forward any comments regarding the burden estimate to the Information and Records Management Branch (T-6 F33), U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and to the Paperwork Reduction Project (3150-0189), Office of Management and Budget, Washington, DC 20503. If a document does not display a currently valid OMB control number, the NRC may not conduct or sponsor, and a person is not required to respond to, a collection of information.

original signed by Frederick C. Combs
 Frederick C. Combs, Deputy Director
 Office of State Programs

Enclosures:
 As stated

Distribution:

DIR RF (G19990545)
 EDO RF
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 Agreement State File

DCD (SP03)
 PDR (YES✓)
 DSo11enberger

*See previous concurrence

SP03

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OSP FILE CODE: SP-A-4

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ALL AGREEMENT STATES
MINNESOTA, OKLAHOMA, PENNSYLVANIA, WISCONSIN

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Frederick C. Combs, Deputy Director
Office of State Programs

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EDO RF

SDroggitis

Agreement State File

DOCUMENT NAME: G:\tjo\clearinfo2.ltr

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PDR (YES✓)

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DATE	11/ /99	10/29/99*	11/ /99	11/ /99	11/02/99

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Due to the short term response noted above, we would greatly appreciate your response by November 5, 1999. Please also note that to assist in our continuing effort to solicit public input on the release of solid materials, we also seek additional information on your current Agreement State program practices. A list of these questions is enclosed. We will appreciate your response to these questions by November 12, 1999. Please direct your responses and any questions to Tom O'Brien, Telephone: (301) 415-2308 or E-mail: tjo@nrc.gov, Office of State Programs, USNRC, Washington, DC 20555-0001.

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DATE	10/ /99	10/ /99	10/ /99	10/ /99	10/ /99

OSP FILE CODE: SP-A-4



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

November 2, 1999

ALL AGREEMENT STATES
MINNESOTA, OKLAHOMA, PENNSYLVANIA, WISCONSIN

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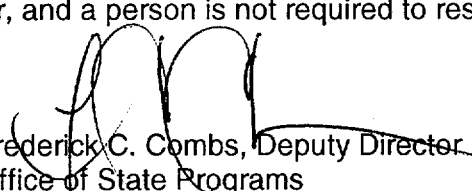
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Frederick C. Combs, Deputy Director
Office of State Programs

Enclosures:
As stated

INFORMATION REQUEST ON RELEASE OF SOLID MATERIALS

We are seeking information on your current Agreement State program practices with respect to the release of solid materials (including soil), that have surface and/or volumetric contamination. The enclosed table excerpts criteria for release of sites for unrestricted use that Agreement States submitted to NRC in response to an All Agreement States Letter dated September 20, 1993 (SP-93-139). This reflects the current information we have on your State's release criteria for both Atomic Energy Act (AEA) and naturally occurring radioactive materials (NORM). Please note that this attached table was inadvertently transmitted with All Agreement States Letter dated October 29, 1999 (SP-99-073). Your response to the six questions below, with respect to surficial and/or volumetric contamination of solid materials containing AEA material or NORM, would be greatly appreciated by November 12, 1999.

1. How were your State's radiological criteria derived and to what type of materials (e.g., medical, pipe scale) do they apply? If Regulatory Guide 1.86 was used as a basis please indicate so, if another technical basis was used, please provide that basis.
2. How are your State's radiological criteria applied (e.g., through guidance, licensing actions, regulations)?
3. What surveying/monitoring methodologies are used? If NUREG/CR-5849 or MARSSIM are used, please indicate so. If a State developed or another method is used, please provide that method.
4. What type of instruments (e.g., manual versus automated, hand-held versus stationary, barrel counters versus conveyor systems) and what sensitivity (i.e., lower limit of detection) values are used as selection criteria for instruments used in demonstrating compliance with the radiological criteria provided in response to Question 1?
5. If your release criterion is zero, how do you have your licensees determine that a solid to be released is not radioactive or meets the zero criterion?
6. If any State licensees currently have volumetric release authorization, please identify the licensees and whether the quantities released are tracked, summarize the scope of these authorized activities, and provide the criteria used in granting the authorization.

Enclosure:
As stated

UNRESTRICTED RELEASE CRITERIA
(as of September 1993)

STATE	AEA	NORM	SOIL
Alabama	NRC Criteria	No criteria	Texas Criteria (see TX)
Arizona	NRC Criteria - Regulatory Guide 1.86	Background by license condition	Arizona Regs ¹ - equivalent to the 10 CFR Part 20 water limits converted to pCi/gm + <10 μ R/hr at 1 meter
Arkansas	Arkansas Regs - equivalent to the 10 CFR Part 20 H ₂ O limits converted to μ Ci/gm	Arkansas Regs-5/15 ²	Arkansas Regs - as appropriate for AEA material or NORM
California	Background or dose that results in less than 1×10^{-4} lifetime cancer risk (CA Proposition 65 limits)	CRCPD Criteria 5/15	old Part 20 H ₂ O limits converted to pCi/gm
Colorado	NRC Criteria Regulatory Guide 1.86 + EPA's Uranium Mill Criteria at 40 CFR 192.12 (5/15) for uranium mills.	No Criteria	EPA's Uranium Mill Criteria (5/15) for Ra-226 or perform a risk assessment
Florida	NRC Criteria Regulatory Guide 1.86	No Criteria	Case-by-case evaluation
Georgia	NRC Criteria Regulatory Guide 1.86	CRCPD Criteria 5/15	None for AEA material
Illinois	Illinois Regs Surface - 32 IAC 340 Appendix A - limits are similar to Reg Guide 1.86 RAM except source material - 32 IAC 330, Appendix A (exempt conc. Limits) Source material - 5 pCi/gm of soil averaged over the first 15 below the surface and 5 pCi/gm averaged over 15 cm thick layers more than 15 cm below the surface (5/5)	Illinois Regs - radium - 5 pCi/gm of soil averaged over the first 15 cm of soil and 5 pCi/gm averaged over 15 cm thick layers more than 15 cm below the surface (5/5)	Illinois Regs as appropriate for AEA material or NORM + the exposure rate of 100 cm from the surface shall not exceed background (exposure rate criteria also apply to materials other than soil)
Iowa	NRC Criteria or modified EPA Uranium Mill Criteria (.e.g., 5/5 instead of 5/15)	EPA Uranium mill criteria (5/15)	No regs except for NORM

¹Arizona Radiation Regulatory Agency staff indicated that they expected to promulgate these regulations in the very near future.

² ≤ 5 pCi/gm of soil in the first 15 cm of soil and ≤ 15 pCi/gm in any layer of soil more than 15 cm below the surface.

STATE	AEA	NORM	SOIL
Kansas	NRC Criteria Regulatory guide + ALARA	CRCPD Criteria (5/15)	Case-by-case determination or CRCPD Criteria (5/15)
Kentucky	NRC Criteria Regulatory guide 1.86	Draft KY NORM regs - 5 pCi/gm or less	Site specific evaluation based on 100 mrem/yr + ALARA
Louisiana	NRC Criteria Regulatory guide 1.86 + <10mrem/yr	LA regs for land contaminated with Ra-226 or Ra-228 with radon emanation rates > 20 pCi/hr 5/15: if < 20 pCi/hr, 30 pCi/gm averaged over a maximum depth of 15 cm	No criteria
Maine	NRC Criteria	CRCPD and EPA Uranium mill criteria (5/15)	CRCPD criteria (5/15)
Maryland	NRC Criteria Regulatory guide 1.86	Background	Any NRC Criteria + ALARA
Mississippi	NRC Criteria	< 5 pCi/gm and restrictions on Radon flux rate	Miss Regs - equivalent to the 10 CFR Part 20 H ₂ O limits converted to μ Ci/gm + EPA Uranium Mill Criteria (5/15)
Nebraska	NRC Criteria	No criteria	Background
Nevada	Background	Background	Background
New Hampshire	NRC Criteria	No criteria	Case-by-case determination
New Mexico	NRC Criteria Regulatory guide 1.86	< 50 uR/hr including background	Background or Case-by-case determination
New York	<10 mrem/yr + ALARA excluding background	< 10 mrem/yr and ALARA excluding background	<10 mrem/yr + ALARA excluding background
North Carolina	NRC Criteria	Case by case determinations	<MDL on suitable instrument

STATE	AEA	NORM	SOIL
North Dakota	<p>North Dakota Regs - NDRHR Appendix F - similar to Regulatory guide 1.86 for surfaces</p> <p>Ram except source material - Chapter 33-10-03, Schedule A (exempt conc. limits)</p> <p>Source material - 5pCi/gm averaged over the first 15 cm below the surface and 5 pCi/gm averaged over 15 cm thick layers more than 15 cm below the surface (5/5)</p>	<p>25 uR/hr screening level, then < 5 pCi/gm in any 15 cm of soil.</p> <p>Radium - Chapter 33-10-03, Schedule A (exempt concentration limits)</p>	<p>As appropriate for NORM or AEA material + the exposure rate at 100 cm from the surface shall not exceed background (exposure rate criteria also apply to materials other than soil)</p>
Oregon	NRC Criteria Regulatory guide 1.86 + ALARA, 1981 BTP, CRCPD Criteria (5/15)	Background + ALARA, 1981 BTP, CRCPD Criteria (5/15)	Background + ALARA, 1981 BTP, CRCPD Criteria (5/15)
Rhode Island	NRC Criteria	No Criteria	No Criteria
South Carolina	NRC Criteria NUREGs 0586 & 5512	Currently drafting regs	No Criteria
Tennessee	NRC Criteria Regulatory guide 1.86 + 1981 BTP	< 5 pci/gm above background and CRCPD criteria (5/15), 1981 BTP Option 1	same as NORM Criteria
Texas - TNRCC & DOH	Texas Regs Part 21 - Texas H ₂ O water limits converted to μ Ci/gm. Limits for certain RAM are specified in Part 21	Texas Regs Part 21 for Ra-226 or Ra-228 (5/15) and Part 46 (surfaces) Reg Guide 1.86 limits for U-materials	Texas Regs - Parts 21 or 46 as appropriate for AEA material or NORM
Utah	NRC Criteria	1981 BTP, EPA Uranium mill criteria (5/15), NUREG 5512	1981 BTP, EPA's Uranium Mill Criteria (5/15), NUREG-5512
Washington	NRC & CRCPD Criteria (5/15)	Currently developing criteria	Case-by-case determination