



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

April 23, 2021

ALL AGREEMENT STATES, CONNECTICUT, NON-AGREEMENT STATES AND
STATE LIAISON OFFICERS

OPPORTUNITY TO REVIEW AND COMMENT ON INTERNATIONAL ATOMIC
ENERGY AGENCY DRAFT SAFETY GUIDES DS499, "APPLICATION OF THE CONCEPT OF
EXEMPTION" AND DS500, "APPLICATION OF THE CONCEPT OF CLEARANCE"
(STC-21-022)

Purpose: To provide States with the opportunity to review and comment on the Draft
Safety Guides DS499, "Application of the Concept of Exemption" and DS500, "Application of
the Concept of Clearance"¹ by June 7, 2021, to the contact listed.

Background: The International Atomic Energy Agency (IAEA) has made available the Draft
Safety Guide DS499, "Application of the Concept of Exemption" and DS500, "Application of the
Concept of Clearance" for Member State review and comment. Proposed changes from
Member State review will be taken into account in the finalization of the safety standards. The
objective of Draft Safety Guide DS499 is to provide recommendations and guidance on the
application of the concept of exemption within the framework of planned exposure situations in
accordance with the requirements of Radiation Protection and Safety of Radiation Sources:
International Basic Safety Standards, IAEA Safety Standards General Safety Requirements
Part 3 (GSR Part 3). DS499 will be of particular value for regulatory bodies in applying the
relevant requirements in GSR Part 3 relating to the exemption of a source or practice from
regulatory control.

The objective of Draft Safety Guide DS500 is to provide recommendations and guidance on the
application of the concept of clearance in accordance with the requirements of GSR Part 3 (e.g.,
clearance of materials, objects, and building from regulatory control). The drafts are part of the
revision of the existing safety guide "Application of the Concepts of Exclusion, Exemption and
Clearance" (RS-G-1.7) dealing with the concept of exemption (DS499) and clearance (DS500).
The Draft Safety Guides DS499 and DS500 are being submitted in parallel for comment.

Discussion: The U.S. Nuclear Regulatory Commission (NRC) is coordinating the U.S. review
of these safety guides. Consolidated comments will be submitted to the IAEA by the NRC
through established official channels. Please provide your comments to Cindy Flannery
(cindy.flannery@nrc.gov) by June 7, 2021. The attached IAEA comment template is provided

¹ This information request has been approved by OMB 3150-0029, expiration 7/31/2023 and 3150-0200, expiration 10/31/2021. The estimated burden per response to comply with this voluntary collection is approximately 8 hours. Send comments regarding the burden estimate to the FOIA, Library, and Information Collections Branch (T-6 A10M), U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, or by e-mail to infocollects.resource@nrc.gov, and to the Desk Officer, Office of Information and Regulatory Affairs, NEOB-10202 (3150-0029), Office of Management and Budget, Washington, DC 20503, or by email to oira_submission@omb.eop.gov. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

for your use. Any comments provided should refer to the relevant paragraph number in the draft text being reviewed and should propose alternative text, as appropriate.

The review should focus on the following:

1. Are there any safety issues that may be inconsistent with States' regulations or common practices?
2. Relevance and usefulness of this document — Are the stated objectives appropriate, and are they met by the draft text? Do you have any suggestions to include in the document?
3. Scope and completeness — Is the stated scope appropriate and is it adequately covered by the draft text?
4. Quality and clarity — Does the guidance in the draft text represent the current consensus among specialists in the field, and is the guidance expressed clearly and coherently?

Comments of an editorial nature will be considered; however, it should be noted that the draft text will be comprehensively edited by the IAEA Secretariat.

Enclosed is: (1) communication from the IAEA concerning Draft Safety Guide DS499 and DS500 and its review, including an "Explanatory Note" regarding these documents; (2) Draft Safety Guide DS499, "Application of the Concept of Exemption," and Draft Safety Guide DS500, "Application of the Concept of Clearance;" and (3) blank templates for comment preparation.

If you have any questions regarding this communication, please contact the individual named below:

POINT OF CONTACT: Cindy Flannery
TELEPHONE: 301-415-0223

E-MAIL: Cindy.Flannery@nrc.gov



Signed by Anderson, Brian
on 04/23/21

Brian C. Anderson, Branch Chief
State Agreement Liaison Programs
Division of Materials Safety, Security, State,
and Tribal Programs
Office of Nuclear Material Safety
and Safeguards

Enclosures:

1. IAEA Explanatory Note for DS499
2. IAEA Explanatory Note for DS500
3. Draft Safety Guide DS499
4. Draft Safety Guide DS500
5. IAEA Comment Template for DS499
6. IAEA Comment Template for DS500

cc: David Crowley, OAS
Kim Steves, CRCPD

STC Letter for Member State Review of DS499 and DS500 DATE April 23, 2021

DISTRIBUTION:

ADAMS Accession No.: ML21067A546; Ltr ML21067A544

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DATE	Mar 15, 2021	Apr 21, 2021	Apr 23, 2021	

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