

FEB 19 1992

MEMORANDUM FOR: Those on Attached List

FROM: Richard E. Cunningham, Director
Division of Industrial and
Medical Nuclear Safety, NMSS

SUBJECT: SUPPLEMENT TO POLICY AND GUIDANCE DIRECTIVE FC 84-20:
"IMPACT OF REVISION OF 10 CFR PART 51 ON MATERIALS
LICENSING ACTIONS"

This supplement provides guidance for determining when field studies are eligible for a categorical exclusion in accordance with 10 CFR 51.22 and do not require coordination with NMSS.

A major revision to 10 CFR Part 51 was published in the Federal Register in March 1984 (49 FR 9352) and established which categories of licensing actions are categorical exclusions and do not require an environmental assessment. A categorical exclusion for the use of radioactive material for research and development, and for educational purposes is granted in 10 CFR 51.22(c)(14)(v). However, the Statements of Consideration state that, "This categorical exclusion does not encompass performance of field studies in which licensed material is deliberately released directly into the environment for purposes of the study." The need for an environmental assessment for field studies should continue to be determined on a case-by-case basis. A request for an environmental assessment can always be required in accordance with the provisions specified in 10 CFR 51.22(b).

Field studies that deliberately release radioactive material into the environment, such as tagging of animals which remain in the wild, may require an environmental assessment in accordance with 10 CFR 51.21. Further, if the proposed activity is not similar to normal routine research, development and educational activities, then an environmental assessment may be needed. All studies that may require an environmental assessment must be coordinated with NMSS as a Technical Assistance Request (TAR).

Field studies that do not deliberately release radioactive material into the environment, such as tagging of animals and penning them to prevent escape, may be eligible for a categorical exclusion (see Enclosure 1 for additional examples). If the field study does not involve the "intentional or deliberate" release of radioactive material into the environment (e.g., the release is recoverable, retrievable, revocable,) and is a research, development, or educational activity, then the field study qualifies for a categorical exclusion in accordance with 10 CFR 51.22(c)(14)(v). If the field study is not research, development or education, however the field study could qualify as a "similar" activity compared with other 10 CFR 51.22(c)(14)(xvi) activities, then the field study qualifies for a categorical exclusion in accordance with

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10 CFR 51.22(c)(14)(xvi). In these cases a written explanatory memorandum must be prepared describing that the amount, type, and activity is similar to routine research, development, or education activities and criteria that qualify for a categorical exclusion listed in 10 CFR 51.22(c)(14)(xvi). The information which should be contained in the memorandum includes:

- a. a description of the study which includes the radionuclide (chemical characteristics; solubility), total activity, procedures to control and clean up radioactive material, location of study, size of study, and length of time study will be conducted (material must be controlled and cleaned up to qualify)
- b. the potential doses to individuals and estimated effluent releases (doses and releases must be less than 10 percent of the 10 CFR Part 20 limits to qualify)
- c. a statement that there is no impact to endangered species
- d. a statement on the ability to restrict access to the study area.

This memorandum must be made part of the permanent docket file and be approved by the appropriate Division Director or his delegate. The flow diagram in Figure 1 (Enclosure 2) assists in determining when field studies are eligible for categorical exclusion.

If you have any questions regarding this matter, please contact Michael Lamastra at FTS: 964-3416.

Richard E. Cunningham, Director
Division of Industrial and
Medical Nuclear Safety, NMSS

Enclosures:

1. Additional Examples

2. Figure 1

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**EXAMPLES OF WHEN FIELD STUDIES REQUIRED ENVIRONMENTAL ASSESSMENTS
OR EXPLANATORY MEMORANDA**

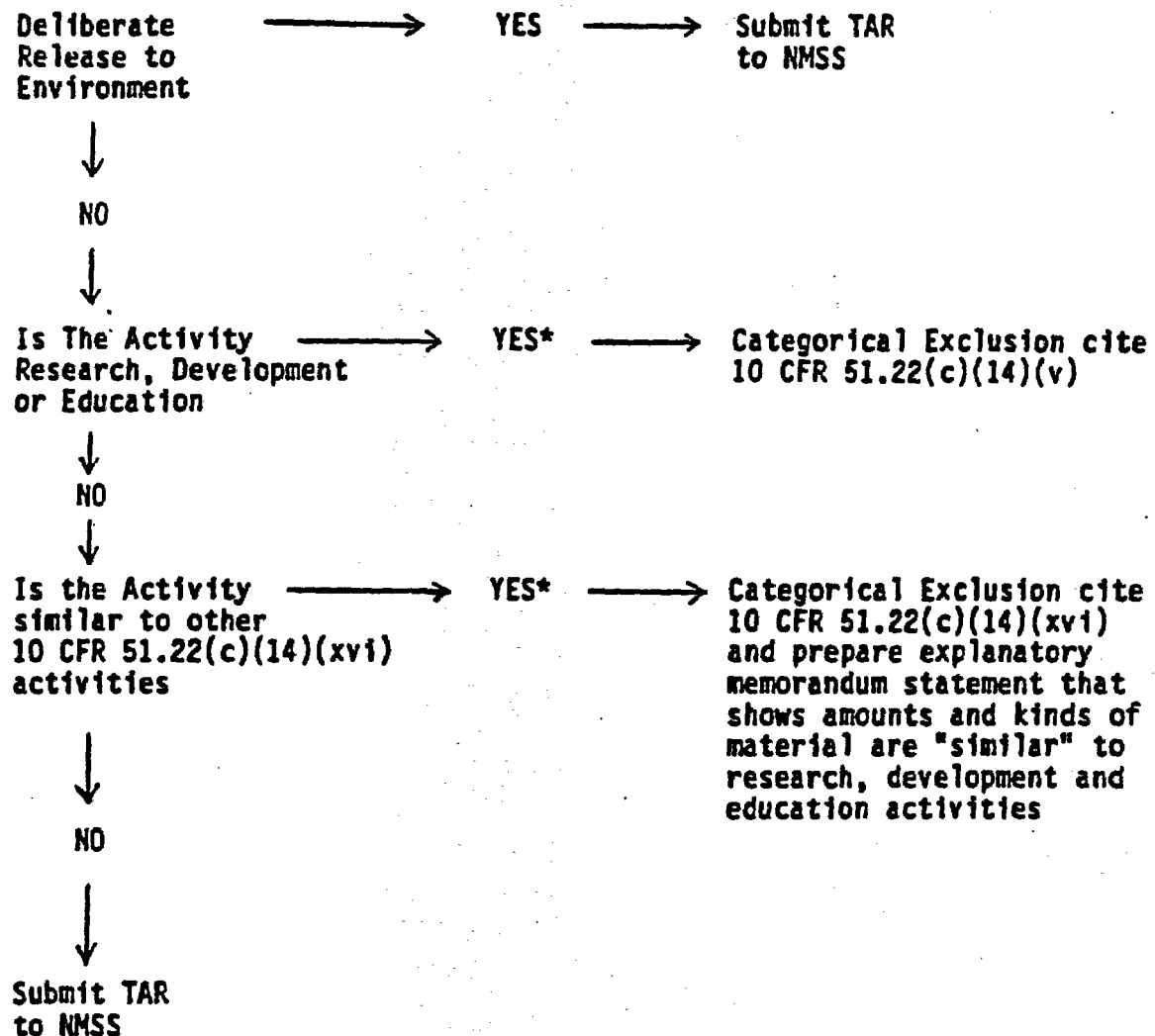
Environmental Assessments were required when:

- 1. Endangered species would be affected in the proposed study.**
- 2. Radioactive material was released to the atmosphere to determine dispersion characteristics or test equipment detection capability and could not be recovered.**

Written Explanatory Memoranda were required when:

- 1. The research study involved crops on a small plot which were planted in a lined area and totally removed at conclusion of the study. The study design prevented release to the environment and included confirmatory analysis of the soil beneath the liner.**
- 2. The research study involved a small quantity of short-lived materials which decayed to natural background at the conclusion of the study. The study design included confirmatory analysis of background levels.**

**FLOW DIAGRAM TO ASSIST IN DETERMINING IF FIELD STUDIES
QUALIFY FOR CATEGORICAL EXCLUSIONS***



***Note:** An Environmental Assessment can always be requested if the reviewer so determines based on a unique situation, significant hazard, or other technical opinion (10 CFR 51.22(b)).

FIGURE 1