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April 17, 2000

MEMORANDUM TO: Paul H. Lohaus, Director
Office of State Programs

FROM: John T. Greeves, Director **/RA/ J. Holonich for**
Division of Waste Management
Office of Nuclear Material Safety
and Safeguards

SUBJECT: DIVISION OF WASTE MANAGEMENT COMMENTS ON CRCPD'S PART N "IMPLEMENTATION GUIDANCE FOR REGULATION AND LICENSING OF TECHNOLOGICALLY ENHANCED NATURALLY OCCURRING RADIOACTIVE MATERIAL (TENORM)"

The Division of Waste Management (DWM) staff has reviewed the Conference of Radiation Control Program Directors' (CRCPD's) "Implementation Guidance for Regulation and Licensing of Technologically Enhanced Naturally Occurring Radioactive Material," attached to a memorandum issued by Thomas Cardwell, Chair of the E-36 Ad Hoc TENORM Committee. The Nuclear Regulatory Commission (NRC) received his memorandum on February 2, 2000, and it was forwarded to DWM shortly after that for review. The CRCPD guidance interprets and implements its Suggested State Regulation contained in Part N, "Regulation and Licensing of Technologically Enhanced Naturally Occurring Radioactive Material," which it issued on April 1, 1999. NRC staff had provided comments on a draft of the Part N final standards on March 15, 1999, but none of the comments appear to have been included in the final version of April 1, 1999. We noted in our letter that our comments could be incorporated into a future revision of Part N. Our comments here supplement those of last year which should still be considered by CRCPD for a future revision of Part N.

We note that there are a number of efforts underway to improve standards and guidance for TENORM. In January 1999, the National Academy of Sciences (NAS) published its report entitled, "Evaluation of Guidelines for Exposures to Technologically Enhanced Naturally Occurring Radioactive Materials," and made a number of recommendations for improving TENORM regulation. The Environmental Protection Agency (EPA) is addressing the recommendations and has prepared a draft report for Congress entitled, "Evaluation of EPA's Guidelines for Technologically Enhanced Naturally Occurring Radioactive Materials (TENORM)"

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that describes their activities. The EPA has also stated that it does not concur with CRCPD's Part N and will be developing its own standards. Another effort related to TENORM is the Commission's March 9, 1999, Staff Requirements Memorandum that directs us, among other things, to initiate interaction with EPA, the States and other Federal agencies to "rationally address the risk from NORM, TENORM, low-level source material, and materials containing less than 0.05% uranium and/or thorium." Both of these initiatives could affect radiation protection standards for TENORM in the future.

Notwithstanding the above, and in the absence of comprehensive Federal standards for TENORM, we believe the CRCPD guidance contains much useful information for regulators and the regulated community in addressing and mitigating risks associated with TENORM. It provides clear and easily understood explanations of such topics as modeling, radiation measurements, financial assurance, and others.

Our specific comments on the guidance are attached. Nick Orlando, Chris McKenney, and James Kennedy contributed to this review.

Attachment: Comments on CRCPD's Part N
Implementation Guidance

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