

MEETING SUMMARY  
PART 40 JURISDICTIONAL WORKING GROUP  
SEPTEMBER 26, 2001

Attendees

Torre Taylor, NRC/NMSS  
Gary Comfort, NRC/NMSS  
Jim Lieberman, NRC/OGC  
Chia Chen, PhD, MPH, OSHA  
Ken Weaver, State of Colorado  
representing OAS and CRCPD<sup>1</sup>  
(via teleconference)

Cathy Mattsen, NRC/NMSS  
Melanie Galloway, NRC/NMSS  
Loren Setlow, EPA  
Hal Peterson, DOE/EH  
Nick Rieger, DOI/Bureau of  
Land Management

Guests

Vivian Allen, OSHA  
Sheryl Burrows, NRC/RES

This was a public meeting of the Part 40 Jurisdictional Working Group. Members of the public did attend the meeting. The following is a summary of the topics that were discussed.

List of Terms, Definitions, and Acronyms

The list of terms, definitions and acronyms were revised per the discussion during the August 2001 meeting. The information on the following terms was revised: FUSRAPs (Formerly Utilized Sites Remedial Action Program), UMTRCA (Uranium Mill Tailings Radiation Control Act), NORM (naturally occurring radioactive material), NARM (naturally occurring and accelerated produced material), and TENORM (technologically enhanced naturally occurring radioactive material). The terms CERCLA (Comprehensive Environmental Response, Compensation, and Liability Act) and RCRA (Resource Conservation and Recovery Act) were added to the list since they were referenced in some of the revisions.

Part N SSR and NRC Comments

There was a discussion of the Environmental Protection Agency's (EPA) comments on Part N - TENORM, Suggested State Regulations, Conference of Radiation Control Program Directors (CRCPD). A discussion of NRC's comments was rescheduled.

EPA submitted two sets of comments on Part N, from the Office of Radiation and Indoor Air (ORIA) and from the Office of Emergency and Remedial Response (OERR / Superfund). There are two comments specific to this group's work: 1) the definition of TENORM does not appear to cover everything that could be considered TENORM, and 2) the exemption for zircon should be eliminated.

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<sup>1</sup>the Organization of Agreement States and the Conference of Radiation Control Program Directors

NUREG-1717, "Systematic Radiological Assessment of Exemptions for Source and Byproduct Materials"

The working group is focusing on those results in Chapter 3 which either approach or exceed 100 mrem per year. There is specific concern about the higher doses attributed to zircon flour handling in NUREG-1717.

One issue noted by the group is that the scenarios do not take into account that respiratory protection is required in some circumstances. If respiratory protection is factored in, the group believes that the resulting dose would be considerably lower. However, it was noted that radiation protection factors were so varied that the group may not be able to use this as a factor in making decisions. In evaluating respiratory protection factors, the group would want to look at more recent data. The group also wants to evaluate the results factoring in newer dose methodologies.

Discussion of Jurisdictional Issues

The group began discussing the different processes/materials to determine jurisdictional authorities. The group is finding that there may be several laws which are applicable and there may be multiple jurisdictions. Additionally, State requirements vary from State to State.

Action Items

- The group will contact the CRCPD PART N Working Group to discuss the rationale for excluding the zirconium industry from Part N requirements.
- Mr. Weaver will contact the Florida Radiation Control Program regarding doses (e.g., external component) in the zirconium industry, how much transport is involved, etc.
- Dr. Chen will provide information on respiratory protection requirements - when respiratory protection is required and what protection factors are required. Also, Dr. Chen will provide a brief summary on the difference between the current requirements and what the future requirements might be.
- The group should continue further research on the NUREG scenarios to ensure that they are correct, get a better sense of the risk, check uncertainty in the calculations, etc. These scenarios include zircon handling, sandblasting, construction and a driver transporting uranium ore.
- NRC will look at the doses with the respiratory protection factor in the equation and evaluate the doses using newer dose methodology.

- For the next few meetings, the group will review the original options paper to see what recommendations should be developed.
- The group will review the Organization of Agreement States (OAS) regulations and standards.

The next working group meeting was not scheduled at this time, but is expected to occur in late November/early December time frame.